

CITY ORDINANCE #060826-3

AN ORDINANCE AMENDING CHAPTER 10 BUSINESS REGULATIONS; ELIMINATING CONFLICTS; CHAPTER 10 BUSINESS REGULATIONS, ARTICLE I, PROVIDING DEFINITIONS; PROVIDING EXEMPTIONS; CHAPTER 10 BUSINESS REGULATIONS, ARTICLE V. TEMPORARY BUSINESS, ADDING DEFINITIONS AND EXEMPTIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Chapter 10 of The City of Edgewood, Texas Code of Ordinances, sets forth various regulations regarding businesses, including mobile food vendors; and

WHEREAS, the State adopted House Bill 2844 which amended the Texas Health and Safety Code relating to "Mobile Food Vendors", effective July 1, 2026, which requires that the Code to be amended to comply with such legislative changes; and.

WHEREAS, The City of Edgewood, Texas wishes to amend all provisions in the Code relating to Mobile Food Vendors to align with State law; and

WHEREAS, deems the action taken herein to be in the best interest of the citizens of the City.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, TEXAS:

That Chapter 10 of the Code of Ordinances of the City, the same being the City's regulations regarding BUSINESSES", Article I "GENERAL" and Article V "TEMPORARY BUSINESSES", are hereby amended as follows (with additions shown by underline, and repealed language shown by strikethrough) attached hereto as Exhibit "A":

Conflict Clause.

If any article, section, paragraph, phrase or sentence is in conflict this ordinance shall prevail.

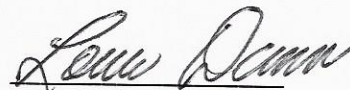
Severability Clause.

If a Section or Subsection of this Chapter, or certain applications of a Section or Subsection, is found unconstitutional, the remaining Sections or Subsections, or applications of those Sections or Subsections, will continue in force as law.

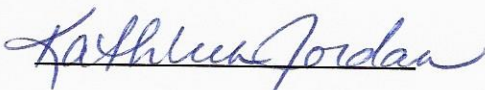
FURTHER, The City Secretary is hereby directed to give notice hereof by causing the caption of this ordinance to be published in a local newspaper of general circulation.

THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE AND PUBLICATION.

PASSED AND APPROVED this the 8 th day of June 2026


Louis Dunn, Mayor

ATTEST:



Kathleen Jordan, City Secretary

Chapter 10 - BUSINESS REGULATIONS

ARTICLE I. IN GENERAL

Sec. 10-1. Definitions.

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

Business means any location from which goods, services, or food products are made available for profit or other considerations.

Door-to-door sales means any person making for sale any goods, services, or food products who offers his wares or services by visiting individual residences or businesses.

Garage sale means and includes a yard sale or rummage sale or estate sale or a sale of anything of value on any premises not considered a retail business establishment and/or licensed to do business in the city.

Vendor means any person making for sale any item or food product or making transactions for profit or other considerations.

Vendors permit means permits issued by the city and signed by the code enforcement officer authorizing persons to conduct sales within the city limits.

Food Producer has the meaning provided by Section 437.020, HSC

Small-Scale Food Business means a legal entity established by a farmer or food producer with less than \$1.5 Million in annual gross revenue. This term is included sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company. (HSC 437.0063

Mobile Food Vendor means any person who dispenses food or beverages from a food vending vehicle for immediate consumption (HSC 437B.001(5)

Mobile food vendor vehicle means a motor vehicle, trailer cart or other unit which is readily movable, and from which food or beverages are prepared and/or offered for sale.

Department shall mean the Texas Department of State Health Services.

Farmer's Market shall mean a Farm Stand(s) as defined by Section 437.001, HSC

Sec. 10-2. Permits.

- (a) Any person or corporations, making for sale or trade any goods, services or food products within the city limits shall be required to obtain a vendors permit from the city unless such sales or transactions are considered a garage sale.
- (b) Permits will be issued to those persons or corporations that apply, after the code enforcement officer has inspected their place of business and found it to be in compliance with the provisions of this chapter.
- (c) A fee shall be charged and paid to the city for the issuance of a vendors permit. The vendors permit shall be in an amount as established by the mayor and council from time to time.
- (d) Vendors permits are not transferable in the event the original owner sells his interest or otherwise ceases to conduct business within the city limits.
- (e) Vendors permits issued must be prominently displayed at the place of business or, in the case of door-to-door sales, must be carried by the vendor at all times.

(Ord. No. 030515, § 2, 5-13-2003)

Sec. 10-3. General requirements.

- (a) All businesses which operate from a structure or location must operate from and inside of a permanent structure which must have or meet all of the following requirements:
 - (1) All structures must have either a concrete slab foundation or a pier and beam foundation.
 - (2) All structures must have a water and wastewater connection obtained from the city.
 - (3) All structures must have more than one entrance and exit from the facility and be sufficient to provide emergency evacuation of the structure in the event of a fire or other disaster.
- (b) No business may utilize non-permanent structures, such as, but not limited to, trailers, mobile homes, portable kitchens, or other movable structures.
- (c) The ordinance from which this article is derived shall be effective prospectively from the date of its passage. In the event that a business currently in existence at the time of the effective date of the ordinance from which this article is derived should move the structure or the business located therein, even temporarily, the said business or structure will thereafter be required to comply with the full measures provided in this section as if it were a new business or location established after the passage hereof.

(Ord. No. 030515, § 3, 5-13-2003)

Secs. 10-4. Exemptions.

All business activities operated from non-permanent or mobile locations not explicitly permitted under this Article shall be subject to Article V. Temporary Business of this Section.

All food related businesses operated from a Mobile Food Vendor Vehicle or other non-permanent location shall be subject to Article V. Temporary Business of this Section.

Secs. 10-5—10-24. Reserved.

ARTICLE V. TEMPORARY BUSINESS

Section 10-351. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Business Any marketing activity conducted for the sale of goods or services for a profit.

Temporary business ~~The sale of goods, food or services conducted by a business any person, group of persons or entity~~ that does not have a permanent address in the city and is operated in the city ~~for 72 consecutive hours (one time per 7-day week)~~ out of a vehicle, truck, trailer or other mobile unit.

Food producer has the meaning provided by Section 437.020, HSC

Mobile food vendor means any person who dispenses food or beverages from a food vending vehicle for immediate consumption (HSC 437B.001(5))

Mobile food vendor vehicle Shall mean a motor vehicle, trailer cart or other unit which is readily movable, and from which food or beverages are prepared and/or offered for sale.

Farmer's market shall mean a Farm Stand(s) as defined by Section 437.001, HSC

Department shall mean the Texas Department of State Health Services.

Section 10-352. Permit Required.

No person or entity shall operate a temporary business within the city without first obtaining a permit from the City Secretary. The permit shall be displayed on the premises where the business is being conducted during all business hours.

Section 10-353. Application for Permit.

(A) Any application for a permit to operate a temporary business under this ordinance shall be made through the City Secretary's office upon forms provided by the city. The application shall be sworn to or affirmed and filed with the City Secretary at least 24 hours prior to time in which the permit applied for shall become effective.

(B) The application required herein shall contain the following information:

- (1) The name and address of the person applying for the permit;
- (2) If the applicant is not an individual, the names and addresses of the applicant's registered agent and registered office, and of the applicants' principal officers and managers;
- (3) The name and address of the person or persons who will be in direct charge of conducting the temporary business;
- (4) The time within which the temporary business will be operated and the location of the business in the city;
- (5) The signature of the party on whose property the temporary business shall be located;
- (6) A statement of the types of merchandise, goods or services that will be offered to the public;
- ~~(7) A copy of the Texas Food Handlers Certificate, and~~
- ~~(8)~~ (7) Such additional information as may be required hereafter by ordinance or otherwise enacted by the City Council.

Section 10-354. Investigation by the City Secretary's Office.

The City Secretary shall examine each application filed under this Article for a permit and shall make, or cause to be made, such further investigation of the application and the applicant as the City Secretary shall deem necessary. The permit will be issued when the City Secretary determines the following facts:

- (A) That all the statements made in the application are true;
- (B) That the applicant has not engaged in any fraudulent transaction or enterprise;
- (C) That nothing in the proposal will violate any provision of the Zoning Ordinance for the City of Edgewood, Texas or any other law; and
- (D) That all regulations and restrictions governing same enacted by the City Council of the City of Edgewood, Texas now or hereafter have been complied with.

Section 10-355. Fees for Permit.

Before a permit is issued there shall be paid to the City of Edgewood, the sum of \$25 for a permit which allows the temporary business to operate at one location for 72 consecutive hours or less within the city.

Section 10-356. Permit Non-Transferable.

Any permit issued under this article shall be nontransferable.

Section 10-357. Entry on Premises.

(A) No person shall refuse entry to any designated city inspector attempting to enter any premises for the purpose of inspection, if the entry is attempted during business hours or during reasonable hours after business hours when there are employees on the premises to let the inspector in.

(B) The entry shall be permitted not only to areas open to the public but also to all other areas, provided that no employee shall be required to accompany any inspector in any area that the employee deems to be dangerous, if the employee tells the inspector that the area is in the employee's opinion dangerous.

Section 10-358. Identification.

It is the policy of the city that immediately upon arriving at the premises to be inspected, the city inspector ordinarily will identify himself or herself to an employee on the premises, showing an identification card if the employee is not acquainted with the inspector. If there is no employee at the scene, the inspector may enter any area that is open to the public at that time without identifying himself or herself.

Section 10-359. Court Action.

If a city inspector is not permitted to enter any place or any part of any premises for inspection, the inspector shall not use force but shall leave the premises and seek a search warrant or other appropriate order to make entry possible.

Section 10-360. Permit Appeals.

The method of appealing a decision involving a temporary permit, such as refusal to issue a permit or action suspending or revoking a permit, is as follows.

(A) Scope. This section shall apply to all appeals from any action of any city officer or employee, appeals from any committee or other body of the city refusing to issue a permit. This section shall also apply to appeals from any action by a city officer or employee, or by any committee or other body to the city, revoking or suspending a permit.

(B) Appeal to department head. Any decision made by an employee of the city with a lower rank than a department head may be taken to the head of the department in which the employee is working. The appeal may be taken by filing a written note, notice or letter with the department head, briefly describing the decision being appealed. The person taking the appeal must file the

note, notice or letter within ten days of the date of being notified of the decision from which the appeal is taken. The department head shall provide an opportunity for a conference, and shall decide the appeal promptly.

(C) Appeal to City Council. Any decision made by a department head, whether an original decision or a decision on appeal from an employee's decision, may be appealed to the City Council. Any decision made by a committee or board of the city may be appealed to the City Council. The appeals shall be taken within ten days of the date that the person taking the appeal was notified of the decision from which the appeal is taken.

Appeals shall be taken by filing a note, notice or letter with the City Secretary, identifying the decision from which the appeal is taken.

(D) Action by the City Council. The City Council shall take all action on permit appeals at open meetings. All requirements of state law on open meetings shall be observed. The City Council's decision shall be final.

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Section 10-361. Exemptions.

(A) Producers of farm or dairy when selling or seeking to sell their own fresh produce.

(B) Sales or solicitations by minors, provided the profits from any sale or solicitation will be paid to an organization that is exempt from taxation under Internal Revenue Code of 1986, §501(c)(3), as that provision may be amended from time to time; or

(C) Sales or solicitation by any person who has registered and fully qualified to act as merchant with the sponsor of any special City event.

(D) A Mobile Food Vendor holding a valid license from the Department shall be exempt from the permitting requirements of this Section.

Section 10-362. Miscellaneous Provisions.

~~(A) Nothing in this Article shall repeal any other ordinance concerning temporary businesses.~~

~~(B) The provisions of this Article are severable. If any provision of this Article or the application thereof to any person, entity or set of circumstances is held invalid, that invalidity shall not affect other provisions or applications of the Article which can be given effect with the invalid provision or application.~~

Sec. 10-362 Small Scale Food Business and Mobile Food Vendors

(a) License Required

- (1) A person may not operate as a mobile food vendor in the City unless the person holds a mobile food vendor license issued by the Department.
- (2) A mobile food vendor shall comply with all state and local laws in the jurisdiction in which the mobile food vendor operates, including all fire codes, location restrictions, and zoning ordinances. (HSC 437B.101)
- (3) A farmer's market shall operate in compliance with HSC 437.0063 and is subject to the zoning ordinance and location restrictions below.

(b) Allowable Location

- (1) Acceptable operation locations for MFVs must be on commercial property; public property (except during special events involving the closure of said property) provided they do not interfere with vehicular or pedestrian traffic ways; private residential property when catering a private event not to exceed 24 hours.
- (2) No small-scale food business or mobile food vendor may remain at a single location for a period exceeding 30 consecutive days without vacating the property for a period not less than 14 days.
- (3) MFVs shall maintain a copy of written permission from the property owner to allow the operation of a MFV. The authorization shall include the specific dates during which the MFV is authorized to be present on the premises.

Section 10-363. Penalty.

Any person, firm or corporation violating any provision of Section 1 through Section 12 shall be fined not less than \$20 nor more than ~~\$200~~ \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.