



## Mobile Food Establishment Permit Application

### Mobile Food Vendor Guidelines

The City of Seabrook currently performs inspections and permitting of Mobile Food Vendors. Mobile Food Vendors shall mean any business that operates or sells food for human consumption, hot or cold, from a Mobile Food Vending Unit. Mobile Food Vending Units include mobile food trucks, mobile food carts, concession carts, or mobile concession trailers.

Once permitted, Mobile Food Vendors are not permitted in public parks, public right-of-way, publicly owned property or site without written permission from the City Manager or the City Managers designee. If the applicant wishes to operate on private properties or at a private business the applicant shall contact that business/property owner for written permission. Mobile Food Vendors are subject to inspection any time the vehicle is serving the public. Violations of the permit requirements are subject to corrective action up to and/or including; revocation of the permit, and fines.

Following are the regulations specific to Mobile Food Vending. If there are any questions, please contact the Permit Department at (281) 291-5669.

#### Regulations for Mobile Food Vendors

1. No person shall act as a Mobile Food Vendor in the City without a permit issued by the City.
2. Each Mobile Food Vendor shall display at all times, in a conspicuous place where it can be read by the general public, the City of Seabrook permit under this article and permit number.
3. Mobile Food Vendors shall not operate within a public park, public right-of-way, publicly owned property or site without written permission from the City Manager or the City Managers designee.
4. Mobile Food Vendors must meet all applicable state, county, and local laws.
5. Mobile Food Vendors must meet all applicable laws regarding Mobile Food Vendors as described in most recently adopted edition of the International Fire Code (IFC) or any subsequent amendments thereto.
6. Mobile Food Vendors must operate from an approved commissary in good standing as defined in and required by the Texas Food Establishment Rules.
7. The Mobile Food Vendor shall secure and display at all times in a conspicuous place where it can be read by the general public, a health permit from Harris County Public Health Department.
8. All employees of the permit holder must have a valid food handlers training certificate.
9. When required, Mobile Food Vending Units must be equipped with commercial mechanical facilities sufficient to provide proper cooking ventilation and fire suppression for eating establishments, as established under the City's adopted building codes. All equipment on the vehicle shall be NSF International (formerly National Sanitation Foundation) approved, American National Standards Institute (ANSI) approved, or of commercial grade.
10. Mobile Food Vendors shall provide covered garbage and storage facilities for employee and customer use, of sufficient size that refuse is fully contained in a manner that prevents litter and

remains insect- and rodent-proof. The Mobile Food Vendors are responsible for the disposal of all the subject refuse prior to leaving the point of sale site.

11. The Mobile Food Vending Unit must meet the following plumbing standards:
  - a. All liquid waste shall be discharged to an approved sanitary sewage disposal system at the commissary or through an authorized service provider. All used fats, oil, or grease shall be discharged to an approved grease interceptor at the commissary or through an authorized service provider. Used fats, oils or grease shall not be discharged to any unauthorized food establishment grease interceptor.
  - b. Liquid waste shall not be discharged from the retention tank when the Mobile Food Vending Unit is open to the public or in the process of preparing food.
  - c. The waste connection shall be located below the water connection to preclude contamination of the potable water system.
  - d. Connections to a water or sewage system on site is prohibited.
12. The Mobile Food Vendor shall display at all times, in a conspicuous place where it can be read by the general public, a copy of a Texas sales tax and use certificate.
13. Mobile Food Vending Units shall be separated from property lines, public rights-of ways, existing buildings, and other mobile food vehicles by a minimum of twenty five (25) feet. Food Vendors shall not set up, or be located in fire lanes or parking spaces that are required for the use of an existing business.
14. The Mobile Food Vending Unit and any parking areas used by the Mobile Food Vendor or its customers, shall be located on a paved surface, or an alternative all-weather surface, as approved by the City Planning Director or designee.
15. Each Mobile Food Vending Unit shall be clearly marked with the food establishment's name or a distinctive identifying symbol and shall display the name while in service within the City.
16. Except as shown on an approved concept plan, the Mobile Food Vendor shall prepare, serve, store and display food and beverages on or in the Mobile Food Vending Unit itself; and shall not attach, set up, locate, or use any other device or equipment intended to increase the selling, serving, storing or displaying capacity of the Mobile Food Vendor.
17. No Mobile Food Vendor may operate outside of the hours of 8:00 AM to 10:00 PM, unless otherwise authorized within the permit.
18. Mobile Food Vendors must comply with City Code Chapter 55, Article II "Noise"
19. Drive-through service from Mobile Food Vendors is prohibited.
20. Alcohol sales from Mobile Food Vendors is prohibited.
21. Access to Restroom Facilities.
  - a. Any Mobile Food Vendor that will be in one location for more than one (1) hour, must submit to the City written proof of a restroom facility agreement that provides the availability of a fixed establishment restroom facility for the use of the Mobile Food Vendor employees and customers, located in a business establishment within Three hundred (300) feet of each location where the Mobile Food Vending Unit will be in operation.
  - b. Proof of availability of a fixed establishment restroom shall be in the form of a written and notarized statement from the property owner, or owner's authorized agent, including the name, address, and telephone number of the property owner or authorized agent, and the type of business and hours of operation of the business, granting permission for the use of the facilities. If the business owner is a partnership or corporation, the statement shall include the name, address and telephone number of one (1) of the partners or officers.

- c. A copy of the records shall be immediately available for inspection by the City on the Mobile Food Vending Unit.
22. Mobile Food Vehicles shall be movable by motorized or non-motorized means.
  23. No Mobile Food Vendor shall operate within (300) feet from the primary entrance of Full Service or Fast Food Restaurant(s). This separation requirement shall only apply during normal hours of operation of the Full Service or Fast Food Restaurant(s).  
Exception, Mobile Food Vendors may locate:
    - a. Within three hundred (300) feet of a Full Service or Fast Food Restaurant(s), if the restaurant owner/owners have provided the food vendor written consent to located on the same lot as his/her restaurant(s), or if all applicable restaurant owners within the three hundred (300) feet buffer area provide written consent to the Mobile Food Vendor.
    - b. Written consent shall be in the form of a written and notarized statement from the property owner, or owner's authorized agent, including the name, address, and telephone number of the property owner or authorized agent, and the type of business and hours of operation of the business. If the business owner is a partnership or corporation, the statement shall include the name, address and telephone number of one (1) of the partners or officers. The notarized statement shall be provided to the City at the time of permitting.

#### **Mobile Food Vendors on Private Property.**

Mobile Food Vending Units located on private property must comply with the following:

1. The private property must be located in a zoning district that allows restaurants, as provided for in Table 3-A "Comprehensive Land Use Regulation Matrix".
2. The private property must be developed and improved, and contain an existing permanent business operating in a building with a certificate of occupancy at all times while the Mobile Food Vending Unit occupies the property.
3. Electricity shall be from a generator and the Mobile Food Vendor shall utilize electrical cords in conformance with the National Electrical Code as adopted and amended by the City.
4. The Mobile Food Vendor must submit with the permit application, written authorization or other suitable documentation showing that the owner of the property, or the owner's authorized agent, consents to the Mobile Food Vendor operating on said property.

#### **Mobile Food Vendors on Construction Sites**

For subdivisions or sites in any zoning districts that are actively under construction and have not yet been issued a Certificate of Occupancy, a Mobile Food Vendor may operate for less than one (1) hour.

#### **Mobile Food Vendor Permit Application**

The application for a Mobile Food Vendor permit shall include the following information:

1. an application fee of \$250.00;
2. name, legal name of business or entity, business address, telephone number, and email address of the applicant;
3. the applicant's identification number as shown on a current and valid government-issued identification document that includes a photograph of the applicant;
4. if the applicant represents a corporation, association or partnership, the names and addresses of the officers or partners;

5. name, legal name of business or entity, business address, telephone number, and email address of the owner if the owner is not the applicant;
6. signed and notarized permission from all private property owners where the Mobile Food Vending Unit will be stationed;
7. the manner of mobile food vending operation to be conducted (for example, foot vending, truck, trailer, pushcart, etc.); the make, model, year, license or registration, and vehicle identification number of each vehicle to be used in the mobile food vending operation;
8. proof of motor vehicle insurance for each vehicle to be used in the mobile food vending operation;
9. an itinerary of locations where sales will occur; and a location map and sketch of site location for each location to be used by the Mobile Food Vendor;
10. a concept plan, if applicable;
11. a copy of the vendor's current health permit from Harris County Public Health Department;
12. if the mobile vending unit will be placed in one (1) location for more than one (1) hour, a written agreement from a business within three hundred (300) feet for employees of the mobile food establishment to have use of flushable restrooms during hours of operation, portable restrooms are prohibited;
13. proof of water/wastewater service;
14. documentation indicating the volume capacity of any required water and wastewater storage tanks either on the tank itself or in writing;
15. a description of the type of food or the specific foods to be vended;
16. a notarized statement from the owner of the commissary stating that the mobile food establishment will use the facility as its base of operation and providing the address and food establishment permit number of the facility;
17. a valid copy of the applicant's sales tax and use tax permit; and
18. any other information reasonably required by the Director of Planning and Development.

**Mobile Food Vendor Permits**

1. Permit Determinations. The City will evaluate the data furnished by the applicant and may require additional information. Within fourteen (14) days of receipt of a completed permit application, the City will determine whether or not to issue a Mobile Food Vendor permit. The City may deny an application for a permit on any of the following grounds:
  - a. failing to provide all of the information required by the City;
  - b. the applicant's past record of ordinance violations;
  - c. safety record of the applicant or any driver, based on such things as civil and criminal lawsuits and violations of environmental laws and ordinances; and
  - d. providing false, misleading or inaccurate information to the City.
2. Permits are not transferable.
3. Mobile Food Vendor permits shall be for a 90 day period.



Mobile Food Establishment Permit Application

Fee: \$250.00
Permit # and Expiration Date:

Completely Fill out application or application will not be processed. (Please Print)

Name of the Mobile Food Vendor

Type of Mobile Food Vending Truck ( ) Trailer ( ) Push Cart ( ) Other ( )

Food Truck (If Selected)

Make/Model/Year/License Plate #

Type of Owner Sole ( ) Corporation ( ) Partnership ( )

Name of Owner/Corp
Mailing Address
City/State/Zip
Phone #
Email

Driver/Responsible Person
Address
Phone #
\*Driver License #
\*License Plate #

Insurance Company/Name
Address
Phone #

Commissary Name
Address
Phone #
Facility Food Establishment Permit #

( ) a notarized statement from the owner of the commissary stating that the mobile food establishment will use the facility as its base of operation.

Certified Food Manager's Name
TDH Certification Number Exp. Date

- ( ) An itinerary of locations where sales will occur; and hours of operation; and a location map and sketch of site location for each location to be used by the Mobile Food Vendor (A Concept Plan, If Applicable).
( ) Signed and notarized permission from all private property owners where the Mobile Food Vending Unit will be stationed
( ) A copy of the vendor's current health permit from Harris County Public Health Department.
( ) A description of the type of food or the specific foods to be vended.
( ) If the mobile vending unit will be placed in one (1) location for more than one (1) hour, a written agreement from a business within three hundred (300) feet for employees and patrons of the mobile food establishment to have use of flushable restrooms during hours of operation, portable restrooms are prohibited.
( ) a valid copy of the applicant's sales tax and use tax permit.

Applicant Signature Print Date