

ORDINANCE NO. 2021-16

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, FOR THE PURPOSE OF REGULATING MOBILE FOOD UNITS; REQUIRING PERMITS; PROVIDING A PENALTY OF UP TO \$2,000 PER DAY FOR A VIOLATION OF THIS ORDINANCE; WITH RELATED PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

SECTION A. Adoption and Amendment of Regulations of Mobile Food Units.

The Regulations of Mobile Food Units attached hereto as Exhibit "A" are hereby adopted, ordained, and incorporated herein in full.

SECTION B. GENERAL.

1. Conflicts in Terms.

In the event of a conflict of terms within this ordinance or between this ordinance and any other ordinance or other law, the more restrictive provision shall govern and control.

2. Effect of Ordinance.

This ordinance shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any mobile food unit for any damages to persons or property, nor shall the City Council, the City, its agents or representatives assume any such liability by reason of these regulations or the inspections authorized by this Code or any permits or certificates issued under this ordinance.

3. References to Ordinance

Any reference herein to this Ordinance shall also refer to all regulations adopted by this Ordinance.

4. Offenses, Penalties, and Remedies.

a. Any references in this ordinance to "the penalty provisions of this ordinance" or similar phrases shall refer to this section and the penalties herein.

b. Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000.00.

c. Any person who violates any provision of this Ordinance, but does so neither intentionally, knowingly, recklessly, nor with criminal negligence, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00.

d. Each day or portion of a day a violation continues, occurs, or recurs shall constitute a separate offense.

e. The City shall have the right to enforce this Ordinance by injunction and by other actions in a civil court and/or by any and all remedies from any and all sources.

f. All rights and remedies of the City provided in this Ordinance shall be cumulative of all other rights and remedies provided herein, by other ordinances, or by any applicable law. Furthermore, the exercise of one right or remedy by the City shall not be construed as an election of remedies and shall not impair any other right or remedy of the City. The City may exercise any right or remedy herein either alone or together with any other right or remedy under this ordinance, any other ordinance, or any applicable law. Without limiting the generality of the foregoing, pursuing or receiving any civil remedy for any violation of this ordinance shall not preclude the pursuit or receipt of any criminal penalty for any violation hereof.

5. Nonwaiver.

The failure or omission of the City, upon one or more occasions, to enforce any right, obligation, or remedy under this Ordinance or any other law concerning utilities shall never be construed as a waiver of the City's right to strictly enforce such right, obligation, or remedy, and the City may resume such strict enforcement without advance notice.

6. Nonwaiver of Immunity.

Nothing in this Ordinance or in any other law shall ever be construed as a full or partial waiver of governmental immunity, official immunity, or any other immunity of the City or its officers, agents, employees, or representatives.

7. Nonliability.

Neither the City, nor its officers, employees, agents, or representatives shall be liable to any person, other than the City, for any act, omission, or condition in any way concerning this ordinance or the subject matter hereof.

8. Severability.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Iowa Colony Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

9. Amendment of Food Truck Ordinance.

This Ordinance amends the Food Truck Ordinance, No. 2021-02. Subject to this amendment, the Food Truck Ordinance shall remain in full force and effect. However, the Food Truck Ordinance as it existed immediately before the passage of this amendment shall remain in full force and effect as to any violations accruing before this Ordinance takes effect.

10. Effective Date. This ordinance shall take effect as of the date of its passage, approval, and adoption.

PASSED AND APPROVED ON THE FIRST READING ON APRIL 19, 2021.

PASSED, APPROVED, AND ADOPTED ON THE SECOND READING ON
MAY 17, 2021.



MICHAEL BYRUM-BRATSEN,
MAYOR

ATTEST:



KAYLEEN ROSSER, CITY SECRETARY



EXHIBIT "A"

REGULATIONS OF MOBILE FOOD UNITS

MOBILE FOOD UNITS.

Sec. 1. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code Official means the Enforcement Officer, the Code Officer, the Building Official, or anyone fulfilling the duties of the any of those persons on either a temporary or permanent basis, any peace officer of the City, or any designee of the City Manager.

Mobile food unit (MFU) means a vehicle mounted, self or otherwise propelled, self-contained food service operation that is manufactured, modified, designed, or used to be readily movable (including, but not limited to catering trucks, trailers, push carts, and roadside vendors) and used to store, prepare, display, serve, or sell food. Mobile units must completely retain their ability to move at all times. A mobile food unit does not include a stand or a booth. A roadside food vendor is also classified as an MFU.

Mobile food unit permit, MFU permit or permit means a permit issued by the city to operate a mobile food unit in the city in accordance with the provisions of this division.

Operator means an individual who is designated by an applicant for a permit or a permit holder to supervise the operation of a mobile food unit.

Permit holder means a person who has been issued a mobile food unit permit.

Servicing record means a record that is issued to a permit holder by a central preparation facility, other fixed food services establishment or servicing area that serves as the MFU's base of operation and that documents all of the MFU's visits to such central preparation facility, other fixed food services establishment or servicing area.

Stationary location means the position of the mobile food unit when not in motion and addressing the public for the purpose of selling or offering food for sale.

Temporary mobile food unit permit shall mean a permit for any Mobile Food Unit that operates at a fixed location for not more than 3 consecutive days in conjunction with a single event or celebration. Each Mobile Food Unit shall constitute a stand-alone unit that requires a separate permit under this article. For the purpose of this definition, an "event" or "celebration" shall mean a gathering of persons at a private event, festival, bazaar, carnival, circus, public exhibition, or sporting event. All rules and regulations in this ordinance shall apply to the Mobile Food Units that request a temporary food permit.

Sec. 2. - Prohibited conduct.

A person is prohibited from engaging in the following conduct within the city:

- (1) Operating a mobile food unit without a valid and current mobile food unit permit;
- (2) Operating a mobile food unit that does not comply with all applicable laws, including the requirements of this ordinance;
- (3) Selling or offering for sale food not described in the mobile food unit permit from a mobile food unit;
- (4) Storing, preparing, displaying or serving food outside of the mobile food unit itself;
- (5) Selling food from outside of the mobile food unit itself;
- (6) Operating a mobile food unit that is not readily moveable at all times;
- (7) Altering, removing, attaching, adding or changing anything in, under, or upon the mobile food unit that would prevent or otherwise reduce ready mobility;
- (8) Operating a mobile food unit without a valid servicing record;
- (9) Issuing a servicing record for a mobile food unit without first verifying that such mobile food unit has complied with all servicing requirements;
- (10) Presenting or issuing a false, fraudulent, or untruthful servicing record for the purpose of demonstrating compliance with the requirements of this ordinance;
- (11) Transferring, assigning or attempting to transfer or assign a permit;
- (12) Parking a mobile food unit on any highway, street, roadway, sidewalk or any area between a street and a sidewalk or other public right-of-way without the express written permission of the person that controls such highway, street, roadway, sidewalk or other public right-of-way; or
- (13) Locating a mobile food unit on a common or shared driveway or parking area if it prevents the use of such driveway or parking area by a person entitled to use the driveway or parking area, provided that it shall be an affirmative defense to prosecution that the individual who is prevented from using such driveway or parking area located or caused to be located such mobile food unit on the premises.
- (14) No Mobile Food Unit shall set up within 500' ft of a permitted food establishment.

Exceptions: In the area described by subsections A.4, A.5, A.6, and A.7 in the Zoning Ordinance, provided that the permit application must include a plan describing that a Mobile Food Unit will be used for the event, quantity of units, and hours of operations with a map to where the units will set up.

- At a special event that has been issued a special event permit by the city;
- Within a park, athletic field, or any part thereof, provided that the operation of a mobile food unit within such park or athletic field is authorized by a park use permit issued by the city;

- At an event that is sponsored or co-sponsored by the city with the written authorization of the city manager or his designee; and
- At an event sponsored by, or on behalf of, a property owners' association or homeowner's association at such association's community facility located in a residential subdivision.

(15) No person shall participate in any way in operating a food truck or in causing a food truck to be operated in violation of any provision of this ordinance.

Sec. 3. - General requirements.

- (a) A permit holder or operator shall be present at the mobile food unit during all hours of the MFU's operation in the city.
- (b) A permit holder or operator shall store, prepare, display, serve, or sell food on or in the MFU itself.
- (c) *Except* as provided in subsection (d) of this section, a permit holder shall notify the code official in writing, during the term of the permit, of any change to the information submitted in the permit holder's application for a permit, including, but not limited to, a change in the name, address, or telephone number of the permit holder or operator within ten calendar days of such change.
- (d) A permit holder shall provide written notice to the code official at least two business days before beginning operations at or relocating operations to any location not currently included in its application for a permit.
- (e) A mobile food unit permit is not transferable. A change of ownership of a mobile food unit, including a change of the legal form of the entity, shall require submission of a new application for a mobile food unit permit and inspection of the mobile food unit. A mobile food unit permit shall become void upon the closing of the sale of the mobile food unit for which a permit was issued.
- (f) A permit holder shall maintain a mobile food unit for which a permit has been issued in working order for the duration of the permit.

Sec. 4. - Applications for mobile food unit permits.

A person seeking to operate a mobile food unit in the city shall submit an application for a mobile food unit permit to the code official in an application form provided by the code official accompanied by the payment of a fee in the amount specified in a resolution adopted by the city council establishing a schedule of fees. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant, provided that if the applicant is an entity other than a human, the following information shall also be provided:
 - a. The legal name of the entity;
 - b. The full name and address of each director, officer, owner, member, manager, governing person, and shareholder or if the corporation has more than five

shareholders, the full name and address of at least five shareholders with the most shares;

- c. If the entity is a partnership, the full name and address of each partner, whether that partner is a general or limited partner, and the type of partnership;
 - d. If the entity is an unincorporated association, the full name and address of each associate, member, officer, and governing person of such association;
 - e. Proof of the entity's form and current status, including, but not limited to:
 - 1. A current and valid certificate of existence or certificate of authority from the state office of the secretary of state;
 - 2. A current and valid certificate of good standing from the state comptroller of accounts;
 - 3. All assumed names used and copies of all filings related to such names from the county clerk's office;
 - 4. A certificate of incorporation or certificate of formation; and
 - 5. If applicable, a determination letter issued by the Internal Revenue Service; and
 - f. The entity's federal tax identification number;
- (2) A copy of the applicant's valid and current driver's license;
 - (3) If the applicant will designate an operator to supervise the operation of the MFU, the name, address, telephone number, and email address of the operator, and a copy of the operator's valid and current driver's license;
 - (4) The applicant's sales tax number and a copy of the applicant's sales tax permit;
 - (5) A certificate of title showing the current true ownership of the mobile food unit, and if the applicant is not the owner of the mobile food unit, a copy of a written and notarized statement from the owner authorizing the applicant to operate the mobile food unit;
 - (6) The vehicle identification number, license plate number, and proof of vehicle registration;
 - (7) A copy of the applicant's liability insurance policy, insurance endorsement, or evidence of self-insurance on the MFU;
 - (8) A copy of a current and valid food protection manager certification for the manager of the MFU;
 - (9) A written standard operation procedure of how the applicant plans to operate the mobile food unit, that includes, but is not limited to, whether food will be prepackaged, hours of operation, methods of serving food to customers, the MFU's waste water disposal site and process, and other servicing operations details;
 - (10) Plans drawn to reasonable scale that clearly specify and address the proposed layout of the MFU, the identity, number, and capacity of food equipment, the location and sizes of plumbing fixtures and connections, food preparation, storage, and service window areas, construction material of the inside of the MFU, and location of the LP-gas appliances, LP-gas container storage, and fire extinguishers;

- (11) A description or menu of the types of food that the applicant proposes to sell or offer for sale from the mobile food unit;
- (12) The location(s) where the mobile food unit will be in operation and a site plan drawn to reasonable scale showing the location of the mobile food unit on the parcel on which it will be placed and the distance from any building, vehicle, or structure from each edge of the MFU when parked;
- (13) Proof of ownership of a central preparation facility, other fixed food establishment or service area, as applicable, or if the applicant is not the owner of the central preparation facility, other fixed food establishment or service area, a signed and notarized statement on the letterhead of the central preparation facility, other fixed food establishment or service area, as applicable, authorizing the applicant to use the central preparation facility, other fixed food establishment or service area as its base of operation;
- (14) If the central preparation facility, other fixed food establishment or service area that the applicant proposes to use as its base of operation is located outside the jurisdiction of the city, a copy of the most current health inspection report obtained from the regulatory authority having jurisdiction over such central preparation facility, other fixed food establishment or service area;
- (15) For a mobile food unit that will be operated on private property, proof of ownership of the property or, if the applicant is not the owner of the property, a signed and notarized written statement from the property owner or the property owner's authorized agent granting the applicant permission to operate a mobile food unit on the property;
- (16) For a mobile food unit that will operate at one location for more than two hours, a signed and notarized statement from the owner or the authorized agent of the owner of a business establishment with a restroom with a flushable toilet, a hand wash sink with hot and cold running water, and soap and hand-drying provisions, located within a reasonable distance from the location where the mobile food unit will be in operation, granting employees of the mobile food unit permission to use such restroom during the business establishment's hours of operation or documentation providing an alternative proposal to satisfy the requirements of this subdivision;
- (17) A description of the signage that will be affixed on the mobile food unit; and
- (18) Any other information that may be requested by the code official to fully evaluate and review the application.

Sec. 5. - Review and approval of applications

- (a) Upon receipt of a complete application for a permit, the code official will review the application and grant a mobile food unit permit, unless one or more of the following conditions is met:
 - (1) The application contains false or misleading information, or required information is omitted;
 - (2) The application or the mobile food unit does not comply with all applicable laws, including the requirements of this ordinance; or

- (3) Operation of the mobile food unit constitutes a substantial hazard to public health or public safety.
- (b) Notwithstanding any provision contained in this division, the code official may grant a permit for a MFU that generally complies with the requirements of this division, provided that:
 - (1) The code official notifies the applicant, in writing, of the deficiencies in the applicant's application for a permit before the permit is issued;
 - (2) The application does not contain false or misleading information, or omit required information; and
 - (3) Operation of the mobile food unit will not constitute a substantial hazard to public health or public safety.

Sec. 6. - Suspension of permits

- (a) The code official may, without warning, notice, or hearing, suspend a mobile food unit permit if one or more of the following conditions are met:
 - (1) The permit holder or the mobile food unit does not comply with all applicable laws, including the requirements of this ordinance;
 - (2) Operation of the mobile food unit constitutes a substantial hazard to public health or public safety;
 - (3) The permit holder violates the terms and conditions of any written statement submitted to the code official under subsections 4(5) (authorization to operate MFU), (13) (base of operation authorization); (15) (private property authorization); or (16) (restroom authorization); or
 - (4) A food service establishment permit issued, by the city or the applicable regulatory authority, to a central preparation facility, other fixed food establishment or a servicing area that serves as the base of the MFU's operation is suspended or revoked.
- (b) Upon suspension of a mobile food unit permit, the code official shall notify the permit holder or the operator, in writing, of the suspension and the reason(s) for such suspension. A permit holder whose permit is suspended shall immediately cease operating the mobile food unit for which a permit has been suspended.
- (c) The code official may terminate the suspension at any time if the reasons for suspension no longer exist.

Sec. 7. - Revocation of permits

The code official may revoke a mobile food unit permit if one or more of the following conditions are met:

- (1) One or more of the conditions set forth in section 6 is met;

- (2) Repeated violations of any applicable laws, including the requirements of this ordinance; or
- (3) Interference with the city in the performance of its duties.

Sec. 8. - Notice of denial or revocation of applications or permits

The code official shall provide notice, in writing, of the denial or revocation of an application filed or a permit issued pursuant to this division, and shall include the reason(s) for such denial or revocation.

Sec. 9. - Appeal of denial, suspension or revocation of permits

An applicant or a permit holder, as applicable, may appeal to the City board or commission that hears appeals of decisions of City officials under the Uniform Development Code the code official's decision to deny, suspend, or revoke an application filed or a permit issued, as applicable, by providing a written notice of appeal to the city secretary within ten days of the date of notice of such decision. A decision by that board or commission shall be final.

Sec. 10. - Display of permits

A mobile food unit permit issued under this division shall be displayed, at all times, on each mobile food unit for which a permit is issued in a conspicuous place where the permit can be read by the general public.

Sec. 11. - Duration and renewal of permits

- (a) A mobile food unit permit shall be valid for 12 months from the date the permit is issued.
- (b) A permit holder that desires to renew a valid permit may submit to the code official, at least 30 days before the date the permit expires or within 30 days after the date the permit expires, an application for the renewal of a permit containing the information set forth in section 4 and a renewal fee in the amount specified in a resolution adopted by the city council establishing a schedule of fees.
- (c) A temporary mobile food unit permit shall be valid for no more than 3 consecutive days and only to set up at a location for an event or celebration described in the definition of "temporary mobile food unit permit" in this ordinance.

Sec. 12. - Zoning regulations

A person who operates a mobile food unit within the city shall comply with the zoning regulations for mobile food units set forth in Sections 71(d) or 73(c) of the Iowa Colony Zoning Ordinance or any other applicable section or law.

Sec. 13. - Inspection of mobile food units

- (a) An applicant for a mobile food unit permit or renewal of a permit, as applicable, shall deliver or cause to be delivered the mobile food unit for which a permit is sought to a location

designated by the code official for an inspection and shall pay an inspection fee in the amount specified in a resolution adopted by the city council establishing a schedule of fees.

- (b) Prior to the approval of an application for a permit or an application for the renewal of a permit, the code official will inspect the mobile food unit to determine compliance with the requirements of this ordinance and applicable city ordinances.
- (c) At the time of the inspection, the mobile food unit shall be completely operable and in full working order.

Sec. 14. - Food safety requirements

Except as otherwise provided in this ordinance, a person operating a mobile food unit within the city shall comply with the regulations applicable to mobile food units contained in Chapter 228 of the Texas Food Establishment Rules, 25 TAC §228, as adopted and amended in section 1.

Sec. 15. - Fire safety requirements

- (a) A person operating a mobile food unit within the city shall comply with the requirements of this section.
- (b) The provisions applicable to mobile food units contained in the Fire Code of the City of Iowa Colony, Texas, as adopted and amended in Chapter 3 section 319 of the 2018 International Fire Code shall apply to a mobile food unit operating within the city.
- (c) For a mobile food unit that utilizes liquefied petroleum (LP) gas, the following requirements shall apply:
 - (1) The mobile food unit shall not be located or operated within 15 feet of another mobile food unit, a vehicle, or a structure;
 - (2) The mobile food unit shall be limited to a maximum of one individual LP-gas container with a maximum capacity of 100 pounds aggregate water capacity;
 - (3) The mobile food unit's LP-gas supply system, including the LP-gas container, shall be installed either on the outside of the MFU or in a storage compartment inside the MFU, provided that such system shall be accessible from and vented to the outside, with the vents located near the top and bottom of the storage compartment and shall be located three feet horizontally, when measured from any opening into the MFU below the vents;
 - (4) The LP-gas container shall be mounted securely on the MFU or within a storage compartment, in an upright position, in a manner as not to fall over, and in a manner that reduces the exposure of the LP-gas container to vehicle impact;
 - (5) LP-gas containers shall not be located on the roof of the MFU, ahead of the front axle, beyond the rear bumper, below the lowest part of the mobile food unit frame, or inside truck beds or passenger compartments of the MFU; and
 - (6) All LP-gas container valves, appurtenances, and connections shall be protected to prevent damage.
- (d) An approved 2A-10BC fire extinguisher, with current inspection and service tags, shall be properly mounted in a readily accessible location within the mobile food unit.

- (e) If cooking with grease within the mobile food unit, an approved Class K fire extinguisher, with current inspection and service tags, shall be properly mounted in a readily accessible location within a mobile food unit.
- (f) A "No Smoking" sign shall be posted next to the order window or area or near any LP-gas container.
- (g) A Type 1 hood and approved fire suppression system shall be installed on a mobile food unit that produces grease laden particles within the mobile food unit.
- (h) Except as provided herein, use of permanent extension cords is prohibited. Use of a permanent extension cord is allowed for a small and relocatable portable appliance such as a fan, power tool or similar appliance, provided that such extension cord shall not be affixed to structures, extended through walls, ceilings or floors or under doors or floor coverings or in areas where such extension cord would be subject to environmental or physical impact that could create an electrical hazard. Appliances such as refrigerators are not considered to be small and relocatable appliances regardless of the size of the appliance.
- (i) Any cooking appliance in the MFU shall be listed and labeled for its intended use and shall be used only in accordance with such intended use.

Sec. 16. - Servicing records

- (a) The owner or operator of a central preparation facility, other fixed food establishment or servicing area from which a mobile food unit operates shall issue and maintain servicing records for each mobile food unit for which a permit is issued in a manner and form prescribed by the code official for a period of one year from the date of servicing or until retrieved by the code official, whichever comes first.
- (b) A permit holder shall keep and maintain, in the MFU, servicing records for each MFU for which a permit is issued for a period of one year from the date of servicing.
- (c) The code official may promulgate rules and procedures regarding maintenance of servicing records by a central preparation facility, other fixed food establishment, servicing area, and permit holder.
- (d) Servicing records maintained under subsections (a) and (b) of this section shall be made available to any peace officer or the code official for inspection and copying during the normal business hours of the central preparation facility, other fixed food establishment, servicing area, or mobile food unit.

Sec. 17. - Utility connections

Utility connections, if any, shall be limited to quick-connect electrical and telephone services and shall be in full compliance with the Electrical Code of the City of Iowa Colony, Texas, as adopted and amended. Except as otherwise provided in this division, utility connections for water, sewer, and gas are prohibited.

Sec. 18. – Areas of Operation

A mobile food unit shall be operated only in compliance with this ordinance and all applicable law, and only in the following locations:

1. Where industrial district uses are allowed;
2. In SFR, MU, BR, and MH districts, provided that the mobile food unit is located within 100 feet of a property for which an active building permit has been issued for the construction of at least three dwelling units or for at least one nonresidential building;
3. At a special event that has been issued a special event permit by the city;
4. Within a park, athletic field, or any part thereof, provided that the operation of a mobile food unit within such park or athletic field is authorized by a park use permit issued by the city;
5. At an event that is sponsored or co-sponsored by the city with the written authorization of the city manager or his designee; and
6. At an event sponsored by, or on behalf of, a property owners' association or homeowner's association at such association's community facility located in a residential subdivision.

Sec. 19. – Hours of Operation.

The holder of a mobile food unit permit shall not operate a mobile food unit except at a stationary location and during the following hours:

1. In areas where industrial uses are allowed, between the hours of 6:00 a.m. and 9:00 a.m., 11:00 a.m. and 2:00 p.m., and 6:00 p.m. and 8:00 p.m.;
2. In the areas described in **subsection 18(2)**, between the hours of 8:00 a.m. and 8:00 p.m.; and
3. In the areas described in **subsections 18(3,4,5, and 6)**, in accordance with the time specified in the applicable special event permit, park use permit, or city manager authorization.

Exception: An operator of a mobile food unit who poses a temporary mobile food unit permit may remain open during the times of the event or celebration.

Sec. 20. - Signage.

Signage on a mobile food unit is limited to signs permanently attached to the exterior of the mobile food unit. Such signage shall:

1. Clearly display the name of the business as set forth in the MFU's sales tax permit on at least two sides of the mobile food unit, in bold letters that are at least six inches in height and one and one-half inches in width; and
2. Be constructed of durable materials, have a neat appearance, and be maintained in good repair and structural condition, including, but not limited to, by replacing defective parts, painting, repainting, and cleaning the signs.

Sec. 21. -Noise.

Use of audio amplification is prohibited.

Sec. 22. - Trash disposal.

The holder of a mobile food unit permit shall:

1. Provide trash receptacles for use by customers during the MFU's hours of operation;
2. Keep all areas within five feet of the mobile food unit clear of litter and debris at all times; and
3. Dispose of all trash or waste associated with the operation of the mobile food unit in an authorized receptacle, except that city trash receptacles **must not** be used to dispose of such trash or waste.

Sec. 23. - Operational capacity.

The holder of a mobile food unit permit shall not:

1. Attach, set up, or use any other device or equipment intended to increase the selling, serving, storage, or display capacity of the mobile food unit;
2. Allow items such as brooms, mops, hoses, equipment, containers, and boxes or cartons to be located adjacent to or beneath the mobile food unit;
3. Provide or allow signs or banners not attached to and solely supported by the mobile food unit;
4. Provide or allow canopies, awnings, or other coverings that are not attached to and solely supported by the mobile food unit to remain over any part of the mobile food unit or over any area within 100 feet of the mobile food unit, except that any awning or covering provided by others and primarily used for other purposes and only incidentally or coincidentally used by the mobile food unit shall not be considered a violation of this subsection;
5. Provide or cause any portable toilet facility to be provided; or
6. Provide or cause any dining area to be provided, including, but, not limited to, tables, chairs, booths, bar stools, benches, or standup counters, within 100 feet of the mobile food unit, except that dining or seating areas adjacent to a mobile food unit operating inside an enclosed space such as a lobby of a business establishment where the seating is provided by someone other than the holder of a mobile food unit and only incidentally or coincidentally used by the patrons of the mobile food unit are acceptable.
7. No Mobile Food Unit shall set up within 500' ft of a permitted or lawful food establishment, except as allowed by subsection 2(14).

Sec. 24. - Exemptions.

A mobile food unit authorized to be located at an event that is permitted by the city is exempt from the provisions of **subsections 19(1 and 2)**.