

# Tomball ordinance would regulate food trucks

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The Tomball City Council is expected to approve an updated city ordinance that will strictly regulate so-called mobile food vendors, some of which have established semi-permanent restaurants in the city.

"These establishments are nestled between a truly mobile food

establishment, and a truly permanent restaurant," said Tomball City Attorney Loren B. Smith.

In March, Smith was asked by the Tomball City Council to research the current ordinance after several new mobile vendors showed up in and around the H-E-B parking lot at Four Corners, and began setting up picnic tables.

The ordinance, referred to as the peddler's ordinance, was updated in 2011 by the city council after concerns arose over the Elotes Asados, a so-called mobile food vendor, which has been operating under a temporary permit since 2010.

Elotes Asados, which is located in a small trailer next to Jack's Super Store on Main Street, is fronted with a metal canopy that covers several picnic tables.

Although it is classified as a temporary business and a mobile vendor, it was grandfathered into the 2011 ordinance, which exempted it from certain regulations.

But all of that could change with the passage of a new and much tougher ordinance that could ultimately force mobile and semi-permanent food vendors to identify themselves as mobile or not, and set strict parameters for each of those definitions.

"There are a couple of ways you could tweak these things," Smith told the city council.

One of those is through the use of zoning ordinance, which was not an option city staff wanted to examine, and a new tougher ordinance that would force these vendors to comply with city regulations and make them declare themselves as mobile vendors or permanent businesses in the city.

"If they are truly mobile, you can establish regulations that (a food truck) cannot be in the same place for (a certain) amount of hours per day," Smith said.

By the same token, a permanent business has to comply with zoning regulations, and obtain the necessary permitting, maintain parking regulations and sanitary conditions, such as having a restroom with running water, and be built upon a foundation, instead of a set of wheels.

Using the city of Humble as an example, Smith said Tomball could also adopt transient business regulations that allow permits to be used for one year.

"During that one year, they are allowed to be in that same spot for no more than 30 consecutive days, and they are allowed to be there (in the city) for not more than 60 consecutive days in a year," he said.

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Councilwoman Lori Klein Quinn suggested having an established area for mobile food vendors that would include picnic tables somewhere in the city, but off the main street going through town.

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"Have all of them in (one) area," she said.

Several cities, such as Conway, Ark. and Waco, have established mobile food vendor areas that are successfully regulated.

In that scenario, mobile vendors could only be at the designated area for only a few hours during the day, usually between 1-3 p.m., and then required to leave.

City Councilman Derek Townsend said temporary food vendors who never leave are taking away from those permanent restaurants that have done it the right way.

"I think we are doing a disservice to our community by having them all on Main Street, or any other street for that matter, period," he said. "It's not fair for the people who put their blood, sweat and tears into a building and pay taxes."

Smith is expected to come back to the city council with an updated ordinance in May.

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