

# The Bandera PROPHEET

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Bandera mayor opposes noise, food truck ordinances approved by council members

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The Bandera Prophet

Despite approving an amended noise ordinance, as well as an ordinance modifying license and registration requirements for temporary trade and cottage food businesses operating within city limits, Bandera City Council members will be tasked with reconsidering their previous votes. “I am writing to inform you that I am exercising my statutory authority...to oppose Ordinance 441 (noise ordinance)...[and] Ordinance 442 (seasonal/temporary food cart),” Gibson wrote May 17. During their May 14 regular meeting, council members unanimously approved additions to the temporary/seasonal mobile food vendors ordinance; as well as changes to the noise ordinance, regarding maximum decibel levels and quiet hours.

Gibson stated her justifications for opposition to the noise ordinance include:

“Changes existing business activity by creating more restrictive regulations; regulates commercial land use in the same manner as residential land use; unfriendly towards businesses making significant contributions to the city’s general fund; creates unrealistic enforcement expectations; perceived by many to be harmful to the Cowboy Capital of the World brand/image; and negative impacts reach other sectors: retail, workforce, hotel, restaurant and more.”

See the full story on the noise ordinance at [https://](https://www.banderaprophet.com/240515cityofbanderanoiseordinance.html)

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Gibson's justifications for opposition to the seasonal food service ordinance include:

"City Council did not have adequate time to review changes to the ordinance; City Council did not receive a 'redlined' version comparing the existing ordinance with the proposed changes as advised by the city attorney; 'Seasonal Food Business' timeline is not defined but it is referenced; 4.04.004 – violations of code, not nuisance – per code; catered events and extensions/outlets given preferential treatment."

Council Member Lynn Palmer said the changes made to temporary food services were relevant to health and safety regulations, such as a policy for gray water and where it is disposed; and require food trucks be relocated while not in operation for an extended period.

"The permit schedule is the same, the fees are the same," Palmer said.

"I'm really avid about supporting our brick and mortars. It's good to have a variety with food trucks, but I have had several conversations with restaurateurs, and it was brought up that the city was allowing businesses to come eight months a year, with none of the financial burdens that [brick and mortars] have operating in our city."

In response to Gibson's suggestion that council postpone a vote, Palmer said the matter has been an active discussion since February.

In accordance with Texas Local Government Code, before an ordinance or resolution may take effect, a mayor shall sign them within four days of being placed in the secretary's office. If a mayor submits a statement of objections before the fourth day, the council shall reconsider the vote at the next meeting. If a majority rule approves the ordinance upon reconsideration, it will take effect.