

August 23, 2022

R-28

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive and file the Considerations and Recommendations Report prepared by Lisa Wise Consulting, Inc., regarding the City's existing food truck regulations; and,

Request the City Attorney to prepare an Ordinance to update the Long Beach Municipal Code (LBMC) to comply with the most recently enacted State and federal legislation regarding the food trucks; to consolidate, where feasible, provisions of the LBMC relating to the regulation and enforcement of food trucks and similar operations into one Ordinance; and, in consultation with the City Manager, or designee, repeal provisions of the LBMC which are obsolete, no longer applicable, or no longer enforced related to food trucks and similar operations. (Citywide)

DISCUSSION

In May 2021, Lisa Wise Consulting, Inc. (LWC), was retained to address updating and developing City of Long Beach (City) regulations and policies related to the operation of food trucks. The scope of LWC's work was to audit the existing code, engage with internal and external shareholders regarding current conditions of food trucks within Long Beach, and create a set of recommendations for future action which considered all stakeholders. The project was completed and LWC's Considerations and Recommendations Report (LWC Report) is attached (Attachment) . The recommendations of LWC are specific to food trucks, including ice cream trucks and similar mobile food vehicles. City staff are working separately to address concerns and the regulations related to sidewalk vendors, which will be presented to the City Council as a separate item for consideration at a future date.

Outreach Results

The Public Works Department served as a liaison between LWC and all internal and external stakeholders during the completion of LWC's food truck policy assessment.

External stakeholders that were engaged included Business Improvement District (BID) representatives, restaurateurs, property owners, food truck operators, food truck industry trade organization representatives, and residents. Common themes of the external stakeholder feedback included the following:

- Food trucks can benefit areas without access to fresh, diverse food options.
- Food trucks can result in competition with brick-and-mortar businesses that face additional regulations, as compared to food trucks.
- Existing regulations are unclear and are not enforced consistently.
- Unpermitted trucks are a nuisance to the community, permitted food truck operators, and business owners.
- Location-based food truck zones could be a successful solution.

Internal stakeholders that were engaged included Development Services, Economic Development, Financial Management, Health and Human Services (Health Department), Parks, Recreation and Marine, and Police Departments. These internal stakeholders reported the following:

- Food trucks can be beneficial to neighborhoods and special events by offering convenient, affordable food and activating parking lots.
- Food trucks can cause unexpected vehicular and pedestrian traffic, parking issues, and pedestrian safety concerns.
- Existing regulations are unclear and difficult to enforce.
- Current city staff resources and capacity present an enforcement challenge.
- A comprehensive Food Truck Program could ease enforcement challenges.

For more details on feedback received, see the Key Findings and Considerations section of the Attachment.

Food Truck Policy Options

The LWC Report highlights local conditions occurring under the current regulations, key findings from stakeholder interviews and audits, and recommendations to modernize the City's existing food truck regulations to be more consistent with other contemporary cities. On July 12, 2022, the City Council conducted a study session on food safety which included discussions regarding food trucks. The City Council communicated its desire to balance the concerns of brick-and-mortar businesses, while also providing food trucks the opportunity to be successful and operate safely and in compliance with health and safety requirements. This could include exploring designated areas where food trucks would be encouraged to operate. In addition, there is a need to address public health and safety, nuisance, trash, ADA accessibility, and parking concerns, along with evaluating suitability for residential areas.

Considering the breadth of the recommendations proposed by LWC and the priorities communicated by the City Council, City staff recommends a two-phased approach to the implementation of these food truck policy options. As outlined below, this approach allows

for certain solutions to be implemented immediately, while allowing additional time for City staff to develop specific recommendations, consistent with LWC's feedback, that require further stakeholder engagement and analysis.

Phase 1: Focus on Health and Safety

Phase 1 will focus on addressing recommendations from LWC that are primarily related to health and safety concerns, and those recommendations that can be implemented immediately. City staff recommends that the City Attorney drafts an Ordinance which accomplishes the following:

- Update the Long Beach Municipal Code (LBMC) to comply with the most recently enacted State and federal legislation regarding food trucks.

This is the most immediate need identified by LWC and would include clear cross-references to State law to ensure that the LBMC remains consistent as changes occur. Currently, requirements in the LBMC, including those referenced to important health and safety requirements in the California Health and Safety Code, are outdated. This update would also include modernizing and consolidating definitions so the LBMC definitions are compliant and consistent with State law and easy to understand.

- Consolidate, where feasible, Chapters of the LBMC relating to the regulation and enforcement of food trucks and similar operations into one Ordinance.

Consolidating all regulations related to food trucks into one Ordinance makes it easier for operators to comply with regulations and for City staff to enforce such regulations. City staff also recommends that all available legal enforcement tools are included in this Ordinance.

- Repeal sections of the LBMC which are obsolete, no longer applicable, or no longer enforced in relation to food trucks and similar operations.

This action will ensure that only the most up to date requirements for food trucks are contained within the LBMC, avoiding confusion for both food truck operators and City staff.

- Require a health permit from only the City's Health Department.

This will allow the Health Department to permit and enforce the requirements of the California Health and Safety Code, to ensure the public's health is protected and that costs associated with the program are recovered by the City.

- Allow the City Manager, or designee, to adopt reasonable rules and regulations necessary to implement the requirements and administration of the Food Truck Program.

If the City Council moves forward as recommended, City staff will complete Phase 1 as soon as possible, but will need time to assess the amount of code cleanup that is necessary to determine an accurate timeline.

Phase 2: Location-Based Regulations and Additional Permits

Phase 2 will focus on implementing recommendations which require additional engagement with external and internal stakeholders and/or further analysis by City staff before a recommendation to City Council may be made. External stakeholders include, but are not limited to, food truck operators, community members, BIDs, and brick-and-mortar businesses.

City staff intend to evaluate policy options, anticipated to be brought to the City Council in Spring 2023, which would regulate the following:

- The ability for food trucks to operate at Special Events and on private property.

This will involve coordination with the Office of Special Events and the Development Services Department to evaluate any applicable land use issues on private property locations.

- Location-based regulations, including, but not limited to:

Issuance of a permit for food trucks to use within the public-right-of-way; zoning and land use considerations, including requiring a land use permit; parking impacts and regulations; and time-based regulations for operations. Based on stakeholder and City Council feedback, staff will explore concerns in residential areas and business districts as well as consider areas where food trucks can be encouraged, such as locations with limited access to food options or spaces that could benefit from additional activation.

- Regulations related to nuisance abatement and other public safety concerns.

Further, consistent with LWC's recommendations, City staff recommends that the City implements a Food Truck Program with a designated Food Truck Coordinator. The Food Truck Coordinator position would help to promote consistency, clarity, reliability, and equity in the Food Truck Program. This position will also serve as a direct contact for all food truck operators and owners, brick-and-mortar business owners, and community members. The Food Truck Coordinator would be a position within Public Works Department, that would also oversee enforcement of any permit required to operate in

the public-right-of-way. The Proposed Fiscal Year 2023 (FY 23) Budget contains a request for funding for the Food Truck Program Coordinator position within the Public Works Department's Project Management Bureau, with the intention to recover costs through permit fees associated with the Food Truck Program.

After each phase is completed, a targeted outreach campaign will be launched to engage and educate the community, businesses, and food truck operators on any updated regulations, restrictions, and other considerations. Each phase will be developed and implemented utilizing an equity lens.

This matter was reviewed by Deputy City Attorney Taylor Anderson on August 10, 2022 and by Budget Management Officer Nader Kaamoush on August 9, 2022.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

FISCAL IMPACT

Approval of this recommendation will allow City staff to complete the first of two phases of the City's Food Truck Program development and prepare an Ordinance to update the LBMC to address health and safety concerns. As part of the first phase, the Ordinance will include mandatory permits issued by the City's Health Department. Following implementation and based on existing permits, annual permit fees can range from \$250 to \$828 per truck and will depend on the complexity of the food operations. Annual revenue is estimated at \$52,000 which will be deposited to the Health Fund Group and can offset program implementation costs during the first full year of implementation. The second phase of program development will focus on location-based regulations and additional permitting requirements. In anticipation for program implementation and in accordance with study recommendations, the Proposed FY 23 Budget includes an enhancement request for 1.0 FTE (full-time equivalent) to coordinate a Food Truck Program and related permitting processes for the Public Works Department. At this time, staff is evaluating the estimated costs (inclusive of the proposed FTE enhancement) associated with full program implementation and will return to the City Council with revised estimates, in addition to proposed adjustments to the Master Fees and Charges Schedule to implement fees needed to offset program costs in both the Health and Public Works Departments.

This recommendation has a moderate staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

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August 23, 2022
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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

EL:RM:dr:pl

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENT: CONSIDERATIONS AND RECOMMENDATIONS REPORT

Considerations and Recommendations Report

Food Truck Program City of Long Beach

Prepared by:
Lisa Wise Consulting, Inc. (LWC)
December 2021

Attachment A

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A Introduction

A.1 Overview of Project

The City of Long Beach (City) has engaged Lisa Wise Consulting, Inc. (LWC) to support the development of a Food Truck Program. This project is intended to provide the City with a set of alternatives and recommendations that account for local conditions, national best practices, and input from food truck operators, business owners, neighborhood groups, appointed and elected officials, and other community members.

The project includes several community engagement and technical analysis tasks, including:

- A Kickoff Meeting (May 2021) that engaged City staff regarding key issues related to food truck regulation and project expectations;
- The development of a Stakeholder Outreach Plan describing departmental and stakeholder outreach strategies and logistics;
- 10 departmental interviews with City staff between July 19-26, 2021 to better understand critical issues affecting food truck operation;
- Six community stakeholder group interview sessions between October 5-27, 2021 focused on revealing constraints and opportunities from the perspective of food truck operators, Business Improvement District (BID) managers, business owners, neighborhood association representatives, and other community members;
- An audit (November 2021) of the Long Beach Municipal Code (LBMC) that examined key regulations as they relate to food trucks; and
- A Case Study Research Memo (December 2021) summarizing LWC's analysis of seven comparable jurisdictions and their regulatory approach to food trucks.

A.2 Overview of Considerations and Recommendations Report

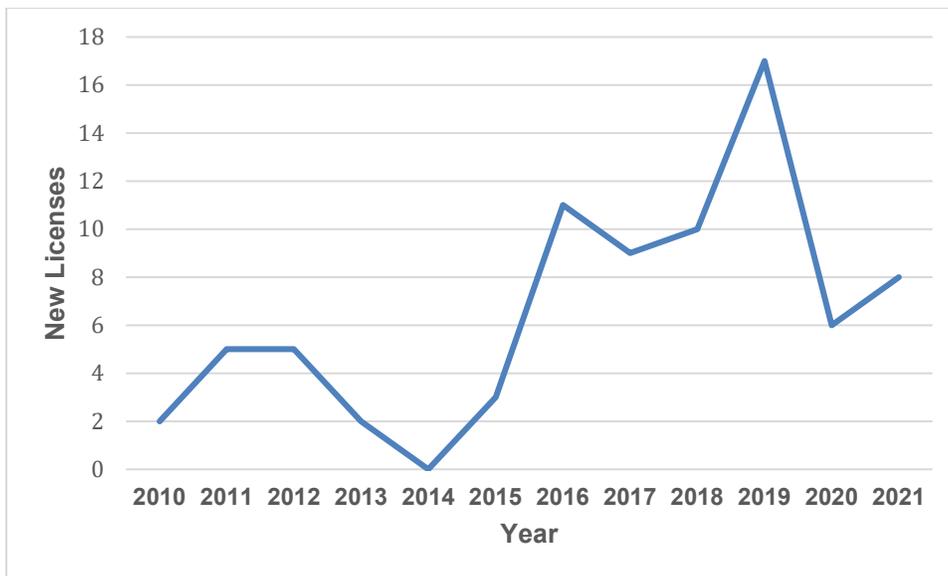
This Considerations and Recommendations Report (Report) provides recommendations and options for a fair, effective, and objective Food Truck Program for the City's consideration as they determine the best course of action for addressing food truck operations in Long Beach. The Report provides an overview of existing conditions regarding food truck permitting, enforcement, and law; highlights findings from the project's preceding deliverables; and presents recommendations for the most effective solutions given local conditions.

A.3 Existing Conditions

A.3.a Local Conditions

Southern California has been an epicenter of food truck activity for decades, an industry pioneered by “lonchero” taco trucks and greatly expanded by the arrival of gourmet food trucks in the 2000s. In Long Beach, 272 businesses have been granted business licenses for “mobile food facilities”¹ since 1987. Of these licenses, 104 are active and 78 (or 75 percent) have been granted since 2010, with a pronounced increase in activity since 2014 (see Figure A.3-1). However, it is unknown how many are actively conducting business within City limits, nor do these data capture the number of unpermitted food trucks that operate within the City.

Figure A.3-1: Start Date of Active Mobile Food Facility Licenses (2010-2021)



Source: City of Long Beach, Department of Financial Management

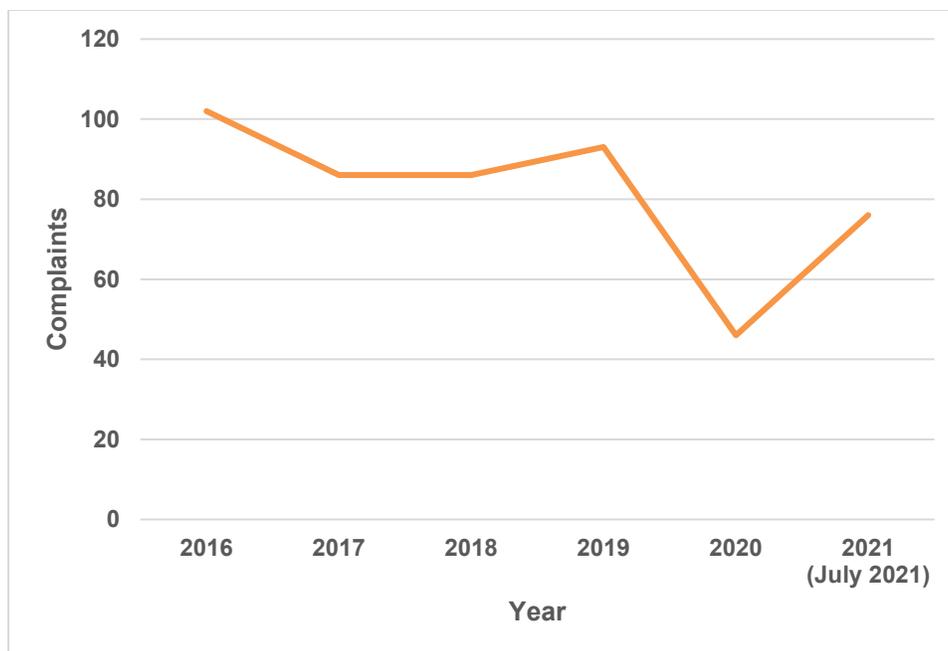
Not all licensed mobile food facilities are “food trucks” in the colloquial sense. Based on business names registered with the City, an estimated 31 (or 30 percent) operate as ice cream trucks (i.e., primarily sell refrigerated/frozen desserts), while others appear to serve as catering trucks or unmotorized vending carts.

Mobile food facilities must provide the address of the commissary they operate in conjunction with, in compliance with California Health and Safety Code [Section 114295](#). City data show that 77 (or 74 percent) of licensed mobile food facilities are based outside of Long Beach, including the cities of Los Angeles, Paramount, Lynwood, and Downey. Of the 27 (or 26 percent) based within City limits, nearly all are associated with the same three addresses and specialize in ice cream or other desserts.

¹ This term will be used interchangeably with “food trucks” throughout this report when discussing the City’s regulatory framework.

As the popularity of food trucks in Long Beach has increased, so too have the number of formal complaints recorded by the City’s Department of Health & Human Services. The City has received approximately 85-100 complaints per year related to mobile food facilities between 2016-2019, with a marked decrease in 2020 (likely due to the COVID-19 pandemic), and 76 as of July 2021 (see Figure A.3-2).

Figure A.3-2: Mobile Food Facility Complaints (2016 to July 2021)



Source: City of Long Beach, Department of Health & Human Services

Most complaints are associated with the operation of “unlicensed food facilities,” including motorized food trucks, pushcart vendors, pedestrian peddlers, and the sale of food from residences. A lesser number of complaints mention public health concerns such as unsanitary food preparation conditions and illnesses experienced after consuming products from unlicensed/unpermitted vendors.

A.3.b State Legislation

As a result of the relatively recent and rapid growth of the food truck industry, California’s overall legal framework has shifted to address the specific regulatory issues that have arisen at the local level. Food trucks are health regulated businesses subject to state standards published in the California Retail Food Code, which is a part of the Health and Safety Code, with local permitting and enforcement the responsibility of county and/or city health departments. Cities may regulate food trucks as long as they meet certain legal standards stemming from the land use and zoning powers granted to them by the California Constitution to protect the public health, safety, and welfare. This “police power” must also be reasonably related to a legitimate government purpose, and a city must have a reasonable basis in fact to support the necessity of a given regulation. Parking and traffic control, meanwhile, are matters of statewide concern, and the California Legislature has enacted provisions that preempt local and county governments in these fields.

Specific to food trucks, California Vehicle Code [Section 22455](#) allows cities to regulate the zones in which food trucks may operate.

Both land use and vehicle regulations have adapted over time to address food trucks, owing to their operation at the intersection of both private property in underlying zones and on public streets. Section 22455 was enacted by the California Legislature in 1984, followed closely by a 1985 amendment that removed a city's authority to ban vending on all public streets. In 2008, this section was amended to include a provision limiting local authorities from adopting additional requirements on street vending beyond time, place, and manner regulations to protect the public safety. Health and Safety Code Section 114315, part of Chapter 10 (Mobile Food Facilities), was amended in the same year to include an identical provision.

A.3.c Legal Precedent

Court cases have also shaped the landscape of food truck regulation in the state, resolving matters of interpretation where state and local regulations have clashed. For example, the City of Los Angeles once prohibited the sale of food on public streets within 100 feet of the entrance to a brick-and-mortar restaurant on the grounds that such sales might create a traffic hazard. In 1979, the California Court of Appeals upheld a trial court ruling that declared the ordinance a “naked restraint of trade” that denies food trucks equal protection under the law and unconstitutionally discriminates in favor of restaurants with a fixed location.² The court added that, despite the intention of the regulation to protect pedestrians and prevent traffic hazards, the City of Los Angeles failed to explain “how a catering truck is more of a traffic hazard within 100 feet of the entrance to a restaurant than it is within 100 feet of the entrance to a gas station or other commercial enterprise.” Unless a City can establish that a prohibition of food trucks within a certain distance of restaurants is a reasonable time, place, and manner restriction for the purpose of public safety, a court would likely find that any such ordinance would be preempted by State law.

In 2009, parking duration restrictions on food trucks were also struck down. In 2006, the City of Los Angeles amended Section 80.73 of its Municipal Code to add Subdivision (b)2.F, requiring food trucks to move every 30 or 60 minutes depending on whether they were operating in a residential or commercial area. After a year of aggressive enforcement, the Los Angeles Superior Court ruled in 2009 that, like the 1979 case above, the ordinance was not rationally related to public safety and is preempted by Vehicle Code Section 22455.³

² [People v. Ala Carte Catering Co.](#), 159 Cal. Rptr. 479 (App. Dep't Super. Ct. 1979)

³ [People v. Margarita Garcia](#), No. 8EA05884 (L.A. Cnty. Super. Ct. Aug. 27, 2008)

B Key Findings and Considerations

B.1 Departmental and Stakeholder Interview Summary

To gain a perspective on the issues, constraints, and benefits of food trucks from an administrative standpoint, LWC conducted 10 virtual Departmental Interviews with City staff from July 19-26, 2021. In addition, LWC facilitated six virtual stakeholder interview meetings with 15 community members from October 5-27, 2021. Feedback gathered in these interviews helped inform LWC and City staff in the creation of a fair and effective Food Truck Program that is responsive to the concerns of the community members and City staff. Common themes from the interviews are summarized below. For more information, see Appendix A.

- **Food trucks benefit some areas of Long Beach more than others.**

Food trucks provide benefits to areas of Long Beach that do not have access to fresh, diverse food options; however, they cause issues in other areas that have many brick-and-mortar food options and intense competition among food truck operators and business owners.

Food trucks provide benefits to the City's popular coastal neighborhoods and many special events. They offer quick, convenient, affordable food to a variety of Long Beach residents and visitors. Food trucks often succeed at activating parking lots with foot traffic and economic activity, collectively benefitting nearby events/businesses and the food truck operators.

Residential neighborhoods, especially those with parking lots and parks that host special events, sometimes experience unexpected vehicular and pedestrian traffic when food trucks operate. This creates tension among residents, food truck operators, and business owners, particularly owners of brick-and-mortar restaurants and those located in a Business Improvement District (BID).

Food trucks can induce parking problems when located in multiple parking spaces that would otherwise be typically available for nearby residents, employees, or patrons. This may pose pedestrian safety concerns as food trucks may encroach into the public right-of-way.

- **Existing regulations and procedures are unclear and difficult to enforce consistently.**

The LBMC does not currently present clear and enforceable standards for how to regulate food trucks or resolve conflicts between stakeholders. Some food truck operators struggle to follow and understand City's licensing/permitting requirements as compared to other jurisdictions (e.g., Los Angeles (LA) County), which can cause health, safety, noise, and waste issues that are difficult for the City to address and track.

- **City staff resources and capacity could pose challenges.**

Due to a lack of clear direction from the LBMC, inter-departmental coordination of enforcement can be difficult despite good working relationships. City staff frequently struggle to identify a department or party responsible for food truck regulations, and there are concerns that the existing staff does not have capacity to take on the responsibility.

- **The City would benefit from an enforceable, trackable Food Truck Program.**

A comprehensive Food Truck Program, would provide many opportunities to the City, including identifying geographies or zones designated for food truck operation and the ability to create a

clear, trackable permitting structure. Regulations will be objective and enforceable, with clear internal processes for interdepartmental collaboration, and straightforward enough for food truck operators to understand and follow. A new Food Truck Program could also establish a Food Truck Coordinator position responsible for overseeing permitting processes and coordination among City staff, food truck operators, and stakeholder groups. This could be a less than one FTE responsibility of an existing position.

- **Existing regulations are unclear and are not enforced consistently.**

Food truck operators struggle to adhere to regulations when they are difficult to understand and/or vary based on which City department is administering and enforcing them. This decreases the ability for food trucks to operate safely and legally, perpetuating a perception that food trucks operators are uninterested in running a legitimate business. Additionally, community members and neighbors are unsure of the regulations that effect food truck operations

- **Unpermitted food trucks can be a nuisance to the community and business owners.**

Food trucks that are unpermitted or improperly permitted have caused issues for community members and business owners by, for example, inadequately disposing of trash, parking illegally, and not adhering to health code requirements. Further, unpermitted or improperly permitted food trucks frequently park in highly trafficked areas causing circulation, safety, and ADA compliance issues.

- **Location-based provisions could be a successful solution.**

Establishing pre-determined areas for food trucks to park could be beneficial to all parties involved by offering the community more predictability and streamlining City enforcement. Designated food truck locations could include amenities such as tables and chairs or benches for outdoor dining, restrooms, and trash receptacles.

B.2 Long Beach Municipal Code Audit

LWC conducted an audit of the LBMC (completed November 2021) to identify key challenges in the LBMC as they relate to food trucks (i.e., mobile food facilities), including issues with zoning and land use controls, parking regulations, public right of way issues, licensing, public health and sanitation, noise, and other issues as indicated by research. The audit focused particularly on food trucks and addresses ice cream trucks and push carts where relevant and appropriate based on the definition of mobile food facilities. These are distinct from non-motorized sidewalk vending which is regulated by the California Safe Sidewalk Vending Act (SB 946).

Overall, the LBMC is deficient in addressing mobile food facilities in a consistent, objective manner. Where mobile food facilities are regulated, some LBMC provisions are inconsistent with State law, particularly related to the Health and Safety Code and Vehicle Code. The lack of specific land use controls, permits, parking regulations, and performance standards has resulted in an unclear regulatory framework with subjective and inconsistent administration and implementation. Food trucks, cart-based vendors, and ice cream trucks are often muddled, with provisions applying to some nuanced types of vending and not others. Multiple and conflicting definitions (including “mobile food preparation vehicle,” “retail food vehicle,” “ice cream truck,” “mobile food truck,” and “vending cart”) further complicate code compliance. Without objective requirements and standards for mobile food facilities, the City will continue to implement regulations that result in inconsistent and inequitable enforcement. For more information, see Appendix B.

B.3 Case Study Research

B.3.a Background

The increasing popularity of food trucks across the United States has led many communities to reassess their zoning and municipal codes to provide improved guidance on, for example, permitting procedures, parking standards, and enforcement. LWC conducted targeted research into food truck programs in San Diego, CA; Portland, OR; Austin, TX; and Denver, CO (completed December 2021) to identify the key best practices that regulate the thriving food truck industries in those cities. Other California cities comparable to Long Beach (including Pasadena, Berkeley, and Los Angeles) were also examined due to their well-established food truck industries.

The case study jurisdictions illustrate a variety of approaches local government can pursue when regulating food trucks in response to unique circumstances. All four cities shared the following:

- Basic requirements for business licensing and oversight by a city or county health department.
- Operation in the public right-of-way is treated as key to the food truck business model and is not outright prohibited.
- Operation in residential zones is undesirable and is limited in all jurisdictions through a combination of land use, distance separation, and time limit regulations.

B.3.b Key Takeaways

Summary of Case Study Analysis

Table B.3-1 provides a summary comparison across the four case study jurisdictions. These cities were selected due to their comparable size, structure, and scope of food trucks challenges and approaches. For more information, see Appendix C.

Attachment A

Table B.3-1 Food Truck Program Case Study Summary

		San Diego, CA <i>Pop. 1,386,932</i>	Portland, OR <i>Pop. 961,503</i>	Austin, TX <i>Pop. 961,855</i>	Denver, CO <i>Pop. 715,522</i>
Zoning and land use controls	<i>Public ROW</i>	Allowed in many zones w/o use permit; prohibited downtown and along coast	Allowed w/ use permit in most zones	Allowed w/ use permit in all commercial/ industrial zones, with exceptions for office-focused zones	Allowed w/ use permit in all zones (for <30 min.), except residential
	<i>Private property</i>	Allowed w/ use permit in all industrial zones; limited in several residential and all commercial, mixed-use zones	Limited w/o use permit to few residential; certain commercial, mixed-use, industrial; all employment and campus institutional zones		Allowed w/ use permit in all mixed-use commercial, several industrial/ recreational open space zones
Distance separation requirements		Required distance from residential, schools, intersections, transit	Required distance from intersections, property lines, building entrances, restaurants (w/o consent)	Required distance from mixed-use, restaurants, residential	Required distance from restaurants, other food trucks, residential, intersections, parks
Sanitation/bathroom requirements		Required >1 hour (w/ consent of owner)	Required >2 hours (w/ consent of owner)	Required >2 hours (w/ consent of owner)	Not required
Licensing standards and time allowances	<i>Required permits/licenses</i>	Business, Health, use permit	Business, Health, Fire, use permit (in public ROW)	Business, Health, public ROW [permit]	Business, Fire
	<i>Time limits</i>	No universal time limits	Limited to 6am-11pm in commercial residential zones; 10 minutes adjacent to residential zones	Strict prohibition for 3am-6am; Varies in other cases based on proximity to certain uses	Limited to 4 consecutive hours, 8am-9pm; Broad allowances for <30 mins

The San Diego Case Study

All case studies provide relevant takeaways for the City of Long Beach to consider, but the City of San Diego is particularly illustrative for Long Beach given the need to comply with the California Retail Food Code, the California Coastal Act, and its recent update of food truck regulations in 2014. Highlights from the San Diego Case Study are included below. For more information on this and other case studies, see Appendix C.

Overall, San Diego's regulatory approach ranges from permissive to restrictive depending on where a food truck intends to operate. Food trucks are allowed to operate by-right without a use-specific permit in the public right-of-way, industrial/commercial office zones, and with the written consent of institutional property owners or high-density residential developments. This allows food trucks flexibility in reaching customers near places of employment and other locations where increased foot traffic and commercial activity does not generally impede public safety. To operate on private property outside the above locations, food trucks

must receive a use-specific permit which allows for limited access to parking lots in most downtown areas. Furthermore, interested property owners may apply for a ministerial, use-specific permit for food truck operations on their premises that covers multiple vehicles. The most restrictive regulations apply to low-density open space, agricultural, and residential zones that do not allow commercial development, where food trucks are not permitted at all.

Of note is San Diego's application of the Parking Impact Overlay Zone which applies to areas within several blocks of the City's beachfront and neighborhoods surrounding large universities, where food trucks are not permitted in the public right-of-way. These restrictions also apply to the Gaslamp Quarter Planned District and San Diego's historic central business district, with limited exemptions granted via a Special Events Permit. Given the legal standards described above in Section A.3 (Existing Conditions), San Diego justified these stricter standards as consistent with the both the Planned District's purpose, General Plan policies, and the intent of the Overlay Zone to preserve needed on-street parking in areas with special characteristics.

C Recommendations

C.1 Introduction

The following recommendation options are based on the analysis and outreach described in Section B (Key Findings and Considerations). The four topic areas identified below include recommendations that would mediate conflicts while balancing the promotion of food trucks as a viable business model. For the most comprehensive and effective Food Truck Program possible, the City should implement all recommendation options; however, if some options are less desired by City staff, elected and appointed officials, and/or the community, the options may be adjusted, reprioritized, or removed at the City's discretion.

C.2 Recommendation Options

C.2.a Designate a Food Truck Coordinator

In order to promote consistency, clarity, reliability, and equity, the City should designate a Food Truck Coordinator position, potentially housed in the Public Works Department. This person would ideally be a Public Works inspector familiar with management of the City's right of way. The Food Truck Coordinator would serve as a direct contact for all food truck operators, business owners, and community members. Responsibilities of the Food Truck Coordinator would include administering and enforcing applicable LBMC regulations, assisting food truck owners to ensure they are operating safely and legally, and fielding and managing community complaints related to food trucks, and. The Coordinator would also be responsible for verifying that food trucks have the proper permitting, citing food trucks that are noncompliant, assuring food truck access remains ADA compliant, and inspecting any food truck operating in Long Beach during operating hours. Ideally, the Food Truck Coordinator would also be responsible for producing guides and other resources that summarize and communicate regulations for the benefit of all stakeholders and in multiple languages (see Subsection C.2.d, below, for more information).

The City would benefit most from the Food Truck Coordinator position if the Coordinator only accepted City of Long Beach permits administered by the Long Beach Department of Health and Human Services, and not permits issued by Los Angeles County. This would help to clarify the role, responsibility, and purview of this position, and remain consistent with City vs. county jurisdiction over food facilities and operation.

C.2.b Adopt Location-Based Regulations and Parking Restrictions

The City should adopt two new sets of regulations that address: 1) the range of food truck challenges that occur in specific places in Long Beach (i.e., location-based regulations), and 2) universal considerations that apply throughout Long Beach (i.e., Citywide regulations).

Location-Based Regulations

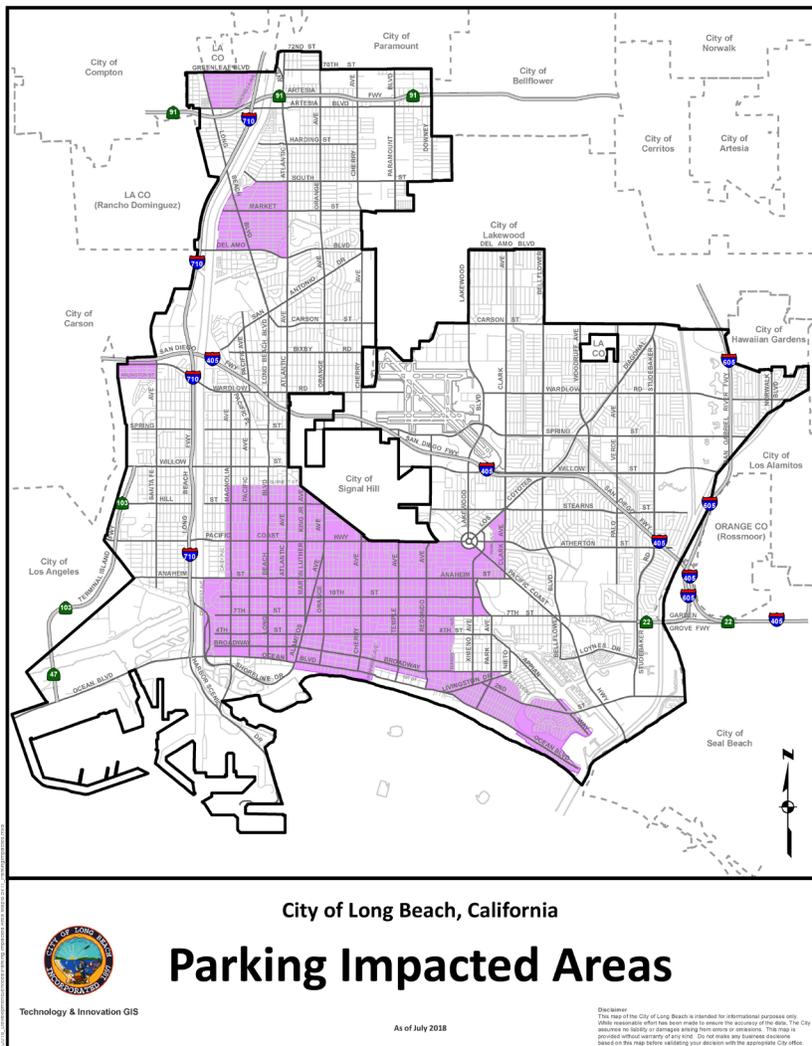
The City should consider adopting location-based regulations to mitigate conflicts with surrounding land uses and to ensure public safety and the smooth flow of traffic. The City should work with Business Improvement Districts and Neighborhood Associations to establish surface parking lots and/or vacant lots in which food trucks may operate. Through economic development functions, the City should also work with

food truck operators to provide a range of resources to mitigate the impacts of food trucks on surrounding areas, such as designated restrooms, outdoor dining, and trash receptacles that can be located in the approved area of operation. Though the City cannot prohibit the operation of food trucks in the public right-of-way, the provision of such amenities may incentivize food truck operators away from public parking spaces and offer a reliable and marketable location to conduct their businesses. With one or several established and centralized locations, the Food Truck Coordinator can more efficiently administer the LBMC and enforce its provisions. The establishment of food truck operating areas should be consistent with General Plan land use designations and policy direction.

Location-based regulations should also allow food trucks more flexibility in areas that have limited access to fresh food (e.g., Wrigley, Uptown, etc.). The City should allow food trucks to operate in the public right-of-way subject to the provisions described below and work with Business Improvement Districts and Neighborhood Associations to identify specific areas where food trucks could and should operate. Areas that need access to food can benefit from pre-determining and centralizing food truck operation, as described above. By utilizing surface parking lots or vacant lots for food truck operation, community members can have reliable access to inexpensive food options in their neighborhood.

Furthermore, the City should also consider allowing interested property owners to host food truck operations on private property with a ministerial permit that must be renewed annually, as is exemplified in San Diego. The maximum number of mobile food trucks allowed per site would be determined based on a ratio of paved area per mobile food truck, and would not include any off-street parking spaces that are required to satisfy off-street parking needs.

Figure C.2-1 Parking Impacted Areas



Source: City of Long Beach

The LBMC, most recently updated in July 2018, currently prohibits “mobile vending vehicles” from stopping, standing, or parking on any public street within the Parking Impacted Areas (see LBMC [Section 10.22.090](#) and Figure C.2-1). However, lack of enforcement has led to significant uncertainty among stakeholders regarding the legality of food truck operation in these Areas. The City may wish to allow food trucks conditional approval in these neighborhoods in response to the wishes of food truck operators and some community stakeholders, but will need to amend or remove LBMC Section 10.22.090 to do so.

Citywide Regulations

Food trucks should be allowed to operate Citywide subject to specific provisions that mitigate nuisances and address community concerns. The City should consider flexibility in the Coastal Zone in order to be consistent with California Coastal Commission goals, review, and approval. Overall, the City should consider adopting the following Citywide provisions:

- Parking restrictions (e.g., food trucks may not park in “red” or loading zones and may not be parked for more than three hours in any single location unless operation is occurring within a pre-determined location (see above)).
- Explicitly state the restroom proximity requirements of California Retail Food Code Section 114315(a), requiring “a food facility shall be operated within 200 feet travel distance of an approved and readily available toilet and handwashing facility.”

C.2.c Modernize and Streamline Long Beach Municipal Code Provisions

The City should streamline and consolidate all LBMC provisions in one location, ideally in either Title 21 (Zoning) or Title 10 (Vehicles and Traffic). Locating all provisions in one Title will help with City administration and enforcement, and community understanding and clarity. The City should address the following changes in the LBMC once the provisions are consolidated in one location:

- Repeal existing provisions that are obsolete or no longer applicable;
- Clarify and streamline regulations that are desired to be maintained;
- Remove unnecessary requirements and include clear cross-references to State law in order to remain consistent with State law as changes occur;
- Clarify the applicability of certain standards (e.g., whether a standard applies citywide to all food trucks in the public right-of-way or if it applies to pre-determined operation areas as described above) so that all standards can be easily checked by the Food Truck Coordinator, food truck operators, and the community at large; and
- Modernize and consolidate definitions so they are consistent within the LBMC, compliant with State law, and easy to understand. Examples of model definitions are included below, but the City may benefit from cross-referencing to the definitions established by the State to avoid future conflict.
- **Mobile food truck.** Temporarily parked, operable motorized vehicles that function as transportable retail food and beverage facilities, in conjunction with a commissary. Mobile food trucks sell food and beverages to the general public for consumption on or off the premises. Food and beverages (not including alcohol) may either be pre-packaged or prepared and served from the vehicle or an attached trailer.

(This use category does not include ice cream trucks as described in LBMC Chapter 5.51 or vending carts as described in LBMC Section 21.15.3225.)

(Also see definition established in Section 113831 of the California Retail Food Code).

- **Ice cream truck.** Temporarily parked, operable motorized vehicles that engage exclusively in the curbside vending or sale of frozen/refrigerated desserts, prepackaged snack foods, or soft drinks.

(No definition established in the California Retail Food Code)

- **Vending cart.** Movable, wheeled, non-motorized vehicles use by vendors for the sale of food or beverage products.

(No definition established in the California Retail Food Code)

- **Commissary.** A food facility that services mobile food facilities, mobile support units, or vending machines where any of the following occur:

- Food, containers, or supplies are stored.
- Food is prepared or prepackaged for sale or service at other locations.
- Utensils are cleaned.
- Liquid and solid wastes are disposed, or potable water is obtained.

(Also see definition established in Section 113751 of the California Retail Food Code)

- **Food.** A raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

(Also see definition established in Section 113781 of the California Retail Food Code)

C.2.d Initiate Robust Engagement and Education Campaign

The City should initiate a concerted messaging and education campaign to clarify food truck regulations, restrictions, operating areas, and other considerations. Specific engagement and education materials should be developed in multiple languages and clearly illustrate:

- What a food truck is and how it differs from an ice cream truck or mobile pushcart;
- How community members can submit comments and complaints to the Food Truck Coordinator;
- How food truck operators can receive a permit and operate safely and legally; and
- General rules for food truck operation and maintenance.

For examples of handouts and education materials from other communities, see Appendix C.

D Conclusion

This Report is intended to assist the City in preparing a fair, effective, and objective Food Truck Program. The City should leverage the recommendation options stated in this Report to determine the best course of action for addressing food truck operations in Long Beach. As described above, the recommendation options will be most effective if used collectively, but they may be used separately depending on community feedback and the support of elected and appointed officials. Ultimately, the food truck environment in Long Beach is complex and requires place-based approaches in conjunction with citywide regulations.

MEMO

To: City of Long Beach

From: Lisa Wise Consulting, Inc.

Date: November 1, 2021

Subject: Stakeholder Interview Summary Memo

Introduction

As part of the City of Long Beach (City) Food Truck Program, Lisa Wise Consulting, Inc. (LWC) conducted interviews with key stakeholders involved in or impacted by food truck operations in Long Beach. As part of this effort, LWC conducted six virtual stakeholder interview meetings with 15 community stakeholders from October 5–27, 2021 via Webex.

This memo highlights issues and constraints associated with food truck regulation from the perspective of community stakeholders, including food truck operators, Business Improvement District (BID) managers, business/restaurants owner and managers, and representatives from neighborhood associations. Feedback gathered in these interviews will help inform LWC and the City in the creation of a fair and effective food truck program that is responsive to the concerns of the community members it will impact.

Common Themes

- **Food trucks benefit some areas of Long Beach more than others.**

Food trucks provide benefits to areas of Long Beach that do not have access to fresh, diverse food options; however, they cause issues in other areas that have many brick-and-mortar food options and immense competition among food truck operators and business owners.

- **Existing regulations are unclear and are not enforced consistently.**

Food truck operators struggle to adhere to regulations when they are difficult to understand and/or vary based on which City department is administering and enforcing them. This decreases the ability for food trucks to operate safely and legally, perpetuating a perception that food trucks operators are uninterested in running a legitimate business.

- **Unpermitted food trucks can be a nuisance to the community and business owners.**

Food trucks that are unpermitted or improperly permitted have caused issues for community members and business owners by inadequately disposing of trash, parking illegally, and not adhering to health code requirements. Food trucks tend to park in highly trafficked areas, causing circulation, safety, and ADA compliance issues.

- **Location-based provisions could be a successful solution.**

Establishing pre-determined areas for food trucks to park could be beneficial to all parties involved by offering the community more predictability and streamlining City enforcement. Designated food truck locations could include resources such as outdoor dining, restrooms, and trash receptacles, which are supported by food truck operators and patrons.

Summary of Responses per Question

The LWC team used a standard survey instrument while engaging with stakeholders. A summary of responses to each question is presented below.

Q1. What is your affiliation with the City of Long Beach?

LWC interacted with stakeholders from the following organizations/groups:

- Business Improvement Districts
- Business Associations
- Neighborhood / Community Associations
- Residents / Community Members
- Property Managers
- Restaurant Owners / Operators
- Food Truck Operators

Q2. In your opinion, how do food trucks impact the local community? Please feel free to highlight positive, neutral, and/or negative impacts.

Food truck operators were positive about their interactions with the Long Beach community, noting that they have been warmly welcomed by customers and are consistently busy due to the City's draw as a tourist destination. Operators claimed to have infrequent interactions Code enforcement officers or representatives from the Police Department unless community members submitted complaints.

Restaurant owners generally think of food trucks as nuisance. Owners tend to be more accepting of food trucks if they are located a block or more away from their storefront, especially if they serve a different type of food.

Representatives of Business Improvement Districts (BID) and Neighborhood Associations had mixed responses. Though food trucks were initially welcomed with excitement, representatives are now more measured in their acceptance depending on their district's resources, popularity, mix of land uses, and proximity to the coast. Several stakeholders appreciate the way food trucks contribute new culture and cuisines to their neighborhoods and bridge an economic divide for new business owners. Though food trucks can quickly contribute to diversity and afterhours nightlife where it does not exist, their impact on businesses that pay into BIDs has created resentment and demands for clearer regulations. There is clear support for food trucks at temporary events and in specific, designated locations, as they can provide direct access to inexpensive food in a controlled environment.

Q3. What benefits have you (or your business, if applicable) experienced from food trucks/the food truck business model?

Food truck operators felt their business model is effective at flexibly filling market demand by providing a certain food service or cuisine that is otherwise not available in a neighborhood. This flexibility was especially pronounced during the COVID-19 pandemic, when the closure of indoor dining resulted in a large increase in demand for takeout/pickup meals and a pronounced growth in business.

BID representatives and other stakeholders appreciated the way food trucks provide fresh, convenient food, with some BIDs relying on food trucks to contribute to their neighborhood's vibrancy and activity. Several representatives discussed interest in balancing how and where food trucks operate, with some expressing interest in food trucks operating in neighborhoods that do not currently have easy access to diverse food options.

Q4. What issues have you (or your business, if applicable) experienced from food trucks/the food truck business model?

Stakeholders cited the following issues when describing food trucks as a nuisance:

- Parking

- Food truck operators will utilize public parking resources without payment. Efforts to collaborate with the City to implement a two-hour parking limit have, in some areas, pushed food trucks to occupy office building (or other private) parking lots.
- On weekends and other popular times, certain neighborhoods (e.g., Downtown) will see 10 or more food trucks in one area near brick-and-mortar restaurants. Some trucks park in red zones directly in front of restaurants for long periods of time, sometimes parking other cars nearby to create temporary outdoor eating areas.
- Several respondents noted that parking tickets are not currently a strong enough deterrent for preventing bad behavior, with some food trucks treating tickets as a necessary cost to conduct business.

- Enforcement

- Opinions on the efficacy of City enforcement was mixed. Some BID representatives described parking enforcement as “robust,” especially during weekday business hours, but lacking on evenings and weekends when some of the worst problems seem to occur.
- Mixed perception also extended to specific City departments. The Bureau of Environmental Health, part of the Department of Health and Human Services, was praised for effectively enforcing regulations during business hours. Another respondent, however, felt that the Department of Health and Human Services was not effective at enforcement. Many respondents described experiences where information from the City was inconsistent and disorganized, with confusion surrounding which City department/bureau is responsible for enforcing parking regulations.

- Waste Management

- Many respondents expressed frustration with the trash, oil, etc. left behind by food trucks along streets and sidewalks where they operate. This was cited as a main reason why food trucks which regularly park in a particular BID should pay the same BID fees as brick-and-mortar businesses.

- Restroom Access

- Respondents noted that food truck employees and customers will often utilize the restrooms of nearby brick-and-mortar commercial spaces or restaurants, contributing to a perception that food truck operators tend to benefit from a system where other property owners and community members are paying for infrastructure that food trucks are utilizing.

Q5. Are there specific streets, corridors, parking areas, or neighborhoods that you support food trucks conducting business?

The majority of respondents supported establishing pre-determined areas for food trucks to park, citing numerous benefits related to ease of operation, predictability, and enforcement. Many stakeholders agreed that outdoor dining, restrooms, trash receptacles, and other resources could be provided in designated locations for food truck operation, which would ultimately satisfy many of the involved interests. Based on both positive feedback and complaints from respondents, neighborhoods that could benefit from such a solution includes Naples/Belmont Shore/2nd Street, Bixby Knolls, Zaferia/East Anaheim Street, and Downtown, among others.

Q6. In your opinion, what are the biggest challenges food truck operators face in running their business safely and legally?

Food truck operators provided the most direct responses to this question. They generally felt that their success has been built off working collaboratively with the City and being consistent in their operation in terms of location, quality, and online promotion. From their perspective, the most challenging issues associated with their business model locally are the result of an increase of unpermitted trucks without a fixed location or a relationship with the surrounding neighborhood. Unpermitted trucks often have less of a stake in the community and tend to ignore rules, which fosters a negative perception of food trucks in the community. However, permit-compliant food trucks have also experienced difficulty with a lack of parking, available parking being only available along busy streets, and unpleasant encounters with nearby businesses calling the police.

Operators want to run their business safely and legally and generally support following existing regulations, as long as they can be understood and enforced consistently. Clear regulations and consistent enforcement are strongly desired to assist them in achieving this goal, paired with accommodation from the City that legitimizes the food truck business model and allows for flexibility in providing food in a safe, efficient manner. As an example, one operator hoped the Department of Health and Human Services would work with food trucks to allow discretion in the enforcement of restroom and handwashing facility requirements.

Other respondents aligned with these sentiments, citing that finding safe, acceptable parking spaces likely was a challenge for food truck operators. Many wanted to see nuisances addressed and common-sense regulations consistently enforced, with greater clarity brought to the permitting process given the current acceptance of both Los Angeles County and City of Long Beach permits. In responses to other questions, BID representatives expressed a desire to accommodate (and not outright ban) food trucks as long as adjacency standards are established, nuisances addressed, and BIDs are not left to manage the impacts of 'bad actors' without support.

Q7. In your opinion, are there any communities (locally or nationally) that have particularly successful or effective food truck programs or regulations?

Portland, OR was mentioned as a model city for establishing parking lots where food trucks could congregate that resulted in a very popular and vibrant scene. Also mentioned were other communities outside the state, including Austin, TX; Boise, ID; and Boston, MA. Respondents discussed some nearby communities as well, including Manhattan Beach, Lakewood, Santa Monica, and the City of Los Angeles. Los Angeles was specifically noted for its weekly/daily special ordinance, allowing for quarterly rental payments for one or multiple spaces, a process for working with neighbors, and the allowance of food truck operations in commercial zones by-right.

Q8. Is there anything else you would like to add?

As a final note, one BID representative wanted to see greater power given to the Police Department to prevent “explicit” criminal behavior. Another specified that Shoreline Ave. should either prevent food trucks entirely or establish specific time limits. Others specified the immense benefits food trucks provide to the community.

Food truck operators closed with confidently stating that their businesses are legitimate aspects of the community and provide a positive presence where they operate, both by meeting customers where they are located and serving healthy, fresh food as an alternative to fast food. One operator stated that they are looking into establishing a storefront in the neighborhood they regularly operate in and would like to participate in the area’s BID despite being rejected from joining previously.

Q9. Can we follow up with you if we have additional questions?

All respondents were open to further discussion.

MEMO

To: City of Long Beach
From: Lisa Wise Consulting, Inc.
Date: July 29, 2021
Subject: Departmental Interview Summary Memo

Introduction

Lisa Wise Consulting, Inc. (LWC) is assisting the City of Long Beach (City) in the development of a Food Truck Program. As part of this effort, LWC conducted 10 virtual Departmental Interviews with City staff from July 19-26 via Microsoft Teams. The objective of these interviews was to gain a better understanding of the critical issues affecting food truck operation in Long Beach from the perspective of those departments responsible for regulating them.

This memo outlines 1) the common themes that arose from the Departmental Interviews, highlighting the “inside” perspective gained from City staff, and 2) a summary of specific responses given based on each question.

Common Themes

- **Food trucks benefit coastal neighborhoods and special events but pose challenges in certain neighborhoods.**

Food trucks provide benefits to the City’s popular coastal neighborhoods and many special events. They offer quick, convenient, affordable food to a variety of Long Beach residents and visitors. Food trucks often succeed at activating parking lots with foot traffic and economic activity, collectively benefitting nearby events/businesses and the food trucks operators.

Residential neighborhoods, especially those with parking lots and parks that host special events, sometimes experience unexpected vehicular and pedestrian traffic when food trucks operate. This creates tension among residents, food truck operators, and business owners, particularly owners of brick-and-mortar restaurants and those located in a business improvement district (BID).

Food trucks can induce parking problems by locating in multiple parking spaces typically available for nearby residents, employees, or patrons. This sometimes poses pedestrian safety concerns as food trucks may encroach into the public right-of-way.

- **Existing regulations and procedures are unclear and difficult to enforce consistently.**

The Municipal Code does not currently present clear, enforceable standards for how to regulate food trucks or resolve conflicts between stakeholders. Some food truck operators struggle to follow and understand City of Long Beach licensing/permitting requirements as compared to other jurisdictions (e.g., Los Angeles (LA) County), which can cause health, safety, noise, and waste issues that are difficult for the City to address and track.

- **City staff resources and capacity could pose challenges.**

Due to a lack of clear direction from the Code, City staff often find departmental coordination on enforcement difficult despite good working relationships. City staff struggle to identify a department or party responsible for food truck regulations, and there are concerns that the existing staff does not have capacity to take on the responsibility.

- **The City would benefit from an enforceable, trackable Food Truck Program.**

There are many opportunities available in a comprehensive Food Truck Program, including identifying geographies or zones designated for food truck operation and creating a clear, trackable permitting structure. Regulations need to be objective and enforceable, with clear internal processes for interdepartmental collaboration and straightforward enough for food truck operators to understand and follow. A new Food Truck Program could also establish a Food Truck Coordinator position responsible for overseeing permitting processes and coordination among City staff, food truck operators, and stakeholder groups.

Summary of Responses per Question

The LWC team used a standard survey instrument while engaging with representatives from each City Department. A summary of responses to each question is presented below.

Q1. With which department are you affiliated?

LWC interacted with representatives from the follow City offices:

- Development Services Department
- Economic Development Department
- Parks, Recreation and Marine
- Office of the City Attorney
- Public Works Department, Transportation Engineering Division (Traffic Bureau)
- Department of Health and Human Services, Bureau of Environmental Health
- Public Works Department, Project Management Bureau
- Public Works Department, Environmental Services Bureau
- Department of Financial Management, Business Services Bureau
- City Manager Department, Office of Special Events and Filming

Q2. In your experience, on which streets, corridors, parking areas, or neighborhoods do food trucks tend to conduct business?

Respondents noted that food trucks generally operate in beachfront parking lots, downtown streets, and around commercial districts. Parks that host special events are also an occasional food truck destination, regardless of proximity to the coast.

- Downtown (along Ocean Blvd., Long Beach Blvd. Atlantic Ave., Pine Ave., and in parking lots)
- The Pike Outlets/Shoreline Village (along Shoreline Dr., Pine Ave., and in parking lots)
- Bixby Knolls (along Atlantic Ave. and near parks)
- Belmont Shore/Naples (along 2nd St., Ocean Blvd, and in parking lots, especially by Granada Beach)
- Anaheim Ave. corridor (especially at Magnolia Ave. and heading east)

- CSU Long Beach (Atherton St. and the northern border of campus)
- Anywhere there are special events (parks, museums, City Council office events, conventions, etc.)

Q3. In your opinion, how do food trucks impact local communities and neighborhoods? Please feel free to highlight positive, neutral, and/or negative impacts.

Overall, most respondents discussed positive impacts of food trucks, including the economic benefits and vibrancy food trucks bring to special events and streets. Respondents who work in departments that directly interface with food trucks tended to be candid about regulatory/enforcement difficulties.

- Positive
 - Provide an option for customers who want a quick, convenient dining option outside a restaurant setting.
 - Mutually beneficial relationship between food trucks and businesses that invite them, as well as enhancing temporary/special events.
 - Activate parking lots with foot traffic and economic activity.
 - Help entrepreneurs start a food service business without the overhead and investment of brick-and-mortar restaurants, which provides an accessible business model to immigrants and members of underrepresented communities.
- Negative
 - Create tension with established businesses due to perceived competition for the same pool of customers.
 - Seen as “free riders” who benefit from the investments made by businesses into their business improvement districts (BIDs).
 - Contribute to public health violations, including noise, trash, and social distancing concerns.
 - Contribute to parking problems by operating in locations with limited parking (e.g., residential parks) and taking up multiple spaces for the vehicle and its employees and patrons.

Q4. How does your department currently regulate or interact with food trucks?

Respondents working in departments that regularly interface with food trucks provided a range of responses. Departments further removed from food truck operations had little to say, or recounted what they had heard from their colleagues.

- Certain City offices are focused on “frontline” enforcement. This includes:
 - Fielding complaint calls focused on health code violations, parking violations, misuse of public parking lots and of the public right-of-way; and
 - Enforcement actions, including the issuance of citations when a food truck is operating without a business license/health permit, but also in response to complaints and during “sweeps” conducted by the City.
- Other City offices function as “backend” regulators. This includes:

- Conducting plan checks when a food truck operator applies for a business license or health permit;
- Assisting existing or interested food truck operators with business development, technical assistance, and marketing support;
- Interpreting regulations if a complaint and/or citation is found to be legally subjective;
- Keeping track of business licenses, health permits, and their regular issuance and renewal; and
- Facilitating the hiring of food trucks for City-sponsored events, as well as coordinating with event promoters during festivals, conventions, etc.

Q5. In your opinion, what is working well with your department's food truck regulation or interactions in Long Beach?

Current approaches to licensing/permitting food trucks are perceived as functioning well in several departments, especially with food truck operators that responsibly use public infrastructure and the maintenance of proper licensing/certification. Communication protocols and relationships among City departments are currently successful.

Q6. In your opinion, what is not working well with your department's food truck regulation or interactions in Long Beach?

- Without clarity and consistency in regulations governing food truck operation, many departments do not have the ability to act on complaints, nor do they have effective tools to resolve conflicts between stakeholders (i.e., food truck operators, business owners, BIDs, and residents).
- Since 2011, food truck operation in the City has not required a City health permit and instead can rely on a LA County health permit to be considered legally operating. This has led to over half of permitted food trucks not renewing their City health permit and removing a critical tool for local oversight, with impacts on tracking, enforcement, and the preservation of public health. Furthermore, the LA County Department of Public Health is perceived as having more flexibility than the City's independent department (e.g., performing checks only once per year, compared to the City's four annual checks).
- Though departments have good working relationships, a lack of clear regulations makes it difficult to collaborate on responses to crucial food truck problems. Furthermore, there is confusion between City departments and between the City departments and public regarding authority and responsibility in regard to oversight and enforcement.
- Due to a loss of revenue from required permits, some departments do not feel they have the sufficient funding and capacity to accomplish their expected regulatory roles.

Q7. In your opinion, what are the biggest challenges food truck operators face in running their business safely and legally?

- Food truck operators do not always have the knowledge necessary to understand differing jurisdictional borders, regulations, and expectations (i.e., required licenses/permits, legal areas of operation, which regulations can be enforced and by which authority, etc.).

- Challenges related to the COVID-19 pandemic, especially as they relate to the dynamic nature of public health mandates and the nervousness of customers to return to business as usual.
- Limited access to commissaries and other essential services necessary to running a food truck business safely and efficiently.
- No “one-stop shop” for permitting, licensing, and understanding the variety of regulations food trucks are subject to across the Greater LA region.

Q8. In your opinion, what are the biggest challenges the City may face in establishing a Food Truck Program?

- Education: regulations need to be comprehensible, clearly defined, and easy to convey to the public and City staff.
- Enforcement: regulations need to be objective and enforceable, meaning:
 - Distinct in applicability and purview (e.g., regulating food trucks on specific streets, regulating public right-of-way or private property, etc.);
 - Clear definition of authority and responsibility of departments/offices; and
 - Realistic in terms of funding, staff, and capacity to fulfill departmental duties.
- Communication: City departments/offices need collaboration tools beyond personal relationships and a unified way to log/track conversations, complaints, etc. (e.g., an internal customer relationship management [CRM] platform)

Q9. What are your ideas for how to best design a Food Truck Program that works for all stakeholders and community members?

- Geography-based approaches
 - Create designated food truck operating areas to streamline regulation and enforcement and provide incentives for operating there (in lieu of focusing on where food trucks cannot operate).
 - Have a plan for food truck-related parking management, especially during special events, depending on density in different parts of the City.
- Streamline the City’s licensing/permitting process
 - Limit the number of permit approvals needed and allow improved regulations to function based on limited permits (e.g., the process for obtaining a health permit is all-inclusive).
 - Establish a solid permitting structure and a “one-stop shop” for acquiring licenses/permits necessary to operate a food truck in Long Beach, either in a single department/office or with clear mechanisms for collaboration among departments.
 - Restore the requirement that food trucks operating in the City must register with the Department of Health and Human Services and reincorporate health code enforcement in the Department’s purview.
- Streamline the City’s enforcement ability
 - Focus on health, safety, and welfare concerns.

- Involve the Office of Equity early to ensure both operators and residents are treated fairly in the face of community/business opposition.
 - Violations of potential regulations need to be codified and clearly enforceable, with potential escalations for future infringement.
 - Have dedicated staff resources for inspecting and enforcing food truck regulations.
- Establish a Food Truck Coordinator position to oversee and implement the above recommendations
 - Coordinator should help departmental communication, streamlining regulation/enforcement and ensuring food truck operators receive proactive assistance with business development.
 - Coordinator should create a toolkit to help food truck operators conduct business successfully, especially in regard to temporary/special events.
 - Coordinator should manage a City website or webpage for clearly communicating regulations and resources to help food trucks operate safely and legally.
- Incorporate regulatory best practices illustrated by other, successful departments
 - City's Office of Cannabis Oversight provides a "one-stop shop" and point person to navigate the more extensive regulations.
 - City's outdoor dining program has been successful.

Q10. Is there anything else you would like to add?

- Departmental staff broadly want to see a thriving food truck sector in the City, recognizing the diverse set of customers that food trucks serve; they also want them to serve safe, sanitary food to the community.
- Need to address the perception that parking enforcement is the solution for food truck operation when it is not.
- Most food trucks are based in LA County; needs to be recognized as the City seeks to regulate businesses with such a broad distribution.

Q11. Is there anyone else we should talk to?

- Multiple participants pointed to colleagues at the City that the team had, or was planning to, speak with over the course of the departmental interviews.
- Participants encouraged the team to contact several BIDs, as well as the Council of Business Associations (COBA) which all BIDs participate in.

Q12. Can we follow up with you if we have additional questions?

- Participants were unanimous in their willingness to continue collaborating with the team throughout the project.

MEMO

To: City of Long Beach

From: Lisa Wise Consulting, Inc.

Date: November 2021

Subject: Long Beach Municipal Code Audit Summary Memo

Introduction

As part of the City of Long Beach (City) Food Truck Program, Lisa Wise Consulting, Inc. (LWC) is conducting an audit of the Long Beach Municipal Code (LBMC). The purpose of the audit is to identify key challenges in the LBMC as they relate to food trucks (i.e., mobile food facilities), including issues with zoning and land use controls, parking regulations, public right of way issues, licensing, public health and sanitation, noise, and other issues as indicated by research. The LBMC audit memo includes chapters and sections of the LBMC that address food trucks/mobile food facilities in adequate or inadequate ways, as well as chapters and sections that typically would address food trucks/mobile food facilities but remain silent. This audit focuses particularly on food trucks, but it does address ice cream trucks and push carts where relevant and appropriate based on the definition of mobile food facilities. These are distinct from non-motorized sidewalk vending which is regulated by the California Safe Sidewalk Vending Act (SB 946).

Executive Summary

The LBMC is deficient in addressing mobile food facilities in a consistent, objective manner. Where mobile food facilities are addressed, some LBMC provisions are inconsistent with State and federal law, particularly related to health and safety codes and State vehicle code. The lack of specific land use controls, permits, parking regulations, and performance standards lead to an unclear regulatory framework with subjective and inconsistent administration and implementation. Food trucks, cart-based vendors, and ice cream trucks are often muddled, with provisions applying to some nuanced types of vending and not others. Without objective requirements and standards for mobile food facilities, the City will continue to have an inadequate set of regulations that may result in inconsistent and inequitable enforcement.

LBMC Audit

Zoning and Land Use

Title 21, the Zoning Code of the LBMC, has 34 chapters. Each chapter is divided into sections and subsections, and in some instances is further organized into divisions. Chapter 21.30 (District Established) establishes 39 unique use-based base zoning districts. The following seven chapters (21.31-21.36) specify permitted uses, development standards, and site plan review policies for each base zoning district. The Zoning Code includes over 130 land use that are organized in a variety of categories, including residential,

commercial, automobile (vehicle), entertainment, public and semi-public, institutional, personal services, retail services, and others. The Zoning Code currently permits “mobile food trucks” as a temporary business which sells food only at construction sites at the time when construction workers are on the site. References to food trucks in Title 21 are limited to:

- A definition in Chapter 21.15 (Definitions) (see below), specifically Section 21.15.1765 (Mobile food truck);
- Listing as a permitted temporary use in all Neighborhood, Community, Regional, and Other commercial districts in Chapter 21.32 (Commercial Districts), specifically Table 32-1 (Uses In All Other Commercial Zoning Districts); and
- Listing as a specific temporary use in Chapter 21.53 (Temporary Uses), specifically Section 21.53.106 (Mobile food truck).

Parking

Chapter 21.41 (Off-Street Parking and Loading Requirements) of Title 21 (Zoning) includes three divisions (General Provisions, Parking Regulations, and Loading Regulations). Division II establishes parking requirements for a variety of uses, including residential; retail, ready to eat restaurant and personal services uses or stores; automobile/motor vehicle; office; restaurants and bars; alcoholic beverage manufacturing and accessory tasting room; public assembly; recreation; and industrial/manufacturing. Division II also outlines parking requirements for uses not otherwise specified, for large shopping centers and for the City’s Neighborhood Pedestrian (CNP) District. Division III of Chapter 21.41 details the City’s loading regulations. The specific uses outlined in this section are: daycare, elementary school; hotel; manufacturing, packing, assembly, warehousing; medical or dental office, hospital; public assembly; retail, service or office commercial; supermarket, grocery, drug, variety, department, furniture, hardware or appliance store, or shopping center. Neither Division II nor Division III lists food trucks/mobile food facilities as a use with dedicated parking and food trucks/mobile food facilities are not otherwise addressed in this chapter in any way.

Public Right of Way

Title 10, the Vehicles and Traffic Code of the LBMC, has 42 chapters that generally address vehicular traffic control, traffic violations, parking restrictions and regulations, and provisions on the use of modes of transportation other than automobiles (i.e., bicycles and skateboards).

Chapter 10.22 (Parking – Regulations) of Title 10 (Vehicles and Traffic) establishes basic vehicular provisions related to stopping, standing, and parking. Section 10.22.090 (Mobile Vendor Parking Prohibited Area) mentions that “No driver or operator of any mobile vending vehicle shall stop, stand or park, for the purpose of offering any food or goods for sale, in any public street or place within the parking impacted area;” however, the parking impacted area covers several corridors and neighborhoods that have been defined by stakeholders as places where food trucks frequently operate (e.g., East 2nd Street, East Anaheim Street, etc.). The existing operating practices are misaligned with the Code provisions, which indicates that the Code provisions may be outdated and/or the enforcement of the provisions is ineffective.

Section 10.22.090 (Mobile Vendor Parking Prohibited Area) is the only section in Chapter 10.22 to detail provisions specific to mobile vendors. However, other sections within the chapter outline provisions that may universally apply to mobile vendors but are not otherwise stated as doing so. For example, Section 10.22.120 outlines temporary parking restrictions. According to this section, “NO PARKING” signs are to

be erected on any portion of any street wherein the use of said portion is necessary for “repair, construction, the installation of underground utilities, or where the use of the street or any portion thereof has been lawfully authorized for a purpose other than the normal flow of traffic...”. The provisions outlined in this section could potentially impact mobile vendors’ ability to operate in the right of way if the City chose to include food trucks in the enforcement of these provisions. Should mobile food facilities be authorized as a lawful purpose other than the normal flow of traffic, “NO PARKING” signage would be erected to designate on-street parking for mobile vendors, such as food trucks.

Licensing

Title 5, Regulation of Businesses, Trades and Professions, identifies those businesses, trades and professions conducted in the City that require local regulation in order to promote and protect the public health, safety, and welfare of Long Beach and its citizens. Chapter 5.37 (Mobile Food Preparation Vehicles) establishes permitting requirements and standards for operating conditions within mobile food preparation vehicles, which is an outdated term that has been redefined in the State Health and Safety Code. The requirements and standards detailed in this chapter are applicable to all mobile food vending operations within the City, including where and when mobile food preparation vehicles may operate, the manner in which operators must dispose of trash and other waste, the noise limit provisions operators must abide by, and the way in which equipment is stored and operations conducted.

This Chapter establishes the most robust set of requirements for mobile food facilities in the LBMC. While this Title, in conjunction with Title 8 (see below), clarify the provisions necessary for receiving a permit, many of the operating conditions required in Section 5.37.140 (Operating Conditions) must be enforced after the permit is received. Without a clear department or City staff member designated to ensure operating conditions are adhered to, the utility of the requirements diminishes. The State Health and Safety Code establishes that an enforcement agency must require a Health Permit for all food facilities operating in a given jurisdiction, including mobile food facilities. The City of Long Beach Department of Health and Human Services, Bureau of Environmental Health is the local enforcement agency for the Health and Safety Code in Long Beach.

Public Health and Sanitation

Title 8, the Health and Safety Code of the LBMC, has 48 chapters that generally address health and safety requirements for individuals and establishments (i.e., food facilities). The health and safety requirements pertaining to food sale regulations; mobile food vending vehicles; food facilities; disposal of fats, oils and grease; polystyrene food packaging; and noise impact a mobile vendor’s ability to operate in the City. The California Retail Food Code provides some limitations on what can be addressed in local municipal codes.

Chapter 8.40 (Mobile Food Vending Vehicles) establishes health and safety provisions pertaining to the construction of mobile food vending vehicles as well as requirements for food packaging, preparation and distribution of beverages, dating of food, operation of heating appliances, refrigeration of food stuffs, storage of ice, waste disposal, and permitting for mobile food vending. Failure to abide by the provisions and requirements set forth in this chapter will prohibit mobile food vendors from obtaining the proper licensure and permitting required to operate a mobile food vending vehicle in Long Beach. Additional chapters of Title 8 establish health and safety provisions that will impact how food trucks operate. Chapter 8.45 (Food Facility) outlines health and safety guidelines for “food facilities” including commissaries, food establishments, mobile food preparation units, mobile food vehicles, restricted food service transient

occupancy establishment, and stationary mobile food preparation units. As it is defined in Section 8.45.010, food trucks fall into one of two categories of food facilities, depending on the scope of their operations: (1) “mobile food preparation units” or any mobile food facility or portable food service unit upon which food is prepared for service, sale, or distribution at retail and (2) “mobile food vehicles” or any vehicle from which prepackaged or approved unpackaged foods are sold or offered for sale at the retail level excluding vehicles from which only ice cream or produce are sold or offered for sale. Both types of facilities are subject to inspection by the Department of Health and Human Services.

Chapter 8.46 (Disposal of Fats, Oils and Grease) also establishes health and safety provisions that will likely impact the operations of food trucks in Long Beach. According to Section 8.46.010, “any food facility that discharges wastewater into the public sewer system shall comply” with certain requirements pertaining to the disposal of fats, oils, and grease. Additional provisions that impact food truck operations are established in Chapter 8.63 (Polystyrene Food Packaging). Chapter 8.63 establishes regulations for the use of polystyrene food packaging by food providers, but there is some discrepancy related to whether food trucks are designated as “food providers” or “small food providers.” See Definitions (below) for more information.

Title 8 does not include any regulation related to the provision of bathroom access for mobile food facilities. Chapter 10 (Mobile Food Facilities) of the California Retail Food Code states that “a food facility shall be operated within 200 feet travel distance of an approved and readily available toilet and handwashing facility, or as otherwise approved by the enforcement agency, to ensure that restroom facilities are available to facility employees whenever the mobile food facility is stopped to conduct business for more than a one-hour period.” As it stands now, the City is relying on State regulations to require bathroom access to ensure uniform standards are adhered to. It could be beneficial to state in the municipal code that all mobile food facilities must follow State Health and Safety Code requirements in order to clarify the applicability of the provisions.

Noise and Other Nuisances

Chapter 8.80 (Noise) outlines rules and regulations for controlling unnecessary, excessive noise and vibration in Long Beach. Section 8.80.160 details the exterior noise limits pertaining to offensive noises and steady audible tones such as whines, screeches, or hums; repetitive noises such as hammering or riveting; and music or speech conveying informational content. The standards set forth in Section 8.80.160, Table A (Exterior Noise Limits) establish permissible noise levels by dBA in receiving land use districts by hour. The provisions as stated in this section may impact a food truck’s ability to operate during certain times of day depending on the nature and level of noise they emit and the district in which they operate; however, the applicability of these limitations related to food trucks is not expressly clear. Chapter 8 is generally compliant with State law and is enforced through the City’s Proctor Office.

In addition to Chapter 8, LBMC Chapters 5 and 9 also impact food trucks. Chapter 5 includes noise and nuisance requirements and additional language that apply generally. Enforcement of these provisions is completed through Business License. Chapter 9 includes broad requirements that can be enforced through the Police Department.

Streets and Sidewalks

Title 1, Streets and Sidewalks, details rules and regulations pertaining to the use of streets and sidewalks in Long Beach. Chapter 14.04 (Obstruction of Streets and Sidewalks) establishes provisions for the

obstruction of free passage stating that, “no person shall congregate upon or use any street, alley, pier, or park in such a manner as to obstruct the free use of all or any part of said street, alley, pier or park.” Food truck operations may be impacted by this provision.

Definitions

The LBMC establishes definitions that relate to or address food trucks in several sections. The table on the following pages provides the most relevant definitions and a description of relevancy.

LBMC Section	Term	Definition	Relevancy
5.37.110	Mobile food preparation vehicle	Any vehicle, including an unhitched trailer, upon which ready-to-eat food is prepared, cooked, wrapped, packaged, or portioned for service, sale or distribution. The term "mobile food preparation vehicle" shall not include "retail food vehicles."	This definition is the most closely related to food trucks in the LBMC. This definition may also be intended to apply to catering trucks.
5.66.010	Retail food vehicle	A vehicle that sells or offers for sale food products including, but not limited to, ice cream, bakery goods, fish, meat, fruits, vegetables and milk. Retail food vehicle does not include vehicle from which food is prepared and sold.	This definition pertains to ice cream trucks and other similar vendors who do not prepare food on-site.
5.51.010	Ice cream truck	A motor vehicle engaged in the curbside vending or sale of food.	This definition directly pertains to ice cream trucks.
5.51.010	Food	Frozen refrigerated desserts, confections or novelties commonly known as ice cream, prepackaged candies, prepackaged snack foods or soft drinks, primarily intended for sale to children under twelve (12) years of age.	This definition directly pertains to how “food” is defined for ice cream trucks.
8.63.020	Food provider	Any person or place, other than a "Small Food Provider," that provides or sells prepared food within the City to the general public to be consumed on the premises or for take-away consumption. "Food Provider" includes but is not limited to: (1) a grocery store, supermarket, restaurant, drive-thru, cafe, coffee shop, snack shop, public food market, farmers market, convenience store, or similar fixed place where prepared food is available for sale on the premises or for take-away consumption, and (2) any mobile store, food vendor, caterer, food truck, vending machine or similar mobile outlet. "Food Provider" also includes any Franchise restaurant, drive-thru, café, coffee-shop or the like. "Food Provider" also includes any organization, group or individual that regularly provides prepared food to its members or the general public as a part of its activities or services.	"Food truck" is stated in the definition.

LBMC Section	Term	Definition	Relevancy
8.63.020	Small food provider	A person or place that provides or sells prepared food within the City to the general public to be consumed on the premises or for take-away consumption, seating one hundred (100) or fewer persons.	Food trucks do not typically include seating for 100 or more persons, so this definition is relevant.
21.15.1765	Mobile food truck	A food truck selling prepared foods and is permitted only at construction sites at the time when construction workers are on the site.	A second definition for "mobile food trucks" which includes regulatory language regarding permitted locations. This definition is inconsistent with the preceding definition in Title 5.
21.15.3005	Temporary activating uses	Intended to provide a community benefit, encourage street activation, and reduce visual blight associated with vacant lots, as defined in Chapter 18.29, on a temporary basis and can include sporadic special events, such as cultural and community events, or temporary retail or services uses, such as bike kitchens. Temporary activating uses are proposed by community-based public or private organizations that improve and enhance the social or economic welfare and quality of life of the residents of Long Beach, and provide a service to City residents, including, but not limited to, faith-based organizations, local non-profit organizations or associations, Business Improvement Districts (BIDs), and organizations that have entered into a contract or agreement with the City to provide specific services or outreach, as determined by the Zoning Administrator.	Food trucks are frequently utilized at temporary special events to provide a community benefit and encourage street activation. Food trucks have the potential to be included in this definition and/or their relationship to this definition should be anticipated.
21.15.3225	Vending cart	Any wagon, cart, or similar wheeled container, which is not a "vehicle" as defined in the Vehicle Code of the State of California, from which food, beverage, or other consumable product is offered for sale to the public.	This definition is distinct and different than food trucks but could be confused with food trucks/mobile food facilities considering the nuances of other definitions.

MEMO

To: City of Long Beach
From: Lisa Wise Consulting, Inc.
Date: December 2021
Subject: Case Study Research Memo

1. Introduction

In the past decade, economic and cultural trends have led to the increasing popularity of food trucks across the United States. Food trucks (also called “mobile food vehicles,” “mobile vending facilities,” etc.) are often recognized for their contribution to community economic development, entrepreneurship, expanding food access, and adding vibrancy to streetscapes. However, as communities have turned to their zoning or municipal codes to provide guidance on permitting procedures, parking standards, nuisances, and more, they have found food trucks are often inadequately regulated. Many communities have revised their municipal codes to address food truck operations on public and private property. A number of best practices have emerged that can guide jurisdictions as they tailor their ordinances to accommodate the growing popularity of food trucks while respecting neighboring businesses and residents.

As part of the City of Long Beach (City) Food Truck Program, Lisa Wise Consulting, Inc. (LWC) has conducted targeted research into food truck programs in comparable case study jurisdictions as Task 4 of the project’s Scope of Work. The analysis conducted on each case study includes an evaluation of regulatory characteristics, including parking restrictions, permitting processes, performance standards, etc. The findings of the Case Study Research Memo (Memo) will be combined with the findings of Tasks 1-3 to inform LWC’s recommendations for a comprehensive Food Truck Program as part of Task 5, Considerations and Recommendations Report.

2. Executive Summary

Table 2.1 provides a summary comparison across the four case study jurisdictions: San Diego, CA; Portland, OR; Austin, TX; and Denver, CO. These jurisdictions are relevant to Long Beach because of their size, structure and scope of food truck challenges and approaches. A detailed discussion of each case study's food truck regulations can be found in the following Section along with supplemental information and considerations from three other California communities: Los Angeles, Pasadena, and Berkeley.

Table 2.1 Food Truck Program Case Study Summary					
		San Diego, CA Pop. 1,386,932	Portland, OR Pop. 961,503	Austin, TX Pop. 961,855	Denver, CO Pop. 715,522
Zoning and land use controls	Public ROW	Allowed in many zones w/o use permit; prohibited downtown and along coast	Allowed w/ use permit in most zones	Allowed w/ use permit in all commercial/ industrial zones, with exceptions for office-focused zones	Allowed w/ use permit in all zones (for <30 min.), except residential
	Private property	Allowed w/ use permit in all industrial zones; limited in several residential and all commercial, mixed-use zones	Limited w/o use permit to few residential; certain commercial, mixed-use, industrial; all employment and campus institutional zones		Allowed w/ use permit in all mixed-use commercial, several industrial/ recreational open space zones
Distance separation requirements		Required distance from residential, schools, intersections, transit	Required distance from intersections, property lines, building entrances, restaurants (w/o consent)	Required distance from mixed-use, restaurants, residential	Required distance from restaurants, other food trucks, residential, intersections, parks
Sanitation/bathroom requirements		Required >1 hour (w/ consent of owner)	Required >2 hours (w/ consent of owner)	Required >2 hours (w/ consent of owner)	Not required
Licensing standards and time allowances	Required permits/licenses	Business, Health, use permit	Business, Health, Fire, use permit (in public ROW)	Business, Health, public ROW [permit]	Business, Fire
	Time limits	No universal time limits	Limited to 6am-11pm in commercial residential zones; 10 minutes adjacent to residential zones	Strict prohibition for 3am-6am; Varies in other cases based on proximity to certain uses	Limited to 4 consecutive hours, 8am-9pm; Broad allowances for <30 mins

Each jurisdiction approaches food truck regulation differently based on unique circumstances and objectives, and some are continuing to explore methods to improve their regulatory approach to permitting, licensing, and enforcement. Clear and simple regulations are often most efficient to administer and enforce, but food truck regulation can become complicated when balancing the concerns of food truck operators, brick-and-mortar business owners, community groups, and residents. The following case studies provide insight on potential regulatory strategies the City may consider.

3. Case Studies

3.1 San Diego, CA

The City of San Diego first adopted use regulations for *mobile food trucks*¹ in 2014 (henceforth referred to as “food trucks” for consistency). According to a report to the San Diego Planning Commission that year, these regulations were the product of conditions similar to those Long Beach is currently experiencing, including frustrations regarding existing code provisions and a subsequent public engagement process. Since then, the regulations in the San Diego Municipal Code (SDMC) have been amended twice (2018 and 2020) with no change to permitting procedures. This tentatively indicates that San Diego’s approach, as established in 2014, has been broadly acceptable to stakeholders (see SDMC [§141.0612](#)).

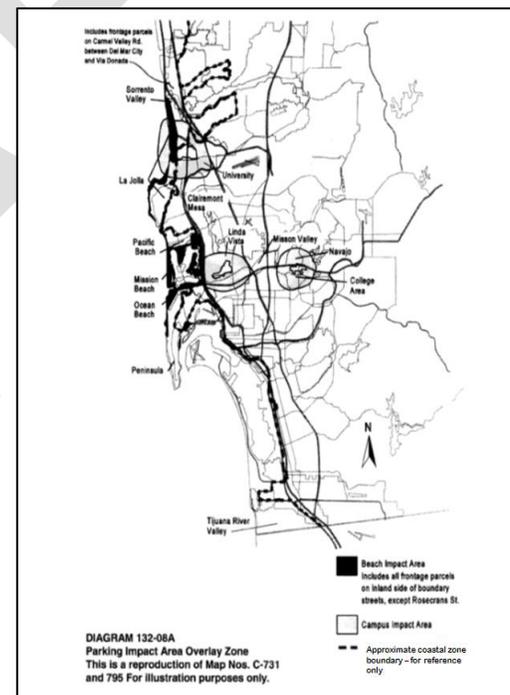
San Diego is generally permissive related to the location in which food trucks are permitted to operate, allowing them without a Mobile Food Truck Permit on private property in industrial zones and on certain institutional properties (e.g., schools) with the written consent of the owner. However, a permit is required in commercial, residential, and other zones, and the operation of food trucks in the public right-of-way of many downtown locations is prohibited. These and other regulations are summarized in the subsections below.

3.1.1 Zoning and land use controls

Food trucks in San Diego may operate without a use-specific Development Services Department (DSD) permit in the following locations:

- Within the public right-of-way;
- In industrial or commercial office zones;
- On the property of a school, university, hospital, or religious facility (with written consent);
- In higher-density residential zones in an association with a multi-unit development (>16 units and with written consent);
- At active construction sites; and
- Catering a private event.

FIGURE 3.1.1 – CITY OF SAN DIEGO, PARKING IMPACT OVERLAY ZONE



Source: City of San Diego

¹ For consistency, the term “food trucks” will be used throughout this memo. The unique name each jurisdiction uses for this use will be mentioned in the section introduction, but then only used in reference to specific permits, definitions, etc.

Food trucks are not permitted in the public right-of-way within the Parking Impact Overlay Zone, which is designed to: 1) identify areas of high parking demand for specific coastal and University of California San Diego campus areas, and 2) increase off-street parking requirements to meet the additional demand (see Figure 3.1.1). The Parking Overlay Zone is relevant to both residential and commercial land uses and provides for specialized parking and development regulations.

A DSD permit is required for food truck operations on private property not covered by the above exemptions. This includes a majority of downtown areas, provided operation occurs on a surface parking lot and is approved by *Civic San Diego*, a city-owned nonprofit corporation. Furthermore, food trucks are not permitted to operate in specific downtown areas, including the Gaslamp Quarter Planned District and the Little Italy Neighborhood NC Zone. In Planned Districts, food trucks may be permitted in accordance with the citywide zone that most closely meets the purpose and intent of the applicable planned district zone in terms of permitted uses and intensity of those uses.

Table 3.1.1 – Mobile Food Truck Permitting by Base Zoning District in San Diego, CA						
Base Zone	Open Space	Agricultural	Residential	Commercial	Industrial	Mixed-Use
Permitted (P)	–	–	–	–	IP, IL, IH, IS, IBT	–
Permitted (L)	OP	AR	RM-2, RM-3, RM-4, RM-5	CN, CR, CO, CV, CP, CC	–	RMX, EMX
Not Permitted	OC, OR, OF	AG	RE, RS, RX, RT, RM-1	–	–	–
P = Use or use category is permitted. L = Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . – = Not permitted.						
Source: City of San Diego Municipal Code, Chapter 13 (Zones)						

3.1.2 Definitions

The following relevant definitions are established in the San Diego Zoning Code.

- *Mobile food trucks* are temporarily parked, operable motorized vehicles that function as transportable retail food and beverage facilities that move daily. This use category includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) for consumption on or off of the premises. They are health regulated businesses subject to [Chapter 4, Article 2, Division 1](#). This use category does not include pushcarts as described in Section 141.0619, farmers' markets as described in Section 141.0503, or off-site food and beverage delivery services.
- *Oversized vehicle* means any vehicle, including any attached trailers, vehicles or loads thereon, that exceeds 27 feet in length and 7 feet in height.

3.1.3 Distance separation requirements

San Diego does not enforce broad regulations regarding distance separation requirements for food trucks but does restrict their operation in specific circumstances. These include prohibitions on the following:

- In all zones:

- Operation within 300 feet of a *dwelling unit*, except between 6am and 10pm (Sunday through Thursday) and between 6am and 11pm (Friday and Saturday)
- In the public right-of-way:
 - Operation within 500 feet of any kindergarten through 12th grade *school* between 7am and 11pm on regular *school days*
 - Operation within 25 feet of a street intersection with a crosswalk, traffic light, or stop sign
 - Operation within 25 feet of a bus or trolley stop
 - If a food truck constitutes an *oversized vehicle*:
 - Parking on any public street or parking lot between 2am and 6am
 - Parking within 50 feet of the intersection of public streets at any time
 - Operation within 500 feet of a permitted Special Event on public property while such event is in progress (unless the food truck has written authorization from the Event Organizer or a Special Event Permit)

Food trucks are permitted one temporary round sign with a maximum display area of six square feet and a maximum of two standing tables and a shade canopy with maximum dimensions of 10 feet by 10 feet. Both signs and furniture must be located entirely on private property. If operating in the public right-of-way, no equipment or furniture may encroach onto a public sidewalk *except* required trash and recycling receptacles.

Food trucks operating on private property shall not occupy more than 25 percent of the premises and only within a paved, level parking area, specifically a minimum paved area of 35 feet by 15 feet for standard size food trucks and 70 feet by 15 feet for oversized vehicles.

3.1.4 Sanitation/bathroom requirements

The County's application for a Public Health Permit specific requires food trucks to submit both a Commissary Agreement Letter and Toilet Facility Letter pursuant to California Retail Food Code (CRFC) Chapter 10 (Mobile Food Facilities). However, neither the City nor County codes explicitly mention this requirement.

On a separate document provided by the Department of Environmental Health ("Mobile Food Facility Location of Operation Information"), applicants are required to provide the name, permit number, and address of the commissary they are operating in conjunction with. They must also submit the name, signature, address, and contact information of a Toilet Facility Owner if the food truck intends to stop at one location for longer than one hour. This toilet facility permission letter must be renewed annually.

Food Trucks in Pasadena, CA

The City of Pasadena regulates food trucks in a manner similar to San Diego and other California cities subject to the Health & Safety Code. Notable components include:

- Pasadena incorporates the Health & Safety Code by reference at the beginning of their food truck regulations.
- "Mobile food vehicle" includes ice cream vehicles, industrial lunch vehicles, retail produce trucks, and food prep vehicles.
- Use-specific regulations for food trucks are very limited. In fact, no zoning or land use regulations prevent their operation – as long as they operate between 8am to 6pm for no more than 60 minutes.
- If remaining in one location for more than 60 minutes, food truck become reclassified as "limited take-out."

Regarding waste management, San Diego requires the provision of one trash receptacle and one recycling receptacle for use by patrons in a “convenient location” that does not impede pedestrian or vehicle traffic. Food trucks are responsible for collection and removal of all litter or debris generation with a minimum 25-foot radius.

3.1.5 Licensing standards and time allowances

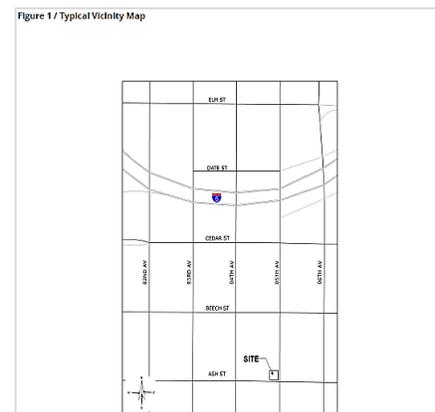
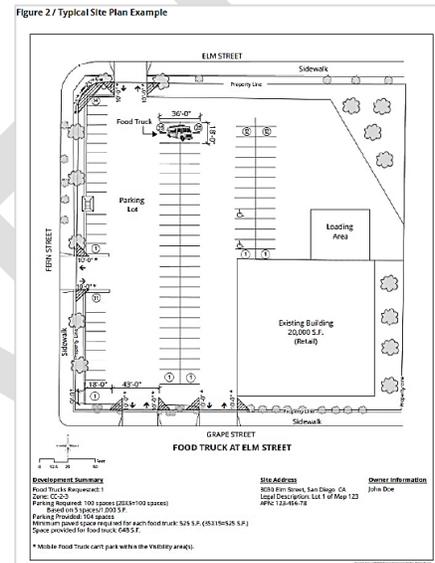
The process to becoming a legally-compliant food truck in San Diego begins with obtaining a Health Permit from the County of San Diego Department of Environmental Services. The Department is the local enforcement agency for the CRFC, which provides statewide health and sanitation standards for retail food facilities and empowers counties to establish local requirements pursuant to this role (see San Diego County Code of Regulatory Ordinances §61.112). Concurrently, food trucks must also maintain a valid business tax certificate issued by the City Treasurer. If operating in the public right-of-way or in other locations listed above in Section 3.1.1 (Zoning and land use controls), the only remaining requirement is the maintenance of a liability insurance policy of at least \$1,000,000 that names the city as an additional insured.

If operating on private property outside exempt locations/zones (such as in industrial zones or at schools and institutions), food trucks must complete the additional step of obtaining a Mobile Food Truck Permit issued by the DSD. Property owners must also obtain a Mobile Food Truck Permit for all food truck operations on their premises, though one permit may cover multiple trucks. Both food truck operators and hosts must ensure operations are conducted in accordance with local regulations.

The Director of Development Services (or their designee) is responsible for approving applications for a Mobile Food Truck Permit. The application requires both a Vicinity Map and Site Plan and limits a food truck’s operation to only the private property indicated on the application. The Site Map is also where, as mentioned in Section 3.1.1 (Zoning and land use controls), *Civic San Diego* is required to provide an approval stamp if operating on private property in downtown areas. See Figure 3.1.2.

Additional permits that may be required include a Special Events Permit (issued by the Special Events Director) for any food truck whose operations would result in the assembly of 75 or more people on public property. A Temporary Use Permit may be requested for a seasonal or limited time event in a location food truck operations would not otherwise be permitted per the underlying zone, with a maximum of two such events per year. A [Neighborhood Use Permit](#) may be requested for approval to deviate from the standard food truck regulations outlined above.

FIGURE 3.1.2 – CITY OF SAN DIEGO, TYPICAL SITE PLAN AND VICINITY MAP PLAN



Source: City of San Diego

3.2 Portland, OR

The City of Portland is home to a robust and active food truck industry that is well recognized nationally. Portland's regulatory approach is ultimately similar to other cities. Portland regulates *vending carts* not as a specific use, but one of many uses covered by a broader Retail Sales category. Compared to other case study jurisdictions, it also possesses some of the most detailed vehicle-focused standards, regulating all retail vehicles by vehicle type and zone, as well as requiring detailed isometric drawings as part of the permitting process (see Figure 3.2.1). Portland also facilitates collaborative relationships between food trucks and brick-and-mortar businesses, requiring food truck operators to proactively request permission to park near existing storefronts and/or utilize their restroom facilities by providing standard forms to do so as part of the permitting process.

3.2.1 Zoning and land use controls

Food trucks in Portland are not designated as a distinct use type. Instead, they are included under the general Retail Sales and Service Uses designation and are regulated according to whether any retail sales are allowed in specific zones (see Portland City Code [§33.920.250](#)). Otherwise, food trucks operating on private property do not require a use-specific Sidewalk Vending Carts Permit as they do in the public right-of-way. See Table 3.2.1 for more information.

Table 3.2.1 – Vending Cart Permitting by Base Zoning District in Portland, OR

Base Zone	Retail Sales and Service Uses allowed?
Residential (R)	No, except in RH and RX as new floor area within a multi-dwelling development
Commercial/Mixed-Use (C)	Yes – CM2, CM3, CE, CX Limited – CR, CM1 (subject to limitations on square footage and hours of operation)
Employment (E)	Yes – all zones
Industrial (I)	Limited – all zones (subject to limitations on number of retail uses on a site)
Campus Institutional (CI)	Yes – CI2 Limited – C1 (limitations on square footage), IR (allowed as an accessory use if approved)

Source: City of Portland City Code, Title 33 ([Planning and Zoning](#))

To operate in the public right-of-way, Portland food trucks must acquire a [Sidewalk Vending Cart Permit](#) from the Portland Bureau of Transportation (PBOT). This permit requires food trucks to specify their proposed area of operation and meet other requirements, as described in Section 3.2.5 (Licensing standards and time allowances). If those requirements are met, food trucks are allowed to operate on any public sidewalk that is 10 feet or more in width in Commercial zones citywide.

Food trucks in Portland are also regulated based on their vehicle type, with broader allowances for smaller Utility Trailers and more stringent limitations for larger Heavy Trucks. For description of each vehicle type, see Section 3.2.2 (Definitions). The zoning allowances by vehicle type are listed in Table 3.2.2.

Table 3.2.2 – Vending Cart Permitting by Vehicle Type in Portland, OR				
Vehicle Type	Base Zone			
	Commercial/Mixed-Use (C)	Employment (E)	Industrial (I)	Campus Institutional (CI)
Utility Trailer	P	P	P	P
Light Truck	P	P	P	P
Medium Truck	CE/CM3 only	P	P	CI2 only
Heavy Truck	–	EG1/EG2 only	P	–
P = Permitted vehicle. – = Not permitted.				
Source: City of Portland City Code, Title 33 (Planning and Zoning)				

3.2.2 Definitions

The following relevant definitions are established in the Portland Zoning Code:

- *Mobile food units* [Multnomah County] - A *mobile food unit* is defined as "...any vehicle that is self-propelled, or which can be pushed or pulled down a sidewalk, street or highway, on which food is prepared, processed or converted, or which is used in selling and dispensing food to the ultimate consumer."
 - Class I: These units can sell only intact prepackaged foods and dispense non-perishable beverages. No dispensed ice is allowed. No preparation or assembly of food items is allowed.
 - Class II: These units may dispense unpackaged foods. However, no cooking, preparation or assembly of foods is allowed on the unit.
 - Class III: These units may cook, prepare, and assemble food items. However, no raw-to-finish cooking of animal foods is allowed on the unit. (Pasteurized eggs acceptable)
 - Class IV: These units may serve a full menu.
- *Vending cart* [City of Portland]
 - *Retail Sales and Service* firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods.
 - Types of vehicles:
 - Utility Trailers: pulled by a motor vehicle, 16 ft. or less in length
 - Light Trucks: single rear axle, single rear wheels
 - Medium Trucks: single rear axle, dual rear wheels
 - Heavy Trucks: two or more rear axles, longer than 16 ft.
 - Types of vending carts:
 - Mobile vending carts: No specific definition, but defined and regulated by their size (e.g., Utility Trailer vs. Heavy Truck).
 - Fixed vending carts: Vending carts of any length that have had the wheels removed.

- Drive-through vending carts: A food truck designed to allow drivers to remain in their vehicles to order and receive food and beverages.
- Vending cart pods: No specific definition, but understood to be a site containing one or more food carts and associated amenities on private property.
- *Special events* mean an event specifically approved by an individual ordinance or permit granting use of street and sidewalk areas within a specifically defined area for a period of time not exceeding 10 days to a community-based organization.

3.2.3 Distance separation requirements

Portland enforces distance separation requirements only for food trucks operating in the public right-of-way (see Portland City Code [§17.26.125](#)). These include prohibitions on the following:

- Operation within 10 feet of the intersection of the sidewalk with any other sidewalk (may be waived for extra-width sidewalks at the discretion of the City Engineer);
- Operation within eight feet of an adjacent property line;
- Operation within 10 feet of the extension of any building entrance or doorway to the curb closest to the property line;
- Operation within 10 feet of any handicapped parking space or access ramp; and
- Operation within 100 feet of a restaurant, fruit and vegetable market, or flower vendor with direct access to the sidewalk on the same block (may be waived with a Letter of Consent signed by the proprietor of a nearby business at the discretion of the City Engineer).

More generally, food trucks are permitted temporary signs or menu boards up to a total of four square feet. Umbrellas or canopies are allowed but may not exceed 40 square feet in area.

3.2.4 Sanitation/bathroom requirements

As mentioned in Section 3.2.2 (Definitions), the Multnomah County Health Department (MCHD) classifies food trucks as Class I, II, III, or IV. All classes are required to operate within one-quarter mile or five-minute walking distance of a designated restroom. Food trucks which do not stop at a fixed location for more than two hours during the workday are exempt. Authorization to use restroom facilities, including the name and signature of the person authorizing such facilities, is required as part of a Mobile Food Unit Restroom Requirement Form. Local regulations do not otherwise mention this requirement.

The County also requires a Commissary Service Verification form, pursuant to state regulation requiring licensed food vending businesses to operate from a licensed commissary, warehouse, or other license food service facility. An exception exists for food trucks with a three-compartment sink or dishwasher. Lastly, the County requires the completion of a Wastewater Disposal Form, identifying the location and address of the wastewater disposal site or, if using the services of a sewage/wastewater pumper, provide their name, signature, and Oregon Department of Environmental Quality licensing number.

Portland requires food trucks operating in the public right-of-way to provide trash and/or recycling containers and to pick up any litter within 25 feet of where they operate.

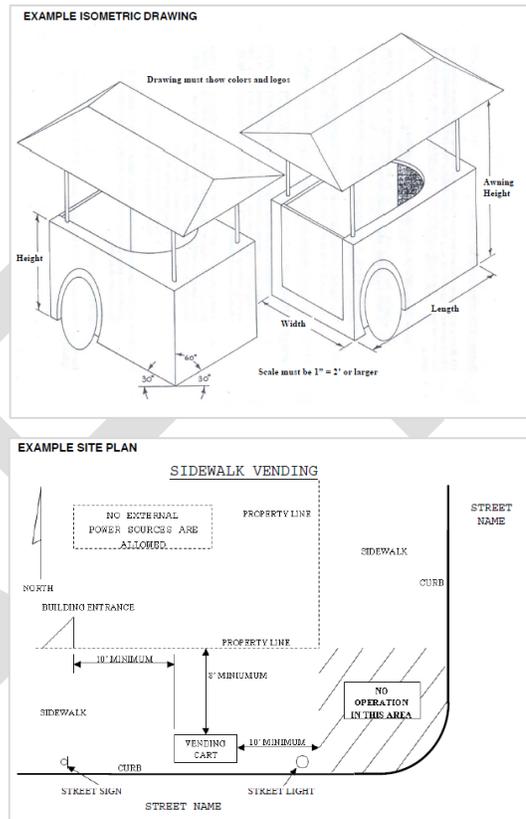
3.2.5 Licensing standards and time allowances

As a first step, all food trucks in Portland are required to obtain a Health Certificate from the MCHD. The application for a Health Certificate includes the restroom, commissary, and waste disposal forms mentioned in Section 3.2.4 (Sanitation/bathroom requirements), as well as a Plan Review Worksheet and Itinerary and Operating Schedule. (For reference, these County requirements [may be accessed here.](#))

Portland requires further permits and certifications depending on intended location. For food trucks operating on private property, the only additional requirements are a Business License and a permit from Portland Fire and Rescue if the truck uses propane bottles of greater than 17 ounces in volume.

To operate in the public right-of-way, a Sidewalk Vending Cart Permit from PBOT is required for each food truck. Beyond basic identifying information, this form requires a specified permit operating area, Letter(s) of Consent from adjacent property owners, a Site Plan, and a color isometric drawing of at least two views of the food truck. In addition, the food truck operator must submit a certificate of insurance, their business license information, a copy of their Health Certificate, and their fire inspection documentation if cooking with propane bottles above 17 ounces in volume. The City Engineer (or their designee) is responsible for approving all elements of the Permit application.

FIGURE 3.2.1 – CITY OF PORTLAND, TYPICAL ISOMETRIC DRAWING AND SITE PLAN



Source: City of Portland

Examples of Site Plan compliant with the requirements listed in Section 3.2.3 (Distance separation requirements) and an isometric drawing which satisfies design review are illustrated above in Figure 3.2.1.

Time allowance regulations are limited to the following:

- Operation in the Commercial Residential (CR) zone is limited to between the hours of 6am to 11pm.
- Operation in a roadway adjacent to or directly across from residential property for a period longer than 10 minutes within any block face is prohibited. Food trucks may not return to the same block for two hours.
- Food trucks cannot remain unattended for more than 30 minutes, nor be parked or stored overnight on any public grounds, street, or highway.

A separate permit is required to operate at special events and is only open to food trucks which have already received a Sidewalk Vending Cart Permit. The application for this permit requires an additional fee, written consent of adjacent property owner(s), and be submitted at least five days prior to the event. To operate in a city park, Portland Parks & Recreation requires a separate commercial activity permit.

3.3 Austin, TX

The City of Austin has a more limited approach to regulating *mobile food vendors*, with limited zoning and operational restrictions that put a greater emphasis on the permitting process. Austin is also unique in making it the responsibility of adjacent business owners or neighborhood associations to request further restrictions, rather than proactively limiting food truck operations in commercial areas or close to residential zones. However, the collective impact of these standards results in a food truck program that achieves many of the same results as other jurisdictions.

3.3.1 Zoning and land use controls

Food trucks in Austin are permitted in all commercial and industrial zones, with the exception of neighborhood office (NO), limited office (LO), and general office (GO) districts. Unlike other case study jurisdictions, this applies to operations on both private property and in the public right-of-way. No specific regulations are established for operation in public parking spots or adjacent to sidewalks. However, multiple restrictions apply regarding distance separation requirements and hours of operation in relation to adjacent uses (see Austin Code of Ordinances [§25-2-812](#)).

The Code also includes a provision that allows areas with [adopted neighborhood plans registered with the City of Austin](#) to request additional distance and time restrictions for food trucks. Such an application is submitted to the Director and requires both public notice and a public hearing by the City Council. The additional restrictions are summarized in Sections 3.3.3 (Distance separation requirements) and Section 3.3.5 (Licensing standards and time allowances) below.

3.3.2 Definitions

The following definitions are key to understanding Austin's food truck regulations:

- *Food enterprise*, which includes a mobile food establishment but is not otherwise defined.
- *Food handler* means a food enterprise employee who works at any time with unpackaged food, food equipment or utensils, or food tact surfaces.
- *Mobile food establishment* [City] means one of the two types of mobile food operations:
 - A restricted unit that offers only prepackaged food in individual servings; beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels; and packaged frozen foods. Preparation, assembly or cooking of foods is not allowed. A foot peddler permit is a restricted unit is limited to one portable ice chest, cooler, case, or unit per permit, capable of being carried by one person.

Food Trucks in Berkeley, CA

The City of Berkeley regulates food trucks in a manner similar to San Diego and other California cities subject to the Health & Safety Code. Notable components include:

- Operations are permitted only in commercial zones along specific corridors and industrial zones.
- The City Manager may require food trucks to move to different sites at any time at their discretion, but no more than once every 90 days.
- Operation is permitted only from 7am to 12am, and may not move locations during high-traffic hours
- Operators may not refuse to accept an empty refillable container of any kind.
- Though Berkeley has often hosted the [Off the Grid](#) food truck events, no specific regulations exist regulating these events.

- An unrestricted unit that may serve food as allowed above, and may cook, prepare, and assemble a full menu of food items.
- *Mobile food unit (MFU)* [State] means a vehicle-mounted, self or otherwise propelled, self-contained food service operation designed to be readily movable (including catering trucks, trailers, push carts, and roadside vendors) and used to store, prepare, display, serve or sell food. An MFU must completely retain its mobility at all times. An MFU does not include a stand or a booth. A roadside food vendor is classified as an MFU.
- *Pushcart* [State] means a non-self-propelled MFU limited to serving foods requiring a limited amount of preparation as authorized by the regulatory authority and readily movable by one or two persons. A pushcart is classified as an MFU. A pushcart does not include non-self-propelled units owned and operated within a retail food store. This type of MFU requires the support of a central preparation facility.
- *Roadside food vendor* [State] means a person who operates a mobile retail food store from a temporary location adjacent to a public road or highway. Food is not prepared or processed by a roadside food vendor. A roadside food vendor is classified as an MFU.

3.3.3 Distance separation and other location-based requirements

The City of Austin enforces distance separation requirements for food truck operations without distinction between private property and the public right-of-way. Additionally, food trucks operating on private property for three hours or less between the hours of 6am and 10pm are exempt from these use-specific regulations. These include prohibitions on the following:

- City of Austin
 - Operation within 50 feet of a lot with a building that contains both a residential and commercial use.
 - Operation within 20 feet of a restaurant (general) or restaurant (limited use).
 - At the request of a neighborhood association:
 - Operation within 50 feet of a property in an SF-5 or more restrictive zone
- Travis County Fire Marshal's Office
 - Operation within 20 feet of any structure
 - Operation within 15 feet of any fire hydrant

3.3.4 Sanitation/bathroom requirements

All food trucks in Austin are required to submit and maintain a Restroom Facility agreement for each location where the truck will operate for longer than two hours. The restroom must be within 150 feet of the vending location and accessible during intended operation hours with the consent of the restroom's owner/responsible party. These agreements can be for either fixed establishments or portable restroom facilities.

During business hours, food truck operators must provide a trash receptacle for use by customers and keep the area around the truck clear of litter and debris at all times. No specific regulations exist for the number of receptacles, garbage vs. recycling, or sidewalk encroachment.

3.3.5 Licensing standards and time allowances

Austin's [Environmental Health Services Division \(EHSD\)](#), part of Austin Public Health (APH), is the authority responsible for food truck permitting. Enforcement is overseen by the [Austin Code Department](#).

In the initial APH application for a Mobile Food Vendor Operational Permit, permit types are differentiated as being restricted (for sale of pre-packaged foods) and unrestricted (for prepared food). Applicants must indicate whether they will be operating within Austin city limits and/or in unincorporated Travis County; the Permit covers both jurisdictions as well as local cities and towns that have contracted with the City of Austin. Applicants must also indicate their Unit Type (i.e., Motor Vehicle, Pushcart, Trailer, Kiosk, Foot Peddler, or Other) (see Austin Code of Ordinances [§10-3-91](#) et seq.).

The application includes additional forms for documenting contracts with a certified Central Preparation Facility (what other jurisdictions call a *commissary*), a current Itinerary Sheet, and applicable Restroom Facility Agreements. It is expected that operators will already possess a Texas sales and use tax ID number, be a licensed business in Austin, and have a single Certified Food Manager (CFM) on staff per truck; all employees must complete a state-approved food handler training course. However, a CFM is not required for food trucks which possess a restricted Permit if one is in charge of the Central Preparation Facility that supply their products.

Austin also requires a Right of Way Vendor License if a food truck intends to operate adjacent to the sidewalk. Like in other jurisdictions, this application requires basic applicant and business information, as well as the address intended vending location and a "vending location sketch" (i.e., site map). However, instead of requiring proactive engagement with adjacent businesses by the applicant, the City of Austin will deliver a notice of the vending request by mail and gives the business owner 10 days to submit comments/objections to the request.

For operations in a city park, food truck operators are required to obtain a Park Property Rental Agreement or written permission of the Park and Recreation Department director.

Regarding time allowances, as noted above in Section 3.3.4 (Sanitation/bathroom requirements), food trucks operating at a single location for longer than two hours must identify appropriate restroom facilities within 150 feet. Other time restrictions include:

- No operation between the hours of 3am and 6am:
 - Located on the same site as a restaurant (limited) or restaurant (general) and serving food from that restaurant; may only operate between the hours of 6am and 10pm if located 300 feet or less from the property.
- At the request of a neighborhood association:
 - Unless operating between 50-300 feet from a property, may not operate between 6am and 10pm in a SF-5 or more restrictive district.
 - Unless operating more than 300 feet from a property, may not operate between 6am and 3am in a SF-5 or more restrictive district.

Food trucks operating on private property for three hours or less between the hours of 6am and 10pm are exempt from these use-specific regulations.

- *Commissary* shall mean an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged, or stored.
- *Food peddler* shall mean a mobile food vendor who is not operating from a mobile retail food establishment or a pushcart.
- *Mobile retail food establishment* shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.
- *Pushcart* shall mean a nonself-propelled vehicle limited to serving commissary prepared or prepackaged food and nonpotentially hazardous food unless the equipment is commercially designed and approved to handle food preparation and service.
- City of Denver Zoning Code
 - *Use, Temporary* means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.
 - *Retail food establishment, mobile* means a readily movable motorized-wheeled vehicle designed and equipped to serve food or towed-wheeled vehicle designed and equipped to serve food. This definition shall not apply to uses which operate for less than 30 consecutive minutes at each separate location.

Food Trucks in Los Angeles, CA

The 2012 report *Food Truck Freedom: How to Build Better Food-Truck Laws in Your City* from the non-profit public interest law firm Institute for Justice names the City of Los Angeles as having one of the best overall legal frameworks for food trucks in the nation. Notable components include:

- No restrictions on when food trucks may operate.
- Licensing applies to the overall vending business, not the individual vendor.
- Does not include distance separation requirements from brick-and-mortar businesses, but does prevent parking within 100 feet of an intersection.

Los Angeles was also the focus of a landmark legal ruling involving food trucks. In 2006, the City passed an ordinance requiring food trucks to move every 30 or 60 minutes depending on operating location. In 2009, this ordinance was invalidated on the grounds that it expressly conflicted with the state vehicle code, which permits regulations only for the purpose of public safety.

3.4.3 Distance separation requirements

Food trucks in Denver are subject to distance separation requirements on private property and in the public right-of-way. These include prohibitions on:

- Operation within 200 feet of any eating or drinking establishment existing at the time the permit or renewal permit was issued.
- Operation within 200 feet of any other food truck.
- Operation within 50 feet of any Residential Zone District.

Food trucks operating in the public right-of-way are subject to further prohibitions, including:

- Operation within 20 feet of an intersection.
- Operation within 300 feet of a public park or parkway (unless granted permission by the Department of Parks and Recreation as part of a special event).

3.4.4 Sanitation/bathroom requirements

Unlike other jurisdictions, the City of Denver does not require food truck operators to provide proof of access to restrooms. The Mobile Retail Food Establishment plan review application does include a brief section where the location of restrooms close to the intended area operation are located (including name and address of business), but a signed agreement with said businesses is not a requirement for approval.

3.4.5 Licensing standards and time allowances

All food trucks, trailers, and carts operating in Denver are required to obtain a Mobile Retail Food Establishment License granted by the Department of Excise and Licenses. The application packet/plan review is extensive, requiring detailed information on food truck equipment, operation, product storage, and utility access. This process also requires a Propane Permit (if applicable), an Affidavit of Commissary, and numerous color photos of compliant equipment.

In general, the City of Denver limits food truck operations to four consecutive hours daily on the same lot between 8am and 9pm. However, as mentioned in Section 3.4.1 (Zoning and land use controls), food trucks can operate throughout Denver in the public right-of-way or on private property for less than 30 minutes at any one location. If operating for longer than 30 minutes in a single location, land use and distance separation requirements apply.

If operating as part of a special event (including a group of food trucks at a single location), food trucks are permitted in most zoning districts without a zoning permit. However, the special event must obtain a specific “Bazaar, Carnival, Circus or Special Event” zoning permit, and food trucks may only operate for a maximum of 12 consecutive days between 9am and 11pm. If in a Residential Zone District, the event sponsor must be a nonprofit or government entity.

4. Conclusion

The case study jurisdictions analyzed above illustrate the variety of approaches local governments can pursue when regulating food truck regulation in response to unique local circumstances. However, taken together several common standards emerge:

- Operation in the public right-of-way is broadly treated as key to the food truck business model and is not outright prohibited in any jurisdiction.
- Operation in residential zones is undesirable, with all jurisdictions limiting food trucks from selling in solely residential zones through a combination of land use, distance separation, or time limit regulations.
- All jurisdictions require basic business licensing and oversight by a city or county health department.

Best practices are less clear in regard to the utilization of use-specific permits, distance separation requirements, bathroom access, and time allowances. For example, Austin’s permitting process requires a Mobile Food Vendor permit for food trucks operating on both private property and in the public right-of-way; Portland requires a Sidewalk Vending Cart permit only for the latter, while San Diego and Denver require use permits only for the former. Jurisdictions also provide differing approaches on when food trucks should be allowed to operate, with San Diego being the most permissive by enforcing no limitations, and Denver strictly limiting operation to four hours in a single location with allowances for food trucks parked for less than 30 minutes.

Independent of the complexity of their regulatory approach, jurisdictions also vary in the ease of use for their food truck standards. Despite Denver's extensive provisions, the informative multi-department guide conveys regulations in a way that is easy to understand for all stakeholders. Portland also publishes separate, specific guides for food truck operation on private property versus the public right-of-way, and proactively reduces the likelihood for tension between businesses by providing standard forms for addressing common problems of proximity and restroom use.

The diversity of regulatory approaches in different cities reflects varying contexts and state requirements. For example, due to the comprehensiveness of the California Retail Food Code, San Diego relies on the provisions of state-level standards rather than crafting a detailed local approach. This is in contrast to Denver, where the city has prepared its own detailed operating standards for food trucks.

In general, the case study cities provide regulations in the following areas:

- Use restriction on operations in private property via the zoning code;
- Regulation on operations in the public right of way, including parking restrictions;
- Distance and separation requirements, including objective, measurable standards such as distances from intersections or public facilities;
- Coordination with health and safety codes for food service; and
- Permitting and licensing.

A successful program in Long Beach should incorporate aspects of these key features for regulation of food truck operations.

5. Attachments

The documents summarized in Table 5.1, below, are taken from the Case Study Research Memo jurisdictions of San Diego, CA; Portland, OR; Austin, TX; and Denver, CO (in that order). They include applications, guides, and more from the jurisdictions' municipal governments and, in some cases, their county. For more information, see Appendix A.

Table 5.1 – Case Study Jurisdictions Applications, Guides, etc.

Jurisdiction	Document	Department/Agency	Document Type	Year Updated	File Name	Notes
San Diego, CA						
County of San Diego	Mobile Food Facility Location of Operation Information	Department of Environmental Health and Quality (DEHQ), Food and Housing Division	Application	2020	San Diego_County_Location of Operation Information_2020	
	Application for Public Health Permit	Department of Environmental Health and Quality (DEHQ)	Application	2021	San Diego_County_Public Health Permit_Application_2021	
	Standards Operational Procedures for Mobile Food Facilities	Department of Environmental Health and Quality (DEHQ), Food and Housing Division	Tracking	2021	San Diego_County_SOPs for Mobile Food Facilities_2021	<i>Includes:</i> Mobile Food Toilet Facilities Letter of Agreement
City of San Diego	Mobile Food Truck Permit Application	Development Services Department	Application	2014	San Diego_City_Mobile Food Truck Permit_Application_DS-210_2014	
	How to Obtain a Permit for a Mobile Food Truck	Development Services Department	Informational	2021	San Diego_City_How to Obtain a Permit for a Mobile Food Truck_2021	<i>Includes:</i> Typical Vicinity Map Typical Site Plan Example
Portland, OR						
Multnomah County	Mobile Food Unit Plan Review Packet	Multnomah County Health Department, Environmental Health	Application, Informational, Tracking	2016	Portland_Multnomah County_Mobile Food Unit Review Packet_2016	<i>Includes:</i> Itinerary and Operating Schedule Commissary Service Verification Restroom Requirement Form

Attachment A

Table 5.1 – Case Study Jurisdictions Applications, Guides, etc.

Jurisdiction	Document	Department/Agency	Document Type	Year Updated	File Name	Notes
						Wastewater Disposal Form
City of Portland	Vending Carts on Private Property	Bureau of Development Services (BDS)	Informational	2019	Portland_BDS_Vending Carts on Private Property_2019	
	Sidewalk Vending Cart Application Packet	Portland Bureau of Transportation (PBOT)	Application	2016	Portland_PBOT_Sidewalk Vending Cart Permit Application Packet_2016	
Austin, TX						
City of Austin	Mobile Food Vending Unit Checklist	Austin Fire Department, Fire Marshal's Office	Informational	2020	Austin_Fire_Mobile Food Vending Checklist_2020	
	Mobile Food Establishments Amendment Application	Planning and Zoning Department	Application	Unknown	Austin_Neighborhood Association Restrictions Application	To establish additional regulations governing hours of operation and location of food trucks in specific neighborhoods
	Mobile Food Vendor: Operational Permit Application	Austin Public Health, Environmental Health Services Division	Application	2020	Austin_Public Health_Mobile Food Vendor Operational Permit Application_2020	<i>Includes:</i> Central Preparation Facility (CPF) Contract/Certification Mobile Food Vendor Itinerary Sheet Restroom Facility Agreement
	Right of Way Vendor License Application	Austin Transportation Department, Right of Way Management division	Application	Unknown	Austin_ROW Vendor License Application	
Denver, CO						
City and County of Denver	Mobile Retail Food Establishment Plan Review Application	Department of Community Planning & Development Department of Excise and Licenses Denver Fire Department (DFD)	Application	2021	Denver_Mobile Retail Food Establishment Plan Review Application_2021	<i>Includes:</i> Affidavit of Commissary Affidavit of Lawful Presence in United States LPG Use/Storage Permit Application

Attachment A

Table 5.1 – Case Study Jurisdictions Applications, Guides, etc.

Jurisdiction	Document	Department/Agency	Document Type	Year Updated	File Name	Notes
		Department of Parks and Recreation				
	Mobile Retail Food Truck, Trailer, and Cart Guide	Department of Public Health & Environment (DDPHE)	Informational	2018	Denver_Mobile Retail Food Truck, Trailer, and Cart Guide_2018	<i>Includes:</i> Food Truck Operation Inspection Checklist
	Food Truck Guide: A Multi-Departmental Guide	Department of Public Works	Informational	2017	Denver_Multi-Dept Food Truck Guide_2017	
	Mobile Retail Food Establishment Licensing Instructions		Informational	Unknown	Denver_Mobile Food Establishment Licensing Instructions	

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Appendix A: Case Study Jurisdictions Applications, Guides, etc.

County of San Diego

DEPARTMENT OF ENVIRONMENTAL HEALTH - FOOD AND HOUSING DIVISION
 P.O. BOX 129261, SAN DIEGO, CA 92112-9261 Phone: (858) 505-6900 • (800) 253-9933 • FAX: (858) 999-8920 • www.sdcdeh.org

MOBILE FOOD FACILITY LOCATION OF OPERATION INFORMATION

Mobile Food Facility Name: _____ Health Permit #: _____

Mailing Address: _____
Street # Street Name City Zip Code

Contact Phone #: (____) _____ Contact Cell Phone #: (____) _____ Contact Email: _____

Vehicle Identification #: _____ License Plate #: _____ Website: _____ @ _____

Commissary Name and Permit #: _____ Commissary Address: _____
Street # Street Name City Zip Code

FOR MOBILE CARTS APPROVED TO BE STATIONED AT A SINGLE OPERATING SITE (SOS): **Note: All locations must be within 200 ft. of approved toilet facilities.*

Name of Location: _____ Location Address: _____
Street # Street Name City Zip Code

Days of Operation: _____ Hours of Operation: _____

MOBILE FOOD TOILET FACILITIES LETTER OF AGREEMENT: *This section must be completed by the Toilet Facility Owner for all Single Operating Site (SOS) facilities and all Mobile Food Facilities whose vehicles stop at one location for longer than one (1) hour. This permission letter must be renewed annually.*

The above mobile food facility has my permission to use my permanent toilet facilities, which include hot and cold water, soap, and towels or air dryer.

Name (Print): _____ Name (Signature): _____ Title: _____ Date: ____/____/____

Facility Name and Address: _____
Street # Street Name City Zip Code

Contact Phone #: (____) _____ Contact Fax #: (____) _____ Contact Email: _____ @ _____

I understand and agree that if I make any changes to my route or business location, I must notify the Food and Housing Division (FHD) within 30 days. Revised route information may be provided by Fax: (858) 999-8920, E-mail: fhdpermits@sdcounty.ca.gov, in person to 5500 Overland Avenue, San Diego, CA 92123 or by U.S. Mail to P.O. Box 129261, San Diego, CA 92112-9261, Attn: FHD Mobile Food Inspection Program. Failure to notify FHD of any changes may result in an administrative citation, suspension or revocation of the Health Permit issued to me to operate this Mobile Food Facility.

Owner Name (Print)

Owner Name (Signature)

_____/_____/_____
Date



County of San Diego

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY APPLICATION FOR PUBLIC HEALTH PERMIT



ADDRESS: 5500 OVERLAND AVE #170, SAN DIEGO, CA 92123 | **PHONE:** (858) 505-6666 | **FAX:** (858) 999-8920
MAILING ADDRESS: P.O. BOX 129261, SAN DIEGO, CA 92112-9261
EMAIL: FHDPERMITS@SDCOUNTY.CA.GOV

PREFERRED LANGUAGE(S) SPOKEN OR READ/Idiomas Preferido(s) Hablados o Leídos	
We are committed to enhancing communication and services to our customers. In support of this effort, we are seeking information on the primary languages spoken by you and your staff. This information will allow FHD to continue to translate various applications and informational materials.	
Preferred Language/Idioma preferido: Arabic Chinese – Cantonese Chinese – Mandarin English Farsi Filipino Japanese Karen Korean Somali Spanish Vietnamese Other _____	
Preferred Secondary Language/Segundo idioma preferido: Arabic Chinese – Cantonese Chinese – Mandarin English Farsi Filipino Japanese Karen Korean Somali Spanish Vietnamese Other _____	

- Please print clearly, using **BLUE** or **BLACK** ink ONLY/Por favor escribir legible con tinta **NEGRA** o **AZUL** Solamente -

APPLICATION TYPE/Tipo de Aplicacion	<input type="checkbox"/> Food Facility <input type="checkbox"/> Mobile Food <input type="checkbox"/> Pool/Body of Water <input type="checkbox"/> Massage Establishment <input type="checkbox"/> Public Housing <input type="checkbox"/> Body Art Facility <input type="checkbox"/> Resort/Entertainment Complex <input type="checkbox"/> Seasonal Organized Camp <input type="checkbox"/> Annual Organized Camp <input type="checkbox"/> Class B Cottage Food Operation <input type="checkbox"/> Charitable Feeding Food Facility
--	---

BUSINESS INFORMATION/Información del Negocio	Business Name (DBA)/Nombre del Negocio: _____
Assumed Business Date/Fecha de inicio:	Days and Hours of Operation/Días y horas de operación: _____
Month/Mes: _____ Day/Día: _____ Year/Año: _____	

APPLICANT INFORMATION/Información del Apicante	Check if same as owner/ Marque aqui SI es la mismo del dueño
Name/Nombre: _____ Email/Correo electrónico: _____	
Phone #/Número de teléfono: _____ Home Phone#/Número de casa: _____	
Fax #/Número de fax: _____ Mobile Phone#/Número de cell: _____	
Street #/Número de la calle: _____ Street Name & Suite/Nombre de la calle: _____ City/Ciudad: _____ Zip Code/Código postal: _____	

BILLING INFORMATION/Información de Facturación	Check if same as owner/ Marque SI es la misma del dueño
Name/Nombre: _____ Email/Correo electrónico: _____	
Phone #/Número de teléfono: _____ Home Phone#/Número de casa: _____	
Fax #/Número de fax: _____ Mobile Phone#/Número de cell: _____	
Street #/Número de la calle: _____ Street Name & Suite/Nombre de la calle: _____ City/Ciudad: _____ Zip Code/Código postal: _____	

OWNER INFORMATION/Información del Dueño	Type of Ownership/Tipo de organización:	Sole Owner/Dueño único
	Partnership/Sociedad	Corporation/Corporación
	Non-Profit/Sin fines de lucro	
Owner Name (Corp, LLC, or Sole Owner)/Dueño: _____		
<i>Please list the NAME of the entity if applicable. An honorably discharged veteran who is a sole owner may be entitled to a fee exemption for certain food related permits.</i>		
Owner Email/Correo electrónico del dueño: _____		
List of Partners or Officers (attach separate sheet if necessary)/Lista de socios: _____		
Phone #/Número de teléfono: _____	Home Phone#/Número de casa: _____	
Fax #/Número de fax: _____	Mobile Phone#/Número de cell: _____	
Street #/Número de la calle: _____	Street Name & Suite/Nombre de la calle: _____	City/Ciudad: _____ Zip Code/Código postal: _____

FOOD FACILITIES ONLY/Establecimientos de Comida Solamente	
# of Employees/Número de empleados: _____	Total # of Prep Areas/Número de areas de preparación (deli, bakery, etc.): _____
Square Footage/Area en pies cuadrados: _____	# of Vending Machines/Número de maquinas: _____
Outdoor Dining/Comedor al aire libre: Sole Sole and Covered Shared Shared and Covered None N/A	
Outdoor Dining Seating Capacity/Capacidad de asientos comedor al aire libre: _____	
Outdoor Dining Square Footage/Pies cuadrados de comedor al aire libre: _____	
Indoor Dining/Comedor interior: Sole Shared None N/A	
Indoor Dining Seating Capacity/Capacidad de asientos comedor interior: _____	
Indoor Dining Square Footage/Pies cuadrados de comedor interior: _____	
Restroom Type/Tipo de baño: Shared Public and Employee Common Use Public and Employee Employee Only Common Use Public/Separate Employee Separate Public/Separate Employee	
Men Stalls: _____ Men Urinals: _____ Women Stalls: _____ Unisex Rooms: _____	
Drive Thru: Yes No	
Year Building was Built/Año de construcción del edificio: _____	

MOBILE FOOD FACILITIES ONLY/Móviles de Comida Solamente

MUST SUBMIT COMMISSARY AGREEMENT LETTER, TOILET FACILITY LETTER (if applicable/si es aplicable)
Will the mobile unit be operating at one location at all times? Estara la unidad móvil tranajando en una sola ubicación?

Yes/Si No (If no, please provide a list of locations/Si es NO, por favor incluya una lista de las ubicaciones)

Indicate # of Mobile Units (In addition to the sink cart)/ *Numero de Unidades Móviles (Aparte del sink móvil):* _____

HOUSING PERMIT ONLY/Permiso de Viviendas Solamente **Indicate # of Housing Units/Número de unidades:** _____

Name of Management Company/Nombre de la compañía administradora (if applicable/si es aplicable): _____

Primary Contact Name/Nombre del contacto principal: _____

Phone #/Número de teléfono: _____ **Email/Correo electrónico:** _____

POOL PERMIT ONLY/Permiso de Piscina Solamente

Bodies of Water/Cuerpos de agua: # of Pool(s): _____ # Spa(s): _____ # of Wader(s): _____ # of Spray Ground(s): _____ Other: _____

If any body of water is indoors, please specify which one/Si algun cuerpo de agua está ubiguado en el interior, especifique cuál: _____

Facility Type/Tipo de facilidad: Apartment Complex Bath House Bed & Breakfast Campground County/Private Club
 Government/Municipal/County Agency Health/Swim Club HOA Hotel/Motel Mobile Home Park Public Park
 Resort Enter. Complex School/College/University Shopping Mall Waterpark/Theme Park

Name of Management Company/Nombre de la compañía administradora (if applicable/si es aplicable): _____

Primary Contact Name/Nombre de contacto principal: _____

Phone #/Número de teléfono: _____ **Email/Correo electrónico:** _____

Access for Inspection/Acceso para inspección: Key/Llave Lockbox/Caja de seguridad

On-site Contact/Contacto en el sitio Name/Nombre: _____ Phone Number/Número de teléfono: _____

*If key or lockbox were checked, the area specialist will reach-out to obtain key/information. Si marcó llave o caja de seguridad, el especialista del área se comunicará con usted para obtener la llave/información.

BODY ART FACILITY ONLY/Arte de Cuerpo Solamente

Indicate the Services you will be Providing/Indique los servicios que serán proporcionados

(Check all that apply/Marque todos que apliquen)

Tattooing Permanent Cosmetics Body Piercing Branding Mobile Body Art

- INFECTION PREVENTION & CONTROL PLAN (IPCP) TO BE SUBMITTED WITH APPLICATION.

- PRACTITIONERS MUST BE REGISTERED WITH DEHQ.

Applicable to all permits:

- ❖ I declare under penalty of perjury that to the best of my knowledge and belief, the statements made herein are correct and true.
- ❖ I hereby consent to all necessary fees and inspections made pursuant to law and incidental to the issuance of this permit and the operation of this business.
- ❖ I agree to conform to all conditions, orders, and directions, issued pursuant to the California Health and Safety Code, and all applicable County and City Ordinances.
- ❖ I agree to not make any modifications or changes to my existing project/facility, including menu/equipment changes, changes in commissary, or changes of ownership, without prior written approval.
- ❖ I agree not to operate until a valid health permit is issued.
- ❖ I understand and hereby consent to any information I provide on this permit application to be considered a public record subject to disclosure under the California Public Records Act.

Authorized Signature/Firma: _____ **Date/Fecha:** _____

Print Name/Nombre: _____ **Title/Título:** _____

CHANGE OF OWNERSHIP ONLY/Cambio de Dueño Solamente

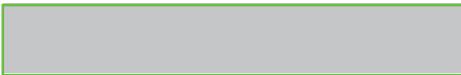
Documents required to process change of ownership/Documentos requeridos para procesar el cambio de dueño:

- *Health Permit Application
- *Proof of ownership (such as: business license, seller's permit, etc)
- *Menu/Food Items Produced (Food Facilities and Mobile Food Facilities only)
- *Change of ownership questionnaire (Food Facilities only)

After an invoice is generated, the following payment options are available/Después de que se genere una factura, existen varias opciones para realizar el pago:

- *Online at www.dehqpay.com
- *In-person at 5500 Overland Ave, #170, San Diego, CA 92123
- *By mail P.O. BOX 129261, San Diego, CA 92112-9261 (May take up to two weeks for processing)

NOTE: A food facility shall not be open for business without a valid health permit (Section 114381 of the California Health & Safety Code and Section 61.104 of San Diego County Code of Regulatory Ordinance). Permit fees due to DEHQ for the investigation of a regulated business operating without a Health Permit will be three (3) times the cost of the annual permit fee, which are payable in addition to the current permit fee.



- OFFICE USE ONLY -

New Change of Owner Update Record Exempt

New Permit #	Previous Permit # or Plan Check #	Record/Permit Type	Units	Decal Number	Processing Clerk



County of San Diego

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY FOOD AND HOUSING DIVISION

P.O. BOX 129261, SAN DIEGO, CA 92112-9261
Phone: (858) 505-6900 • Fax: (858) 999-8920 • www.sdcdehq.org



STANDARD OPERATIONAL PROCEDURES FOR MOBILE FOOD FACILITIES

Facility Name: _____ Health Permit Number: _____

Hours of Operation:

Time	Mon	Tue	Wed	Thur	Fri	Sat	Sun
Start:	<input type="checkbox"/> am						
	<input type="checkbox"/> pm						
End:	<input type="checkbox"/> am						
	<input type="checkbox"/> pm						

Location of Operation: _____ City: _____, CA Zip: _____
Street No. Street Name

Business Owner Name: _____ Phone: () _____

Fax: () _____ E-Mail: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____
Street No. Street Name

AN APPROVED COPY OF THIS OPERATIONAL PROCEDURE SHALL BE MAINTAINED ON THE MOBILE FOOD FACILITY AT ALL TIMES. Please note that any changes to the menu, equipment, or procedures listed on this form require prior approval by the Food and Housing Division (FHD) of the Department of Environmental Health and Quality.

MENU DESCRIPTION (use additional sheet on page 3, if necessary)

Write below a complete list of food and beverages that will be offered on the mobile food facility menu			Where was this food purchased?	Where will the food be prepared?	
FOOD ITEM	UNPACKAGED FOOD	PREPACKAGED FOOD		COMMISSARY	ON SITE

1. Indicate the location where you will store food at the end of the day.

Food Stored at: _____ City: _____, CA Zip: _____
Street No. Street Name

2. Indicate the location where you will store the food facility (MFF) unit at the end of the day.

MFF Stored at: _____ City: _____, CA Zip: _____
Street No. Street Name

3. Describe the procedure you will use to fill the MFF potable water tank and the location where it will be filled:

4. Describe the procedure you will use to empty the MFF waste water tank and the location where it will be emptied:

STANDARD OPERATIONAL PROCEDURES FOR MOBILE FOOD FACILITIES

5. Describe the procedures you will use to clean and sanitize the potable water and waste tanks.

Tank	Cleaning Method	Sanitizing Method	How often?
Potable Water			
Waste Water			

6. Name of business providing restroom facility during hours of operation: _____

Business location: _____ City: _____, CA Zip: _____

Street No. Street Name

7. List equipment and utensils that will be used on the mobile food facility. Please be specific on equipment's use and function. For example: **Equipment:** Blender **Intended use:** Make Smoothies

Equipment	Intended use in mobile food facility

8. Describe the procedures you will use to clean and sanitize food contact surfaces, equipment and utensils during working hours and at the commissary.

	During working hours	At the Commissary
Clean		
Sanitize		

9. Indicate the specific sanitizer or sanitizing method that you will use by checking the box below:

- Contact with a solution of 100 ppm (parts per million) available chlorine for at least 30 seconds.
 Contact with a solution of 200 ppm available quaternary ammonium for at least one minute.

Check the option you will use: Commercial pre-mixed solution or I will prepare my own sanitizer solution

10. Acknowledgment

I understand and agree that if I make changes to my operating procedures, I must notify the Food and Housing Division (FHD) within 7 days. Revised operating procedures may be provided by Fax: (858) 999-8920, E-mail: fhdpermits@sdcounty.ca.gov, in person at 5500 Overland Avenue, San Diego, CA 92123 or by U.S. Mail to P.O. Box 129261, San Diego, CA 92112-9261, Attn: FHD Mobile Food Inspection Program. Failure to notify FHD of any changes may result in an administrative citation, suspension or revocation of the Health Permit issued to me to operate this Mobile Food Facility.

Authorized Signature: _____ Date: _____

Print Name: _____ Title: _____

REVIEWER OF OPERATIONAL PROCEDURES: _____, REHS

DATE APPROVED: ____/____/____ HEALTH PERMIT TYPE/NUMBER: _____

Attachment A

 THE CITY OF SAN DIEGO	City of San Diego Development Services 1222 First Ave., MS-501 San Diego, CA 92101 (619) 446-5000	<h2 style="margin: 0;">Mobile Food Truck Permit Application</h2>	FORM DS-210 MAY 2014
--	--	--	--

GENERAL INFORMATION				
1. Site Address:		City:	State:	Zip Code:
2. Existing Primary Use of the Property:				
3. Property Owner Name:				
Property Owner Address:		City:	State:	Zip Code:
				E-mail Address:
4. Permit Holder Name. This is the property owner, person, or entity that is granted authority by the property owner to be responsible for ensuring compliance with Section 141.0612 and the person to receive notice of revocation hearings, as applicable.				
Name:		City:	State:	Zip Code:
				E-mail Address:
5. Applicable Discretionary Permit(s):				
6. Permit Request for Downtown. If the request is for a private property location downtown, an approval stamp from Civic San Diego is required on the site plan.				
<input type="checkbox"/> Not applicable <input type="checkbox"/> Yes, Civic San Diego approval stamp is on attached site plan				
7. Notice of Violation. Is there an active code enforcement violation case on this site? <input type="checkbox"/> No <input type="checkbox"/> Yes, copy attached				
8. Applicant Name: Check one: <input type="checkbox"/> Property Owner <input type="checkbox"/> Authorized Agent of Property Owner <input type="checkbox"/> Other person (SDMC 112.0102)				
Applicant Address:		City:	State:	Zip Code:
				E-mail Address:
<p>APPLICANT'S SIGNATURE/DECLARATION: I certify that I have read this application and state that the above information is correct, and that I am the property owner, authorized agent of the property owner, or other person having a legal right, interest, or entitlement to the use of the property that is the subject of this application [San Diego Municipal Code (SDMC) Section 112.0102].</p> <p>I understand that the applicant is responsible for knowing and complying with the governing policies and regulations applicable to the proposed permit. I hereby affirm under penalty of perjury that mobile food truck operations on the subject property will conform to SDMC Section 141.0612.</p> <p>The City is not liable for any damages or loss resulting from the actual or alleged failure to inform the applicant of any applicable laws or regulations. City approval of a permit application, including all related plans and documents, is not a grant of approval to violate any applicable policy or regulation, nor does it constitute a waiver by the City to pursue any remedy, which may be available to enforce and correct violations of the applicable policies and regulations. I authorize representatives of the city to enter the above-identified property for inspection purposes. I have the authority and grant City staff and advisory bodies the right to make copies of any documents submitted for processing.</p>				
Signature: _____			Date: _____	

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DS-210 (05-14)



HOW TO OBTAIN A PERMIT FOR A
Mobile Food Truck
 City of San Diego
 Development Services Department

INFORMATION
 BULLETIN

148

July 2021

This information bulletin describes the approval process and submittal requirements for Mobile Food Trucks.

I. MOBILE FOOD TRUCKS

Mobile food trucks are motorized vehicles from which food or drink (prepared on-site or pre-packaged) is sold or served to the general public, whether consumed on-site or elsewhere. They are retail food facilities and health regulated businesses subject to San Diego Municipal Code Chapter 4, Article 2, Division 1 and Land Development Code (LDC) Section 141.0612.

Other types of commercial service or vending from vehicles are not provided for by citywide zoning and are subject to the prohibitions and regulations in Chapter 5, Article 4, Division 1.

II. APPROVALS REQUIRED

A. Mobile food truck operators shall obtain a Health Permit from the County of San Diego (San Diego County Code - Title 6, Division 1).

B. Mobile food truck operators shall maintain a valid business tax certificate issued by the City Treasurer. (Non-profits are exempt).

C. Most operations are exempt from a City permit. However, property owner authorization is required for any mobile food truck activity on private property, regardless of whether or not a permit is required. In accordance with SDMC Section 141.0612(f), no City permit is required for the following:

1. Operations within the public right-of-way in accordance with SDMC Section 141.0612.
2. Operations in industrial zones or commercial office zones.
3. Operations on the property of a school, university, hospital, or religious facility with the written consent of the property owner or authorized school official.
4. Operations in RM-3, RM-4, and RM-5 zones in association with a multiple unit development with 16 or more dwelling units with the written consent of property owner or authorized leasing office.
5. Operations serving an active construction site.
6. Catering of a private event as an offsite delivery service or in accordance with the limitations in SDMC Section 141.0612(d).

D. A Mobile Food Truck Permit issued by the Development Services Department (DSD) is required for mobile food truck operations on private property in certain areas with high pedestrian and vehicle activity, except where the mobile food truck operations are exempt from a City permit by SDMC Section 141.0612(f). One permit can cover multiple trucks on a single property.

E. A Special Events Permit issued by the Special Events Director is required for any mobile food

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DS-5148 (07-21)

truck operations that would result in the assembly of 75 people or more on public property. (See SDMC Section 22.4004).

F. Additional permit options:

1. A Temporary Use Permit may be requested for a seasonal or limited time event (maximum of two events per year) in a location the use would not be permitted per the underlying zone.
2. A Neighborhood Use Permit may be requested for approval to deviate from the requirements in SDMC Section 141.0612.

III. LOCATIONS

A. DOWNTOWN. Mobile food trucks are permitted in a majority of downtown areas.

1. Approval from Civic San Diego is required to operate on private property (i.e. surface parking lots). Please contact Civic San Diego at (619) 235-2200 to obtain an approval stamp on the site plan prior to submitting a Mobile Food Truck Permit Application to DSD.
2. On-street mobile food truck operations are exempt from the requirement for a permit.
3. Daily operations are not permitted in the following special character areas, unless authorized as part of a special event:
 - a. **Gaslamp Quarter Planned District.** The boundary is approximately 8 blocks located along 5th Avenue;
 - b. **Little Italy Neighborhood NC Zone.** The boundary is approximately 6 blocks located along India Street;
 - c. See SDMC: Chapter 15, Article C, Division 3, page 102.

B. PARKING IMPACT OVERLAY ZONE. Mobile food trucks are not permitted in the *public-right-of-away* within the Parking Impact Overlay Zone as described in Section 132.0802 which refers to property located within the beach area and the campus impact area as shown on Map Nos. C-731 and C-795, filed in the office of the City Clerk.

C. PLANNED DISTRICTS. In accordance with SDMC Section 151.0401, mobile food trucks may be approved in accordance with the City wide zone (SDMC Chapter 13) that most closely meets the purpose and intent of the applicable planned district zone in terms of permitted uses and intensity of those uses.

IV. SUBMITTAL REQUIREMENTS

This section identifies the documents and plans that are required:

A. Application

Provide one copy of the Mobile Food Truck Permit Application (DS-210).

B. Vicinity Map

A vicinity map specifies the location of a proposed project in relation to major streets in the area. It is not required to have this map drawn to scale but it should be proportional. Show at least two major cross streets and all other roadways leading to the site. A north arrow is also required. See Figure 1 for example.

C. Site Plan

A dimensioned site plan drawing showing the general layout of the proposed mobile food truck area. This plan must be legible and drawn to scale. The site plan and vicinity map must be shown on a sheet not smaller than 11" x 17" in size. For an example of a site plan see Figure 2. The site plan shall include all of the following:

1. The general layout and dimensions of the mobile food truck area.
2. Street, curb, sidewalk, property lines with dimensions.
3. Building (s) footprint with tenant space labeled with square footage/use type.
4. Sufficient detail to demonstrate that the vehicle and pedestrian circulation within parking areas are not blocked, diminished or in any way altered as a result of the mobile food truck operation area.
5. Sufficient detail to identify a level, paved area of a minimum dimension of 35 feet by 15 feet for each mobile food truck that is proposed to operate at the same time on the property. The area shall not include any parking spaces that are reserved, encumbered, or designated to satisfy the off-street parking requirement of a business or activity that would operate at the same time as the mobile food truck.
6. Location on the site where the food truck (s) will be parked.
7. Name, address, and the phone number of the property owner.
8. Street address of the proposed food truck site.
9. Legal description of the food truck site and Assessor's Parcel Number (APN).
The County Assessor's office (619- 236-3771) can provide this information.
10. North arrow.
11. Drawing scale.

V. SIGNAGE

No signage other than that exhibited on or inside of the mobile food truck may displayed.

Mobile food trucks are required to post the County certification sticker and a notice stating "To report a violation, call City of San Diego Code Enforcement at (619) 236-5500". (Three (3) inch font minimum).

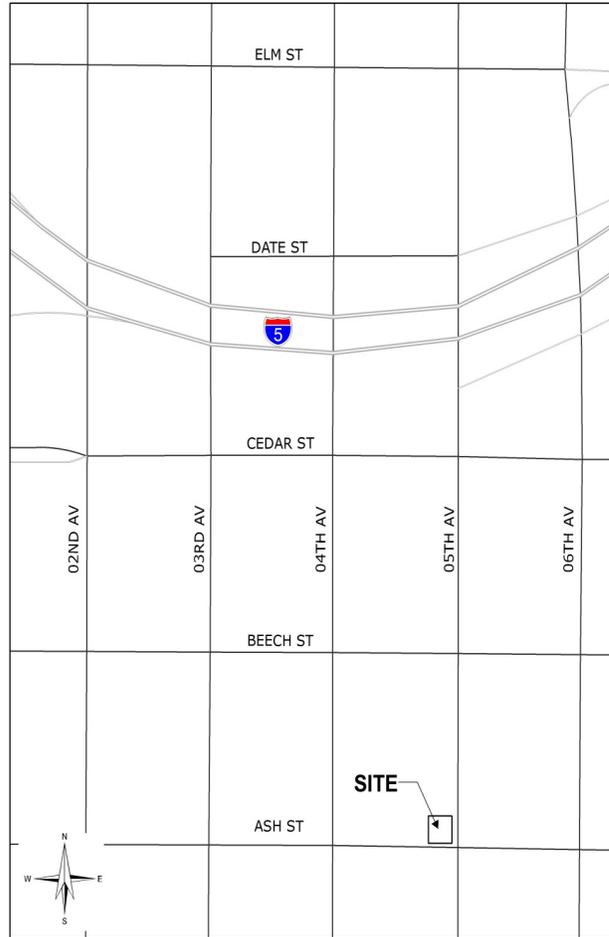
VI. ELECTRICAL CONNECTION

A mobile food truck operating on private property may utilize an electrical connection to maintain power as needed to maintain food storage in accordance with the California Retail Food Code health standards. However, the connection shall be made in a manner that does not create a trip hazard or other public safety hazard.

VII. OPERATIONS MUST BE SELF CONTAINED IN THE VEHICLE

No furniture, umbrellas, generators, objects or structures may be placed outside the mobile food truck. Such development may only be permitted by operating in a location on private property

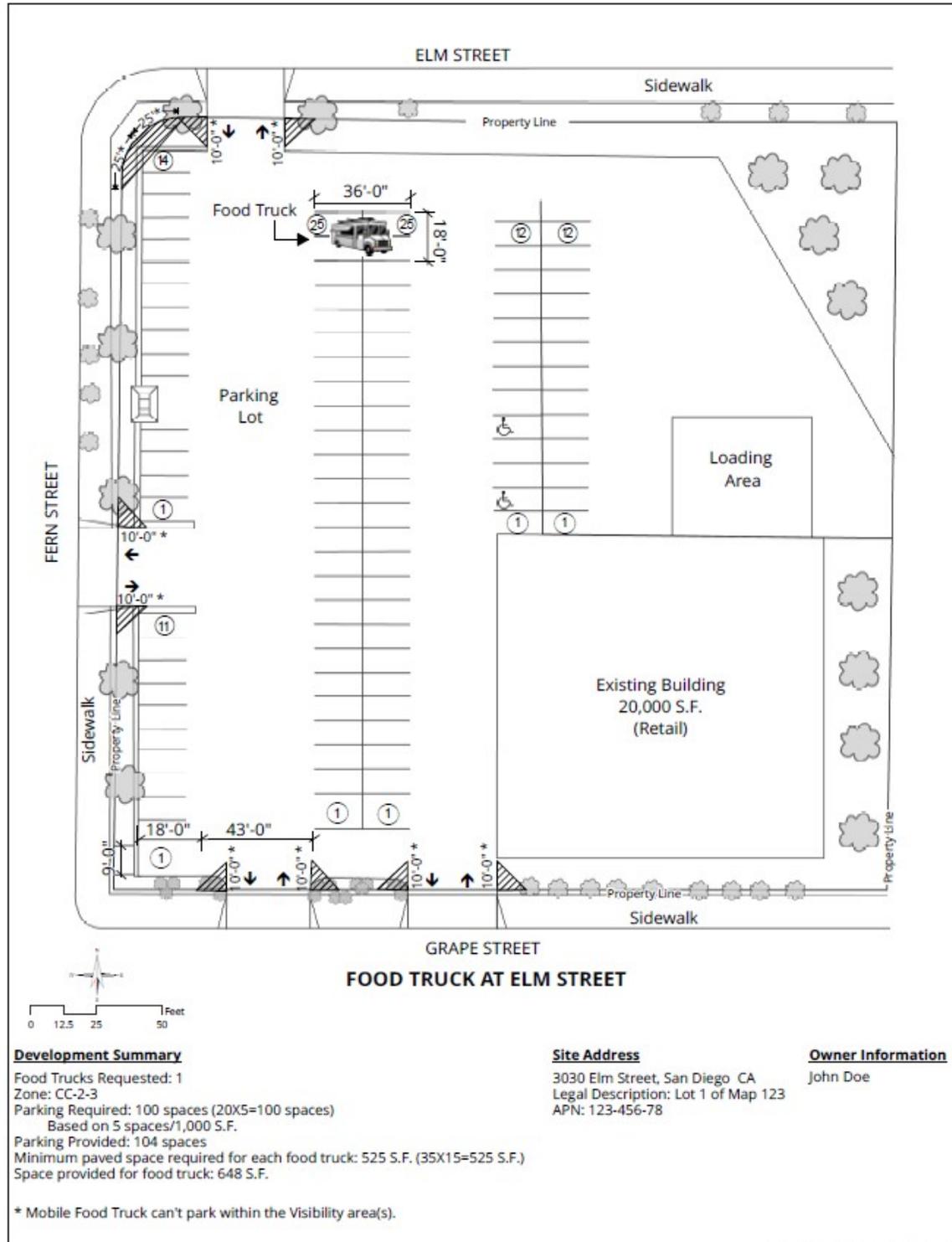
Figure 1 / Typical Vicinity Map



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Figure 2 / Typical Site Plan Example



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MOBILE FOOD UNIT PLAN REVIEW PACKET

The materials in this packet will guide you through the plan review process to assure that your mobile food unit meets requirements of the Mobile Food Unit Rules. This packet is also intended to evaluate your proposed operation to provide the safest food possible to the general public. The application form must be completed as part of the plan.

This packet consists of the following information:

- **General Information**
- **Applicants Checklist for Mobile Food Units**
- **Mobile Food Unit General Requirements and Limitations**
- **Mobile Food Unit Plan Review Application**
- **Mobile Food Unit Plan Review Worksheet**
- **Commissary Service Verification Application**
- **Mobile Food Unit Itinerary and Operating Schedule**
- **Application for License**
- **The Mobile Food Unit Rules**
- **Mobile Food Unit Change of Ownership Form**

Please complete the attached documents and submit them with the required plan review fee to Multnomah County Environmental Health. **Approval from the health department must be obtained prior to construction or operation of your unit.** The following materials must also be submitted with your completed packet:

1. Complete plans of the unit drawn to scale, including equipment location.
2. List of all equipment necessary for the operation of the unit.
3. A description of the construction materials used on the unit, including surface finishes for floors, walls, ceilings and countertops.
4. Information relating to your base of operation, including times and dates of use. Attach a completed **Mobile Food Unit License Application** and also the commissary section, if necessary.
5. List of your operating location(s) and approximate time schedule, if applicable. If the unit operates on a designated route, you must specify your itinerary. Attach a completed **Mobile Food Unit Itinerary and Operating Schedule**.



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GENERAL INFORMATION

A mobile food unit is defined in OAR 333-162-0000(31) as "...any vehicle that is self-propelled, or which can be pushed or pulled down a sidewalk, street or highway, on which food is prepared, processed or converted, or which is used in selling and dispensing food to the ultimate consumer." There is no size limit to mobile food units, except they must meet the following requirements:

- The unit must be a vehicle and not require a special permit from the Oregon Department of Transportation to be moved.
- Mobile food units must be mobile at all times during operation. There is no requirement to move the unit at specific intervals, however, the unit must be on wheels at all times and have no permanent connections to any utility service (including water, sewer, or electric).
- The unit and all operations and equipment must be integral to the unit. This precludes the use of a barbecue with a Class III or IV unit, nor the use of 12 cubic feet of storage on any class of unit.

There are four types of mobile food units. The mobile food unit classifications are based upon the type of menu served.

CLASS I – These units can sell only intact prepackaged foods and dispense non-perishable beverages. No dispensed ice is allowed. No preparation or assembly of food items is allowed.

CLASS II – These units may dispense unpackaged foods. However, no cooking, preparation or assembly of foods is allowed on the unit.

CLASS III – These units may cook, prepare and assemble food items. However, no raw-to-finish cooking of animal foods is allowed on the unit. (Pasteurized eggs acceptable)

CLASS IV – These units may serve a full menu.

Please keep in mind that because mobile food unit design is related to the menu served, any change in the menu must be approved by the health department. Failure to obtain approval for a menu change may result in closure of your unit.

Prior to licensure by the health department, there may be other agencies from which you will be required to obtain approvals. These include, but are not limited to planning (zoning), building codes (structural, electrical, plumbing, prefabricated structures), fire marshal, or city or county authorities.

In particular, mobile food units in which the operator occupies the inside of the unit and the unit stays in one location for more than 30 days must undergo plan review and receive approval from the Prefabricated Structures Section of Building Codes Division. Please call (503) 378-4133 to obtain approval. Health department approval does not imply that your unit meets other agency codes.

Finally, while this document contains some detailed information about the rules for the construction and operation of mobile food units, it does not contain all the requirements for your unit. Please refer to the Mobile Food Unit Rules http://arcweb.sos.state.or.us/rules/OARs_300/OAR_333/333_162.html for all the requirements.



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APPLICANT'S CHECKLIST FOR MOBILE FOOD UNITS

This sheet is intended to help track your progress through the plan review process. When all steps are completed, your mobile food unit will be ready for licensing operation.

DATE COMPLETED

	<p>1. Submit plan review application, plans, and completed review packet which include the following:</p> <ul style="list-style-type: none"> • Mobile Food Unit Plan Review Application • Mobile Food Unit Plan Worksheet • Mobile Food Unit Itinerary and Operating Schedule • Commissary Service Verification Application • Application for License. • Pay the required fees <p>Wait for plan review approval letter prior to beginning operation.</p>
	<p>2. Obtain any required approvals from other agencies, i.e. planning, zoning, and building codes. (see below *).</p>
	<p>3. Plans approved by the health department. (see below *) You will receive a response within 10 working days.</p>
	<p>4. Call the health department for a pre-operational inspection at least one week prior to the date you intend to open.</p>
	<p>5. Submit a Mobile Food Unit license Application with the required fee along with a Commissary Service Verification Application and a Mobile Food Unit Itinerary and Operating Schedule, if applicable.</p>
	<p>6. Pre-operational Inspection performed and mobile food unit is approved for operation.</p>
	<p>7. After steps one through six has been completed and your application has been approved, you may open.</p>

***NOTE:** If plan review by the Prefabricated Structures Section of the Building Codes Division is required for your unit, submit a copy of the plan review approval letter to Multnomah County Health Department. Plan review and approval by the Prefabricated Structures Section must be completed and verified before a license to operate will be issued by the Multnomah County Health Department.

Food handler cards are required for all persons working in a mobile food unit or base of operation. Contact the Multnomah County Environmental Health Section, Food Handlers for information on obtaining a food handler card (503) 988-5257 or visit our website www.oregonfoodhandler.us



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MOBILE FOOD UNIT GENERAL REQUIREMENTS AND LIMITATIONS

A mobile unit can serve menu items in its own classification and those to the left of it on the chart. For example, a Class III unit may also sell items allowed under Class I and II. Please See Mobile Food Unit Rules for full requirements.

	Class I	Class II	Class III	Class IV
Water Supply Required	No	Yes	Yes	Yes
Hand Washing System Required	No	Yes – Minimum five gallons ¹	Yes – Minimum five gallons ¹	Yes – Minimum five gallons ¹
Dishwashing Sinks Required	No	See below 2	See below 2	See below 3
Assembly or Preparation Allowed	No	No	Yes	Yes
Cooking Allowed	No	No	Yes ⁴	Yes
Barbecue Operation Allowed	No	No	Yes – Reheating of foods only	Yes
Restroom Required	Yes	Yes	Yes	Yes
Examples	Prepackaged sandwiches/ Dispensed soda without ice/Canned & bottled beverages	Service of unpackaged food items	Bento espresso hot dogs	No menu limitations

- The hand washing system must be plumbed to provide hot and cold running water.
- If operating without a commissary see 3 below.
- Volume of water needed is determined by the volume of the 3 compartment ware washing sinks multiplied by 2. In addition, add 5 gallons for the hand washing sink to this amount. If the total number is less than 35 gallons, you will need a tank that holds 35 gallons at a minimum. If the total number is greater than 35 gallons, you will need a tank sized accordingly for that specific number of gallons.
Example 1) your 3-compartment sinks holds 3 gallons per sink. 3 gallons x 3 sinks = 9 gallons. 9 gallons x 2 = 18 gallons. Your 3-compartment sink holds 18 gallons. Add 5 gallons for the hand washing requirement = 23 gallons total. You will need to have a 35 gallon tank since this is the minimum tank size required.
Example 2) your 3-compartment sink holds 15 gallons per sink. 15 x 3 = 45 gallons. 45 gallons x 2 (filling sink twice a day) = 90 gallons. Plus 5 gallons for hand washing requirements = 95 gallons total. Your tank is required to hold 95 gallons.
- May cook only foods which are not potentially hazardous when raw (pasteurized eggs, rice, onions, pasta, etc...). Please keep in mind that because mobile unit design is related to the menu served, any change in the menu must be approved by the Health Department. Failure to obtain approval for a menu change may result in closure of your unit.
- You will need to identify a restroom within ¼ mile or 5 minute walk for employees if mobile unit is stationary greater than 2 hours. If seating is provided for customers, a restroom will need to be identified in the Restroom Agreement document. Restrooms will need hot and cold running water, soap and paper towels.

847 NE 19th Ave Suite 350 • Portland, OR 97232 • mchealthinspect.org • Phone: 503.988.3400 • Fax: 503.988.5844



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MOBILE FOOD UNIT PLAN REVIEW APPLICATION

OAR 333-162-0920 requires that a completed plan review packet be submitted and reviewed before your unit can be issued a license and approved to operate. Please contact the Multnomah County Environmental Health Office (503) 988-3400 for an inspection prior to the start of operation to determine compliance with the reviewed plans and specifications and with the requirements of the mobile Food Rules. Incomplete plans may be returned for completion.

Name of Business: _____					Phone # _____
Address: _____					Zip Code _____
Number	Street	City	State		
Name of Owner: _____					Phone # _____
Address: _____					Zip Code _____
Number	Street	City	State		
Contact Person: _____					Phone # _____
Address: _____					Zip Code _____
Number	Street	City	State		

Type of Construction: New Mobile Food Unit Major Remodel Previously Licensed (*1)

Class: I II III IV Are you proposing to operate without a base of operation _____

Plan Review approval should be sent to: Owner Contact Person

Expected date that the unit will be ready for a preoperational inspection: _____

Application is hereby made for plan review of the above Mobile Unit in compliance with the provisions of the Oregon Administrative Rules, OAR Chapter 333 Division 162 requires that plans be submitted to the assistant director (authorized representative) and Environmental Health Specialist for review and commented on before construction, remodeling, or conversion is begun. Payment of the \$_____ plan review fee is hereby made with the understanding that OAR 333-162-0000 requires that plans be submitted for review when a food service facility is constructed or extensively remodeled. All construction must conform to OAR 333-162-0000 through 333-162-1020 as printed in the "Mobile Food Unit Rules" published by the Oregon Department of Human Services. And OAR 333-162-1010 requires that the food service facility be inspected prior to the start of operation to determine compliance with the reviewed plans and specifications and with the requirements of these rules. All information contained in this record is public.

* Please refer to fee schedule or call our office for information regarding Plan Review fee.

Make Check Payable to: **Multnomah County Environmental Health Services (or pay by phone)**

Applicant's Signature: _____ Date: _____

Print Name: _____

NOTE: THE FEE MUST ACCOMPANY THIS APPLICATION

Fee Received:	Date:	By:
Check #:	Cash:	Receipt #:

(1*) Mobile Food Unit plan review fee and plans/drawings are not required if the unit was previously licensed in the State of Oregon and documentation of licensure approval is provided.



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MOBILE FOOD UNIT PLAN REVIEW WORKSHEET

Please complete the questions on this worksheet that apply to your mobile food unit. Be as specific as possible.

1. List all menu items (including condiments): _____

2. Where will food be purchased? _____

3. Describe how and where foods will be cooked and prepared. Will any foods be prepared in advance? If so, please describe: _____

4. Describe how foods requiring cooling will be rapidly cooled on the unit. What will become of leftover foods?

5. How will hot and cold food temperatures be maintained on the unit? _____

6. Where is the commissary or warehouse located? List the approximate time of day you will be using your commissary or warehouse: _____

7. What is the source of drinking water for use on the unit? Describe how water will be transported to the unit and how the water system is constructed. What is the size of the fresh water storage tank? _____



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Environmental Health Services

8. How will waste water be removed from the unit? Describe how waste water will be transported from the unit to the approved waste water disposal location. What is the size of the waste water storage tank? (The volume of the waste tank must be 10 to 15 percent greater than the volume of the fresh water storage tank.)

9. What is the power source for the mobile food unit? If electricity is required, how will the electrical supply be connected to the unit? Describe how foods will be transported to and from the unit and how hot and/or cold holding temperatures will be maintained during transit: _____

10. What type of hand washing system will be used on the unit? (A minimum of five gallons must be provided for hand washing.) _____

11. Describe how dishes and utensils will be washed. If dishes and utensils are washed on the unit, a minimum of 35 gallons of water must be provided for this purpose. _____

12. Describe how garbage will be stored and where it will be thrown away. What methods of insect and rodent control will be used in your unit? _____

13. Where is your restroom facility located? _____

14. Describe the type of overhead protection provided for your unit. (ceilings, awnings, umbrellas, etc.)

15. Where will the unit be cleaned? If you plan to wet mop the unit, where will you dispose of mop water?



Environmental Health Services

COMMISSARY SERVICE VERIFICATION

This form is to be completed when the licensed owner of the Commissary provides food service activities conducted at the Commissary to support a Mobile Food Unit operation.

Check the following statement that applies to your operation:

- If the Mobile Food Unit arrives daily at the commissary solely to pick up clean utensils prior to operating and drop off used utensils at the end of the day, you are required to complete and return this Commissary Service Verification form.
- If the Mobile Food Unit conducts any food service activities at the commissary (e.g., utensil washing and/or any food preparation activities such as food washing, thawing, cooking, cooling, and reheating) a separate Commissary License in the mobile food unit owner's name **MUST** be obtained.

MOBILE UNIT

Business Name: _____
 Address: _____
 Licensee Name: _____
 Contact Person: _____
 Phone Number: _____
 Facility Number: _____

LICENSED FOOD SERVICE FACILITY

Business Name: _____
 Address: _____
 Licensee Name: _____
 Contact Person: _____
 Phone Number: _____
 Facility Number: _____
 County Licensed in: _____

This agreement between the above mentioned two parties is valid only for the current calendar year. In the event that the agreement for commissary usage is terminated, the mobile food unit license is immediately suspended and all operations must immediately discontinue until the owner/operator of the mobile food unit secures the services of an approved commissary and provides another valid Commissary Service Verification form to the Multnomah County Environmental Health Program. This agreement becomes invalid if the commissary or food service establishment does not have a current license.

I agree to comply with the provisions of Chapter 624, Oregon Revised Statutes, and the Administrative Rules of the Oregon Department of Human Services pertaining thereto. I certify, as the legal owner of the business named herein, that the information provided is true and correct to the best of my knowledge. It is a Class B Misdemeanor to knowingly make any false written statement in connection with an application (ORS 162.085).

All information provided is a matter of public record.

Commissary Owner's Printed Name: _____

Commissary Owner's Signature: _____ **Date:** _____

Office Use Only:

Commissary Service Approved/Denied by: _____ **Date:** _____

If denied, assure that a valid Commissary License is obtained.

County of Commissary License: _____ **Facility #:** _____

Commissary License Verified by: _____ **Date:** _____



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MOBILE FOOD UNIT RESTROOM REQUIREMENT FORM

6-402.11 Convenience and Accessibility.

(E) For mobile food units:

- (1) On board toilet facilities are not applicable to most mobile food units. If the unit is not so equipped, then the mobile food unit must operate within one-quarter mile or a five-minute walk of an accessible restroom facility. Mobile food units that operate on a designated route, and which do not stop at a fixed location for more than two hours during the workday, shall be exempt from this rule.
- (2) Mobile food units that do not provide on board restroom facilities under section (1) of this rule must have restroom facilities that will be accessible to employees during all hours of operation. The restroom facilities must have a hand washing system that provides potable hot and cold running water and meets the requirements of OAR 333-150-0000 §§ 6-301.11, 6-301.12, 6-301.20 and 6-302.11. Employees may use a restroom located in a private home or a portable toilet to satisfy this requirement.

MOBILE FOOD UNIT:

Facility # : _____

Name of Mobile Food Unit: _____ Phone Number: _____

Location (for more than 2 hours): _____
Street address City

Days of week/Dates the location will be used: _____

Business hours (at this location): _____

Print Name of Mobile Food Unit Owner

Signature of Mobile Food Unit Owner

Date

Mobile food units that are located at the same location for more than 2 hours or that provide any seating must have restroom facilities available. Please answer the questions below:

- 1. Is your mobile food unit at the same location for more than 2 hours? Yes No
- 2. Is customer seating provided at the mobile food unit? Yes No

If your answer is yes to one or both of the above questions, a restroom facility must be available for your mobile food unit and you are required to provide the additional information requested below.
(Complete a separate form if you will be at more than one location for more than 2 hours.)

LOCATION OF RESTROOM FACILITIES:

Name of restroom location: _____

Address: _____

City: _____ Phone number: _____

Hours that the restroom is available for use: _____

AUTHORIZATION TO USE RESTROOM FACILITIES:

Printed name of person authorizing Mobile Food Unit restroom facilities use

Signature of person authorizing Mobile Food Unit restroom facilities use Date



Environmental Health Services

Mobile Food Unit: Wastewater Disposal Form

MOBILE FOOD UNIT: _____ Facility #: _____

Location: _____ Phone #: _____
Street address City

Days of Week/Dates the Location will be used: _____

Business Hours (at this location): _____

Name of Mobile Food Unit Owner (Print) Mobile Food Unit Owner (Signature) Date

Mobile Food Units must dispose their wastewater according to municipal rules within the city they operate. Please contact the city to ensure you are in compliance with their requirements. Failure to dispose of wastewater correctly is grounds for closure.

Location of Wastewater Disposal Site:

Location: _____

Address: _____

City: _____ Phone #: _____

OR

If you use a sewage/wastewater pumper they must be licensed by the Oregon Department of Environmental Quality (DEQ)

Licensed Sewage Hauler: _____

Phone #: _____ DEQ #: _____

Signature Person representing hauling company Date

To find out if your wastewater hauler is licensed, please contact the Oregon Department of Environmental Quality at 1-800-452-4011 or search online at: <http://www.deq.state.or.us/wq/onsite/sdssearch.asp>



CITY OF PORTLAND, OREGON - BUREAU OF DEVELOPMENT SERVICES
 1900 SW 4th Avenue, Portland, Oregon 97201 • 503-823-7300 • www.portlandoregon.gov/bds

Vending Carts on Private Property

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If you are considering purchasing, installing or using a vending cart, it is important to understand which Building and Zoning Code standards may apply. Factors such as the location of the vending cart, the type of vending cart, and the utility services used by the vending cart will determine what Building and Zoning Codes may apply and what permits will be required.

Vending cart detail	Requirement
Location of vending cart	Check requirements with Planning and Zoning. Portland Bureau of Transportation (PBOT) approval required if placement is to be in right-of-way.
Mobile vending carts of any length	Associated development may require a zoning permit. Site built structures may require a building permit.
Mobile vending carts over 16' in length	Additional zoning restrictions apply. Check with Planning and Zoning.
Fixed vending carts	Must meet all requirements of Zoning and Building Codes. Requires a commercial building permit and inspection.
Drive-through vending carts (mobile and fixed)	Regulated by the Zoning Code. Check with Planning and Zoning. Requires a commercial building permit and inspections.
Electrical work	Requires an electrical permit and inspection. Electrical work must be performed by a licensed electrical contractor.
Water service and sanitary sewer installed	Commercial plumbing permits and inspections are required.
Manufactured building used as a fixed vending cart	Must have stamp or insignia of approval issued by the State of Oregon. Installation requires a commercial building permit and inspections.
Propane use	Portland Fire & Rescue requires an annual permit.
Portable Signs	Sign regulations apply and a sign permit is required.
Vending carts selling food	Require approval from the Multnomah County Health Department.

Location of vending carts

If you are considering a vending cart, your first step should be to decide on the location. The location of the vending cart determines which codes apply and what permits may be required.

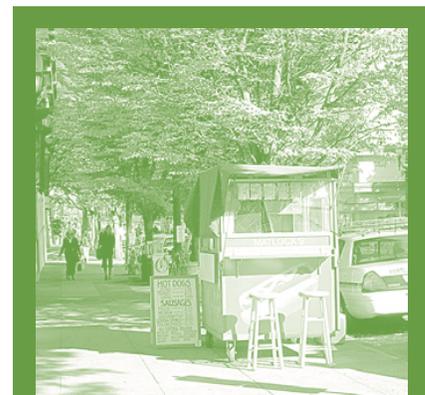
The information in this handout is related to vending carts on private property.

If you are considering locating a vending cart in the public right-of-way (on the sidewalk), the Portland Bureau of Transportation (PBOT) must approve this. To contact PBOT, call 503-823-7002, or visit their Web site at www.PortlandOregon.gov/PBOT for more information.

If you are considering a location for a vending cart on private property, check to see if the zoning on the site allows retail uses. To research zoning on a particular property, go to www.PortlandMaps.com or call the Planning and Zoning information line at 503-823-7526.

What type of use is a vending cart?

Vending carts are a Retail Sales and Service use and are subject to all regulations regarding that use. Vending carts are also subject to the Zoning Code requirements for vehicles. Vending carts may have accessory uses such as storage, garbage enclosures, or bathrooms that are provided in structures.



Example of a vending cart positioned in the public right-of-way that requires PBOT approval.

continued on reverse

Are Retail Sales and Service Uses on my property allowed?

The uses allowed on a property vary based on the property's zoning. Only some zones allow for retail sales and services uses.

Type of Zone	Are Retail Sales and Service Uses allowed?
Residential Zones (R)- zones	No. RH and RX do have provisions for Retail Sales and Service uses but only as new floor area within a multi-dwelling development.
Commercial/Mixed Use Zones (C)-zones	Yes in CM2, CM3, CE, and CX. CR and CM1 limit the square footage of Retail Sales and Service uses. Hours of operation are also limited in the CR zone. Please check with a planner to determine if a new Retail Sales and Service can be developed on your site.
Employment Zones (E)-zones	Yes
Industrial Zones (I)-zones	All of the industrial zones have limits on the number of retail uses on a site. Please check with a planner to determine if a new Retail Sales and Service use can be developed on your site.
Campus Institutional Zones CI)-zones	Yes in CI2. CI1 limits the square footage of Retail Sales and Service uses. IR allows Retail Sales and Service uses as accessory and if identified in the institution's approved impact mitigation plan or conditional use master plan.

If carts are allowed by my base zone, where can I put them on my property?

Vehicles are allowed on legally established parking or vehicle areas only. If new parking or vehicle areas are created, they must meet development standards including vehicle area limitations on frontage, placement and paving (33.266.130.C or 33.266.120), landscaping requirements (33.248), and any overlay zone or plan district standards. Vehicles can be allowed on nonconforming vehicle or parking areas if the areas were legally established. Parking areas must always be paved unless legally established without paving. Vehicle areas do not have to be paved.

What is the difference between parking area and vehicle area?

Parking areas are areas where motorized vehicles are kept. If a car, truck, or any vehicle with an engine is kept in this area, it is a parking area. New parking areas always require landscaping and paving and must meet all of the development standards of 33.266.130 including striping, aisle width, paving, and landscaping. Additional standards may apply depending if the site is in an overlay zone or plan district.

Vehicle areas are areas where non-motorized vehicles are kept. Utility trailers can be kept in vehicle areas that do not have striping and aisle width requirements and that may or may not need landscaping and paving depending on the base zone, overlay zone, and plan district.

Are all types of vending carts allowed in all zones?

No. Some zones have restrictions on the types of vehicles allowed.

Vehicle Type	Zones Allowed
Utility Trailer	Allowed in all Commercial/Mixed Use (C), Employment (E) zones, Industrial (I), and Campus Institutional zones.
Light Truck	Allowed in all Commercial/Mixed Use (C), Employment (E) zones, Industrial (I), and Campus Institutional zones.
Medium Truck	Allowed in CE and CM3, and Employment (E), Industrial (I), and CI2 zones.
Heavy Truck	Allowed in EG1 and EG2 and all Industrial (I) zones.

What type of vehicle is my vending cart?



Utility Trailers are vehicles designed to be pulled by a motor vehicle that are used to carry property, trash, or special equipment and are 16 feet or less in length. Trailers longer than 16 feet are Heavy Trucks.



Light Trucks are trucks and similar vehicles with single rear axles and single rear wheels.



Medium Trucks are trucks and similar vehicles with single rear axles and dual rear wheels.



Heavy Trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles. Trailers longer than 16 feet are Heavy Trucks.

2 • VENDING CARTS ON PRIVATE PROPERTY

Types of vending carts

Mobile vending carts

Mobile vending carts are on wheels. A building permit is not required for a mobile vending cart. A zoning permit may be required for development associated with the mobile vending cart, such as changes to an existing parking area, landscaping, and drive-through facilities.

Vending carts that are 16 feet or less in length are regulated in the Zoning Code as Utility Trailers. Vending carts over 16 feet in length, with or without wheels, are considered Heavy Trucks by the Zoning Code, and are not allowed in certain zones. See page 2 or call Planning and Zoning at 503-823-7526 for more information.

Fixed vending carts

Vending carts of any length that have had the wheels removed are considered buildings and are subject to Building and Zoning Code requirements. A fixed vending cart of any length is considered a building and is subject to setback, building coverage, ground floor windows, and other Zoning Code regulations.

A building permit is required for a fixed vending cart. Fixed vending carts are required to have a rest room facility located on the property, a person door at least 32 inches wide and 80 inches high, an accessible ramp, and an approved permanent foundation. Garbage and recycling areas must be screened to the base zone standard and meet BES requirements for pollution prevention.

If plumbing fixtures are included in the vending cart, a connection to the sanitary sewer and domestic water service will be necessary.

Additionally, electrical service, including permanently wiring the building and installing a permanently wired feeder next to the fixed vending cart, will be required.

Drive-through vending carts

Drive-through vending carts of any length, both mobile and fixed, are regulated by the Zoning Code. Drive-through facilities are only allowed in certain zones and plan districts in the City of Portland. Drive-through regulations can be found in Chapter 33.224 of the Zoning Code. You may contact the Planning and Zoning information line at 503-823-2633 or visit www.PortlandOregon.gov/BDS/index.cfm?a=93080 for more information.

Vending Cart Pods

Vending cart pods need a Development Review (DR) permit to review zoning and utility requirements. If any permanent structures, such as restrooms or covered eating areas are proposed, these will need a commercial building permit. Please call or visit the Development Services Center for more information. Garbage and recycling areas must be screened to the base zone standard and meet BES requirements for pollution prevention.

Public health requirements

Vending carts providing food or beverages for public consumption must receive approval from the Multnomah County Health Department. Multnomah County requires that all plumbing fixtures be connected to an approved drainage system (OPSC 304.0, 305.0 and 713.0). Visit the Multnomah County Health Department Web site at www.mchealth.org or call 503-988-3400 for more information.

ADA Requirements

All businesses are required to make themselves accessible to people with disabilities under the Americans with Disabilities Act (ADA) Title III guidelines. For more information visit [http://adata.org/publication/disability-law-handbook#Public Accommodations and the ADA](http://adata.org/publication/disability-law-handbook#Public%20Accommodations%20and%20the%20ADA).

Utility services to vending carts

Propane use

Portland Fire & Rescue requires an annual permit for vending carts that utilize propane for cooking.

Water service and /or sanitary sewer

A plumbing permit is required if a water service or sanitary sewer is installed. The plumbing must comply with the Oregon Plumbing Speciality Code.

Garbage and Recycling

Garbage and recycling areas must meet the Storm Water Management Manual requirements. Contact Pollution Prevention for more information at 503-823-7122.

Electrical service

An electrical permit is required for electrical work. Work must be done by a licensed electrical contractor.

Manufactured buildings

Manufactured buildings that are being used as fixed vending carts must have a stamp or insignia of approval issued by the State of Oregon.

Vending cart signs

Vending carts are allowed one portable sign (A-board) per cart. The sign must comply with Title 32.30.030, Portable Sign Regulations. For more information on registering a portable sign, please call 503-823-2633.

Helpful Information

Bureau of Development Services

City of Portland
1900 SW 4th Avenue, Portland, OR 97201
www.PortlandOregon.gov/BDS

General Office Hours:

Monday through Friday, 8:00 am to 5:00 pm
BDS main number: 503-823-7300

Permit information is available at the following location:

Development Services Center (First Floor)
For hours call 503-823-7310
or visit www.PortlandOregon.gov/BDS

Permitting Services (Second Floor)
For hours call 503-823-7310
or visit www.PortlandOregon.gov/BDS

Important Telephone Numbers

BDS main number	503-823-7300
DSC automated information line	503-823-7310
Building Code information	503-823-1456
Zoning Code information	503-823-7526
Permit information for electrical, mechanical, plumbing, sewer and signs	503-823-7363
Fire Bureau, propane permitting	503-823-3712
BDS 24-hour inspection request line	503-823-7000
Portland Business License Tax	503-823-5157
Bureau of Environmental Services.....	503-823-7093
Multnomah Co. Health Department.....	503-823-3400
City of Portland TTY	503-823-6868



For more detailed information regarding the Bureau's hours of operation and available services, visit our website at www.PortlandOregon.gov/BDS

Note: All information in this brochure is subject to change.



PBOT

PORTLAND BUREAU OF TRANSPORTATION

SIDEWALK VENDING CART

Application Packet

Mail	City of Portland Bureau of Transportation Sidewalk Vending 1120 SW Fifth Avenue Room 800 Portland OR 97204
Phone	503-823-7002 option 5
Fax	503-279-3969
Email	sidewalkvending@portlandoregon.gov



PORTLAND IN THE STREETS

The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints, and additional information, contact the Title II and Title VI Coordinator at Room 1204, 1120 SW 5th Avenue, Portland, OR 97204, or by telephone 503-823-5185, City TTY 503-823-6868, or use Oregon Relay Service: 711

SIDEWALK VENDING CART REQUIREMENTS

WHAT IS A SIDEWALK VENDING CART?

City Code defines operating a sidewalk vending cart as selling any approved goods or services from an approved vending cart located within a fixed sidewalk area. Operating a sidewalk vending cart requires a permit from the City of Portland and it is unlawful to sell any goods or services on any public sidewalk within the City without a permit. Each individual sidewalk vending cart requires a separate permit. The permit fee is \$75 per calendar year.

Vending cart permits are personal and are not transferable in any manner. Permits are issued by calendar year and expire at midnight, December 31st of the year issued. You are required to renew your permit by Dec 31st each year if you plan to operate your cart in the following year.

Sidewalk vending carts are covered in Section 17.26 of the City Code. Please check the City's web site for further information at www.portlandonline.com

VENDING IN OTHER LOCATIONS

The Bureau of Parks and Recreation (503-823-2525) issues vending permits for operating within City parks. If you seek a sidewalk vending permit for a location near a City park, the Bureau of Parks and Recreation may issue a permit for sale of a product that could be in direct competition with your product.

Vending on private property does not require a vending cart permit from the Office of Transportation. However, permits from the County Health Office, Portland Fire Bureau, the Bureau of Licenses, the Bureau of Development Services and/or a Nurseryman's License may be required as appropriate. Please contact the appropriate authority for specific requirements.

APPROVED VENDING CART ITEMS & SERVICES

There are several pre-approved items for vending: these include food and beverages for immediate consumption, fresh cut flowers, inflated balloons, jewelry, maps, shoe shining, and umbrellas. Requests to have a different item or service considered for approval shall be submitted, in writing, to the City Engineer who shall determine whether the item or service conforms to the criteria listed below. When choosing which item or service you wish to sell, keep in mind that consideration for approval is based on the following criteria. All items or services to be sold shall:

- Be vended from a regulation size vending cart;
- Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk
- Involve a short transaction period to complete the sale or render the service
- Not cause undue noise or offensive odors
- Be easily carried by pedestrians

If the item or service does not conform, it shall be listed as prohibited for sale by sidewalk vendors. The decision of the City Engineer may be appealed to City Council.

CONTINUING RESPONSIBILITIES

While operating your sidewalk vending cart your responsibilities as the sidewalk vending cart operator include:

- Providing a trash and/or recycling container for refuse.
- Picking up any litter that is deposited by any person on the sidewalk or street within 25 feet of the place of conducting
- Not leaving the vending cart unattended on a sidewalk, nor allowing a vending cart to remain on the sidewalk between midnight and 6:00 a.m.

SPECIAL EVENTS

If you already have a current sidewalk vending permit you may apply for a permit to operate your sidewalk vending cart during the Rose Festival parade or other major special event, as designated by the City Engineer. For an application or more specific information regarding a special event permit, please contact us at 503-823-7002 and select option 5.

Listed below are a few key points to keep in mind when considering a special events permit.

- You must pay the permit fee of \$20.00
- You must have the written consent of the property owners adjacent to the operating area
- Application must be made at least five (5) working days prior to the event
- The operating area must be on side streets adjacent to the parade or event
- Temporary locations are valid only for the date and hours specified on the permit
- All conditions of section 17.26 of the City Code remain in effect

REVOCAION OF PERMIT

The City Engineer or Designee may revoke or suspend the vending cart permit or may deny the renewal of said permit if they find:

- The permittee has violated or failed to meet any of the provisions of chapter 17.26 of the Code of the City of Portland
- Any required permit has been suspended, revoked or canceled
- The permittee does not have currently effective insurance that meets permit requirements

SIDEWALK VENDING CART PERMIT APPLICATION INSTRUCTIONS

1. Submit the following:

- **Completed application** form (page 4). To ensure a permit has not already been applied for or issued for the same location you are applying, contact Street Systems Management at 503-823-7002 and select option 5.
- **Letter of consent** from abutting property owner(s) providing approval to operate your sidewalk vending cart within the permit operating area you are requesting. Use the “Letter of Consent” form provided in this packet (page 5).
- **Site plan** of proposed location (page 6).
- **Detailed isometric drawings** (example page 8) and/or photos of proposed vending cart. Samples of materials you plan to use in construction of your cart may also be submitted. These will be forwarded to the Bureau of Development Services for design review.
Important: Obtain cart design approval before constructing or purchasing your cart.
- **Application fee.** Enclose a \$60 check payable to the City of Portland.

2. Submit the following upon completion of design review and site approval:

- **Certificate of insurance and additional insured endorsement form** (page 9 & 10). Please note that an annual insurance review fee of \$15 will be charged.
- **Business license or business license exemption information.** Contact the Bureau of Licenses at 503-823-5157 for further information.
- **Nurseryman’s license** (if selling flowers or plants). Obtain your Nurseryman’s License from the State of Oregon, Agriculture Department at 503-986-4635.
- **Copy of Health Inspection** (if selling food items). Obtain necessary foodhandler permits and health inspection certificates for your cart from the Multnomah County Health Department at 503-988-3400.
- **Fire Inspection** documentation. Food carts with cooking or heating equipment need to obtain an annual propane permit from the City of Portland Fire Marshal’s Office 503-823-3712.

3. Arrange for a site inspection:

Call 503-823-7002 and select option 5 to set an appointment for an inspection of your vending cart fully set up and ready for business. Upon completion of, and approval during, this final inspection, the permit fee of \$75 and insurance review fee of \$23.70 are due payable to the City of Portland for your annual permit. Your permit will be issued to you at the end of the final inspection and you are ready to open for business!

SUBMISSION: City of Portland
Sidewalk Vending Carts
1120 SW 5th Ave Suite 800
Portland, OR 97204

CONTACT US

If you have any questions or need further information, please phone **503-823-7002** and select **option 5**.

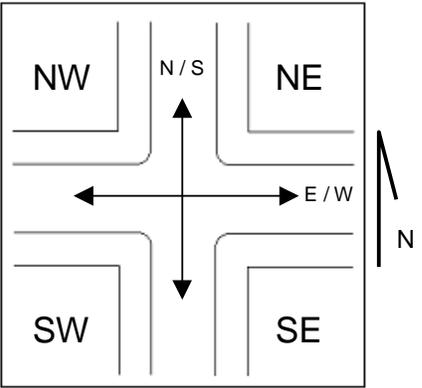
APPLICATION FOR SIDEWALK VENDING CART PERMIT

Application is hereby made for a revocable permit to operate a SIDEWALK VENDING CART in accordance with Chapter 17.26 of the Code of the City of Portland.

Cart Owner Name: _____
 Owner Address: _____
 City: _____ State: _____ ZIP: _____
 Contact Phone #: _____

Business Name: _____
 Business License #: _____ Expiration Date: _____
 Goods / Services Sold: _____

Location:
 Name of north / south street of the intersection: _____
 Name of east / west street of the intersection: _____
 Circle (one) the quadrant of the intersection where you plan to vend:
 NW NE SW SE



I shall hold the City of Portland, its officers, agents and employees, and the adjacent property owner free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including any appeals therefrom, which may result from the granting of this permit.

Applicant Name (Print) _____
 Applicant Signature _____ Date _____

THIS AREA IS FOR CITY STAFF USE – DO NOT COMPLETE	THIS AREA IS FOR CITY STAFF USE – DO NOT COMPLETE
<input type="checkbox"/> Letter of consent _____	<input type="checkbox"/> Fire inspection _____
<input type="checkbox"/> Insurance Approval; Expires _____	<input type="checkbox"/> Length _____ Width _____ Height _____
<input type="checkbox"/> Business License # _____	<input type="checkbox"/> Awning Height _____ Inside <input type="checkbox"/> Outside <input type="checkbox"/>
<input type="checkbox"/> Application fee Receipt # _____	<input type="checkbox"/> Cart Area _____
<input type="checkbox"/> Design Review _____	<input type="checkbox"/> Trash Receptacle _____
<input type="checkbox"/> Nurseryman's License _____	<input type="checkbox"/> Total Area _____
<input type="checkbox"/> Health Inspection _____	<input type="checkbox"/> Permit Fee Receipt # _____

Sidewalk Vending Cart Permit Letter of Consent

Date _____

To Whom It May Concern:

This letter hereby authorizes _____
Owner of Vending Cart Name

To place a Sidewalk Vending Cart adjacent to my property located at the address

This consent shall run concurrent with the permit. If at any time the permit expires or is revoked, this consent shall be void.

The owner and operator of the vending cart is required to comply with all applicable sections of City and County Code, as well as the State Code (for Nurseryman’s permit). Failure to do so will cause the permit for said location to be revoked.

We understand this consent may be revoked in writing with the revocation to become final on December 31st of the same calendar year.

We understand that, pursuant to Section 17.26.080 of the City Code, no monetary compensation, either present or future is involved in the granting of this consent.

The vender agrees to hold harmless the property owner for any claims for damage to property or injury to persons, which may be occasioned by any activity in connection with the issuance of any Sidewalk Vending Permit.

Name – Property Owner

Signature – Property Owner

Contact Address – Property Owner

Contact Telephone – Property Owner

Signature – Owner of Vending Cart

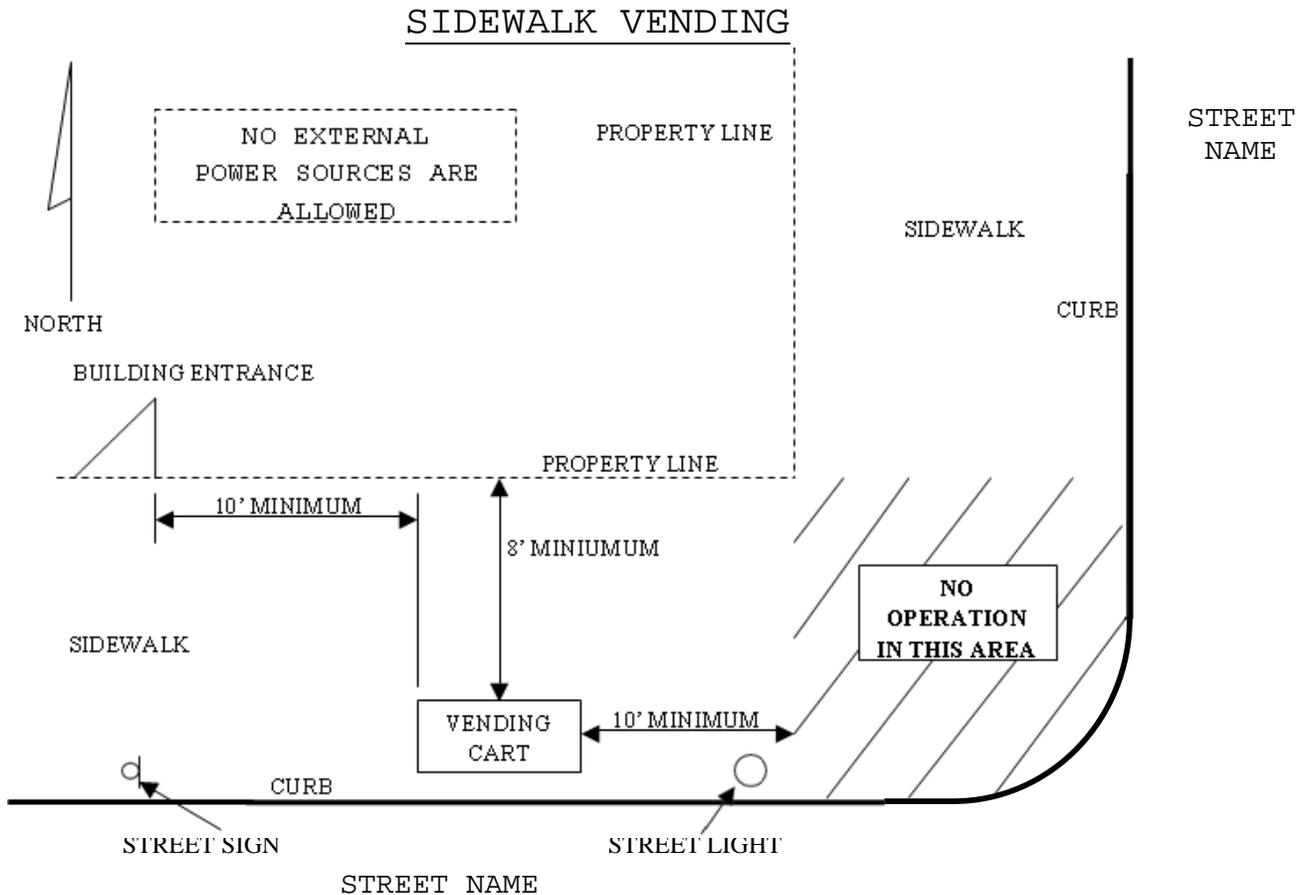
Address – Owner of Vending Cart

Telephone – Owner of Vending Cart

SITE REQUIREMENTS FOR VENDING CARTS

1. Vending carts are only allowed in commercial zones.
2. No food vendor application can be accepted for a permit operating area where a restaurant, fruit stand or coffee shop with direct access to the sidewalk is within 100 feet on the same block face, except with the written consent of the proprietor of the restaurant, fruit stand, or coffee shop.
3. No flower vendor application can be accepted for a permit operating area where a flower shop, with direct access to the sidewalk, is within 100 feet on the same block face, except with the written consent of the proprietor of the flower shop.
4. A permit operating area is the sidewalk from the midpoint of one block face to the midpoint of an adjacent block face (see page 3). One person may not have permits for adjacent permit operating areas.
5. The immediate operating area cannot exceed (24) twenty-four square feet of the sidewalk.
6. The site shall *not* be within (10) ten feet of the intersection of the sidewalk with any other sidewalk (as diagramed below).
7. The site shall *not* be within (8) eight feet of the adjacent property line (as diagramed below).
8. The site shall *not* be within (10) ten feet of the extension of any building entrance or doorway, to the curb line (as diagramed below).
9. The site shall *not* be within (10) ten feet of any parking space designated as “disabled”, or access ramp.

EXAMPLE SITE PLAN



DESIGN REQUIREMENTS FOR VENDING CARTS

BUREAU OF DEVELOPMENT SERVICES DESIGN REVIEW GUIDELINES

The Bureau of Development Services staff will review the sidewalk vending application to determine if the proposed design will enhance the attractiveness of the pedestrian environment in the commercial zones of the City and whether it is of good composition, materials and colors.

Review will be based on the following design guidelines:

1. Design, materials, and colors are to be well crafted and considerate of the immediate surroundings of the proposed installation.
2. Graphics and sign shall be appropriate to the size of the cart and for the immediate surroundings. Typical sign area approved is up to (4) four square feet total, not including menu boards which are typically temporary and/or not permanently affixed to the cart.
3. Umbrellas or canopies shall have a minimum clearance of (7) seven feet and a maximum height of (9.5) nine feet six inches above the sidewalk.
4. Umbrellas or canopies may not exceed (40) forty square feet in area.
5. Wheels located under the cart are preferred (such as casters). Projecting wheels must have fenders.
6. Hitches attached to the cart must be removable and detached during operation hours.
7. Propane tanks must be attached to (or within) cart and the cart must allow for adequate ventilation and screening of the tank.

Submission for Review: The applicant shall submit the following for review:

1. One (1) isometric drawing (example page 8) 2"=1' in color of at least two views showing all four sides of the proposed vending device and any logos, printing or signs which will be incorporated in the design. (For existing vending devices, 5" x 7" color photos may be substituted for the above-described drawing.)
2. A site plan drawing (2"=1' or 1/4"=1') showing vending cart location in relation to fixed elements of sidewalk (example page 6). Site diagram to include street names, identify where vending cart will be located, identify fixed elements in sidewalk, include measurements of your site:
 - To sidewalk intersection
 - To adjacent property line
 - To building entrance
 - To disabled parking or access ramp
3. Any additional items (e.g., color and material samples, layouts of sign and graphics, or photographs) which are necessary in order to clearly visualize the proposed design.

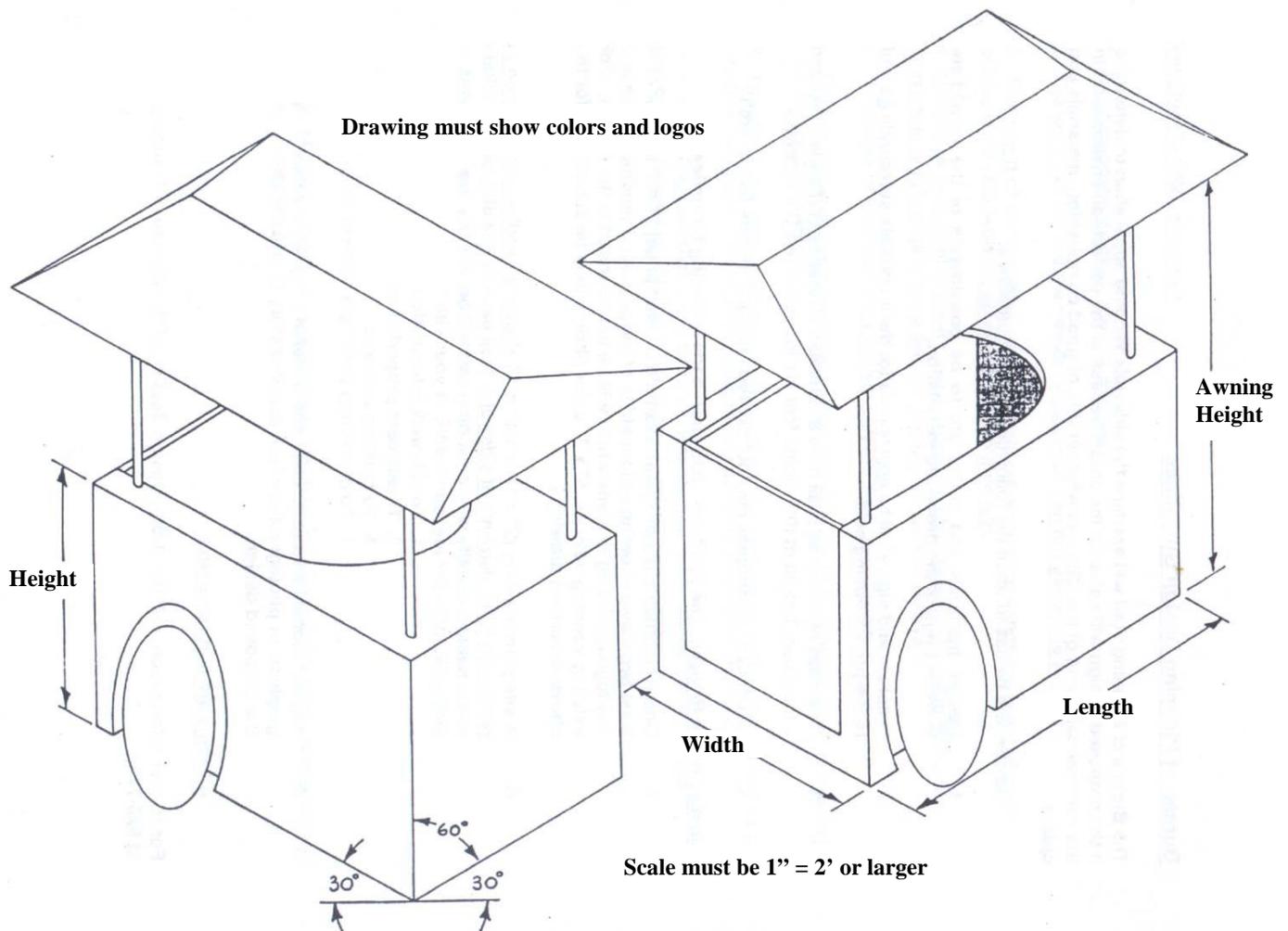
All items (drawings, discs, and photos) are non-returnable.

For further information, call the Urban Design Section of the Bureau of Development Services at 503-823-7300.

DESIGN REQUIREMENTS

1. No external power, piping or plumbing is allowed. The cart must be entirely self contained.
2. The length of the mobile device or pushcart cannot exceed (6) six feet.
3. The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, cannot exceed (5) five feet.
4. Umbrellas or canopies shall have a minimum clearance of (7) seven feet and a maximum height of (9.5) nine feet six inches above the sidewalk.
5. Umbrellas or canopies may not exceed (40) forty square feet in area.
6. Design, materials and colors are to be considerate of the immediate surroundings of the proposed location.
7. Graphics and sign shall be appropriate for the immediate surroundings and to the product being sold and shall conspicuously post the price of all items sold.
8. The vending cart shall meet all requirements needed to obtain permits from Multnomah County Health Department and Portland Fire Bureau.

EXAMPLE ISOMETRIC DRAWING



Attachment A

The Do's

Examples of well-designed sidewalk vending carts.



umbrella

high-quality wood materials

spoke wheels



canopy

well-crafted, creative design

caster wheels



umbrella

fenders

spoke wheels that sit tightly up against cart



playful graphics

caster wheels



canopy

propane tank contained within cart

high-quality construction

spoke wheels



spacious cart holds all equipment

caster wheels

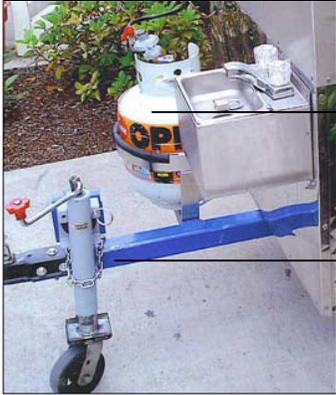
Attachment A



The Don'ts



Examples of design features that are discouraged.



Propane tank not enclosed

hitch has not been removed



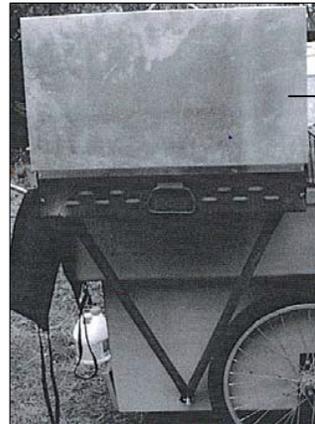
poorly crafted design and low-quality materials

vehicle-type wheels



vehicle-type wheels

tail light has not been removed



grill is separately attached and not contained within cart



wash buckets not securely attached to outside of cart



accessory equipment on sidewalk



accessory equipment on separate shelving unit outside cart

propane tank on sidewalk

Utilities, Construction & Inspection – Insurance & Bonding

Insurance requirements for street and sidewalk use permits: The City of Portland requires the following two documents for Street and Sidewalk Use Permits. The certificate and endorsement must be approved by the City Attorney before a permit can be issued. Please allow six (6) business days for processing.

1. **A Standard Certificate of Liability Insurance:** The insurance certificate is intended to protect the public from any liability it may incur as a result of granting the requested permit. Certificate shall contain the following:
 - City of Portland named as the Certificate Holder with following address:
 - City of Portland
 - Utilities, Construction & Inspection
 - 1120 SW 5th Ave – Room 825
 - Portland OR 97204
 - Minimum Coverage Requirements for Liability Insurance:
 - Per Occurrence coverage not less than \$1,000,000 (one million dollars) per occurrence.
 - General Aggregate coverage not less than \$2,000,000 (two million dollars).
 - Notification of Cancellation:
 - The City of Portland requires 30 (thirty) days written notice from the insurance company prior to cancellation of the policy.
 - In the “DESCRIPTION OF OPERATIONS...” section of the certificate:
 - Indicate the type of permit requested (Street/Lane/Sidewalk Closure, Street Opening, Sewer Connection, Banner, Sidewalk Café, Vending Cart, Community Event, Block Party).
 - If the insured seeks a permit for a location/locations that are different than the Insured’s address on the certificate, the location(s) must be listed.
 - If the insured continuously seeks permits for varying locations and dates, you may indicate “All Operations”. Do not list each permitted location/date. If you do, a new certificate and endorsement will be required for each.
 - Include the following language: “The City of Portland is an additional insured per attached [*insert name of endorsement*] endorsement”. (See section # 2 for endorsement requirements.)
2. **An additional insured endorsement form:** The City of Portland accepts endorsements referring to permits and state or political subdivisions:
 - The City of Portland **must** be listed in the schedule section of any endorsement where one is included.
 - The policy number on the certificate and on the endorsement must be an exact match.
 - The following endorsements are accepted:
 - Street and Sidewalk Use Permit Endorsement **or**
 - CG 20 12 07 98; “Additional Insured - State or Political Subdivisions –Permits” **or**
 - An endorsement equivalent to the CG 20 12 07 98 endorsement

Questions and Submissions:

Phone: 503-823-7142

E-Mail: insurance@portlandoregon.gov

Fax: 503-865-3427

Mail: Please mail to the Certificate Holder Address above.



The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

Attachment A

City of Portland Street and Sidewalk Use Permit Endorsement This Form to be Attached to Permittee's Certificate of Insurance

INSURED: _____

AFFORDING CO: _____

POLICY NUMBER: _____

EFFECTIVE: _____

The policy shall bear also the following endorsement:

"Without prejudice to coverage otherwise existing herein, the City of Portland, its officers, agents, and employees are included as additional insureds under this policy as to any claim or claims for injury to person including death, or damage to property, resulting from or growing out of the operations of the permittee within the City of Portland, Oregon."

"It is understood and agreed that this policy shall not terminate or be canceled without first giving thirty (30) days written notice of intention to terminate or to cancel said policy to the City of Portland, Street Systems Management, 1120 SW 5th Ave Rm 825, Portland, Oregon 97204."

Notwithstanding the naming of additional insureds, the said policy shall protect each insured in the same manner as though a separate policy has been issued to each; but nothing herein shall operate to increase the insured's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insured would have been liable if only one person or interest had been named as insured. The coverage applies as to claims between insureds on the policy. This endorsement assures that the policy complies with the terms and conditions of the named insured's permit with the City of Portland."

Authorized Insurance Representative Signature

Date

Name & Address of Certificate Holder:

City of Portland
Street Systems Management
1120 SW 5th Ave. Rm 825
Portland OR 97204



Fire Marshal's Office
Austin Fire Department
6310 Wilhelmina Delco Drive
Austin, Texas 78752
FIREPREVENTION@AUSTINTEXAS.GOV

DECEMBER 1, 2020

Mobile Food Vending Unit Checklist

While this list cannot possibly cover every scenario or type of mobile vending unit, The Austin Fire Department provides the following guidelines as a tool to ensure all mobile vending units meet the same minimum requirements. While this list may not be all inclusive of every fire safety requirement, it should be used as a guide to ensure your vehicle meets the minimum requirements. Prior to having your unit inspected, please ensure that your mobile vending unit has met these conditions.

Location of Mobile Units:

- Units shall not be closer than 20 feet to any structure.
- All Mobile Units must remain at least 15 feet away from any fire hydrant.
- Mobile Units shall not block access to a Fire Department Connection (FDC).
- Mobile Units shall not obstruct any entrances or exits from a structure.
- Exits of mobile units shall not obstructed.

Electrical:

- Mobile Units shall not use electricity from a nearby structure.
- No excessive use of extension cords.
- Breaker boxes and junction boxes shall have proper cover.
- All wiring must be in conduit.
- Improper use of electrical accessories and overloading of circuits prohibited.

Propane Cylinders:

- A maximum of two – 100 lb propane cylinders are allowed. One is allowed for use and one as a spare. The cylinders cannot be manifolded together.
- Propane cylinders need to be requalified every 12 yrs. A current date of manufacture if new or requalification stamp is required on all cylinders.

Propane Cylinder Location:

- Propane cylinders (Including spares) shall not be located:
 - On rear bumpers, on exterior sides of vehicle, or roofs

Attachment A

- Below the lowest part of the vehicle frame
 - Inside improperly vented or unvented trunks or beds of vehicles
 - Inside passenger compartments of vehicles
 - On ground.
- The propane storage compartment shall be ventilated with at least two vents (one top of compartment and one bottom of compartment), each vent having an aggregate area equal to at least .5 square inches for each 7 lb of the total propane fuel capacity of the maximum number of the largest cylinders the compartment can hold.
 - Vendor will be required to have propane cylinders on vehicle to demonstrate how cylinders are secured to vehicle. Propane cylinders must be secured as to prevent propane bottle from leaving mount or cage in the event of vehicle crash or rollover.
 - The relief valve discharge from the propane cylinder shall not be less than 3 ft measured horizontally along the surface of the vehicle to:
 - Openings in the vehicle
 - Propane burning appliance intake or exhaust vents
 - All internal combustion engine exhaust terminations

Propane Cylinder Equipment :

- All cooking appliances shall be listed for use with propane.
- Propane piping cannot be located on sides, rear or roof of unit.
- All appliances must be properly modified for use with propane.
- Appliances required to be vented (by the Manufacturers recommendations, usually greater than 40,000BTUs) must be converted for use with propane by a Master Plumber licensed by the Texas Railroad Commission. Documentation of proper conversion by a plumber must be provided at the time of inspection.
- Piping systems, including fittings and valves shall comply with NFPA 58
- Maximum of 60 inches of metal flex hose allowed for each appliance to connect to the propane hard pipe.
- Metal flex hose must not penetrate through walls, floor or ceiling to the interior of the vehicle. Rigid pipe must be used to penetrate solid assemblies.
- Piping shall be tested annually at not less than 3 psig for 10 minutes before appliances are connected and at system pressure after connection by a licensed LP Gas technician. Documentation of test, within 90 days of inspection, must be provided at time of inspection and must include:
 - ⊖ Must provide original document at inspection. (Not a copy)
 - ⊖ Pressure and duration of test
 - ⊖ Name, address, license number and phone number of technician performing test.
 - ⊖ License plate number of mobile vending unit
- Documentation must include date of test, pressure and duration of test, name and license number of technician, and license number of vehicle.
- Manual shutoff valves on gas lines are required at the point of use (the appliance) and at the supply.

Fire Extinguishers:

- Each Mobile Unit will be required to have a proper fire extinguisher inside their vehicle (2A10BC fire extinguisher).
- Each fire extinguisher will need to be mounted in a conspicuous location where it can be located quickly.
- Each fire extinguisher will need to be serviced annually and maintain a current tag confirming its status.
- Mobile units using a deep fryer will be required to have a Class K fire extinguisher in addition to the 2A10BC.
- Solid fuel appliances with a fire box are required to have one 2.5 gallon or two 1.5 gallon K type extinguishers.



Mobile Food Establishments

City of Austin Application Packet

This review process supports Imagine Austin, our plan for a vibrant, livable, connected Austin.

Para información en español llame al (512) 978-4000.

PURPOSE:

The intent of this ordinance is to regulate mobile food establishments most often trailers located in parking lots or vehicles that drive from one location to another.

ORDINANCE REFERENCES:

Specific ordinance requirements can be found in Section [25-2-812](#) of the City Code.

HOW THE MOBILE FOOD ESTABLISHMENT APPLICATION PROCESS WORKS:

1. The establishment of the additional regulations governing the hours of operation and location of mobile food establishments will apply to the boundary of the applying neighborhood association or neighborhood plan contact teams. (See the cover letter contained in this packet). The open period to submit applications will be during the month of February in the calendar year in which you are applying. For areas with an adopted neighborhood plan, the application must be submitted by the neighborhood plan contact team chair or by an officer of the neighborhood association if there is no official contact team. For areas without an adopted neighborhood plan, the application must be submitted by an officer of the neighborhood association.
2. Please go to this [link](#) to verify if your neighborhood is within the boundaries of an adopted neighborhood planning area.

DEADLINE:

Applications must be received by the last day of February in the calendar year in which you are applying. Applications may be hand delivered to the Planning and Zoning Office at 505 Barton Springs Road, 5th Floor or returned via the U.S. Postal Service to Planning and Zoning Department, Attn: Maureen Meredith, P.O. Box 1088, Austin, TX 78767. Office hours are 8:00 a.m. – 5:00 p.m., Monday – Friday. If mailed, applications must be postmarked by the last day of February in the calendar year in which you are applying.

SUBMITTAL REQUIREMENTS:

Refer to application and submittal checklist. **An incomplete application will not be considered for inclusion in this round of applications.** If an incomplete application is submitted before the end of February, staff will attempt to contact the neighborhood representative listed on the application. However, materials not included in the initial application submittal will not be accepted after the last day of February in the calendar year in which you are applying.

QUESTIONS:

Any questions regarding the Mobile Food Establishments Application should be directed to Planning and Zoning Department staff [Maureen Meredith](#) at (512) 974-2695 or by email at maureen.meredith@austintexas.gov.

Planning and Zoning Department, One Texas Center, 505 Barton Springs Road, 5th Floor, Austin
Need help filling out this application? Give us a call at (512) 978-4000.

Mobile Food Establishments

APPLICANT SUBMITTAL CHECKLIST

- 1. A completed copy of the Mobile Food Establishment Amendment application.
- 2. An official certification of the action taken by the association or contact team on the mobile food issue that includes the notarized signature of the authorized officer of the association or chair of the contact team. (Fill out the area on the following page with a notary public to complete this requirement.)
- 3. A hard copy of the meeting minutes that describes the vote on the mobile food establishment issue.
- 4. A hard copy of the neighborhood association or neighborhood plan contact team bylaws.
- 5. A hard copy of the notice of the meeting at which the vote was taken.
- 6. A brief statement of the process by which the notice was issued.
- 7. A thumbnail map of your neighborhood association or adopted neighborhood planning area boundaries. (We suggest using the [Official Neighborhood Planning Map](#) to print out a map of your area and then highlight your neighborhood association OR planning area boundaries.)

Please Mail the Above Materials To:

(Deadline: Last day of February in the calendar year in which you are applying)

City of Austin
Planning and Zoning Department (PAZ)
Attention: Maureen Meredith
P.O. Box 1088
Austin, TX 78767

Attachment A

Mobile Food Establishments AMENDMENT APPLICATION

February _____
(enter year)

The purpose of this application is for the below named Neighborhood Association or Neighborhood Plan Contact Team to recommend to the Austin City Council that additional regulations be put in place *to govern the hours of operation and location of mobile food establishments.*

1. Name of Neighborhood Association or Contact Team

Please Note: A Neighborhood Association or Neighborhood Plan Contact Team must be registered with the City of Austin Public Information Office: <http://www.austintexas.gov/cr>

2. Location: Describe the general boundary covered by the neighborhood association or neighborhood planning area boundary. Also, please attach a thumbnail map of your planning area or neighborhood association boundaries.

3. Name of Neighborhood Association Officer/Office or Contact Team Chair:

4. Mailing Address of Officer/Chair:

5. Mailing Address of Association (if different):

6. Phone # of Officer or Chair (please include area code):

Planning and Zoning Department, One Texas Center, 505 Barton Springs Road, 5th Floor, Austin
Need help filling out this application? Give us a call at (512) 978-4000.

Attachment A

QUESTIONS: The following questions refer to the official vote taken by the Neighborhood Association or Neighborhood Plan Contact Team as it relates to the Mobile Food Establishments Ordinance.

1. Was the vote taken in accordance with Association's or Contact Team's bylaws?

Yes No

If No, please explain why and how the vote was taken:

2. Provide the results of the vote:

For: _____ **Against:** _____

Total # of eligible votes: _____

3. Outreach and Notification of Meeting: A contact team or neighborhood association is required to notify all persons in their neighborhood of the meeting to vote on action being taken on the Mobile Food Establishment Ordinance.

Please provide a **HARD COPY** of the meeting notice

Below or on a separate page, please explain how and to whom the notice of the meeting, at which the vote was taken, was provided:

4. Are you aware of other Neighborhood Associations that have overlapping boundaries with the Neighborhood Association referred to on this application?

Yes No

If yes, identify the overlapping Association

Have attempts been made to contact these Associations? Yes No

If yes, do other associations favor inclusion on the map? Yes No

Planning and Zoning Department, One Texas Center, 505 Barton Springs Road, 5th Floor, Austin
Need help filling out this application? Give us a call at (512) 978-4000.

Attachment A

OFFICIAL CERTIFICATION OF APPLICATION

To be completed by a notary public:

I, _____, as an officer or representative of a registered City of Austin neighborhood association or neighborhood plan contact team, called _____ hereby certify that all the information provided in this application packet is correct and that I am an authorized officer of our neighborhood association or planning area contact team. Additionally, the vote taken on the **Mobile Food Establishments Ordinance** was conducted according to our contact team or neighborhood association bylaws.

On this, the _____ day of _____, 20____, before me a notary public, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

Notary Public

Attachment A

<i>FOR OFFICE USE</i>				
Received: _____	Paid On: _____	Check #: _____	Amount: _____	Receipt _____
Initial: _____	Issue On: _____	Expires On: _____	Permit: _____	Juris: COA / TC / ILA



AUSTIN PUBLIC HEALTH
 ENVIRONMENTAL HEALTH SERVICES DIVISION
 P.O. BOX 142529 Austin, TX 78714
 Phone (512) 978-0300 Email: ehsd.service@austintexas.gov
 Web Address: <http://www.austintexas.gov/ehsd>



Walk-in Location: 1520 Rutherford LN, NE corner of Rutherford LN @ Cameron RD, Building 1 East Entrance (Not a Mailing Address)
Applications are only accepted at walk-in location on Tuesdays and Thursdays from 7:45 a.m. to 11:00 a.m.

Mobile Food Vendor: Operational Permit Application

Multiple application submissions are required when operating across jurisdiction lines.

Permit Information *Incomplete applications will not be processed and will be returned.*

Permit Type:	<input type="checkbox"/> Restricted (pre-packaged foods)	<input type="checkbox"/> Unrestricted (open foods)	Sales Tax ID: _____
Type(s) of Food:	_____		
Operation Area:	<input type="checkbox"/> Austin (inside city limits)	<input type="checkbox"/> Travis County (unincorporated)	<input type="checkbox"/> ILA: _____
Mobile Vending Unit Name:	_____		
Mailing Address:	_____		
For Renewals	Street	City	State Zip Code

Mobile Unit Information *Permits are not transferrable.*

Unit Type:	<input type="checkbox"/> Motor Vehicle	<input type="checkbox"/> Pushcart	<input type="checkbox"/> Trailer	<input type="checkbox"/> Kiosk	<input type="checkbox"/> Foot Peddler	<input type="checkbox"/> Other: _____
Make: _____	Model: _____	Year: _____	Color: _____			
License Plate: _____	State: _____	VIN: _____				

Business Information *Print full legal names as they would appear on a Government Issued Photo ID(s).*

Business Owner Name: _____	Phone Number: _____ (###) ### - ####
Business Type: <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Proprietorship <input type="checkbox"/> LLC	Email Address: _____ <small>Email addresses are not distributed. (Internal use only)</small>
Bus. Owner Date of Birth: _____ MM / DD / YYYY	Gov. Issued ID: _____ ID Number State
Responsible Party: _____ <small>List an Additional Responsible Party (if applicable)</small>	Phone Number: _____ (###) ### - ####
Resp. Party Date of Birth: _____ MM / DD / YYYY	Gov. Issued ID: _____ ID Number State
Certified Food Manager (CFM): _____ <small>Assigned to only this Mobile Vending Unit (if unrestricted)</small>	CFM Date of Birth: _____ MM / DD / YYYY

***** Please Attach a Clear Copy of a Valid Government Issued Photo ID of ALL applicants *****

Fee Information: *Note: Refund requests will not be honored after 180 days from date of payment.*

City of Austin (Contracted Municipalities*)		Travis County (Unincorporated)	
Permit Fee (Unrestricted)	\$290.00	Permit (Unrestricted)	\$273.00
Permit Fee (Restricted)	\$212.00	Permit (Restricted)	\$198.00
Application Fee	\$105.00	Fire Inspection (if applicable)	\$125.00
Fire Inspection (if applicable)	\$257.00		

* Not limited to Bee Cave, Lakeway, Manor, Pflugerville, Rollingwood, Sunset Valley, Volente, Westlake Hills

Payment Forms Accepted: Cash, Check, Money Order, Visa, MasterCard, Discover, AMEX

Make checks and money orders payable to: Austin Public Health
 Credit cards not accepted for Travis County payments.

Applicant's Signature _____ Print Name _____ Date _____
 I acknowledge that all information supplied above is true and correct to the best of my knowledge and belief. I further acknowledge that the permit, for which I am applying, is subject to all provisions of the orders and ordinances of Austin & Travis County, and all of the provisions of the codes, statutes and rules adopted under the codes and statutes of the State of Texas governing food establishments.

Mobile Food Vendor Responsibilities

1. **Operation:** Adhere to state and local rules/ordinances governing mobile vending operation at all times. Appropriate permit must be obtained. Temporary event permits cannot be used in lieu of mobile food vendor permits without department pre-authorization.
2. **Expanded Operation:** Mobile Food Vendors who expand their operations outside of their permitted mobile unit may apply for a temporary permit as long as their mobile food vending permit is both current and for the appropriate jurisdiction.
3. **Home Prepared Food:** Do not serve food prepared at a home to the public.
4. **Jurisdiction:** Multiple permits are required in order to operate in more than one jurisdiction. Each jurisdiction requires a separate permit. Jurisdictions serviced by this Department are City of Austin, Unincorporated Travis County, Sunset Valley, Manor, Bee Cave, Lakeway, Rollingwood, Volente, and Westlake Hills.
5. **Food Manager/Food Handler:** Post/Maintain at least one (1) employee's original, valid City of Austin Food Manager Certificate at all times on Unrestricted Units. Maintain documentation showing all other employees have completed a state approved Food Handler Training Course within the last two (2) years.
6. **External Equipment:** Do not use external equipment. All equipment MUST be located within or on the mobile unit at all times, including propane tanks. Have the equipment properly enclosed at all times.
7. **Central Preparation Facility:** Use your Registered Central Preparation Facility (CPF) to service your unit. The mobile vendor's owner must also possess a separate, valid Food Establishment permit at the CPF location in order to prepare or handle food at the CPF. Maintain a CPF log sheet, documenting all visits to the CPF. The Health Department may request a review of the CPF log sheet at any time.
8. **Refrigeration & Heating:** Units must contain adequate hot & cold food storage facilities to maintain food at the required temperatures so that hot foods are held at 135°F or above and cold foods are 41°F or below. Mechanical temperature control equipment is required for holding time/temperature control for safety foods.
9. **Thermometer:** Provide metal stem dial thermometers with a range of 0-220°F and accurate to +/- 2°F in order to monitor food temperatures. Place additional thermometers in all refrigeration/cold-hold units.
10. **Labeling:** Properly label all pre-packaged, self-service food items offered in adherence with the Texas Food Establishment Rules requirements.
11. **Mobility:** Maintain a state of mobile readiness at all times. The health authority may prohibit alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility. Ready mobility means quickly, without hesitation, and effortlessly movable. Tires must be inflated and wheels may not be removed from mobile vending unit.
12. **Utilities/Water:** Do not attach permanent utilities (i.e. plumbing, gas, electrical, water) to the unit. Do not attach a permanent water supply to the unit. Use food grade hoses for potable water tank refilling.
13. **Holding Tanks:** Install permanent, properly sized holding tanks for fresh water and wastewater in each unit. Tanks must allow valve access to the exterior of the unit for operators to empty/fill the tanks. Ensure that emptying and/or filling the tank does not contaminate the ground surfaces or the mobile unit. Fresh water tanks must hold 30 gallons or larger. Wastewater tank must be 15% larger than the fresh water tank.
14. **Hot & Cold Water:** Maintain a safe and secure water supply for Unrestricted Units. Hot and cold water must be available under pressure for immediate use to all sinks at all times of operation.
15. **Handwashing:** Supply Soap, Single Use Towels and Hot Water to hand sinks at all times.
16. **Zoning:** For units operating within the Austin city limits, contact City of Austin Planning and Zoning (PAZ) and Right-of-Way (ROW) departments to determine if the city approved the site for vending.

Refund Policy

- City of Austin:** Applications submitted for operation within the City of Austin and Contracted Municipalities may be eligible for a refund of the permit fee, if the department did not issue a permit. The refund applies to permit fees only and does not extend to application or fire inspection fees.
- Travis County:** Applications submitted for operation within Travis County are not eligible for a fee refund.

Applicant's Signature

Print Name

Date

I acknowledge that all information supplied above is true and correct to the best of my knowledge and belief. I further acknowledge that the permit, for which I am applying, is subject to all provisions of the orders and ordinances of Austin & Travis County, and all of the provisions of the codes, statutes and rules adopted under the codes and statutes of the State of Texas governing food establishments.

Revised: 10/15/2020

Page 2 of 6

www.SurveyMonkey.com/s/EHSDSurvey

NO HOME-PREPARED FOODS ALLOWED

Attachment A



AUSTIN PUBLIC HEALTH
ENVIRONMENTAL HEALTH SERVICES DIVISION
P.O. BOX 142529 Austin, TX 78714



Phone (512) 978-0300 Email: ehsd.service@austintexas.gov
Web Address: <http://www.austintexas.gov/ehsd>

Walk-in Location: 1520 Rutherford LN, NE corner of Rutherford LN @ Cameron RD, Building 1 East Entrance (Not a Mailing Address)

Central Preparation Facility (CPF) Contract

This document is completed by the owner or responsible party on file of the Central Preparation Facility (CPF). Only originals dated within 30 days of submittal may be accepted. The purpose of this document is to verify that an agreement exists between the Mobile Food Vendor and the operator of the registered CPF which allow the Mobile Food Vendor to utilize the CPF facilities in a manner consistent with all Austin Public Health rules, regulations and guidelines. Under the terms of this agreement the CPF operator must adhere to the following requirements:

- **Maintain** a current & valid Fixed Food Enterprise (FFE) permit.
- **Provide** adequate/approved waste disposal facilities for handling waste water disposal, oil/grease disposal, trash disposal, and all other necessary waste disposal (including adequately sized grease trap).
- **Provide** a sanitary area for distributing potable water to mobile units.
- **Allow** the mobile vendor to bring the unit to the establishment for servicing as often as needed.
- **Provide** sanitary adequate food storage facilities for dry goods and items requiring temperature control.
- **Allow** foods to be held/stored overnight at CPF under approved sanitary conditions.
- **Provide** additional storage for equipment and supplies used by mobile vendor (if needed)

Mobile vendors utilizing this CPF may not engage in any food preparation at the facility unless the mobile vendor has obtained an additional Food Establishment Permit for this location.

I _____ have read and understand the items of responsibility listed
CPF Owner / Responsible Party (Print)

above and agree to comply with all of the requirements. I give permission to _____
Mobile Vending Unit Owner/Operator (Print)

of _____ to use my establishment, _____
Mobile Vending Unit Name (Print) Name of CPF (Print)

located at _____ as a Central Preparation Facility for the mobile vending unit.
Address of CPF (Print)

I understand that any health violations of the vendor found at this establishment can be included on the health inspection for this establishment.

CPF Owner Phone: _____
(###) ### - ####

Notary Verification for Austin/Travis County

To be signed in the presence of the Notary after completion of form.

Signature: _____ Date: _____
Signature of Central Prep Facility Owner or Responsible Party MM/DD/YYYY

Before me on this date, _____, personally appeared, _____,
MM/DD/YYYY Central Preparation Facility Owner or Responsible Party (Print)

owner or responsible party of, _____, known to me (or proven to me) to
Name of Central Preparation Facility Establishment (Print)

be the person whose name is subscribed to the above "Central Preparation Facility Contract."

Name of Notary: _____ Expiration: _____
Name of Notary Public, State of Texas (Print) Notary Commission Expires (MM/DD/YYYY)

Notary Signature: _____ Notary Seal: _____
Ink Stamp Only

Attachment A



AUSTIN PUBLIC HEALTH
ENVIRONMENTAL HEALTH SERVICES DIVISION
P.O. BOX 142529 Austin, TX 78714



Phone (512) 978-0300 Email: ehsd.service@austintexas.gov
Web Address: <http://www.austintexas.gov/ehsd>

Walk-in Location: 1520 Rutherford LN, NE corner of Rutherford LN @ Cameron RD, Building 1 East Entrance (Not a Mailing Address)

Central Preparation Facility (CPF) Certification

For CPF(s) located outside Austin/Travis County

Any vendor that applies for an Austin Public Health Mobile Vending Permit and intends to use a CPF outside the Austin/Travis County jurisdiction must submit this form. The Health Authority overseeing the CPF's operations must complete the form.

CPF Food Establishment Name

CPF Food Establishment Permit Holder or Responsible Party

CPF Food Establishment Address

CPF Permit Number

CPF Permit Expiration

I certify that the CPF Food Establishment listed above is currently approved in my jurisdiction to operate as:

Please initial all that apply

_____ **Food Establishment**

_____ **Central Preparation Facility**

Please check one

_____ This facility is approved for wastewater disposal.

_____ This facility is not approved for wastewater disposal. * Grease trap pumping service agreement must be provided with a frequency rate that meets or exceeds Mobile Vending Unit's waste production. *

Name of Health Officer/Authority (Printed)

Name of Jurisdiction

Health Authority (Signature)

Date

Contact Phone Number

Attachment A



AUSTIN PUBLIC HEALTH
 ENVIRONMENTAL HEALTH SERVICES DIVISION
 P.O. BOX 142529 Austin, TX 78714



Phone (512) 978-0300 Email: ehsd.service@austintexas.gov
 Web Address: <http://www.austintexas.gov/ehsd>

Walk-in Location: 1520 Rutherford LN, NE corner of Rutherford LN @ Cameron RD, Building 1 East Entrance (Not a Mailing Address)

Mobile Food Vendor Itinerary Sheet

Mobile Food Vendors are required to submit and maintain a current itinerary sheet detailing vending locations, hours of operation, and Central Preparation Facility (CPF) service visits. Changes must be submitted on an updated itinerary sheet prior to implementation. Failure to maintain a current, valid itinerary with this department may result in permit suspension and/or filing of legal charges.

Mobile Vending Unit Name: _____

Owner's Name: _____

Itinerary Valid for the Following Dates: _____ to _____ Page: _____ of _____

Vending Location Address	Day at Location <i>(Circle All That Apply)</i>	Start Time	End Time
	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
Central Preparation Facility Service Visit	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
Central Preparation Facility Service Visit	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM
Central Preparation Facility Service Visit	Sun. Mon. Tue. Wed. Thu. Fri. Sat.	AM PM	AM PM

(Please submit additional itinerary pages if needed.)

Applicant's Signature _____ Print Name _____ Date _____

Attachment A



AUSTIN PUBLIC HEALTH
ENVIRONMENTAL HEALTH SERVICES DIVISION
P.O. BOX 142529 Austin, TX 78714

Phone (512) 978-0300 Email: ehsd.service@austintexas.gov
Web Address: <http://www.austintexas.gov/ehsd>



Walk-in Location: 1520 Rutherford LN, NE corner of Rutherford LN @ Cameron RD, Building 1 East Entrance (Not a Mailing Address)

Restroom Facility Agreement

All *City of Austin* Mobile Food Vendors are required to submit and maintain a current Restroom Facility Agreement for each location where the mobile unit will operate for longer than two (2) hours. This agreement confirms availability of a restroom, during the hours of operation, for staff, within 150 feet of the vending location. Failure to maintain a current Restroom Facility Agreement with this department, for each vending location in which you operate may result in permit suspension and/or filing of legal charges.

Upper Portion: Mobile Food Vendors that intend to access restroom facilities of a store front or other similar commercial establishment must have the top portion of this form signed by the owner or responsible party of that commercial establishment.

Lower Portion: Mobile Food Vendors that intend to access portable restroom facilities may complete the bottom portion of this form.

Non-commercial/Residential facilities cannot fulfill this requirement.

Fixed Establishment Restroom Facility Agreement

I, _____, owner/responsible party for _____
Name of Commercial Establishment Owner (Print) Name of Commercial Establishment (Print)

located at _____ give permission to _____
Commercial Establishment Address (Print) Name of Mobile Owner/Responsible Party (Print)

of _____ to use my restroom facilities for their employees during the
Mobile Vending Unit Name (Print)

mobile unit's hours of operation. I understand that observations of inaccessibility to my restroom facilities during the mobile vendor's hours of operation, restroom facilities greater than 150 feet from mobile unit or sewage violations may result in this agreement being rescinded by Austin Public Health.

Signature of Commercial Establishment Owner Printed Name of Commercial Establishment Owner Contact Phone Number Date

Applicant's Signature Print Name Date

Portable Restroom Facility Agreement

I, _____, owner/responsible party for _____
Name of Mobile Vending Unit Owner/Responsible Party (Print) Mobile Vending Unit Name (Print)

will adhere to the requirements of the Restroom Facility Agreement when in operation for two (2) consecutive hours or more at a single location. I will adhere to this requirement through the use of a portable restroom facility to be located at

_____ which will be routinely serviced by
Address of Portable Restroom Location

_____ and will be located and maintained in adherence to all local zoning and code
Printed Name of Liquid Waste Hauler Company

regulations. I understand that observations of inaccessibility to my restroom facilities during the hours of operation, restroom facilities greater than 150 feet from mobile unit or sewage violations may result in this agreement being rescinded by Austin Public Health.

Applicant's Signature Print Name Date



City of Austin

Austin Transportation Department, Right of Way Management Division
 P.O. Box 1088, Austin, Texas 78767

RIGHT OF WAY VENDOR LICENSE APPLICATION

APPLICANT INFORMATION

Applicant Name: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Phone: _____ E-mail: _____ Fax: _____

BUSINESS INFORMATION

Business Name/DBA: _____ Sales Tax #: _____

Business Structure (circle one): Corporation Limited Liability Company Partnership Sole Proprietorship

Address: _____

City: _____ State: _____ ZIP Code: _____

Phone: _____ E-mail: _____ Mobile Food Vendor Permit # (if applicable): _____

LIST ALL VENDING PERMITS YOU NOW HOLD:

PERMIT #	LOCATION	EXPIRATION DATE

Have you held a vendor permit that has been revoked: Yes No

If you answered yes, explain why: _____

VENDING LOCATION INFORMATION

Address (Or Closest Property Address): _____

ZIP Code: _____ Curb: (Circle One) North South East West

ADJACENT BUSINESS INFORMATION (if applicable)

Name of Adjacent Business: _____ Name of Business Owner: _____

Mailing Address:

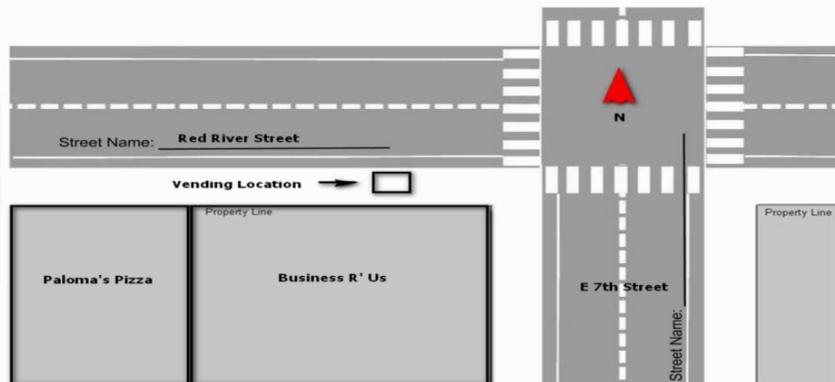
City: _____ State: _____ ZIP Code: _____

****Right of Way Management will deliver notice of your vending request to the adjacent business via certified mail. The business owner is provided 10 days to submit comments/objections to the request.****

VENDING LOCATION SKETCH

You are required to submit a map, photo, sketch, or diagram of the proposed site. See sample diagram below.

Label all street names.
 Use a north arrow or compass to indication direction.
 Identify the proposed vending location.
 Label name of adjacent business.



Attachment A



City of Austin

Austin Transportation Department, Right of Way Management Division
P.O. Box 1088, Austin, Texas 78767

STATE OF TEXAS

Proposed Days of Operation:

Proposed Hours of Operation:

State your proposed method of sale:

List items to be offered for sale:

I DECLARE THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND THAT I HAVE READ THE CITY OF AUSTIN CODE SECTION 14-921 THROUGH 14-9-23, AND I UNDERSTAND ALL CONDITIONS OF THIS APPLICATION AS SET FORTH HEREIN AND THE CITY CODE.

PRINT NAME AND TITLE

SIGNATURE OF APPLICANT
(MUST SIGN IN THE PRESENCE OF NOTARY)

THE PERSON KNOWN TO ME TO BE THE ABOVE SIGNED APPLICANT IS DULY SWORN BY ME AND STATES UNDER OATH THAT HE/SHE HAS READ THIS APPLICATION AND THAT ALL FACTS THEREIN SET FORTH ARE TRUE AND CORRECT.

SWORN TO ME ON THIS, THE _____ DAY OF _____, 20_____

STATE OF TEXAS, TRAVIS COUNTY NOTARY PUBLIC SIGNATURE

Do not submit your mobile plan review packet if the following items are not completed; your packet will be denied:

- 1) Obtain your **propane permit** or exemption letter from the Denver Fire Department to submit with the packet
- 2) Complete the top two sections of the **affidavit of commissary (page 11)**
 - a. You, the operator, completes the top section
 - b. The commissary completes the middle section
- 3) Take clear, color **photos** of both the inside and outside of the mobile unit and print them on 8.5"X11" computer paper. No more than 4 pictures per page. (Individual photos printed on photo paper **will not** be accepted)
- 4) Complete all sections of the packet with a bracket (). If something is not applicable, please say N/A.

Complete steps 1-5 in the instruction box below. Ensure all aspects of this document accurately reflect the physical properties of the mobile retail food establishment. Any inaccuracies or falsification during the licensing process may result in a rejected application. **INCOMPLETE APPLICATIONS OR TRUCKS THAT ARE NOT COMPLETED WILL NOT BE PROCESSED**

For complete requirements and regulations regarding mobile retail food establishments, call 720-913-1311 or refer to each regulatory agency's website:

- **Excise and Licenses:** www.denvergov.org/businesslicensing
- **Department of Public Health and Environment:** www.denvergov.org/healthinspections
- **Fire Department:** www.denvergov.org/fire (reference permits and licensing tab, fire safety permits)
- **Community Planning and Development/Zoning Department:** www.denvergov.org/zoning
- **Department of Public Works:** www.denvergov.org/publicworks

Instructions

1. The following shall be gathered BEFORE submitting the application for review to Excise and Licenses:

- Government issued ID (driver's license, passport, military ID, etc.)
- Affidavit of lawful presence (Appendix B) for sole proprietor or individual only.
- Fees:** \$200-application fee (non-refundable) and \$125-business license fee for a total of \$325 to be paid at time of submission.
- Completed Propane Permit (Appendix C) or obtain Letter of Exemption from the Denver Fire Department.
- Affidavit of Commissary with Business Operator and Commissary Operator sections completed.
- Mobile retail food establishment plan review application (pages 2-13, including appendices A and B)
 - Please reference Appendix D for questions with an asterisk (*)
- Printed, clear, color pictures of the following items printed on an 8.5" x 11" sheet of printer paper. Print 1 picture per page (blurry, dark or pixelated pictures, and Kodiak pictures will not be accepted):
 - Clean water and wastewater tanks
 - Exterior of the unit: 1 picture of each side including permanent license plates, propane lines and tanks
 - Interior of the unit: sink(s), hood system, all equipment including sinks, propane lines, breaker box and fire extinguishers, etc.
- Manufacturer specifications (spec sheets) for all appliances including cooking equipment and refrigeration
 - NOTE:** All equipment must be rated for use with propane. Natural gas appliances are ***not*** allowed
- If applicable, two (2) complete sets of pre-engineered automatic extinguishing system shop drawings

2. Bring all items from step 1 to the Department of Excise and Licenses (Dept. of EXL):

201 Colfax Ave., Suite 206, Denver 80202

3. After submitting your plans to the Dept. of EXL, the following will take place:

- Dept of EXL will issue you a business file number (BFN)/record number
 - Do not lose this number; it is your tracking number for the licensing process
- Dept. of EXL will distribute your plan review to applicable agencies for review
- Once the mobile retail food establishment plan review has been approved by all applicable agencies, the responsible party (mobile operator) will be contacted to schedule a physical inspection of the unit.
 - NOTE:** Public Health and Environment and the Fire Department will simultaneously inspect the mobile unit.
- Once unit has been approved by Public Health and Environment and the Fire Department during the physical inspection, a license will be issued for the mobile unit by Excise and Licenses at the physical inspection location.

4. If operating on private property, a zoning permit from the Zoning Department and permission letter from the property owner will need to be obtained.

SECTION 1: Oath of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I further acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Denver Revised Municipal Code and all Rules and Regulations which govern this Mobile Retail Food Establishment Plan Review Application:

Name (Print)

Authorized Signature

Title

Date

SECTION 2: Basic Information

Mobile Retail Food Establishment Trade Name:

Legal Entity Name (LLC, Corp., Etc.)

Mailing Address: (include city, state, zip)

Phone:

Fax:

Email:

Website/Facebook/Twitter Page:

Responsible/Main Contact Name:

% interest owned:

Home Address: (include city, state, zip)

Email:

Phone:

Partner's Contact Name:

% interest owned:

Home Address: (include city, state, zip)

Email:

Phone:

Partner's Contact Name:

% interest owned:

Home Address: (include city, state, zip)

Email:

Phone:

MOBILE FOOD ESTABLISHMENT VEHICLE INFORMATION

Vehicle Identification Number (VIN):

Make and Model of Vehicle:

Permeant License Plate #:

Was this unit previously licensed in the City and County of Denver?

Yes

No

If yes, what was the name of the unit:

Attachment A

SECTION 3: Equipment Information

What type of sanitizing solution are you using for cleaning food contact surfaces*?

- Chlorine Quaternary Ammonium Other: _____

What strength shall your sanitizing solution measure in parts per million (PPM)*? _____ PPM

Are PPM test strips available on the mobile unit to verify sanitizer concentration? Yes No

What type of thermometer is available for use on the mobile unit*? Dial stem Digital

If your truck weighs more than 16,000lbs, do you have your DOT stickers? Yes No

Indicate, using numbers, how many pieces of equipment are on the unit: (ex: 1 hand washing sink, 2 Fryers, 1 Grill)

- | | | | |
|-----------------------|---------------------------|----------------------------|--------------------|
| ___ Hand washing sink | ___ Food preparation sink | ___ Three compartment sink | ___ Steam table(s) |
| ___ Mop/Utility sink | ___ Refrigerator(s) | ___ Freezer(s) | ___ Hot box(s) |
| ___ Flat top | ___ Grill | ___ Barbecue | ___ Smoker |
| ___ Fryer(s) | ___ Other: _____ | ___ Other: _____ | |

Are all the propane powered appliances rated for propane use? Yes No

Sink Basin Measurements*:

	Length (inches)	Width (inches)	Height/Depth (inches)
Hand Washing Sink			
Three-compartment Sink^			
Other: _____			

^Please provide the dimensions of **one of the compartments** of the three-compartment sink.

SECTION 4: Water Tanks

Clean water tanks must be a minimum of 10 gallons, or 3 gallons per hour of operation, whichever is greater. For example, if operating for 5 hours, a 15 gallon clean water tank, at minimum, is required. If operating for 2 hours at a time, a 10 gallon clean water tank would be required.

Waste water tanks must be at least 15% larger than the clean water tank. For example, if the clean water tank is 15 gallons, then the gray water tank must be at least 17.25 gallons.

Note: If multiple tanks are used for the clean water, they must be connected and allow for water to be pumped without changing tanks. A single tank must be used for waste water.

Water Tank Measurements*:

	Water Tank Shape	Length (inches)	Width (inches)	Height (inches)	Total Gallons
Clean Water Tank					
Waste Water Tank					
Other: _____					

How to calculate: <http://www.calculatorsoup.com/calculators/construction/tank.php>

*Reference Appendix D

Attachment A

SECTION 6: Commissary Usage and Food Preparation

What is the name of the commissary you plan to use? _____

Please write the hours you intended to use the commissary under what days you intend to report to the commissary:

Days	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours	___ to ___						

Name of supplier(s) where food will be purchased: _____

Where will ware washing be taking place? On the mobile unit At the commissary

I understand that water may only be obtained from my commissary: Yes No

How is the mobile food unit clean water tank filled? Food grade/drink water hose Other: _____

If applicable, who is providing the food grade hose? Commissary Self

If applicable, how will food grade hose be stored? Closed container Other: _____

If applicable, where will the food grade hose be stored? Commissary Mobile Unit

Where will wastewater (gray water) be disposed? Commissary Other: _____

How is wastewater drained from wastewater tank(s)? Hose Valve Other: _____

If applicable, where will grease/oil be disposed? Commissary Other: _____

Is the mobile unit only selling pre-packaged items (i.e. hot box truck, ice cream truck, etc.)? Yes No

If yes, are all pre-packaged items store-bought (i.e. ice cream bars, cupcakes, chips, soda)? Yes No

If any items on the mobile unit are prepared prior to being sold or are not bought prepackaged, please indicate where the following tasks will take place (select all that apply):

- Cooking Mobile unit Commissary Not Applicable
- Reheating Mobile unit Commissary Not Applicable
- Cooling Mobile unit Commissary Not Applicable
- Thawing Mobile unit Commissary Not Applicable
- Ice-making (not buying from store) Mobile unit Commissary Not Applicable
- Washing produce Mobile unit Commissary Not Applicable
- Slicing Mobile unit Commissary Not Applicable
- Cutting/Dicing Mobile unit Commissary Not Applicable
- Freezing Mobile unit Commissary Not Applicable
- Other: _____ Mobile unit Commissary Not Applicable
- Other: _____ Mobile unit Commissary Not Applicable

Where will the following storage be taking place (select all that apply):

- Cold storage Mobile unit Commissary Not Applicable
- Dry storage Mobile unit Commissary Not Applicable
- Freezer storage Mobile unit Commissary Not Applicable
- Chemical storage Mobile unit Commissary Not Applicable
- Other: _____ Mobile unit Commissary Not Applicable
- Other: _____ Mobile unit Commissary Not Applicable

I understand that no food can be stored and/or prepared in my home: Yes No

**Reference Appendix D*

Attachment A

SECTION 7: Operating Location

Please write the hours of intended operation under what days you plan to operate during the week:

Days	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __	__ to __

If you plan to operate seasonally, what months do you plan to operate: _____ to _____

Where do you plan to sell food? (please check all applicable boxes and complete information below checked box)

- Single Location(s)**, such as breweries, a tire shop, parking lot, a meter downtown, office building, etc. ^^

- 1) Ex: 17th and Wynkoop from 10am-2pm, Mon-Fri and Bob's Brewery from 5-9pm Saturday
- 2) _____
- 3) _____
- 4) _____

^^If *privately owned*, please review zoning requirements. If *on a street*, please review public works requirements.

- Route**, where you go from location to location and make frequent stops during your operation hours

Operating Address(es)	Days of Operating	Hours of Operation
<i>Ex: Bob's Plumbing at 40th and Steele</i>	<i>Monday-Friday</i>	<i>10:15-10:30am</i>

- Event(s)**, such as Civic Center Eats, Taste of Colorado, Farmer's Markets, etc.

Event Name	Operating Date(s)	Hours of Operation
<i>Ex: Civic Center Eats</i>	<i>Tuesdays (May-Oct)</i>	<i>11am-2pm</i>

ADVISORY: Some Denver addresses are in unincorporated areas and therefore are regulated by different health departments and require their county's license. Verify intended area of operation's address prior to obtaining a Denver license. No other licenses are valid while operating in the City and County of Denver. **A City and County of Denver license is only valid in the City and County of Denver.** Operating without a proper license can result in a court summons.

SECTION 8: Miscellaneous

Is the trade name of the business on the exterior of the mobile unit? Yes No

Is there a phone number to contact the business on the exterior of the unit? Yes No

Where are the nearest restrooms to the intended area of operation that will be utilized by employees?

Name (of business):	
Address:	Zip
Name (of business):	
Address:	Zip

Attachment A

SECTION 9: Fire Extinguishing Equipment

- Do you use propane or a generator on the mobile unit? Yes No Not Applicable
- If using propane or generator, do you have a 2A 10BC fire extinguisher?* Yes No Not Applicable
 - If yes, was the extinguisher inspected by a licensed inspector? Yes No
 - If yes, is the extinguisher mounted and secured in the proper bracket?* Yes No
- Do you have equipment that produces grease-laden vapors or smoke?* Yes No Not Applicable
- If producing grease or smoke, do you have a Class K fire extinguisher?* Yes No Not Applicable
 - If yes, was the extinguisher inspected by a licensed installer? Yes No
 - If yes, is the extinguisher mounted and secured in the proper bracket?* Yes No
- If producing grease or smoke, do you have a commercial grade hood?* Yes No Not Applicable
 - If yes, does the hood extend over all required equipment? Yes No
 - If yes, was the hood system installed by a licensed inspector? Yes No
 - If yes, is the hood system caulked with high temperature caulking? Yes No
- If producing grease or smoke, do you have a fire suppression system?* Yes No Not Applicable
 - If yes, was the suppression system installed by a licensed installer? Yes No Not Applicable

What are the dimensions of your hood?*

Width (inches)	Height (inches)	Length (inches)

SECTION 10: Hot Water

How is hot water supplied to the unit for handwashing or other activities?

- Hot water heater
- Passive System/ Heat Exchange
- Other: _____

If water heater uses propane, is it vented to the exterior of the unit? Yes No Not Applicable

NOTE: If using a propane powered hot water heater, it must be rated for propane use only.

I understand that I must ALWAYS have hot water measuring 100F at my hand washing sink: Yes No

Attachment A

SECTION 11: Power Source

Power Source: (check all that apply)

- Electrical (plug into a building) Propane Generator Other: _____

If applicable, where is generator located? On unit Outside of unit (On ground)

How will the electrical source be grounded? _____

How many amps is the breaker box? _____

Are all breakers labeled for the equipment they feed? Yes No Not Applicable

Is all electrical wiring contained within a rigid conduit?* Yes No Not Applicable

Are GFI circuits installed?* Yes No Not Applicable

SECTION 12: Propane

Interior

What type of propane lines are used on the interior of the unit? Hard Flex

If flex lines are being used, what type of flex lines? _____

If flex lines are being used, where are they located? _____

If flex lines are being used, how long are they? _____

If yes, are the flex lines protected from sharp edges? Yes No Not Applicable

Are there shutoff valves on the interior of the unit? Yes No Not Applicable

Exterior

Are propane lines piped on the exterior of the unit? Yes No Not Applicable

What type of propane lines are used on the exterior of the unit? Hard Flex

If flex lines are being used, where are they located? _____

If flex lines are being used, how long are they? _____

How many propane bottles are on the unit? One (1) Two (2) Other _____

How much does each bottle weigh? 20lbs 40lbs Other _____

How many total pounds of propane are on the unit? _____

How are propane bottles securely mounted?

- Cage Bracket Other: _____

What type of regulator do you have? Single Stage Dual Stage

Is the propane regulator securely attached to the vehicle? Yes No Not Applicable

Does the regulator have adequate space for venting? Yes No Not Applicable

How many appliances on the unit use propane? One (1) Two (2) Other _____

If propane is not visible, is there a sticker indicating propane? Yes No Not Applicable

ADVISORY

If propane is used on the truck, complete Appendix C and obtain propane permit from Denver Fire Department (DFD) PRIOR TO submitting the completed plan review to the Department of Excise and Licenses (Dept. of EXL). If propane is not used on the truck, obtain an exemption letter from DFD PRIOR TO submitting plan review packet to the Dept. of EXL.

**Reference Appendix D*

SECTION 13: Floor Plan Drawing (if available from manufacturer, please attach plans instead)

The following items shall be indicated on the floor plan drawing:

- Location and common name of all equipment
- Food storage locations [including coolers and self-service locations (i.e. salsa, soda, etc.), if applicable]
- Location of clean and gray water tanks
- Location of sinks (including hand washing and three compartment sink, if applicable)
- Location of propane tanks and propane powered equipment (indicate with a **P** on equipment)
- Any outdoor equipment (i.e. barbecue)

NOTE: All floors, walls and ceilings shall be constructed of smooth and easily cleanable materials.

What material is the floor constructed of? _____

What material is the walls constructed of? _____

What material is ceiling constructed of? _____

2021 Affidavit of Commissary

Completed by Business Operator

Business' Name: _____ Business' LLC/CORP: _____
 Owner/Operator's Name: _____
 Operator's Mailing Address: _____ City: _____ State: _____ Zip Code: _____
 Operator's Email: _____ License Plate: _____
 Operator's Telephone Number: _____ CBD Products (Y / N)?: _____

As owner/representative of the above-named business, I offer this affidavit as proof that my food will be prepared in a licensed facility in accordance with the laws governing the designated business type in the City and County of Denver's Food Establishment Rules and Regulations, Chapter 23 of the Denver Revised Municipal Code. Please initial below:

_____ I will submit a new affidavit for approval **before** I resume selling food if I cease to use the facility listed below as my commissary.
 _____ I understand that all food must be stored and prepared at the commissary below; **no** food may be stored or prepared in a home.
 _____ I understand that failing to utilize my commissary as required may result in enforcement action.

Note: If you are operating multiple stands/booths/mobiles, such as Suzy's Lemonade #1 and Suzy's Lemonade #2, you will need to obtain separate licenses for each and submit separate affidavits to the department for approval.

If applicable, what temporary events are you participating in: 420 Rally Cinco de Mayo Five Point Jazz Festival Pridefest
 Bacon & Beer People's Fair Cherry Creek Arts Juneteenth Dragon Boat International Fest The Big Eat
 Taste of Colorado Tacolandia Westword Feast Grandoozy Farmer's Market/Other: _____

I affirm that the above information is correct and true by signing below.

Signature of Proposed Business Operator Date

Completed by Commissary Operator

Commissary Name: _____ Operator's Name: _____
 Commissary Address: _____ Telephone Number: _____
 Commissary is regulated by: Denver Jefferson County Tri-County Other: _____
 Commissary Email Address: _____
 Commissary Agreement: *Start Date:* _____ *End Date:* _____

Commissary is providing the following items for the above noted operator/business:

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Cold storage | <input type="checkbox"/> Grease Disposal | <input type="checkbox"/> Drinking/potable water hose | <input type="checkbox"/> Dish washing |
| <input type="checkbox"/> Dry storage | <input type="checkbox"/> Food preparation tables | <input type="checkbox"/> Mobile unit storage | <input type="checkbox"/> Cooking equipment |
| <input type="checkbox"/> Clean water/ water disposal | <input type="checkbox"/> Ice machine | <input type="checkbox"/> Food preparation sink | <input type="checkbox"/> Cooling equipment |

As owner/representative of this facility, I confirm that the operator above has permission to utilize my facility as a commissary for their designated business. I read, understand, and affirm my responsibilities as a commissary operator in accordance with the laws governing commissaries in Chapter 12 of the City and County of Denver's Food Establishment Rules and Regulations, Chapter 23 of the Denver Revised Municipal Code. Please initial the lines below:

_____ I will notify the Department of Public Health and Environment if the vendor ceases to use this facility as required.
 _____ I will maintain logs/records indicating both the intended schedule as well as the actual schedule in which the above operator uses my facility.
 _____ I understand that failing to adhere to the rules and regulations that govern commissaries may result in enforcement action.

I affirm that the above information is correct and true by signing below.

Signature of Commissary Operator Date

****ATTENTION:** All asterisked (*) licenses below must have the bottom section completed by PHL, via email or in person, *prior to* submitting to the Department of Excise and Licenses. Excludes mobiles.

Business Type (please only select one): Change of Commissary / Renewal / New License:
 Temporary* Wholesaler* Peddler* Caterer* Kiosk* Commissary Change Renewal New
 Mobile Truck Mobile Trailer Mobile Cart Other: _____

Approved Denied Approved with Conditions: _____

Inspector Name: _____ Inspector Signature: _____ Date: _____
 EST ID: _____ INS #(s): _____ BFN #: _____

Appendix B

AFFIDAVIT OF LAWFUL PRESENCE IN UNITED STATES

I, _____, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

- I am a United States citizen.
- I am not a United States citizen but I am a Permanent Resident of the United States.
- I am not a United States citizen but I am lawfully present in the United States pursuant to Federal law.

- I understand that this sworn statement is required by law because I have applied for a “state public benefit”, as that term is defined under section 24-76.5-102(3), C.R.S. (2016).
- I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this state public benefit.
- I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under section 18-8-503 C.R.S. (2016), and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.
- **I understand that Colorado state law requires me to provide one of the following forms of proof that I am lawfully present in the United States prior to receipt of this benefit:**
 1. A valid Colorado driver's license or a Colorado identification card issued under article 2 of title 42, unless it has been issued under C.R.S. 42-2-501 et seq. and states “Not valid for federal identification, voting, or public benefit purposes;”
 2. An unexpired Out of State Driver's License or Identification Card, unless the license or card states that it is not valid for federal purposes;
 3. A valid U.S. Passport with a photo, except for “limited” passports, issued for less than five years;
 4. A valid I-551 Resident Alien/Permanent Resident Card verified by SAVE with a photo;
 5. A United States military card or a military dependent's identification card;
 6. A U.S. Coast Guard Merchant Mariner card;
 7. A Tribal Identification Card with intact photo;
 8. Any document in LIST A below with an intact photo; or
 9. Any other document listed in 1 CCR 204-30 Section 2.1.3-2.1.6

Attachment A

MUST BE ACCOMPANIED WITH PHOTO ID LISTING NAME AND DATE OF BIRTH

LIST A

1. Copy of Applicant's birth certificate from any state, the District of Columbia, or all United States territories
2. Report of Birth Abroad of a United States Citizen, form FS-240
3. Certification of Naturalization (N-550 or N-570)
4. Certificate of Citizenship (N-560 or N-561)
5. U. S. Citizen Identification Card (I-197), last issued in 1983, or Form I-179, last issued in 1974

SIGNATURE MUST BE WITNESSED BY NOTARY

Signature of Affiant _____

Date _____

STATE OF COLORADO)

) S.S.

SEAL

CITY AND COUNTY OF DENVER)

Subscribed and sworn to before me on this _____ day of _____, 20_____

NOTARY PUBLIC: _____ My commission expires: _____

FOR OFFICE USE ONLY. DO NOT WRITE IN THIS SECTION

Applicant appeared in person

_____ *Date*

Appendix C

Note: This must be completed and returned to the Denver Fire Department prior to obtaining your license (if you do not have propane on your mobile unit, contact DFD for an exemption letter). In return, you will receive a receipt that will need to be submitted with this packet to obtain a license.

CITY AND COUNTY OF DENVER	POLICY	DENVER FIRE DEPARTMENT	
Subject:	Mobile Retail Food Vendor		
Number:	IFC-105, 609, 904, 906	Effective Date: May 1, 2018	Page 9 of 9

MOBILE RETAIL FOOD VENDOR
LPG USE/STORAGE PERMIT APPLICATION FORM

THIS FORM SHALL BE FILLED OUT AND SIGNED BY A REPRESENTATIVE OF THE SITE APPLYING FOR THE PERMIT(S). IT SHALL BE RETURNED TO THE FIRE PREVENTION DIVISION. MAKE CHECK PAYABLE TO DENVER MANAGER OF REVENUE. A PERMIT WILL NOT BE ISSUED IF THE FORM IS NOT COMPLETE AND ACCOMPANIED WITH A PLAN REVIEW (IF REQUESTED) AND FEE.

NAME OF BUSINESS: _____

HOME ADDRESS: _____ CITY, STATE, ZIP _____

VIN NUMBER: _____ LICENSE PLATE _____

OWNER NAME: _____

OWNER PHONE NUMBER: _____ EMAIL: _____

BFN NUMBER: _____

LPG TANK SIZE (20LB, 40LB ETC.): _____

NUMBER OF PROPANE CYLINDERS: _____

FEE FOR LPG/PROPANE USE: **\$185.00**
(MAXIMUM OF 2, 40lb. CYLINDERS ALLOWED)

IF REQUESTED, PROVIDE A PLOT DIAGRAM (SKETCH OF VEHICLE OR KIOSK) SHOWING THE LAYOUT OF THE EMERGENCY SHUTOFF FOR EACH CYLINDER, LP-GAS USE/STORAGE AREAS AND CYLINDER STORAGE

I UNDERSTAND THAT THE DENVER FIRE PREVENTION PERSONNEL WILL CONDUCT SAFETY AND COMPLIANCE INSPECTION, AND IF THE INSTALLATION DOES NOT COMPLY WITH THE DENVER FIRE CODE (2015 INTERNATIONAL FIRE CODE WITH CITY AMENDMENTS) AND CURRENT NFPA STANDARDS, THE PERMIT MAY BE REVOKED WITHOUT A REFUND.

SIGNATURE: _____ DATE: _____

**YOU MAY HAND DELIVER OR MAIL YOUR
COMPLETED FORM WITH PAYMENT TO:**

Denver Fire Department - Fire Prevention Division Attn:
Mobile Food Inspections
745 W. Colfax Avenue
Denver, Colorado 80204

MAKE CHECK PAYABLE TO: DENVER MANAGER OF REVENUE

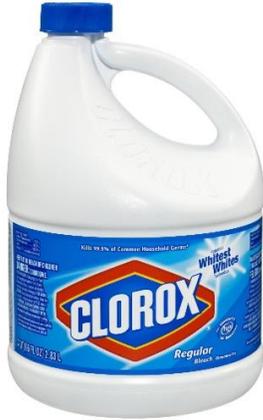
Appendix D

Sanitizing Solution

In Place Sanitizing Solution shall be mixed at a proper concentration and shall be ready to be used to wipe down food contact surfaces such as cutting boards and tables during any food handling.

Sanitizing Chemicals

Chlorine (Bleach)



Quaternary Ammonium



Chlorine (Bleach)



Test Strips

Quaternary Ammonium



Sanitizer Concentration*

Chlorine (Bleach): 50-200PPM

Quaternary Ammonium: 150-500ppm

**Sanitizing concentration shall be mixed per manufacturer's instructions. Provided concentrations are an example of the concentration range for each product.*

Thermometer

Temperature measuring devices shall be capable of reading both hot and cold temperatures, shall have a numerical scale, printed record, or digital readout in increments not greater than 2°F (1°C) that includes the range of 0-220°F, and shall be accurate to +/- 2°F of 32°F (1°C). Temperature measuring devices shall be capable and used to determine required Food temperature(s).

Digital Thermometers



Dial Stem



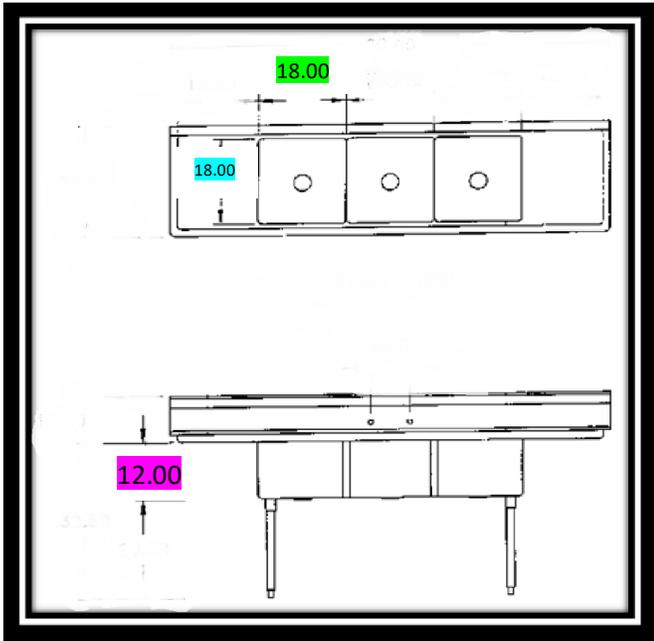
Grease Producing/Smoke laden vapor producing equipment****Flattop griddle****Fryer****Vertical Broiler****Stove**

***These are common examples of grease producing and smoke laden vapor producing equipment and do not include all equipment that requires a hood. If you are unsure whether a hood is required, contact the appropriate department for clarification.*

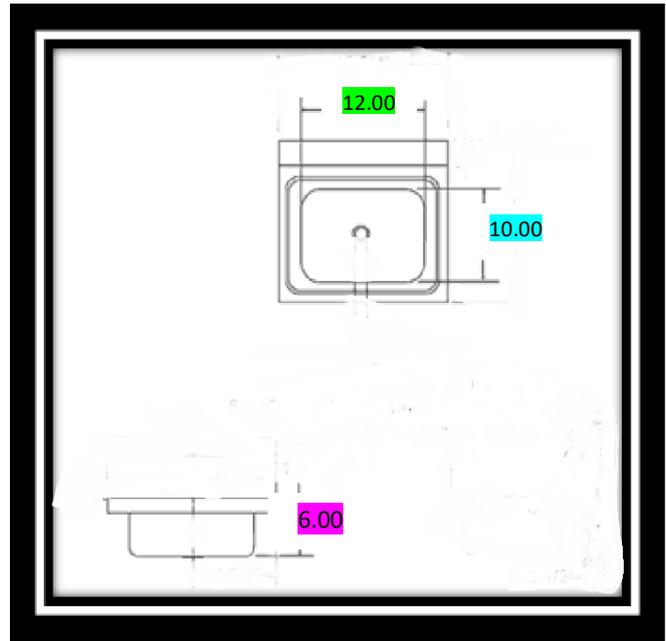
Note: Ensure that all equipment is propane powered and ***not*** natural gas powered.

Sink Measurements

Three Compartment Sink



Hand washing sink



How to complete the sink measurements

	Length (inches)	Width (inches)	Depth/Height (inches)
Hand washing Sink	12 inches	10 inches	6 inches
Three Compartment Sink [^]	18 inches	18 inches	12 inches

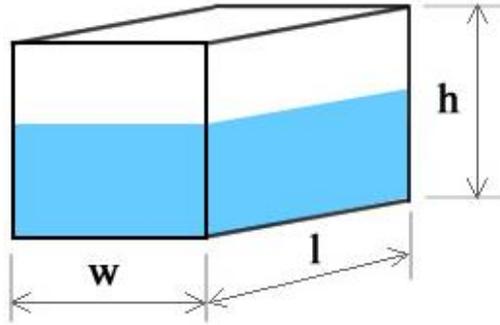
[^]Please
the

provide

dimensions of one of the compartments of the three-compartment sink.

Water tank measurements:

Standard rectangular tank:

*Example water tank calculations for rectangular tank:*

	Length (inches)	Width (inches)	Height (inches)	Total Gallons
Clean Water Tank	20 inches	15 inches	13 inches	16.88 gallons
Waste Water Tank	25 inches	20 inches	13 inches	28.14 gallons

How to calculate: <http://www.calculatorsoup.com/calculators/construction/tank.php>*

Water tank math:

Length*Width*Height= Gallons

231

Example: $20 * 15 * 13 = 16.88$ Gallons

231

Waste water tank must be 15% larger than clean water tank**How to verify waste water tank is 15% larger:**

Clean water tank total gallons*1.15=Required waste water tank

Example: $16.88 * 1.15 = 19.41$ gallons required waste water tank

Current tank= 28.14 gallons

 $28.14 > 19.41$ therefore, wastewater tank is large enough

***Note:** For other shaped water tanks, please provide manufacturer's dimensions and use link to determine gallon size

Fire Extinguishers



2A 10BC



Class K

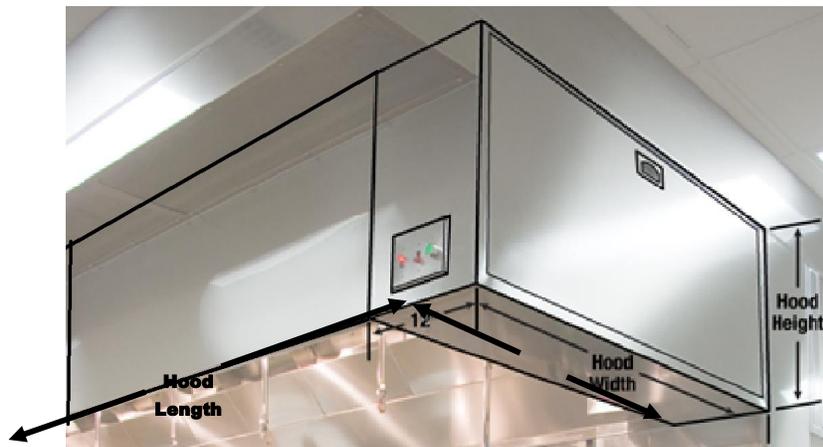
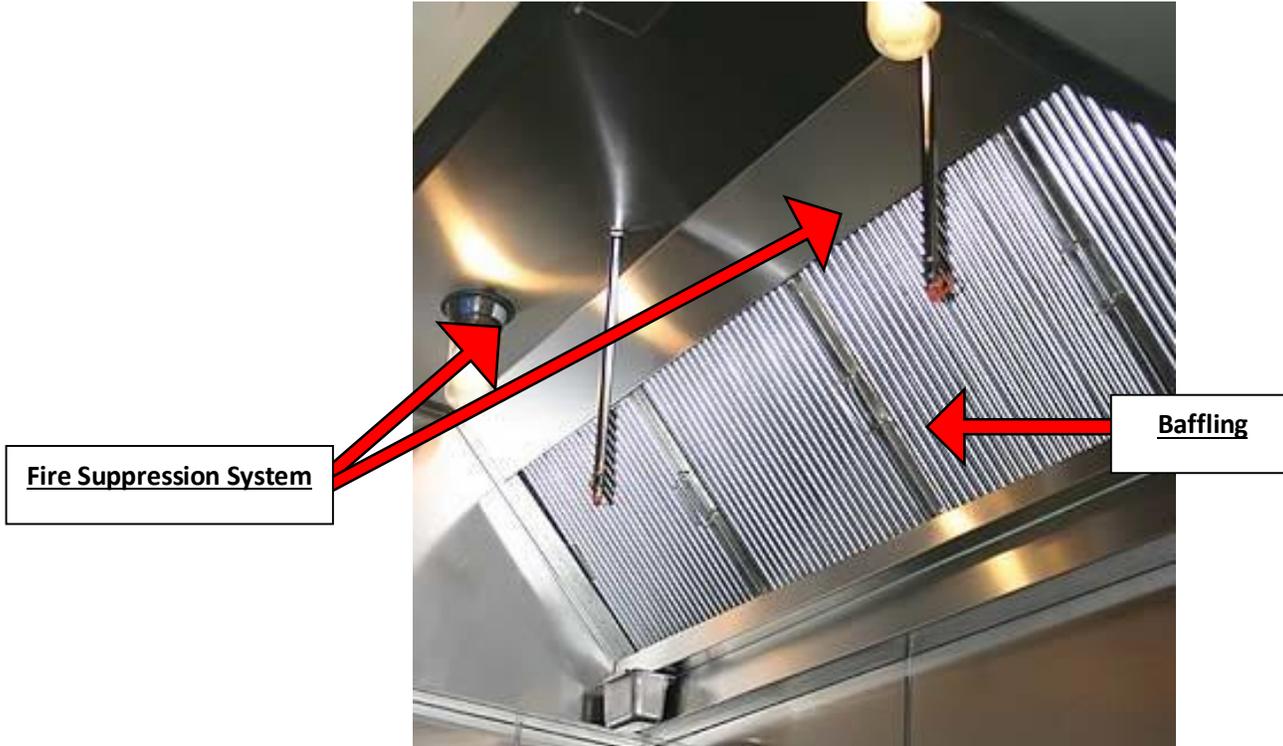


Bracket

Basic Fire Department Requirements for Fire Extinguishers:

1. All food trucks and/or carts shall have an approved fire extinguisher that has been inspected on a yearly basis by a Denver Fire Department licensed fire extinguisher company or,
2. Fire extinguishers bought from a retail store shall have the receipt showing the date of purchase. This extinguisher is good for one year and can then be inspected annually by a licensed inspector.
3. Fire extinguisher shall be a minimum of 2A: 10BC Classification that is mounted to the vehicle in the appropriate bracket.
4. Any solid fuel cooking (including but not limited to wood or wood pellets) shall have a Class K rated fire extinguisher AND a minimum 2A: 10BC class Dry Chemical extinguisher that is mounted to the vehicle in an appropriate 2A: 10BC bracket.

Hood and Fire Suppression System



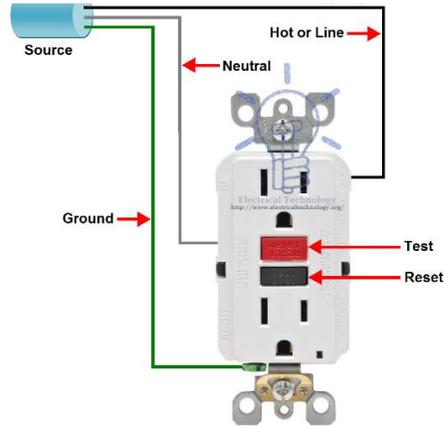
Basic Fire Department Requirements for Hood and Fire Suppression Systems:

1. All hood extinguishing systems shall be inspected every six months by a Denver Fire Department licensed inspection company.
2. Any cooking or re-heating operations that produces grease laden vapors (Including but not limited to Frying of any type) will be required to have a Class I hood installed with an approved Fire Suppression System and a Class K fire extinguisher will also be required to be mounted to the vehicle in an appropriate Class K bracket.

Power Source:



Rigid Conduit



GFI Circuits



Single regulator



Dual Regulator

Propane Tank Size Limits	
Maximum weight per unit	80lbs
Maximum weight per propane tank	40lbs
Maximum propane tanks per unit	2

Power Source Continued:**Single Propane Tank****Propane Tanks w/ Dual regulator****Propane Bracket****Propane cages/boxes******Basic Fire Department Requirements for Propane:***

1. The top of the cage must have a solid cover to protect tank valve.
2. Propane tanks shall be mounted securely to truck or cart by metal strap and must be protected from vehicle impact. Bungee cords and fabric tie down straps are ***not acceptable*** to secure Propane tanks (contact the Denver Fire Department for applicable requirements).
3. All propane lines must be installed in accordance with Denver Fire Department policy and NFPA requirements (contact the Denver Fire Department for applicable requirements)

Attachment A

This guide is for mobile retail food establishment operators that plan to operate in the City and County of Denver. This guide will provide operators with basic definitions and requirements; however, *because each establishment is unique, the operator is advised to contact each governing agency prior to operation to ensure that they are in compliance with all rules and regulations.*

Agency Contact Information

Department of Public Health & Environment (DDPHE)

101 W. Colfax Ave., Suite 800
Ph: 303-913-1311
Email: phicomments@denvergov.org
www.denvergov.org/healthinspections

Denver Fire Department (DFD)

745 W. Colfax Ave.
Ph: 720-913-3474
Email: dfdmobiles@denvergov.org
www.denvergov.org/fire

Denver Community Planning & Development

201 W. Colfax Ave., 2nd Floor
Ph: 720-865-3000
Email: zoningreview@denvergov.org
www.denvergov.org/DS

Department of Excise & Licenses

201 W. Colfax Ave., #206
Ph: 720-865-2740
www.denvergov.org/businesslicensing

Denver Public Works

201 W. Colfax Ave., #507
Ph: 303-446-3759
www.denvergov.org/publicworks

Denver Parks & Recreation

201 W. Colfax Ave., Dept. 1.G.1 (1st Floor)
Ph: 720-913-0700
www.denvergov.org/permits

Definitions

Cart: A mobile retail food establishment that is a non-motorized unit designed so food is served from the *exterior of the unit*. A cart is intended to physically report to and operate from a commissary for servicing, restocking and maintenance each operating day.

Commissary: A facility that is approved by the executive director of DDPHE as a base of operation for a temporary retail food establishment, cart, mobile food establishment, catering operation or other food operation where food, containers, or supplies are kept, handled, prepared, packaged, or stored and is constructed and operated in compliance with the rules and regulations.

Mobile Retail Food Establishment: A retail food establishment that is a wheeled vehicle (such as a mobile truck or mobile trailer) that is readily moveable and designed for the service of food from the *interior of the unit* and that is intended to physically report to and operate from a commissary for servicing, restocking, and maintenance each operating day. Per DFD, food trucks cannot park within 10 feet of another food truck or a structure.

“Mobile Truck”



“Mobile Trailer”



“Mobile Cart”



DEPARTMENT OF EXCISE AND LICENSES

A City and County of Denver 'Retail Food Establishment-Mobile' license is required for all food trucks, trailers and carts that want to operate in the City and County of Denver. A food truck, trailer or cart cannot operate under any other license and will need to allow themselves plenty of time to complete the licensing process. During busy season, it could take up to 30 days to complete the licensing process and additional time to complete any permits.

Applying for a License

1. Complete [Mobile Plan Review Packet](#). The packet can be found on both the DDPHE website and the Department of Excise and Licenses website. It can also be found in person at either department's office.
2. Obtain required fees, documents, pictures, and mobile plan review (reference check off list on page 1 of the mobile plan review packet) and submit all required items to Excise and Licenses:

In person/mail: Department of Excise and Licenses
201 W. Colfax Ave, Ste 206
Denver, CO 80202

3. Excise and Licenses will then distribute the plan review packet to DDPHE and DFD. Mobile plan review packets will begin to be reviewed within five (5) business days. After the packet is approved, the operator will be contacted to schedule the physical inspection.
4. Excise and Licenses will issue a physical license to the mobile unit after required signatures are obtained during physical inspection. Once you obtain the City and County of Denver Business and Professional License, you may begin operating the mobile food unit.

For detailed steps, reference [mobile retail food establishment licensing instructions](#).

<u>Where can I park my food truck?</u>				
	On the street	On private property	As part of a larger public event	In a public park
Allowed?	Yes	Yes	See pages 3 & 4	See page 3
Permit Required?	Permit may be required, see page 3	Yes, with exceptions, see page 4	No, see pages 3 & 4	See page 3
Conditions on location and operations	See page 3	See page 4	See page 3	Only at an event/special occasion (see page 3)

DENVER PUBLIC WORKS

You can park for vending on any street, with the following exceptions:

- Not within 20 feet of an intersection when making a sale or attempting to make a sale.
- Not on any street, alley or public right-of-way within the Central Business District defined by ordinance (see map below).
- Food trucks are prohibited from parking within 300 feet of a public park or parkway unless permission has been granted as part of, or in association with, a festival or contracted event that is permitted by the Denver Department of Parks & Recreation.

What rules apply?

- All parking rules must be followed. For example, you cannot double park or park at a meter without paying the required fee. If a parking meter is bagged for a special event, you can only park there if authorized by the event.
- If selling ice cream as more than 10 percent of the gross income from the food truck, you cannot sell on any arterial street, collector street or laned highway (See street types [here](#)).
- Cannot sell to any person who is standing in the street.
- Cannot place anything — including chairs, tables and signs — on a public sidewalk or in the street.

Food trucks are not allowed in the Central Business District as shown below in the highlighted area:



DENVER PARKS AND RECREATION

Food trucks are not allowed within a park or within 300 feet of a park or parkway unless associated with a public event or special occasion. If associated with a public event or special occasion, food trucks must obtain permission from organizers and obtain a 'Retail Food Establishment-Mobile' license prior to participating in the event.

COMMUNITY PLANNING & DEVELOPMENT: ZONING PERMITS FOR PRIVATE PROPERTY

Food trucks can operate without a zoning permit if they are providing catering services as part of a *private* party, with no sales to the general public, or if they operate for less than 30 minutes at a location.

Food trucks can apply for a zoning permit to operate in the following zone districts:

- All S-CC, S-MX, E-RX, E-CC, E-MX, C-MX, industrial, and OS-B zone districts, and
- All downtown zone districts, except the Golden Triangle, Arapahoe Square, and Civic zone districts (D-GT, D-AS, D-CV).
- Food trucks are **not** allowed in residential zone districts.

Find zoning and review zone district descriptions at www.denvergov.org/zoning.

What rules/conditions apply?

Food trucks may only operate for up to four consecutive hours each day per zone lot, and only between 8 a.m. and 9 p.m. Operations are prohibited on undeveloped zone lots and zone lots with unoccupied structures or unpaved surfaces.

There can only be one food truck per zone lot, and it must be located at least 200 feet from eating and drinking establishments, 200 feet from other food trucks, and 50 feet from residential zone districts. Other siting, signage and waste disposal standards are listed in the Denver Zoning Code Section 11.11.14 (www.denvergov.org/zoning).

If operating a food truck as part of a special event, such as a group of food trucks at one location:

Special events are allowed in most zone districts, though in residential districts, the event sponsor must be a nonprofit or government entity. The special event must last a maximum of 12 consecutive days and there must be at least 90 days between events at the same location. Operating hours must stay between 9 a.m. and 11 p.m.

The special event itself will need a zoning use permit, in which case the food trucks do not need separate zoning permits.

Applying for a Zoning Use Permit

- Visit www.denvergov.org/commercialzoning to download a use permit application.
- Submit a site plan and the zoning use permit application by email to zoningreview@denvergov.org or in person at the “Commercial Zoning” permit counter (201 W. Colfax Ave., 2nd floor).
 - For a food truck, the use type is “Retail Food Establishment, Mobile.”
 - For a special event, the use type is “Bazaar, Carnival, Circus, or Special Event.”
- Pay fees:
 - A one-year food truck permit is \$50, with \$50 annual renewals.
 - A special event permit is \$10 per event.

DENVER FIRE DEPARTMENT (DFD)

When two or more trucks are operating in the same proximity, trucks must be at least 10 feet apart from one another.

Beginning May 1, 2018, fire suppression systems will be required on all trucks that have equipment that produces grease and/or smoke laden vapor.

For more information, visit the permits and licensing tab at www.denvergov.org/fire or email inspectors at dfdmobiles@denvergov.org.

DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT (DDPHE)

All mobile retail food establishments are subject to the City and County of Denver Food Establishment Rules and Regulations, Chapter 23 - Denver Revised Municipal Code. Chapter 9 of these rules and regulations speaks more specifically to mobile retail food establishment requirements. A full copy of these rules and regulations can be found on the Denver Department of Public Health & Environment-Public Health Investigations website: www.denvergov.org/healthinspections.

Mobile Food Establishment Fabrication

Whether fabricating the unit yourself or having someone fabricate it for you, it is important that the unit is equipped with all the necessary equipment to ensure that you can serve food safely to the public.

Note: All equipment used in the mobile food establishment shall be commercial-grade equipment.

Water Tanks, Water Systems and Sink Fixtures

A mobile retail food establishment that does not meet any exemptions, such as one that is only selling pre-packaged items, shall provide adequate hot and cold potable drinking water under pressure with enough capacity for hand washing, food preparation, utensil cleaning and sanitizing.

Hand Washing Sink

The cart, truck or trailer must be furnished with a functioning hand sink. Hand washing sink requirements:

- Hand washing sink basin must measure 10 inches wide by 10 inches long and shall have an adequate depth for hands to be washed.
- Hand sink must be capable of providing a hands-free, continuous flow of water under pressure.
- A water temperature between 100°F and 120°F must be provided for hand washing, either through combination faucets or by means of a mixing valve that provides tempered water.
- Soap and individually dispensed paper towels must be provided at all hand sinks at all times.
- Hand sinks must have a flow rate of one gallon per minute.
- Each hand sink must supply three gallons of water per hour of operation.
- Hand washing sinks must be easily accessible at all times and used for no other purpose.

Water tanks

Clean Water Tank:

- Must be a minimum of 10 gallons or three gallons per hour of operation, whichever is greater. For example, if you are operating for five hours, 15 gallons of clean water must be provided just for the hand washing sink.
- Must be designed so that water can be flushed and in a way that permits complete drainage of the tank.
- The clean water supply tank must have no common interior partition with the tank holding non-potable water or other liquids.
- The clean water tank overflow or vent must terminate in a downward direction and must be located and constructed to prevent the entrance of contaminants.
- The water inlet must be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it must be kept capped unless being filled.
- The water inlet must be provided with a connection of a size or type that will prevent its use for any other service.

Wastewater Tank:

- A mobile retail food establishment or cart must provide a single wastewater tank.
- The wastewater tank must be at least 15 percent larger than the clean water tank.
- Liquid waste must be discharged from the retention tank to an approved sewage disposal system and flushed as often as necessary to maintain sanitary conditions.
- **Discharge onto the surface of the ground is strictly prohibited.**
- Drainage from uncontaminated ice made with drinking water can be discharged onto the surface of the ground provided it does not create a nuisance.

Water Systems and Heating

- The heating system must be adequate to fill the ware washing sink, if present, with 110°F water without interruptions.
- The heating system must be adequate to supply hand sinks with three gallons per hour of 100°F water at all times.
- The system must provide other hot water using fixtures and equipment with a continuous supply of hot water as needed.

Potable/Drinking Water Hose

- Only food-grade hoses shall be used to fill or transfer drinking water to or within a mobile retail food establishment or a cart.
- The water supply hose and couplings must be of a size and type compatible with the water supply tank inlet fixture and must be free of cracks and checks.
- Hose couplings must be constructed to permit a tight connection between the mobile unit coupling and the water supply hose bib.
- Hose ends must be capped, connected or otherwise fully protected when not in use.

Note: Water systems must be disinfected and flushed in accordance with 25-1.5-2, C.R.S., *Colorado Primary Drinking Water Regulations*, prior to use, if the mobile retail food establishment is not in daily use.

Three-Compartment Sinks

Attachment A

- A three-compartment sink is not required on a mobile food establishment; wares may be washed at the commissary.
- Each compartment of a three-compartment sink, if used for washing wares, must be adequate to fit at least half of the largest piece of equipment that is to be washed in the sink.
- The sink must be equipped with two drain boards or adequate space for drying equipment.
- When a mobile retail food establishment is equipped with a three-compartment sink, the water tank supply must be sized to adequately fill each ware washing compartment at least once every four hours of operation.
- A mobile retail food establishment which is not enclosed may not have a three-compartment sink for ware washing.

Ventilation System

- All enclosed mobile units must have a Type I hood with an extinguishment system that is installed by a licensed installer for all equipment that produces smoke and/or grease-producing vapors.
- Commercial baffling must be installed in the Type I hood.
- A single piece of external cooking equipment such as a smoker or grill may be used, provided that all foods are prepared, assembled and served from within the mobile unit.

For additional information regarding fire suppression systems, fire extinguishers and hood systems, please contact the Denver Fire Department at DFDmobiles@denvergov.org or 720-913-3474.

Storage

- All food and equipment must be stored, at minimum, six inches above the ground in a clean, sanitary, and protected manner.
- Any items that cannot be stored on the unit must be stored in an approved area at the commissary, including the potable water hose.
- Refrigerators and freezers must operate at all times in which food is stored, transported, prepared or served.
- Ice made with potable water may be used as a coolant for food storage.
 - Ice used to store cold food may not be used as an ingredient in food or beverages.
 - If ice is used to store cold food, the wastewater must drain away from the bin and discharge in an approved manner (i.e. into the gray water tank or disposed of in an approved location).

Floors, Walls and Ceiling

- Floors, walls and ceiling must be sealed and constructed of a smooth and easily cleanable material such as stainless steel or FRP.

Equipment

- Equipment must be smooth, easily cleanable, and commercial grade.
- Units without a 3-compartment ware washing sink must supply new serving utensils every four hours.
- A calibrated thermometer must be available to monitor the temperature of the food during storage, preparation and service.
- Only disposable, single-service articles (i.e. wrappers, utensils, plates, containers) may be provided for customers.

Commissary

Attachment A

- Mobiles and carts must operate from a commissary and report to the commissary **daily** to prepare food, and to service and clean equipment as well as to fill clean water and empty wastewater tanks.
- The commissary must be equipped with facilities necessary for servicing the needs of each type of operation.
- You and the commissary operator must enter into an agreement for use of the commissary facility. An *Affidavit of Commissary* must be submitted to the Department as a part of the mobile plan review as well as annually upon licensing renewal. The affidavit indicates that the vendor and the commissary operator are accountable for the proper and approved use of the kitchen and other needed facilities.

Note: It is at the discretion of the Department to determine if a facility is adequate to act as a commissary. Some liquor licensed facilities may not be accepted by the Denver Department of Excise and Licenses for use as a commissary.

For additional information, reference the *commissary operation guide* on the Department's [website](#).

Self-Contained Units

- If a unit wishes to operate without reporting to a commissary daily, all items that would be used at the commissary must be on the unit including, but not limited to: mop sink, food preparation sink, three-compartment sink, adequate cooking equipment and storage
- The menu being served must be limited, i.e. only burgers, only salads and sandwiches, etc.
- In addition, the Department must approve a written operation plan. The written operation plan must include details about supply storage, vehicle maintenance and cleaning, and arrangements for potable water tank and wastewater tank servicing (this can be in the form of an Affidavit of Commissary or other letter from a facility that will supply you with potable water).
- Check with the Department representative to determine if you qualify for this option **prior to** fabricating your unit.
- Once the mobile unit is approved, any changes made to the unit, including menu, operation locations, etc. must be approved by the Department.

ADVISORY

- Repeat violations of the Denver Food Establishment Rules and Regulations within a 12-month period may result in a fine.
- Violations that create an ***imminent health hazard*** may result in a **fine up to \$2000.00 for the first hazard** and higher fines for additional imminent health hazards. Imminent health hazards include but are not limited to: operating without a properly functioning hand washing sink, operating without soap and/or paper towels, operating without hot water, operating without using a commissary as required, or operating in any manner that seriously compromises the safety of foods served.

DDPHE's Food Truck Operation Inspection Checklist***Water System and Fixtures***

- Diameter of the hand washing sink basin is a minimum of 10 inches wide and 10 inches long with adequate depth
- Hand sink is supplied with soap and paper towels
- Hand sink is supplied with three gallons of fresh water for each hour of operation that measures 100°F
- Three-compartment sink (if on unit) can be filled with 110°F water without interruption
- Water tank is large enough to fill three-compartment sink (if on unit) at least once every four hours of operation
- Water supply tank for cart is at least 10 gallons, or three gallons per hour of operation, whichever is greater
- Water pressure is provided at all fixtures with a minimum flow rate of one gallon per minute
- Waste water tank that is at least 15 percent larger than the fresh water supply tank
- No waste water is discharged onto the ground

Food Safety and Sanitation

- Sanitizing solution (chlorine or quaternary ammonium) is available for use during food handling
- Test strips to measure the concentration of the chosen sanitizer are available.
- A calibrated probe food thermometer that measures between 0°F and 220°F is available on the mobile unit
- Cold food requiring refrigeration is held at 41°F or colder at all times
- Hot food that is being held hot for service is held at 135°F or hotter at all times

Miscellaneous

- Surfaces in the unit are constructed of a smooth, cleanable, non-absorbent material
- Ventilation hood system (if needed) in the unit is of commercial grade with adequate power and cleanable, removable baffles
- Ventilation hood covers all cooking equipment that produces grease and/or smoke
- Mobile unit has independent power, i.e., generator
- Commissary verified and approved with proper Affidavit of Commissary

This checklist is designed as a tool to assist mobile operators and does not encompass all regulations and responsibilities of the operator. Mobile food establishment licensees must adhere to all requirements in the City and County of Denver Food Establishment Rules and Regulations, Chapter 23 - Denver Revised Municipal Code (www.denvergov.org/healthinspections)

References

Excise & Licenses References:

Denver Revised Municipal Code:
Definitions: Section 23-2 (23)
Regulations: Section 23-51
Fees: Section 32-106.5

Department of Public Health & Environment:

Denver Revised Municipal Code:
Definitions: Section 23-1 (2)
Regulations: Section 23-9

Department of Public Works References:

Denver Revised Municipal Code:
Chapter 54, Article XII, Section 54-675

Community Planning & Development References:

Denver Zoning Code:
Article 11, Section 11.11.14, Retail
Food Establishment, Mobile
Definition: Article 13, Section 13.3

Updated 12/14/2018



Food Truck Businesses (Updated March 2017)

What is a Food Truck?

A food truck is a readily movable, motorized wheeled vehicle, or a towed wheeled vehicle, designed and equipped to serve food.

Where can I place a Food Truck and what do I need before operating a Food Truck?

	Parked on the street	Parked on private property	As part of a larger public event	Parked in a public park
Allowed?	Yes	Yes	See pages 2 & 3	See page 2
Business License Required?	Yes	Yes	Yes	Yes
Permit Required?	Permit may be required, see page 2	Yes, with exceptions, see page 3	No, see pages 2 & 3	See page 2
Conditions on location and operations	See page 2	See page 3	See page 2 and www.artsandvenues.denver.com	Only in association with an event or special occasion (see page 2)

ALL FOOD TRUCKS - Business License

To operate a Food Truck, a business license is required under the class of "Retail Food Mobile." The Denver Department of Environmental Health (DEH) requires that all Food Trucks or mobile units operate in conjunction with a commissary kitchen or other licensed kitchen. Commissary shall mean an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored. Per the Denver Fire Department (DFD), food trucks cannot park within 10' of another food truck or a structure.

How to get a "Retail Food Mobile" license

- Complete the Mobile Plan Review (including Affidavit of Commissary) from the Food Safety section of www.denvergov.org/phi and email to phicomments@denvergov.org
- Once approved, a physical inspection with DEH and DFD will be scheduled
- Prior to attending the physical inspection, complete Excise & Licenses' paperwork (available from www.denvergov.org/content/denvergov/en/denver-business-licensing-center/business-licenses/retail-food-mobile-license.html)
 - General Questionnaire
 - Affidavit of Lawful Presence
 - Secure and Verifiable Identification
- Bring paperwork and fees to Excise & Licenses to attain a record number
 - Application fee: \$200
 - License fee (annual): \$125
- Bring Affidavit of Commissary and record number to the physical inspection
- Inspections occur at the Denver Animal Shelter (1241 W. Bayaud Ave.)
- Return to Excise & Licenses with approved documents to get license
- Note: DFD may require additional permits

More info...

Dept. of Environmental Health (DEH)
 200 W. 14th Ave., Suite 200
 Ph: 303-913-1311
www.denvergov.org/phi

Denver Fire Department (DFD)
 745 W. Colfax Ave.
 Ph: 720-913-7434
www.denvergov.org/fire

Excise and Licenses
 201 W. Colfax Ave., Suite 206
 Ph: 720-865-2740
www.denvergov.org/businesslicensing

References:

Denver Revised Municipal Code:
 Definitions: Section 23-2 (23)
 Regulations: Section 23-51
 Fees: Section 32-106.5

FOOD TRUCK PARKED ON THE STREET - Department of Public Works**You can park for vending on any street, with the following exceptions:**

- Not within 20' of an intersection when making a sale or attempting to make a sale
- Not on any street, alley or public right-of-way within the central business district defined by ordinance (see map below)
- Food Trucks are prohibited from parking within 300' of a public park or parkway unless permission has been granted as part of, or in association with, a festival or contracted event that is permitted by the Denver Department of Parks and Recreation.

What rules apply...

- All parking rules must be followed. For example, you cannot double park or park at a meter without paying the required fee. If a parking meter is bagged for a special event, you can only park there if authorized by the event.
- If selling ice cream as more than 10% of the gross income from the food truck, you cannot sell on any arterial street, collector street or laned highway. (See street types at www.denvergov.org/content/dam/denvergov/Portals/706/documents/street-classification-map-2017.pdf.)
- Cannot sell to any person who is standing in the street
- Cannot place anything, including chairs, tables, and signs on a public sidewalk or in the street

More info...

Denver Public Works
www.denvergov.org/publicworks
 201 West Colfax Ave.
 Dept. #507
 Denver, CO 80202

References:

Denver Revised Municipal Code:
 Chapter 54, Article XII, Section
 54-675

Food Trucks are not allowed in the area below:

**FOOD TRUCK IN A PUBLIC PARK - Denver Parks and Recreation**

Food trucks are not allowed within a park or within 300' of a park or parkway unless associated with a public event or special occasion. If associated with a public event or special occasion, food trucks must obtain permission from organizers.

More info...

Denver Parks and Recreation
www.denvergov.org/permits
 201 West Colfax Ave.
 Dept 1.G.1 (1st Floor)
 Denver, CO 80202
 Ph: 720-913-0700

FOOD TRUCK ON PRIVATE PROPERTY - Zoning Permit from Community Planning & Development

If operating for more than 30 minutes at a location (*zoning permit needed*)...

Where they are allowed...

- All S-CC, S-MX, E-RX, E-CC, E-MX, C-MX, industrial and OS-B zone districts (Zone district descriptions at www.denvergov.org/zoning.)
- All downtown zone districts except Golden Triangle, Arapahoe Square and Civic zone districts (D-GT, D-AS, D-CV)
- Not allowed in residential zone districts

What you need to get approved...

- An application for a zoning use permit. The use type is "Retail Food Establishment, Mobile."
- A site plan

What rules apply...

- May only operate up to 4 consecutive hours each day per zone lot, and only between 8 a.m. and 9 p.m.
- Operations are prohibited on undeveloped zone lots and zone lots with unoccupied structures or unpaved surfaces.
- Only 1 food truck per zone lot
- Must be 200' from any eating and drinking establishment
- Must be 200' from any other food truck
- Must be at least 50' from any residential zone district
- Other siting, signage and waste disposal standards apply (as listed in Section 11.11.14 of the Denver Zoning Code at www.denvergov.org/zoning).

How to get approved...

- Email application and site plan to zoningreview@denvergov.org
- Or apply in person (use the "Log In" line at the permit counter)
- Pay fees:
 - Permit (good for 1 year): \$50
 - Annual renewal: \$50

If operating as part of a special event, such as a group of food trucks at one location...

Where they are allowed...

- Most zone districts

What you need to get approved...

- No zoning permit is required for the food truck, if the special event has obtained a zoning use permit. The use type for the event is "Bazaar, Carnival, Circus or Special Event."

What rules apply to the event...

- A max of 12 consecutive days, and at least 90 days between events at the same location
- Hours: 9 a.m. to 11 p.m.
- If in a residential zone district, the event sponsor must be a nonprofit or governmental entity.

How to get approved...

- Email application and site plan to zoningreview@denvergov.org
- Or apply in person (use the "Log In" line at the permit counter)
- Pay fees:
 - Permit: \$10 per event

If operating for less than 30 minutes at a location...

Where they are allowed...

- All zone districts

What you need to get approved...

- No zoning permit is required

More info...

Denver Community Planning & Development
www.denvergov.org/DS
201 West Colfax Ave., 2nd floor
Denver, CO 80202

References:

Denver Zoning Code:
Article 11, Section 11.11.14, Retail Food Establishment, Mobile
Definition: Article 13, Section 13.3

If providing catering services, and no general sales to the public, as part of a private party...

Where they are allowed...

- All zone districts

What you need to get approved...

- No zoning permit is required

