

CITY OF ROCKDALE, TEXAS

MOBILE FOOD VENDOR PERMIT CHECKLIST

Original Application - Attach the following information:

- ☐ Completed Mobile Food Vendor Permit Application (all information completed, signed and notarized)
- ☐ ANNUAL Mobile Food Vendor Permit Application Fee of \$150 – **nonrefundable**
- ☐ Copy of Driver's License/State ID
- ☐ A valid copy of the applicant's sales tax and use tax permit
- ☐ A copy of the vendor's current health permit from the State Health Department
- ☐ Notice of Mobile Food Vendor Ordinance Regulations – signed by applicant
- ☐ Consent document authorizing background check – signed by applicant
- ☐ Certificate of Authority to Represent Company – *if necessary*
- ☐ Agreement to Grant Permission for Use of Private Property – *if necessary*
- ☐ Proof of motor vehicle insurance for each vehicle to be used in the mobile food vending operation
- ☐ Itinerary of locations where sales will occur; a location map and sketch of site location for each location to be used by the Mobile Food Vendor; and a lot diagram (*if applicable*)
- ☐ For a Mobile Food Vendor located on an existing site, a written agreement from a business within 150' for employees of the mobile food establishment to have use of flushable restrooms during hours of operation
- ☐ Proof of water/wastewater service
- ☐ Documentation indicating the volume capacity of any required water and wastewater storage tanks, either on the tank itself or in writing
- ☐ 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, or retailer sources for food items to be cooked onsite or for resale
- ☐ Legal agreement to dispose of wastewater and grease water to the appropriate entity

Submit completed application between the hours of 8:30 a.m.–12:30 p.m. and 1:30 p.m.–4:30 p.m. to:

City Secretary's Office
Rockdale City Hall
505 W Cameron Avenue
Rockdale, Texas 76567

Rockdale City Secretary's Office, 505 West Cameron Avenue, Post Office Box 586, Rockdale, Texas 76567
(512) 446-2511 ~ FAX (512) 446-6258



City of Rockdale

MOBILE FOOD VENDOR APPLICATION

Date of Application: _____

PERMIT NUMBER: _____ PERMIT PERIOD: _____ TO _____
ORGANIZATION/COMPANY: _____

Instructions: Print all information requested. Do not leave any spaces blank. If a particular section is not applicable to you, indicate such. Applications which are incomplete or contain false information or misrepresentation will be rejected.

APPLICANT INFORMATION

Name (first, middle, last): _____
Date of Birth: _____ Race: _____ Sex: _____
Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
Driver's License/State ID Number: _____ Issuing State: _____
State Health Permit Number: _____
Permanent Address: _____
City: _____ State: _____ Zip: _____
Home Phone: _____ Work Phone: _____ Cell: _____

Please provide the following information on the motor vehicle to be used in your activities:

Year _____ Make _____ Model _____ Style _____ Color _____
License plate number _____ State Registered _____ Ins Policy Period _____ to _____
Name of liability insurance carrier & policy number _____

Address while vending in Rockdale: _____
City/State/Zip: _____
Phone number while vending in Rockdale: _____
Supervisor's Name: _____ Phone: _____

Have you ever been arrested, charged or convicted of a felony or misdemeanor? ☐ YES ☐ NO
If yes, list the date of arrest, nature of the offense(s), location and the punishment or penalty: _____

ORGANIZATION/COMPANY INFORMATION

Organization/Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Local Phone: _____

MOBILE FOOD VENDOR INFORMATION

State the type of goods/service you desire to sell: _____

Specify the location for vending goods/service: _____

Approximate dates vending vehicle will be in City: _____

List all cities you have worked in the previous 90 days: _____

Applicant's Authorization and Affirmation

I authorize the City of Rockdale to make an investigation of all information contained in this application for this permit, and do hereby authorize a review, full disclosure and release of all records, including but not limited to photocopies of records concerning myself, the company or organization to any duly authorized agent of the City of Rockdale, whether the said records are of public, private, or confidential nature. I further release from all liability all persons and agencies supplying such information.

WARNING: False statement on this application constitutes Perjury and, upon conviction, is punishable by up to one year in jail, a fine up to \$2,000.00, or both. I hereby swear or affirm that the information given on this application is true and correct. **I acknowledge that application fees for denied applications will be forfeited.** Applications will be approved or denied within fourteen (14) working days of submission of complete application and documentation.

Applicant Signature: _____ Date: _____

STATE OF TEXAS §
COUNTY OF MILAM §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed.

Signed and sworn to before me the undersigned authority on this the ____ day of _____, 20 ____.

Notary Public In And For The State Of Texas

Fees Collected: \$ _____ Receipt Number: _____ Date: _____

☐ **APPROVED**

☐ **DENIED**

Reason for denial: _____

City of Rockdale, Texas

NOTICE OF MOBILE FOOD VENDOR ORDINANCE REGULATIONS

(To be signed and attached to the Original Application)

REQUIREMENTS APPLICABLE TO ALL MOBILE FOOD VENDORS

No person shall act as a Mobile Food Vendor in the City without a permit issued by the City.

Mobile Food Vendors must meet all applicable State and local laws and regulations, including but not limited to the Rules.

Each Mobile Food Vendor shall display at all times in a conspicuous place where it can be ready by the general public:

- i. The City of Rockdale permit under this article and permit number;
- ii. A health permit from the State Health Department; and
- iii. A copy of a Texas sales tax and use certificate.

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.

The site must be located in Zoning Districts C1, C2, or CA.

Mobile Food Vendors must meet all applicable laws regarding Mobile Food Vendors as described in the International Building Code (IBC) and International Fire Code (IFC), as adopted and amended by the City.

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 is to be NSF International (formerly National Sanitation Foundation) approved, American National Standards Institute (ANSI) approved, or of commercial grade.

Electricity shall be from a generator or permanent connection in a Mobile Food Court and the Mobile Food Vendor shall utilize electrical cords in conformance with the National Electrical Code as adopted and amended by the City.

Any Mobile Food Vendors that prepare food outside of the Unit must operate from an approved commissary in good standing as defined in and required by the Texas Food Establishment Rules. An existing food establishment may serve as a commissary if approved by the City. The commissary shall have approved potable water hookups, approved wastewater drainage facilities, approved grease interceptor hookup(s) and size, and any other accommodations as determined necessary by the City to ensure compliance with all regulatory codes, including but not limited to the local health authority. The commissary shall comply with all Food Establishment Rules and hold all current licenses and permits as required by the Rules. Valid copies of the commissary's current licenses and permits used under the Food Establishment Rules and most recent health inspection report must be kept on file with the City. Mobile Food Vendors shall provide documentation of each visit to or service by the commissary and shall have that documentation immediately available for inspection by the City.

For Mobile Food Vendors that sell pre-packaged food or prepare food within the Unit must keep a manifest of all food supply with purchasing sources for inspection at any time.

All employees of the permit holder must have a valid food handler's training certificate.

Any Mobile Food Vendor that will be in one location for more than four (4) hours 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 Vending Unit must meet the following plumbing standards:

- i. All liquid waste shall be discharged to an approved sanitary sewage disposal system 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;
- ii. 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;
- iii. The waste connection shall be located below the water connection to preclude contamination of the potable water system; and
- iv. Connections to a water or sewage system on site is only allowed when the connections have been properly permitted and inspected by the Building Official or designee.

Mobile Food Vending Units shall be separated from existing buildings and other mobile food vehicles by a minimum of ten (10) feet. Food vendors shall not setup in fire lanes or parking spaces that are required for the use of an existing business.

The Mobile Food Vending Unit and any parking areas use by the Mobile Food Vendor or its customers should be located on a gravel surface or an alternative all-weather surface as approved by the City Manager or their designee. Where providing gravel or all-weather surface would be impractical or not provide a public benefit, alternative methods may be approved with a concept plan. Alternative methods may include, but not limited to, portable spill berms, environmentally sensitive materials, and other methods to mitigate property damage and environmental hazards.

Mobile Food Vendors must comply with Chapter 8 – Offenses and Nuisances of the City of Rockdale Code of Ordinances.

Mobile Food Vendors must comply with the City Code of Ordinance, Section 14.02.051(i) Outdoor Lighting.

Drive-through service from mobile food vendors is allowed subject to the following requirements:

- i. The mobile food vendor unit must have a separate window with a separate drive to accommodate drive-through guests. The lane that is for the drive-through must have a sign which states "Drive-through only".
- ii. If the mobile food vendor only operates a drive-through, a sign that states "Drive-through only" must be visible on the property.
- iii. The surface on which the car is to drive, order, and exit from the beginning of the transaction until the end of the transaction must be on an improved surface as defined by the all-weather surface definition found in section 14.02.004 definitions. A mobile food vendor may request an alternative improved surface that is subject to the discretion of the City Manager.

- iv. The path on which the proposed drive-through is to be located may never cross the path for the on-site customer.
- v. A protective measure such as bollards, fencing, concrete blocks, or other suitable means to differentiate the walk-through area, the drive-through area, and where the unit sits must be installed to prevent the vehicle from hitting the unit and prevent the vehicle from encroaching on the walk-through area.
- vi. A site plan must be submitted which details the type of material for the improved drive lane, the location of any windows for ordering purposes, the location where the unit will sit, location of the “Drive-through only” sign, and any other applicable information that staff finds necessary.
- vii. A proposed drive-through must accommodate for four-car lengths or meet a minimum of 74 feet from the street entrance on which the cars pull up to the unit to avoid cars blocking traffic in the right-of-way. In the case where cars begin waiting in the right-of-way, the owner of the unit must remediate the situation immediately by allowing waiting customers to park in open parking spots along the property or by requiring any vehicles waiting in line within the right-of-way to remove itself from the line until they can line up within the property boundary.
- viii. Right-of-way may not act as the improved drive for the mobile food vendor unit.

Alcohol sales must show proof of Texas Alcoholic Beverage Commission (TABC) authorization.

A copy of required records shall be immediately available for inspection by the City on the Mobile Food Vending Unit.

Mobile Food Vehicles must be movable by motorized or non-motorized means.

CATEGORIES OF MOBILE FOOD VENDOR PERMITS

Mobile Food Vendor in an approved Mobile Food Court:

- i. A Mobile Food Vendor may operate from a Mobile Food Vendor Court site that is designated and intended for mobile food use as the primary use of the property. An approved site plan will be required for a Mobile Food Vendor Court that is the primary use of the property.
- ii. Utility hookups for water, wastewater, and electric must be provided by the property owner for each Vending Unit.
- iii. The Food Court will provide permanent restroom facilities on site.
- iv. 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.
- v. Any permanent structure will require a site plan amendment and building permit and be subject to any applicable regulations.
- vi. Two temporary or portable signs for each vendor may be used on-site during business hours. All other signage must be on the truck or trailer and mounted flush to the surface of the unit.
- vii. Signage for the Mobile Food Court shall be in compliance with Section 14.02.123.
- viii. Mobile Food Court may use fencing, landscaping which is a minimum of three (3) feet tall at maturity, or other approved architectural element to meet the required façade at build-lot line requirements with approval of the Development Services Department.

Mobile Food Vendor located an existing, developed site with a primary use:

- i. A Mobile Food Vendor may operate from a property with an existing permanent business operating in a building with a current certificate of occupancy.
- ii. A Mobile Food Vendor with an approved lease agreement with the City may be located in a City park or property.
- iii. The permanent business must provide restroom facilities for use by the employees of the Mobile Food Vendor. Written proof of a restroom facility agreement that provides the availability of a fixed establishment restroom for the use of Mobile Food Vendor employees located in a business establishment within one-hundred fifty (150) feet of each location where the Mobile Food Vending Unit will be in operation.
- iv. The Mobile Food Vending Unit cannot obstruct driveways or fire lanes.
- v. Two temporary or portable signs may be used on-site during business hours. All other signage must be on the truck or trailer and mounted flush to the surface of the unit.
- vi. Location of the Mobile Food Vending Unit and any temporary seating areas must be shown on a lot diagram.

Temporary Mobile Food Vendors:

- i. Mobile Food Vendors must be located on a property for less than four hours.
- ii. All locations the vendor may occupy will be submitted to the City.
- iii. The Mobile Food Vending Unit cannot obstruct driveways or fire lanes.
- iv. Mobile Food Vendors that will vend in a City park, property, or right-of-way will require approval by the Director of Public Works.

MOBILE FOOD VENDOR PERMITS

The City will evaluate the data furnished by the applicant and may require additional information. Within fourteen (14) working 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:

- i. Failing to provide all of the information required by the City;
- ii. The applicant's past record of ordinance violations;
- iii. 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
- iv. Providing false, misleading, or inaccurate information to the City.

Permits are not transferable.

Mobile Food Vendor permits will be valid from the date of issuance to the expiration date listed on each permit. Permits may be renewed for a set time period and fees will be assessed in accordance with the City Fee Schedule.

MOBILE FOOD PERMIT DENIAL

If a Mobile Food Vendor permit is denied, the applicant may appeal the decision to the City Manager or the City Manager's designee.

The applicant must provide information demonstrating that strict adherence to the regulations of the ordinance is not applicable to the specific situation. The applicant must show that the proposed activity meets the intent of the

ordinance.

The decision of the City Manager or City Manager's designee may be appealed to the City Council.

PERMIT REVOCATION AND APPEAL

The City Manager or the City Manager's designee may revoke a permit issued under the ordinance by a Mobile Food Vendor if the permit holder or permit holder's employee:

- i. Commits critical or repeated violations of applicable law; or
- ii. Knowingly provides false information on an application; or
- iii. Interferes with the Health Authority in the performance of the Health Authority's duties; or
- iv. If a permitted establishment under this article changes ownership and there are violations that must be corrected to meet applicable standards

Before revoking a permit, the City shall provide the permit holder or person in charge with written notice of the pending permit revocation. The written notice shall include:

- i. The reason(s) the permit is subject to revocation; and
- ii. If applicable,
 - a. The date on which the permit is scheduled to be revoked; and
 - b. A statement that the permit will be revoked on the scheduled date unless the permit holder files a written request for a meeting with the City no later than the tenth (10th) day after the date the notice is served.

The applicant may appeal the revocation of a permit by submitting a written request for appeal along with any evidence supporting the appeal to the Board of Appeals within ten (10) days of receiving the notice of revocation. The Board of Appeals will make a decision within a reasonable time of receipt of the appeal, but no later than thirty (30) days after the receipt. The Board of Appeals' decision shall be final.

INSPECTIONS

The City may inspect a Mobile Food Vendor during regular business hours and at other reasonable times to determine compliance with the City's ordinance.

After conducting an inspection, the City shall inform the Mobile Food Vendor of the findings.

If a violation is found, the City shall:

- i. Close the Unit; or
- ii. Prescribe a reasonable time period for correction of violations. Re-inspection at prescribed time intervals will be conducted to determine whether required corrections have been made.

PENALTY

A violation of the ordinance is considered a violation pertaining to fire safety, zoning, public health and/or sanitation and is punishable by a fine not to exceed two thousand dollars (\$2,000.00) in accordance with City Code.

I hereby understand and agree to abide by the above rules and regulations.

Applicant signature: _____

Date: _____

CONSENT DOCUMENT

City of Rockdale, Texas

In connection with my application for a Mobile Food Vendor Permit with the City of Rockdale, I understand that an investigative report may be requested or made on myself, and same is hereby authorized, including criminal record, driving record and social security number verification. Further, I understand that you may be requesting information from various Federal, State, local and other agencies regarding my past activities. By executing this Consent Document, I hereby authorize without reservation, any party or agency contacted by the City of Rockdale to furnish the information referenced above or requested below.

Applicant's Legal Name (first, middle, last): _____

List any other names used: _____

Current Home Address: _____

City: _____ State: _____ Zip: _____

Date of Birth: _____ Social Security Number (last 4): xxx - xx - _____

Driver's License/State ID Number: _____ Issuing State: _____

Name as it appears on Driver's License/State ID: _____

List All Residential Addresses in the Last 7 Years

Address: _____ From: _____ To: _____

City/State/Zip: _____

Address: _____ From: _____ To: _____

City/State/Zip: _____

Address: _____ From: _____ To: _____

City/State/Zip: _____

I authorize the release of such information as may be necessary to verify the information I have provided. I release and hold harmless from all liability any individual or entity requesting or supplying information with respect to my application for a Mobile Food Vendor Permit.

Applicant Signature: _____ Date: _____

CERTIFICATE OF AUTHORITY TO REPRESENT COMPANY

ORGANIZATION/COMPANY

Organization/Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Local Phone: _____

I hereby certify that should the City of Rockdale approve a Mobile Food Vendor application for a below listed person, that person is authorized to represent:

_____ [name of Company]

and the below listed person(s) is/are an employee and/or agent of the company.

Printed name (last, first): _____

Printed name (last, first): _____

Printed name (last, first): _____

Printed name (last, first): _____

Printed name (last, first): _____

Printed name (last, first): _____

Printed name (last, first): _____

Printed name (last, first): _____

Printed name (last, first): _____

Printed name (last, first): _____

(This certificate must be signed by a President, Vice-President, General Manager, Sales Manager, Assistant Sales Manager or District Sales Manager of the company)

Printed Name (last, first)

Date

Signature

**AGREEMENT TO GRANT PERMISSION FOR USE OF PRIVATE PROPERTY
AND
ACKNOWLEDGEMENT OF ACCEPTANCE OF PERSONAL LIABILITY FOR
VENDING ACTIVITIES**

I, _____[name], am the owner of property located at _____[address], Rockdale, Texas (Property Owner).

As Property Owner, I understand that Vendor has applied to the City for a Permit to conduct these activities, and that my written permission is required for the City to issue the necessary permit, as per City Ordinance, Chapter 14, Subsection 14.02.051(q).

I have granted permission for _____
[name of Permit applicant] (Vendor) to conduct vending activities on my property on the following dates, and during the following hours:

Date:_____ Time:_____

Date: _____ Time:_____

Date:_____ Time:_____

Further, I agree and acknowledge that I, as Property Owner, shall be **jointly and severally responsible and liable**, along with the Vendor(s), for full compliance with all requirements of the City's Ordinance concerning Vending from Private Property, and, further, that **I shall be subject to penalty, and fines for violations**, as noted in the Ordinance, for any violation by Vendor(s) of the City's Ordinance or Permit.

Printed Name of Property Owner

Date

Signature

**RESTROOM FACILITY AGREEMENT
TO GRANT PERMISSION FOR USE OF PRIVATE PROPERTY**

I, _____[name], am the owner of property located at _____[address], Rockdale, Texas (Property Owner).

As Property Owner, I understand that Vendor has applied to the City for a Permit to conduct vending activities, and that my written permission is required for the City to issue the necessary permit, as per City Ordinance, Chapter 14, Subsection 14.02.051(q).

I have agreed to allow _____ [name of Permit applicant] (Vendor) the use of my permanent business restroom facilities for the Mobile Food Vendor employees located in a business establishment within one-hundred fifty (150) feet of the operation of the Mobile Food Vending Unit.

Further, I agree and acknowledge that I, as Property Owner, shall be **jointly and severally responsible and liable**, along with the Vendor(s), for full compliance with all requirements of the City's Ordinance concerning Vending from Private Property, and, further, that **I shall be subject to penalty, and fines for violations**, as noted in the Ordinance, for any violation by Vendor(s) of the City's Ordinance or Permit.

Printed Name of Property Owner

Date

Signature