



201 S. MAIN ST.  
BRAZORIA, TEXAS 77422

Ph: (979) 798-2489  
Fax: (979) 798-2018

APPLICATION FOR FOOD TRUCK

DATE: \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_, DRIVER'S LICENSE NUMBER: \_\_\_\_\_

PHYSICAL ADDRESS: \_\_\_\_\_, CONTACT NUMBER: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

LEGAL NAME OF BUSINESS OR ENTITY: \_\_\_\_\_

BUSINESS NUMBER: \_\_\_\_\_

LOCATION ADDRESS: \_\_\_\_\_

STATE OF INCORPORATION: \_\_\_\_\_

SALES TAX NUMBER: \_\_\_\_\_

DESCRIPTION OF PRODUCT BEING SOLD: \_\_\_\_\_

SIZE OF GREASE TRAP: \_\_\_\_\_

FOOD TRUCK DESCRIPTION: \_\_\_\_\_

FOOD TRUCK IDENTIFICATION NUMBER: \_\_\_\_\_

NAME, CONTACT NUMBER, ADDRESS, DRIVER'S LICENSE NUMBER AND VEHICLE DESCRIPTION OF EACH EMPLOYEE:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

INSPECTION DATE: \_\_\_\_\_

CITY OF BRAZORIA: \_\_\_\_\_, FIRE MARSHALL: \_\_\_\_\_, BRAZORIA CO HEALTH DEPT: \_\_\_\_\_

APPLICANT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

## Inspections

City of Brazoria  
979-798-2489

Fire Marshall Devin Lemon  
979-482-4617  
[sweenyfm@windstream.net](mailto:sweenyfm@windstream.net)

Brazoria County Health Department  
979-864-1484

**FOOD TRUCK  
DOCUMENTS TO BE ATTACHED TO APPLICATION**

1. COPY OF RENTAL AGREEMENT CONTRACT, LEASE OR POWER OF ATTORNEY FROM THE OWNER OF THE PROPERTY
2. COPY OF VALID SALES TAX PERMIT ISSUED BY THE COMPTROLLER OF PUBLIC ACCOUNTS, PROVIDING FOR PAYMENT OF SALES TAXES TO THE CITY OF BRAZORIA
3. COPY OF MENU OF PRODUCTS BEING SOLD
4. COPY OF ALL FOOD HANDLING LICENSES AND PERMITS WHICH MAY BE REQUIRED BY THE TEXAS DEPARTMENT OF HEALTH, BRAZORIA COUNTY DEPARTMENT OF HEALTH AND FEDERAL FOOD AND DRUG ADMINISTRATION SHOWING STRICT COMPLIANCE WITH ALL RULES, REGULATIONS AND LAWS REQUIRING PROPER AND SANITARY HANDLING OF FOOD PRODUCTS
5. PHOTO COPY OF EACH EMPLOYEE'S DRIVER'S LICENSE
6. COPY OF FOOD TRUCK IDENTIFICATION NUMBER
7. COPY OF STATE OF INCORPORATION
8. SITE PLAN WHERE THE FOOD TRUCK UNIT WILL BE LOCATED ON THE PROPERTY

#### Sec. 8-189. Applications.

The application for a permit shall contain all of the following information on each Applicant (which includes any employee or other agent who will conduct or assist in any vending and solicitation activities: (a) Names, current and former residence and business addresses, current residence and business telephone numbers and occupation; (b) Social Security number and date and place of birth; (c) Complete physical description of the Applicant, i.e., sex, race, ethnic origin, height, weight, color of hair and eyes, and any identifying characteristics (tattoos, scars); (d) Two (2) recent full-face passport photographs 2"X2" (one photo shall be kept with the application and the other attached to the permit); (e) a valid state driver's license including number and date of expiration (only non-drivers may submit other positive identifications such as a passport or birth certificate): (f) a complete description of the goods or services to be sold or a complete disclosure of the object of the solicitation, its purposes and sponsors; (g) Name and address of the owner of the property at the location from which the goods or services will be displayed or offered to the public or a statement that the Applicant will travel from door to door for the purpose of offering goods or services or otherwise engaging in solicitation activities; (h) If the goods or services to be sold are to be transported in, or displayed from a vehicle, the vehicle owner's name, address, telephone number, liability insurer and insurance policy number, and year, make, model, color. Vin identification number and vehicle license plate number: (i) Statement under oath, sworn or affirmed and subject to the penalty of perjury, that the Applicant has not been convicted within the last five (5) years of any of the following crimes-sale or possession of narcotics or other dangerous drugs, rape, robbery, murder, burglary, fraud, theft, forgery, child molestation or any other crime involving moral turpitude; and (j) A signed waiver and agreement to provide such other information as may be required in order for the Brazoria Police Department to conduct a background investigation as in the fitness of the Applicant to engage in honest, safe, healthy and clean vending and solicitation activities in the City of Brazoria.

#### Sec. 8-190 Documents to be attached to application.

An Applicant shall attach the following documents to his application: (a) Rental agreement, contract, lease or power of attorney from the owner of the property and the Applicant intends to use, granting the Applicant the right to use the property to sell specified goods or services; (b) Valid sales tax permit issued by the Comptroller of Public Accounts, providing for payment of sales taxes to the City of Brazoria; (c) If food products are sold, a copy of all food handling licenses and permits which may be required by the Texas Department of Health, Brazoria County Department of Health and Federal Food & Drug Administration showing strict compliance with all rules, regulations and laws requiring proper and sanitary handling of food products.

#### Sec. 8-191. Permit fees and duration.

An applicant for a permit under this article shall have the option to pay: (a) a daily permit fee of ten dollars (\$10.00) per solicitor or vendor; or (b) a monthly permit fee of one hundred dollars

(\$100.00) per solicitor or vendor. All permits issued under this article shall remain in force for the time issued unless sooner revoked or suspended, and shall be posted in a conspicuous place in the vehicle or stand of the solicitor or be carried on the person of the solicitor or vendor at all times when engaged in the activity for which the permit was issued. If the City Manager finds that the application complies with this ordinance, the applicant shall be issued a permit, based upon the proposed activities set forth in the application. In the case of a solicitation permit, the City may also require each solicitor to prominently display an identification badge on his or her person while engaging in solicitation activities.

#### Sec. 8-192. Bonds.

As a prerequisite to obtaining a permit, each solicitor and vendor (and each of their agents, servants and employees who shall engage in solicitation and vending activities within the City of Brazoria) shall furnish a good and sufficient Surety Bond, executed by the solicitor or vendor as principal and a corporate surety (authorized to transact such business in Texas and who has appointed a registered agent for service of process with a permanent address in Brazoria, County, Texas) in an amount of five thousand dollars (\$5,000.00). Upon any breach of the Principal's obligation on the surety bond the principal and /or surety shall be liable to the City and /or any person aggrieved, for damages, costs of court and attorneys fees caused by any act or omission of the solicitor or vendor (or their agents, servants or employees) for breach of contract, fraud, deceptive trade practices, negligence, product liability or any other cause of actions. Each Surety Bond shall be approved in writing by the City Attorney and it shall be in a form approved by the City Attorney. The obligation of the corporate surety shall continue for a period of at least two (2) years from the date of the vending or solicitation activities and for such longer period of time as may be necessary to conclude any litigation still pending at the end of the two year period.

#### Section 8-193. Prohibited Activities.

The following restrictions shall apply to all persons engaged in solicitation activities or vending activities within the city;

- (a) Solicitors shall conduct solicitation activities only between the hours of 9:00 a.m. and 8:00p.m.;
- (b) Solicitors shall not conduct solicitation activities at any residence or business which has posted a notice that solicitor are not welcome, not invited, are prohibited or are restricted by similar prohibitory notices.
- (c) No stand, vehicle or other facility used by a vendor or a solicitor shall impede access to the entrance or driveway of any residence, building, or public facility nor shall it occupy any part of a public right-of-way or sidewalk. All stands or other facilities used by either a vendor or a solicitor must be removed from public property during nonoperating hours.
- (d) No vendor or solicitor shall conduct business within fifteen (15) feet of any handicapped parking space or access ramp or within one hundred (100) feet of a fire hydrant, fire escape, bus stop, loading zone, or driveway of a fire station, police station or medical facility.

## ORDINANCE NO 18-008

**AN ORDINANCE FOR THE CITY OF BRAZORIA, TEXAS PROVIDING FOR A UNIFORM PERMIT PROCEDURE FOR DOOR-TO-DOOR SOLICITATION AND /OR THE SALE OF GOODS OR SERVICES BY ITINERANT VENDORS, OR PEDDLERS; PROVIDING FOR PROCEDURES FOR THE SALE OF FOOD FROM FOOD TRUCK VENDORS; AND PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH; AND PROVIDING AND EFFECTIVE DATE.**

**WHEREAS**, the City of Brazoria, Texas is a Type A General Law Municipality as defined in the Texas Local Government Code; and,

**WHEREAS**, A Type A General Law Municipality is authorized pursuant to Section 51.012 of the Texas Local Government Code to adopt any ordinance not inconsistent with state law that is necessary for the government, interest, welfare or good order of the municipality as a body politic; and

**WHEREAS**, the City Council of the City of Brazoria has determined that it is necessary for the government, interest, welfare and good order of the municipality to provide a procedure for issuing permits for persons desiring to either solicit or sell goods or service door-to-door or as a temporary or itinerant vendor within the corporate limits of the city, including vendor's selling food from food trucks, and that this ordinance is necessary in order to protect and preserve the property, safety and lives of the citizens for the City of Brazoria.

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRAZORIA, TEXAS:**

### **SECTION 1:**

ARTICLE VII, Sections 8-186, of the Code of Ordinances of the City of Brazoria, Texas [entitled "PEDDLERS, SOLICITORS, AND ITINERANT VENDORS"] shall be, and is hereby REPEALED IN ITS ENTIRETY and the Code of Ordinances of the City of Brazoria, Texas shall be, and is hereby, amended by replacing this Article a new Article VII, Sections 8-186, and following as specified herein, which shall read as follows:

### **ARTICLE VII. PEDDLERS, SOLICITORS, AND ITINERANT VENDORS**

#### **Sec. 8-186 Definitions.**

The following words or terms shall have the meaning ascribed to them in this section:

- (a) "Public way" means all areas legally open to public use, including public streets, right-of-way, sidewalks, roadways, highways, parkways, alleys, parks, and the interior and areas surrounding building open to the public.

- (b) "Solicitor" means any person who goes door to door, business to business, or along any streets within the city for the purpose of either: (1) Selling, renting or leasing any goods or services; or (2) Requesting contribution or pledges of any type for political, charitable, religious or other similar purposes.
- (c) "Solicitation activities" means the practice of solicitors described in the preceding paragraph.
- (d) "Special event" means any occasion including, but not limited to exhibitions, city-wide celebrations, festivals, or similar events to be held in a defined area for a period not to exceed five (5) consecutive days.
- (e) "Stand" means any table, bench, booth, rack, cart, or any other than a vehicle, which is used to sell, rent or lease goods or services.
- (f) "Vehicle" means anything mobile used for the displaying, storing, or transporting of goods or service. This term includes, but is not limited to trailers, trucks and automobiles.
- (g) "Vendors" means any individual, separately including each agent, servant or employee or any corporation or other legal entity, who sells or offers to sell goods or services on any public way from a vehicle or stand.
- (h) "Vending activities" shall mean the practices of a vendor as described in the preceding paragraph.

Sec. 8-187. Permit required for solicitors and vendors.

It shall be unlawful for any person to engage in either solicitation activities or vending activities within the City of Brazoria, Texas without first obtaining a permit from the city for the activity in question.

Sec. 8-188. Exemptions.

The following persons shall be excluded from the requirements of this article:

- (a) Any persons under the age of eighteen (18) unless such person is acting as an agent or representative of an adult who is or would be required to obtain a vendor's or a solicitor's permit if engaged in the same activities as the minor in question.
- (b) Newspaper carriers engaged in home delivery by subscription.
- (c) Persons selling agricultural products grown by them or members of their immediate family.
- (d) Local charitable or non-profit organizations, religious organization and schools, provided, however, that at least seventy-two (72) hours advance written notice of the time, date, place and type of proposed vending or solicitation activity be provided to the City Manager.
- (e) A vendor or solicitor engaging in a special event in the city but only for such time as the event is being held.

- (e) All trash or debris accumulating within twenty (20) feet of a stand or vehicle shall be promptly collected by the vendor or solicitor and deposited in trash containers. All vendors selling food products or beverages shall provide two (2) trash receptacles adjacent to the stand or vehicle.
- (f) A vending or solicitation permit shall be valid only for the location specified in the permit; no other locations shall be used for such activities.
- (g) Vending and solicitation activities shall not be conducted within three hundred (300) feet of any school between the hours of 8:00a.m. and 4:00p.m. on school days.
- (h) No vendor or solicitor may use any sound device which produces a loud and raucous noise, or use any loudspeaker, public address system, radio, sound amplifiers, or similar device to attract public attention.
- (i) No vendor or solicitor operation from a vehicle or otherwise using vehicle in their activities shall stop, stand, or park the vehicle within one hundred (100) feet of any intersection nor shall they conduct activities in such a way as would increase traffic congestion or delay, constitute a hazard to life or property, interfere with an abutting property owner, or obstruct access to emergency vehicles.
- (j) No vendor shall engage in the sale of food or beverages until all proper licenses and permits have been secured from health department authorities. Equipment used by the vendor shall be subject to State and Federal inspections at all times, including at the time of the application and at periodic intervals thereafter.

**Sec. 8-194. Suspension or revocation of permit.**

- (a) Any permit issued under this article may be suspended or revoked for any of the following reasons: (1) Fraud or misrepresentation in the application for the permit; (2) Fraud or misrepresentation in the course of conducting the solicitation or vending activities allowed by the permit; (3) Conducting the business of vending or soliciting in a manner which is prohibited under this ordinance; (4) Conducting the business of vending or soliciting in such a manner as to create a public nuisance or constitute a danger to the public health, safety, or welfare; (5) Arrest or indictment for any felony or misdemeanor crime involving moral turpitude while holding a solicitation or vending permit from the city; or (6) Cancellation of health department authorization for food or beverage vending due to uncorrected health or sanitation violations.
- (b) Upon suspension or revocation, the City Manager shall deliver written notice to the permit holder stating the action taken and the reason supporting such action. The written notice shall be delivered to the permit holder's place of business or mailed to the permit holder's last known address.

**Sec. 8-195. Appeals.**

Persons who are denied permits or whose permits have been suspended or revoked may appeal by filing a written notice of appeal with the City. The appeal must be filed within ten (10) days after receipt of the notice of denial, suspension or revocation, which receipt shall be deemed to have occurred no later than fifteen (15) days after mailing the notice properly



addressed to the person in question as provided in subsection 8-194(b). The City Council shall hear and determine the appeal and the decision of the council shall be final.

#### Sec. 8-196. Renewals.

Permits may be renewed, provided an application for renewal and permit fees are paid to the city before the first day of each month. Applications received after that date shall be process as new applications. The city shall review each application for renewal to determine that the applicant is in full compliance with the provisions of this article. If the city finds that the application meets such requirements, the city shall issue a new permit.

#### Sec. 8-197. Penalty.

It shall be unlawful for any person; (a) to engage in vending or solicitation activities in the City of Brazoria without first obtaining a permit; or (b) to conduct solicitation or vending activities in violation of Section 8-194 or this ordinance. A violation of this ordinance shall be a misdemeanor, punishable by a monetary fine not to exceed five hundred dollars (\$500.00). Each day that a person engages in vending activities or solicitation activities without a permit shall constitute a separate offence.

#### Sec. 8-198. Mobile Food Vendors

(A) PROVISIONS FOR PERMANENT LOCATIONS. Except as provided herein for the temporary permitting of mobile food vendors at festivals and special events, no mobile food vendors shall be permitted in the City of Brazoria, except in compliance with the following provisions for establishing a permanent location:

1. The mobile food vendor, being either a mobile food truck or trailer, shall be connected to the City of Brazoria water and sewer system in a manner that complies with the current codes of the City of Brazoria.
2. If the mobile food vendor is using butane or propane and is not connected to the natural gas system of the City of Brazoria, the tank must be secured in place in a manner that complies with the current codes of the City of Brazoria.
3. The mobile food truck or vendor shall be skirted and tied down in accordance with the current codes of the City of Brazoria.
4. The mobile food vendor shall have a drive way/parking area with a minimum of compacted gravel, limestone or crushed concrete in accordance with the current codes of the City of Brazoria.

meeting the requirements for mobile vendors shall be processed within ten (10) business days.

3. *Permit form.* A complete application shall require the following information from the applicant to be considered:
  - a. Name of applicant.
  - b. Legal name of business or entity.
  - c. State of incorporation or filing of a partnership or articles of association.
  - d. If applicable, copy of charter or articles of incorporation and current listing of the directors, partners, or principles.
  - e. Sales tax number with a copy of sales tax permit.
  - f. Signed permission form or provide notarized affidavit from the private property owner granting permission for unit placement.
  - g. Name, phone number and driver's license number of business owner and all employees operating within the mobile food vendor unit.
  - h. Proposed itinerary with route, vending locations and times.
  - i. Contact name and phone number for mobile food vending unit while in route.
  - j. Description of product being sold.
  - k. Site plan where the Mobile food vending unit will be located on the property.
  - l. Vehicle identification number and description of mobile food vending unit.
  - m. Signed affidavit with photo identification that each individual applicant:
    - a. Has no unpaid civil judgments against him or her in any state of U.S. possession which arise from a business activity which would have been covered by this section if in effect at the time in the jurisdiction where such judgments are of record.

5. The mobile food vendor must have exterior lighting that adequately lights up the area around the food vending location

6. The mobile food vendor must have a seating area for customers approved by the City of Brazoria.

(B) DEFINITIONS

*Edible* goods may include, but are not limited to:

1. Prepackaged food including, but not limited to candy, beverages, chips, popsicles and ice cream.
2. Prepared food including, but not limited to hot dogs, desserts, sandwiches and pizza.
3. On-site prepared food including, but not limited to shaved ice, sandwiches and tacos.

*Mobile food vendors* shall mean any business which sells edible goods from a location which satisfies the requirements of paragraph (A) above or at a nonstationary location within the city in accordance with the temporary permitting procedures stated herein. The terms shall include, but not be limited to:

1. Mobile food trucks: a self-contained motorized unit selling items defined as edible goods.
2. Concession trailers: a vending unit which is pulled by a motorized unit and has no power to move on its own.

*Non-refrigerated* shall mean edible goods that are not required to be kept at a temperature below 41 degrees Fahrenheit according to the Federal Food and Drug Administration and the Texas Food Establishment Rules.

(C) PERMIT AND APPLICATION FOR TEMPORARY MOBILE FOOD VENDOR

1. *Permit.* Every mobile food vendor desiring to located a mobile food truck at a special event or festival for a period not to exceed seven (7) days, shall have a permit issued by the city to conduct business in the city.
2. *Application.* Every mobile food vendor shall apply for a permit on a form promulgated by the city. Each vending unit requires a separate permit. Applications for permits

(F) PERMIT REVOCATION OR SUSPENSION

1. A permit may be revoked upon conviction of any offense committed by an individual operating as a mobile food vendor in the city while engaged in the permitted business, or if a final conviction occurs or is found to have existed at the time of application, or if civil judgments, as set forth above, are placed or found of record against an applicant. A permit may be suspended in the event of pending charges of a crime, as set forth above, upon a magistrate's determination of probable cause in connection with such charges.
2. A permit may be revoked for non-conformity to the application location specifications or requirements as well as to non-conformity to an approved location plan or diagram
3. Any employee working for an applicant permitted as an employer under this section above may be denied the right to solicit under such permit, or such rights may be suspended or terminated, under the same circumstances and procedures which apply to the holder of the permit. Revocation or suspension of an employer's permit terminates all employee permits.
4. A permit may be suspended or revoked for not complying with the requirements of this section, or any other ordinances, or laws.

(G) APPEAL OF PERMIT REVOCATION, SUSPENSION, OR DENIAL

1. The notice of revocation, suspension, or denial of a permit shall include the procedure for appealing the suspension, revocation, or denial.
2. If a city official revokes, suspends, or denies a mobile food vendor permit, the holder or applicant of the permit which has been revoked, suspended, or denied, shall have the right of appeal to the city manager, or designee by submitting an appeal in writing to the city manager within ten business days of the revocation, suspension, or denial.
3. Pending action on the appeal, a permit which has been revoked or suspended shall be considered revoked or suspended.
4. If a written appeal is not submitted within the ten business days of revocation, suspension, or denial, or if the appeal is denied, the permit shall hence be considered revoked, suspended or denied.

(H) REAPPLICATION AFTER REVOCATION, SUSPENSION, OR DENIAL OF PERMIT

- b. A statement of all convictions in any state, the United States, or U.S. possession within the last ten years.

(D) PERMIT FEE

1. The application fee for a mobile food vendor permit shall be \$50.00. Each mobile food vendor unit shall be permitted separately.
2. Mobile food vendor permits shall be valid for five (5) days from the date of permit issuance or its effective date.
3. The application fee for a permanent location mobile food vendor shall be \$100.00 and shall be per year.

(E) PERMIT DENIAL

*A permit may be denied where:*

1. An applicant is found to have an unpaid civil judgment(s) against him which relates to the duties and responsibilities of the permitted occupation which shall be determined by the nature and amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments; or
2. An applicant has been convicted of a crime which directly relates to the duties and responsibilities of the licensed occupation which shall be determined by the nature and seriousness of the crime, the relationship of the crime to the purpose of the permit and the extent that the permit would allow someone to engage in further criminal activity; or
3. The required information is incomplete or incorrect or shows that a person is not otherwise entitled to conduct business as a mobile food vendor.
4. The opportunity to issue a permit has been denied due to previous violations as described in this section.

*Display of Permit.* Every permit, including those from the city, shall be displayed at all times in a conspicuous place where it can be read by the general public on the mobile food vendor's truck or concession trailer.

(I) MOBILE FOOD VENDOR REQUIREMENTS.

1. Each unit shall be equipped with a portable trash receptacle, and shall be responsible for proper disposal of solid waste and waste water in the sanitation facility legally accessed by the food service establishment. All disturbed areas must be cleaned following each stop to a minimum 20 feet of the sales location.
2. Mobile food vendor may be allowed to have multiple locations within a day but not exceeding eight hours of operations per location. A list of the locations must be submitted to and approved by the City.
3. Continuous music or repetitive sounds shall not project from the mobile unit.
4. A five-foot clear space can be maintained around the mobile food vending unit.
5. The mobile unit will be subject to inspection upon permit application through the code enforcement, health department and the fire marshal, and may be subject to random inspection and upon reissuance of the permit.
6. An approved portable type ABC fire extinguisher tagged by a licensed company shall be kept accessible as directed by the city fire marshal or designee. A portable type K fire extinguisher is also required in the kitchen for cooking operations
7. A kitchen fire suppression system and kitchen ventilation systems is required to be NFPA 17A and NFPA 96 compliant and shall be required when the cooking process produces grease laden particles within the mobile unit. Said systems shall require testing in the presence of a city fire marshal or designee.
8. All cooking appliances shall be UL approved appliances.
9. If cooking and using propane, a gas pressure test must be performed by a licensed plumber.

(J) Offenses and regulations.

1. It shall be unlawful for any individual as the agent or employee of another regulated under this section to sell edible goods in the city unless its principal or employer has received a permit under this section.
2. A permit issued under this section is not transferable.

1. If a mobile food vendor or applicant is not in compliance with this section or any other ordinance, law or the approved vendor application, the following action will be taken:
  - a. *1st violation.* A warning may be issued, or the permit may be revoked or suspended and the vendor may become ineligible for a new or reissued permit for 90 consecutive days.
  - b. *2nd violation.* Permit will be revoked and the vendor may become ineligible for a new or reissued permit for 90 consecutive days.
  - c. *3rd violation.* Permit will be revoked and the vendor will become ineligible for new or reissued permit for one year.
  - d. If an applicant's permit has been denied and the appeal is denied the applicant may not reapply for 90 consecutive days.
  
2. Location regulations.
  - a. No mobile food vendor shall be located on any private property without written permission to do so and must comply if asked to leave by the property owner or city official. A copy of the written permission to operate in a specific location signed by the private property owner, shall be kept within the mobile vending unit at all times.
  - b. No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill.
  - c. No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill upon any premises if requested by the property owner or city not to do so, or if there is placed near or at the entrance thereof a sign bearing the words "no advertisement".
  - d. No person shall sell or offer for sale any item upon any premises if requested by the property owner or city official not to do so, or if there is placed at or near the entrance thereof a sign bearing the words "no peddlers or vendors," "no trespassing," or "no solicitors."

3. It shall be unlawful for an individual to sell edible goods while displaying a valid permit issued by the city in the name of another individual, organization, or entity.
4. It shall be unlawful for any individual directly or through an agent or employee to sell goods within the corporate limits of the city after the expiration of the permit issued by the city under this section.
5. It shall be unlawful for an individual directly or through an agent or employee to misrepresent on the permit affidavit any acts that are regulated under this section.
6. It shall be unlawful for any individual directly or through his agents or employees to represent that the issuance of a permit by the city constitutes the city's endorsement or approval of the product for sale.
7. It shall be unlawful to operate a mobile food vendor operation that is not in compliance with the Texas Food Establishment Rules as amended from time to time.

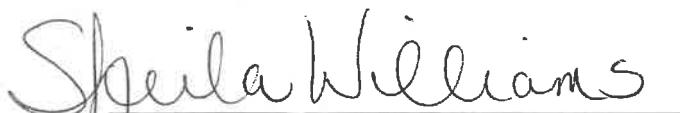
**Section 2:**

Any other rules, ordinances, policy regulations, resolutions, and/or policies of the City of Brazoria, whether written, or otherwise, which are in any manner inconsistent with this ordinance, shall be , and hereby, repealed to the extent of such inconsistency.

**Section 3:**

This ordinance shall be effective and applicable effective immediately from and after the date of its passage and approval by the City Council of the City of Brazoria, and the publication of its caption in accordance with the law.

**PASSED AND APPROVED** this the 14 day of August, 2018.

  
\_\_\_\_\_  
Sheila Williams, City Secretary

  
\_\_\_\_\_  
Roger Shugart, Mayor  
City of Brazoria



**Sec. 4.05.013 Mobile food vendors**

(a) Provisions for permanent locations. Except as provided herein for the temporary permitting of mobile food vendors at festivals and special events, no mobile food vendors shall be permitted in the city, except in compliance with the following provisions for establishing a permanent location:

- (1) The mobile food vendor, being either a mobile food truck or trailer, shall be connected to the city water and sewer system in a manner that complies with the current codes of the city.
- (2) If the mobile food vendor is using butane or propane and is not connected to the natural gas system of the city, the tank must be secured in place in a manner that complies with the current codes of the city.
- (3) The mobile food truck or vendor shall be skirted and tied down in accordance with the current codes of the city.
- (4) The mobile food vendor shall have a driveway/parking area with a minimum of compacted gravel, limestone or crushed concrete in accordance with the current codes of the city.
- (5) The mobile food vendor must have exterior lighting that adequately lights up the area around the food vending location.
- (6) The mobile food vendor must have a seating area for customers approved by the city.

(b) Definitions.

Edible goods. May include, but are not limited to:

- (1) Prepackaged food including, but not limited to candy, beverages, chips, popsicles and ice cream.
- (2) Prepared food including, but not limited to hot dogs, desserts, sandwiches and pizza.
- (3) On-site prepared food including, but not limited to shaved ice, sandwiches and tacos.

Mobile food vendors. Any business which sells edible goods from a location which satisfies the requirements of subsection (a) above or at a nonstationary location within the city in accordance with the temporary permitting procedures stated herein. The terms shall include, but not be limited to:

- (1) Concession trailers. A vending unit which is pulled by a motorized unit and has no power to move on its own.
- (2) Mobile food trucks. A self-contained motorized unit selling items defined as edible goods.

Nonrefrigerated. Edible goods that are not required to be kept at a temperature below 41 degrees Fahrenheit according to the Federal Food and Drug Administration and the Texas Food Establishment Rules.

(c) Permit and application for temporary mobile food vendor.

- (1) Permit. Every mobile food vendor desiring to locate a mobile food truck at a special event or festival for a period not to exceed seven (7) days, shall have a permit issued by the city to conduct business in the city.
- (2) Application. Every mobile food vendor shall apply for a permit on a form promulgated by the city. Each vending unit requires a separate permit. Applications for permits meeting the requirements for

mobile vendors shall be processed within ten (10) business days.

(3) Permit form. A complete application shall require the following information from the applicant to be considered:

- (A) Name of applicant.
  - (B) Legal name of business or entity.
  - (C) State of incorporation or filing of a partnership or articles of association.
  - (D) If applicable, copy of charter or articles of incorporation and current listing of the directors, partners, or principles.
  - (E) Sales tax number with a copy of sales tax permit.
  - (F) Signed permission form or provide notarized affidavit from the private property owner granting permission for unit placement.
  - (G) Name, phone number and driver's license number of business owner and all employees operating within the mobile food vendor unit.
  - (H) Proposed itinerary with route, vending locations and times.
  - (I) Contact name and phone number for mobile food vending unit while in route.
  - (J) Description of product being sold.
  - (K) Site plan where the mobile food vending unit will be located on the property.
  - (L) Vehicle identification number and description of mobile food vending unit.
  - (M) Signed affidavit with photo identification that each individual applicant:
    - (i) Has no unpaid civil judgments against him or her in any state of U.S. possession which arise from a business activity which would have been covered by this section if in effect at the time in the jurisdiction where such judgments are of record.
    - (ii) A statement of all convictions in any state, the United States, or U.S. possession within the last ten years.
- (d) Permit fee.
- (1) The application fee for a mobile food vendor permit shall be \$50.00. Each mobile food vendor unit shall be permitted separately.
  - (2) Mobile food vendor permits shall be valid for five (5) days from the date of permit issuance or its effective date.
  - (3) The application fee for a permanent location mobile food vendor shall be \$100.00 and shall be per year.
- (e) Permit denial.

(2) If a city official revokes, suspends, or denies a mobile food vendor permit, the holder or applicant of the permit which has been revoked, suspended, or denied, shall have the right of appeal to the city manager, or designee by submitting an appeal in writing to the city manager within ten business days of the revocation, suspension, or denial.

(3) Pending action on the appeal, a permit which has been revoked or suspended shall be considered revoked or suspended.

(4) If a written appeal is not submitted within the ten business days of revocation, suspension, or denial, or if the appeal is denied, the permit shall hence be considered revoked, suspended or denied.

(i) Reapplication after revocation, suspension, or denial of permit.

(1) If a mobile food vendor or applicant is not in compliance with this section or any other ordinance, law or the approved vendor application, the following action will be taken:

(A) 1st violation. A warning may be issued, or the permit may be revoked or suspended and the vendor may become ineligible for a new or reissued permit for 90 consecutive days.

(B) 2nd violation. Permit will be revoked and the vendor may become ineligible for a new or reissued permit for 90 consecutive days.

(C) 3rd violation. Permit will be revoked and the vendor will become ineligible for new or reissued permit for one year.

(D) If an applicant's permit has been denied and the appeal is denied the applicant may not reapply for 90 consecutive days.

(2) Location regulations.

(A) No mobile food vendor shall be located on any private property without written permission to do so and must comply if asked to leave by the property owner or city official. A copy of the written permission to operate in a specific location signed by the private property owner, shall be kept within the mobile vending unit at all times.

(B) No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill.

(C) No person shall distribute, deposit, place, throw, scatter or cast any commercial handbill upon any premises if requested by the property owner or city not to do so, or if there is placed near or at the entrance thereof a sign bearing the words "no advertisement."

(D) No person shall sell or offer for sale any item upon any premises if requested by the property owner or city official not to do so, or if there is placed at or near the entrance thereof a sign bearing the words "no peddlers or vendors," "no trespassing," or "no solicitors."

(j) Mobile food vendor requirements.

(1) Each unit shall be equipped with a portable trash receptacle, and shall be responsible for proper disposal of solid waste and wastewater in the sanitation facility legally accessed by the food service

(1) A permit may be denied where:

(A) An applicant is found to have an unpaid civil judgment(s) against him which relates to the duties and responsibilities of the permitted occupation which shall be determined by the nature and amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments;

(B) An applicant has been convicted of a crime which directly relates to the duties and responsibilities of the licensed occupation which shall be determined by the nature and seriousness of the crime, the relationship of the crime to the purpose of the permit and the extent that the permit would allow someone to engage in further criminal activity;

(C) The required information is incomplete or incorrect or shows that a person is not otherwise entitled to conduct business as a mobile food vendor; or

(D) The opportunity to issue a permit has been denied due to previous violations as described in this section.

(f) Display of permit. Every permit, including those from the city, shall be displayed at all times in a conspicuous place where it can be read by the general public on the mobile food vendor's truck or concession trailer.

(g) Permit revocation or suspension.

(1) A permit may be revoked upon conviction of any offense committed by an individual operating as a mobile food vendor in the city while engaged in the permitted business, or if a final conviction occurs or is found to have existed at the time of application, or if civil judgments, as set forth above, are placed or found of record against an applicant. A permit may be suspended in the event of pending charges of a crime, as set forth above, upon a magistrate's determination of probable cause in connection with such charges.

(2) A permit may be revoked for nonconformity to the application location specifications or requirements as well as to nonconformity to an approved location plan or diagram.

(3) Any employee working for an applicant permitted as an employer under this section above may be denied the right to solicit under such permit, or such rights may be suspended or terminated, under the same circumstances and procedures which apply to the holder of the permit. Revocation or suspension of an employer's permit terminates all employee permits.

(4) A permit may be suspended or revoked for not complying with the requirements of this section, or any other ordinances, or laws.

(h) Appeal of permit revocation, suspension, or denial.

(1) The notice of revocation, suspension, or denial of a permit shall include the procedure for appealing the suspension, revocation, or denial.

Texas Food Establishment Rules as amended from time-to-time.

(Ordinance 18-008 adopted 8/14/18)

establishment. All disturbed areas must be cleaned following each stop to a minimum 20 feet of the sales location.

- (2) Mobile food vendor may be allowed to have multiple locations within a day but not exceeding eight hours of operations per location. A list of the locations must be submitted to and approved by the city.
- (3) Continuous music or repetitive sounds shall not project from the mobile unit.
- (4) A five-foot clear space can be maintained around the mobile food vending unit.
- (5) The mobile unit will be subject to inspection upon permit application through the code enforcement, health department and the fire marshal, and may be subject to random inspection and upon reissuance of the permit.
- (6) An approved portable type ABC fire extinguisher tagged by a licensed company shall be kept accessible as directed by the city fire marshal or designee. A portable type K fire extinguisher is also required in the kitchen for cooking operations.
- (7) A kitchen fire suppression system and kitchen ventilation systems is required to be NFPA 17A and NFPA 96 compliant and shall be required when the cooking process produces grease-laden particles within the mobile unit. Said systems shall require testing in the presence of a city fire marshal or designee.
- (8) All cooking appliances shall be UL approved appliances.
- (9) If cooking and using propane, a gas pressure test must be performed by a licensed plumber.
- (k) Offenses and regulations.
  - (1) It shall be unlawful for any individual as the agent or employee of another regulated under this section to sell edible goods in the city unless its principal or employer has received a permit under this section.
  - (2) A permit issued under this section is not transferable.
  - (3) It shall be unlawful for an individual to sell edible goods while displaying a valid permit issued by the city in the name of another individual, organization, or entity.
  - (4) It shall be unlawful for any individual directly or through an agent or employee to sell goods within the corporate limits of the city after the expiration of the permit issued by the city under this section.
  - (5) It shall be unlawful for an individual directly or through an agent or employee to misrepresent on the permit affidavit any acts that are regulated under this section.
  - (6) It shall be unlawful for any individual directly or through his agents or employees to represent that the issuance of a permit by the city constitutes the city's endorsement or approval of the product for sale.
  - (7) It shall be unlawful to operate a mobile food vendor operation that is not in compliance with the