



# CITY OF BAY CITY

## MOBILE FOOD ESTABLISHMENT PERMIT APPLICATION

DATE: _____	
BUSINESS NAME: _____	
NAME OF APPLICANT: _____	PHONE NUMBER: _____
ADDRESS: _____	SOCIAL SECURITY NUMBER: _____
_____	DATE OF BIRTH: _____
_____	DRIVER LICENSE STATE / NO.: _____

1. DESCRIPTION OF TYPE OF FOOD OR THE SPECIFIC FOODS TO BE VENDED: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. DESCRIPTION OF VEHICLE TO BE USED IN THE MOBILE FOOD VENDING OPERATION:

Owner of Vehicle: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Owner's Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Vehicle Make: \_\_\_\_\_ Model \_\_\_\_\_ Color \_\_\_\_\_ Year \_\_\_\_\_

VIN No. \_\_\_\_\_ License No. \_\_\_\_\_ State \_\_\_\_\_

3. LOCATION(S) WITHIN THE CITY WHERE THE APPLICANT SEEKS APPROVAL TO OPERATE THE MOBILE FOOD ESTABLISHMENT. MUST INCLUDE AN ORIGINAL WRITTEN INSTRUMENT,

EXECUTED BY EACH REAL PROPERTY OWNER, VERIFYING THAT  
THE MOBILE FOOD ESTABLISHMENT IS AUTHORIZED TO  
OPERATE ON THE REAL  
PROPERTY:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE: MOBILE FOOD ESTABLISHMENTS ARE PROHIBITED FROM  
OPERATING ON PUBLIC PROPERTY OR THE PUBLIC RIGHTS OF  
WAY**

Applicant affirms that the information provided herein is true and correct to the best of the applicant's knowledge. Applicant states that should any of the provided information change applicant shall supplement this application no later than ten days after such change. A mobile food establishment may not operate within the corporate limits of Bay City without this permit prominently displayed.

**NOTICE:** This application constitutes a government record for purposes of Texas Penal Code Chapter 37.

Submitted this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

By:\_\_\_\_\_

PrintedName:\_\_\_\_\_

Title/Company:\_\_\_\_\_

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**OFFICIAL USE ONLY:**

**Fee amount paid:** \_\_\_\_\_

**Manner of payment:**       Check       Cash       Money Order

**Additional payment information:** \_\_\_\_\_

**The mobile food establishment permit is:**    APPROVED    DISAPPROVED

**The mobile food establishment approved by this permit is authorized to operate at the locations stated in item (3) above except the following:** \_\_\_\_\_

**Expiration Date:** \_\_\_\_\_

**Issued this** \_\_ day of \_\_\_\_\_, 20\_\_.

**By:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

## SECTION 2. MOBILE FOOD COURTS AND MOBILE FOOD ESTABLISHMENTS

Sec. 26-21. - Definitions.

Sec. 26-22. - Scope

Sec. 26-23. - Permit requirements.

Sec. 26-24. - Operation requirements and restrictions for mobile food establishments.

Secs. 22-25—22-30. - Reserved.

Sec. 26-21. - Definitions.

In this article:

“*Administrator*” means the city employee designated by the Mayor to administer these regulations.

“*Food handling administrator*” means the employee or agency designated by City Council to administer the inspection and licensing of the handling of food by mobile food establishment owners operators or their employees.

“*Ice cream truck*” means a motor vehicle in which ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the City.

“*Mobile food establishment*” means a vehicle mounted food establishment that is readily moveable.

Sec. 26-22. - Scope.

This article shall regulate all mobile food establishments operating within the city’s corporate limits.

Sec. 26-23. - Permit requirements.

- (a) No person shall operate a mobile food establishment who does not possess a valid, current mobile food establishment permit.
- (b) A person seeking a mobile food establishment permit shall make application on a form provided by the Administrator, and shall provide all of the information listed in subsections (1)—(7) as part of the application:
  - (1) The name and address of the owner and/or operator;
  - (2) If the applicant represents a corporation, association or partnership, the names and addresses of the officers or partners;
  - (3) The name under which the food vending operation will be operated;

- (4) A description of the type of food or the specific foods to be vended;
  - (5) A description of the vehicle to be used in the mobile food vending operation along with the license or registration and vehicle identification number of the vehicle;
  - (6) Except Ice cream trucks, the locations within the city where the mobile food establishment will operate; and
  - (7) An original written instrument, executed by each real property owner, verifying that the mobile food establishment is authorized to operate at such location or locations.
- (c) Upon receiving a completed application for a mobile food court permit or mobile food establishment permit, the Administer may make appropriate inspections of the location, food, equipment, vehicle and other reasonable inspections concerned and shall issue a permit only if:
- (1) The application complies with subsection (b), and
  - (2) Any inspection reveals compliance with the applicable requirements of all federal and state statutes and regulations, and city ordinances governing the proposed mobile food establishment operation.
- (d) Mobile food establishment fees shall be shall be \$100.00 per year. Additional fees may be required by the food handling administrator for a food handling license.
- (e) All funds collected for permits under the provisions of this article shall be deposited in the general fund of the city.
- (f) Mobile food establishment permits shall be valid for only one year from the date of issuance unless sooner suspended or revoked.
- (g) No more than four (4) mobile food establishment permits will be issued for locations located adjacent to Texas 35 or Texas 60. Such permits shall be issued on the earliest date of submission of the completed application. When four (4) permits have been issued on either Texas 35 or Texas 60, no more permits shall be issued for locations on the respective highway.
- (h) Mobile food establishment permits shall not be transferred or assigned and shall be considered revoked should the character of the food vending operation be changed from that specified in the permit.
- (i) Every mobile food establishment permit shall be renewed each year in like manner as the original permit application. Existing permit holders who renew their permit at least thirty (30) days prior to the expiration of the existing permit, shall be allowed to maintain their location(s) on Texas 35 and/or Texas 60. However, if said permit holders renew their permit 30 days or less from the expiration of their permit, the permit application shall be treated as a new application and will be subject to the limitation on the number of permits issued on Texas 35 and Texas 60.

- (j) This article shall not apply to sales or exhibits at fairs, rodeos, conventions or events sponsored by one or more city civic organization, school, church or the Chamber of Commerce.

Sec. 26-24. Operation requirements and restrictions for mobile food establishments. Mobile food establishments shall comply with the following requirements:

- (a) Mobile food establishments shall comply with all sanitation and construction regulations as outlined in TAC § 229.169 of the Texas Food Establishment Rules
- (b) The issuing, suspension and revocation of licenses for the handling of food by mobile food establishment owners, operators or their employees shall be regulated by the food handling administrator.
- (c) In order to ensure equal treatment of all mobile food establishment permit holders variances from this ordinance will not be granted.
- (d) Except for Ice cream trucks mobile food establishments are prohibited from operating on public property or public rights-of-way.
- (e) Mobile food establishments, including ice cream trucks, may operate on private property provided:
  - 1. The mobile food establishment permit holder has filed with the City Secretary written permission of the property owner for the operation of the mobile food establishment; and
  - 2. The property is designated on the mobile food permit as an approved location for operation.
- (f) Any properly permitted mobile food establishment may operate in a location in or immediately adjacent to city-sponsored civic events.
- (g) Ice cream trucks may stop on public streets or rights of way provided such stops:
  - 1. are not in or within fifty (50) feet of an intersection; and
  - 2. not an area prohibited to the standing or parking of vehicles; and
  - 3. all items are vended from the curbside of the vehicle or the rear of the vehicle; and
  - 4. the ice cream truck is vending in a safe manner.