

CITY OF LIBERTY HILL

ORDINANCE NO. 15-O- 2

MOBILE FOOD ESTABLISHMENTS

AN ORDINANCE OF THE CITY OF LIBERTY HILL (“CITY”), TEXAS, ADDING ARTICLE 4.05 TO CHAPTER 4 OF THE CITY’S CODE OF ORDINANCES ENACTING THE REGULATION OF MOBILE FOOD ESTABLISHMENTS; AND PROVIDING FOR THE FOLLOWING: POPULAR NAME; FINDINGS OF FACT; SCOPE OF JURISDICTION; APPLICABILITY; EFFECTIVE DATE; ENFORCEMENT, INCLUDING CRIMINAL FINES NOT TO EXCEED \$2,000.00 AND CIVIL PENALTIES NOT TO EXCEED \$500.00 PER VIOLATION; AND THAT EACH DAY IN VIOLATION CONSTITUTES A SEPARATE OFFENSE; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Liberty Hill (“City Council”) seeks to provide for the orderly development of land and use of property within its corporate limits; and

WHEREAS, the City Council is concerned about land use planning challenges posed by the potential proliferation of Mobile Food Establishments; and

WHEREAS, the City Council seeks to protect the public health, safety and welfare through a comprehensive regulatory program that includes food safety standards and zoning regulations; and

WHEREAS, through these regulations, the City Council finds compatibility of Mobile Food Establishments on the broader scheme of the various zoning districts in the City; and

WHEREAS, with these regulations, the City Council addresses potential health risks posed by Mobile Food Establishments and the applicability of certain state and local health codes; and

WHEREAS, with these regulations, the City Council addresses the City’s ability to collect sales and use taxes from Mobile Food Establishments; and

WHEREAS, the City Council has assessed the impact of Mobile Food Establishments on the aesthetic appeal of the community; and

WHEREAS, the City Council is authorized to regulate Mobile Food Establishments by virtue of the Texas Constitution, the Texas Health and Safety Code, the Texas Administrative Code, the City's police power and by the Texas Local Government Code, Chapters 51, 54, 211, 212, 214, 216, and 217; and

WHEREAS, the City Council finds that the restrictions and amendments imposed by this Ordinance are characterized as reasonable, necessary, and proper for the good government of the City of Liberty Hill.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY HILL, TEXAS:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 4, Article 4.05 is enacted, and shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. The entire attachment shall be inserted into the City's Code.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this the 12TH day of JANUAR, 2015, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Liberty Hill, Texas.

CITY OF LIBERTY HILL:

by: Connie Fuller
Connie Fuller, Mayor

ATTEST:

Barbara Zwernemann
Barbara Zwernemann, City Secretary

