



# Mobile Food Vendor Application

City of Hutto Development Services  
210 US 79 East, Ste. 103  
Hutto, TX 78634  
Planning: 512-759-3479  
Permits & Inspections: 512-846-2640  
planning@huttotx.gov  
building@huttotx.gov  
www.huttotx.gov/

### LENGTH OF PERMIT REQUEST

- 14-day Mobile Food Vendor Permit \$ 25.00
- 30-day Mobile Food Vendor Permit \$35.00
- 90-day Mobile Food Vendor Permit \$ 75.00
- 180-day Mobile Food Vendor Permit \$100.00

### APPLICANT INFORMATION :

1. Applicant Name: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Phone No.: \_\_\_\_\_
4. Date of Birth: \_\_\_\_\_
5. Driver License Number: \_\_\_\_\_ State: \_\_\_\_ *(Include copy of a current driver's license or identification card and a recent photographic likeness of the applicant's face)*
6. Present local address: \_\_\_\_\_
7. Employers name and full address: \_\_\_\_\_  
\_\_\_\_\_
8. Year, Make and Model of Vehicle: \_\_\_\_\_
9. Vehicle License Plate No.: \_\_\_\_\_
10. Color of vehicle to be used: \_\_\_\_\_ *(include photograph of vehicle)*
11. Description of merchandise or service to be sold: \_\_\_\_\_
12. Web address for the organization: \_\_\_\_\_
13. Is written permission from the owner of the land where the sales are to take place attached? Must include a statement from the owner as to the exact dates and times that the applicant is allowed to conduct vendor activities on the owner's property.  
Yes No
14. Is a location map showing where the vehicle will be located attached?  
Yes No
15. Is a copy of the applicant's sales and use tax permit issued by the State of Texas attached? <https://comptroller.texas.gov/taxes/permit/>  
Yes No
16. Is a copy of Williamson County Cities and Health District permit attached? [http://www.wcchd.org/services/food\\_and\\_restaurant/](http://www.wcchd.org/services/food_and_restaurant/)  
Yes No
17. Attached a copy of Texas Department Of Public Safety Computerized Criminal History for each applicant and each participant issued within 90 days of date of application. <https://records.txdps.state.tx.us/dpswebsite/criminalhistory/>  
Yes No
18. PASSED building inspection notice for food trailer. City of Hutto Development Services, 210 U.S. 79 East, Suite #103, Hutto, TX 78634, (512) 759-3479  
Yes No
19. PASSED fire inspection notice for food trailer. Williamson County ESD #3, Hutto Fire Rescue, 501 Exchange Blvd., Hutto, TX 78634, (512) 759-2616  
Yes No

### FOR DEPARTMENT USE ONLY

APPLICATION RECEIVED	PERMIT #	EFFECTIVE DATES	CHECK #	AMOUNT PAID

ADDITIONAL EMPLOYEES OR AGENTS WORKING UNDER THIS PERMIT *(Include copy of driver's license for each)*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Driver License Number: \_\_\_\_\_ State: \_\_\_\_\_

Permanent Home Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Driver License Number: \_\_\_\_\_ State: \_\_\_\_\_

Permanent Home Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Driver License Number: \_\_\_\_\_ State \_\_\_\_\_

Permanent Home Address \_\_\_\_\_

CERTIFICATION

I CERTIFY, under the penalties of perjury, that the information contained in this application is true and correct to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date submitted

\_\_\_\_\_  
Notary Public in and for Williamson County, Texas

My commission expires: \_\_\_\_\_

Place seal here.



## SUPPLEMENTAL INFORMATION FOR APPLICANT

### FREQUENTLY ASKED QUESTIONS

1. **What is an "Itinerant Vendor"?**

Any person who exhibits, displays, sells or offers for sale any commodity from a stand located on public or private property or on the streets of the city.

2. **What is a "Mobile Street Vendor"?**

Persons who offer food or drink or other commodities for sale from a motor vehicle or any other conveyance in a public place.

3. **Is a permit required?**

Yes! It shall be unlawful for any person to engage in the business of a mobile street vendor within the city limits without having first obtained a permit. A permit application can be obtained on the City of Hutto website or the Business and Development Services Department which lists requirements.

4. **Who is exempt from having to obtain an Itinerant Vendor/Mobile Street Vendor permit?**

- (1) Persons engaged in a business or activity which the state or federal government has exclusive authority to regulate;
- (2) Persons living in the city that will hold a garage sale; in accordance with [article 8.05.001](#);
- (3) Persons engaged in business activity at the express invitation of the occupant or owner of such house or business;
- (4) Individuals, who are engaged in, belonging to, or member of, an entity of the Hutto Independent School District; a qualified civic organization; 501c 3 non-profit organization; or religious organization, as determined by the Chief of Police, for the express purpose of fundraising, when no other permits are required. Determination of the Chief of Police may be appealed to the City Council if written notice is filed with the City Secretary within ten (10) days of said determination;
- (5) Governmental entities.

5. **What are the permit fees for an Itinerant Vendor/Mobile Street Vendor?**

- (1) 14 day permit: \$25.00 fee
- (2) 30 day permit: \$35.00 fee
- (3) 90 day permit: \$75.00 fee
- (4) 180 day permit: \$100.00 fee

6. **Where to obtain a copy of my criminal history?**

The Texas Department of Public Safety Driver License office  
<https://records.txdps.state.tx.us/DpsWebsite/CriminalHistory/>

7. **Where to obtain a Texas Sales and Tax Use permit?**

The Texas Comptroller of Public Accounts  
<http://www.window.state.tx.us/taxinfo/sales/>

8. **Where to obtain a food vendor permit?**

Williamson County and Cities Health District  
<http://www.wcchd.org/index.php>

9. **Where to obtain a Building Inspection on a food trailer?**

City of Hutto Development Services  
210 U.S. 79 East, Suite #103  
Hutto, TX 78634  
(512) 759-3479

10. [Where to obtain a Fire Inspection on a food trailer?](#)

Williamson County ESD #3, Hutto Fire Rescue  
501 Exchange Blvd.  
Hutto, TX 78634  
(512) 759-2616

## ORDINANCE

### Division 3. Itinerant Vendors and Mobile Street Vendors

#### PART I. IN GENERAL

##### Sec. 8.04.101 Definitions

For the purpose of this division the following terms shall have the following meanings:

Business - The purchase and sale of goods in an attempt to make a profit.

Commodity - Goods, wares, or merchandise including but not limited to: fruits, vegetables, farm products or provisions, dairy products, pets, animals, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household or garden items or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks. Nothing in this article shall allow the exhibiting, display or sale of any merchandise that is indecent, profane, obscene or vulgar.

Historic Overlay District - The area inside of the 1911 incorporated boundaries of the city including the city co-op property.

Interstate Commerce - Soliciting, selling, or taking orders, or offering to take orders, for any commodity or services which, at the time the order is taken, are in or will be produced in any federal district or territory, any commonwealth, or any state other than the state, and shipped or introduced into this city in the fulfillment of such orders.

Itinerant Vendor - Any person who exhibits, displays, sells or offers for sale any commodity from a stand located on public or private property or on the streets of the city. This definition does not include:

- (1) A door-to-door "peddler" or "solicitor" as defined in this code;
- (2) Activities authorized by a "special event permit" issued pursuant to this code;
- (3) "Temporary use permit" pursuant to the city's unified development code; and
- (4) Persons selling agricultural products, which are raised or produced by them, within the city farmers' market.

Mobile Street Vendors - Persons who offer food or drink or other commodities for sale from a motor vehicle or any other conveyance in a public place.

Motor Vehicle - Every motor vehicle or any other conveyance used to vend food or drink on city streets.

Operator - Any person, firm or corporation who owns, leases, contracts or in any other manner operates or permits a person to operate upon the city streets any motor vehicles for the purpose of vending as herein defined.

Stand - The ground, or any place, showcase, table, bench, rack, handcart, pushcart, stall, booth, vehicle or any other fixture or device or thing that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any commodity.

Street - All areas legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way.

Vend or vending - Offering food or drink for sale from a motor vehicle on the city streets.

#### **Sec. 8.04.102 Applicability**

The special provisions set forth in this division shall apply to mobile street vendors and operators as herein defined and shall supersede any conflicting provisions found elsewhere in the city code.

#### **Sec. 8.04.103 Penalty; impoundment of vehicles**

(a) Any person who violates or fails to comply with the provisions of any section of this article is guilty of a class C misdemeanor and upon conviction shall be punishable by a fine as provided in the general penalty [section I.01.009](#) of this code.

(b) A peace officer may impound a vehicle used for the sale of a commodity which is placed, parked, or maintained on a street in violation of this article.

#### **Sec. 8.04.104 Itinerant vendor time restrictions**

No itinerant vendor may conduct business activities defined in this article, without prior invitation or appointment with the occupant of the premises, before 9:00 a.m. and after 8:00 p.m. on any day.

#### **Sec. 8.04.105 Itinerant vendor location and operation**

The following rules and regulations shall be complied with by each itinerant vendor. It shall be unlawful for any itinerant vendor to sell or attempt to sell any commodity:

- (1) By means of any outcry, sound, speaker or amplifier, or any instrument, or device, which can be heard for a distance greater than three hundred feet;
  - (2) In any manner that distracts drivers, such as by displaying fluttering, undulating, rotating, spinning or waving devices, whether or not such devices are for sale;
  - (3) Within 1,000 feet of a hospital, college, elementary school, middle school or high school;
  - (4) Inside the boundaries of the historic overlay district without warrant approval by the historic preservation commission;
  - (5) In such a way that pedestrian or motor vehicle traffic is obstructed;
  - (6) In such way that obstructs traffic signals or regulatory signs;
  - (7) Having signage that is not in compliance with the provisions of the unified development code;
- or

(8) In such a place or in a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to city vehicles, including emergency and sanitation vehicles.

#### **Sec. 8.04.106 Special requirements for mobile street vendors**

Mobile street vendors shall be required to comply and it shall be an offense not to comply with any of the following special requirements:

- (1) A person shall vend only when the motor vehicle is lawfully stopped.
- (2) A person shall vend only from the side of the motor vehicle away from moving traffic and as near as possible to the curb or side of the street.
- (3) A person shall not vend to a person standing in the roadway.
- (4) A person shall not stop on the left side of a one-way street to vend.
- (5) A person shall not stop in a congested area where vending might impede or inconvenience the public.
- (6) A person shall not vend in a street adjacent to a public school.
- (7) A person shall not stop a motor vehicle for purposes of vending within one hundred (100) feet of a street intersection.
- (8) No mobile street vendor shall be in operation, doing business, or going from place to place before 7:00 a.m. or after 8:00 p.m. A violation of this subsection shall be a misdemeanor offense.
- (9) A mobile food vendor shall not use any outcry, sound, speaker or amplifier, or any instrument, or device which can be heard for a distance greater than three hundred feet.

#### **Sec. 8.04.107 Police officer's judgment deemed conclusive**

For purposes of this division, the judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced or a stop is for a temporary or stationary period of time.

#### **Sec. 8.04.108 Vendors in the historic overlay district**

Any itinerant vendor or vendor operating out of a motor vehicle or trailer, as defined in the Texas Transportation Code, that wishes to locate within the historic overlay district, as described in [section 8.04.072](#) of this article, shall locate on the properties directly abutting the east side of Short Street, north of Farley Street and South of West Pecan Street. Otherwise, warrant approval by the historic preservation commission must be obtained for locating elsewhere in Old Town Hutto. This section does not apply to special events and small market events. Motor vehicles in the designated vendor zone that sell food items shall be designed and intended for vending. Ordinary vehicles, vans, and pick-up trucks shall not be permitted for food vending operations. The International Property Maintenance Code, federal, state and county codes, and all other applicable codes and ordinances adopted by the city shall apply to the designated vendor zone regarding structures and properties.

#### **Secs. 8.04.109–8.04.130 Reserved**



## **PART II. PERMIT**

### **Sec. 8.04.131 Required**

It shall be unlawful for any itinerant vendor or mobile street vendor to engage in business as defined in this article within the incorporated city limits without first obtaining a permit from the city.

### **Sec. 8.04.132 Application**

Any person desiring to engage in activities as an itinerant vendor or mobile street vendor within the city must file a written application for permit with the city manager or his/her designee at least twenty-one (21) days prior to the initial contemplated sale or exhibit. Each applicant shall provide the following information:

- (1) Full name and address of the itinerant vendor, including current telephone number;
- (2) Proof of identity, including date of birth, a copy of a current driver's license or identification card and a recent photographic likeness of the applicant's face;
- (3) The location of the applicant's principal office and place of business;
- (4) If the applicant is employed by another, the names, dates of birth, and addresses of the person, firm, association, organization, company or corporation;
- (5) A complete Department of Public Safety (DPS) criminal history, issued within ninety (90) days of the date of application, for the applicant and each individual involved and/or the owners of the entity making the application, as well as for all workers, helpers, employees, assistants, agents or other persons who will be on the site;
- (6) If a motor vehicle is to be used, a description of the vehicle together with the vehicle identification number and license plate number;
- (7) If the vending is to occur on private property, written proof of the property owner's permission must accompany the application, and must include a statement from the owner as to the exact dates and times that the applicant is allowed to conduct itinerant vendor activities on the owner's property;
- (8) A statement detailing the type and character of the commodity to be sold, offered for sale or exhibited. Nothing in this chapter shall allow the exhibiting, display or sale of any merchandise that is indecent, profane, obscene, or vulgar;
- (9) A copy of the applicant's state limited sales and use tax permit; and
- (10) If the commodity being vended is food or drink, a copy of the Williamson County Cities and Health District permit.

### **Sec. 8.04.133 Exemptions**

The provisions of this division concerning permit requirements shall not apply to persons who come within any of the following classifications:

- (1) Persons engaged in a business or activity which the state or federal government has exclusive authority to regulate.
- (2) Persons living in the city that hold a garage sale, in accordance with [article 8.05](#).
- (3) Persons engaged in business activity at the express invitation of the occupant or owner of such house or business.
- (4) Individuals, who are engaged in, belonging to, or member of, an entity of the Hutto Independent School District; a qualified civic organization; 501c3 nonprofit organization; or religious organization, as determined by the chief of police, for the express purpose of fundraising, when no other permits are required. Determination of chief of police may be appealed to the city council if written notice is filed with the city secretary within ten days of said determination.
- (5) Governmental entities.
- (6) Lemonade stands and similar activities conducted and operated entirely by children under the age of sixteen (16) years and upon the private residential premises of such children.

#### **Sec. 8.04.134 Fees and duration**

- (a) The permit application shall be accompanied by fees for each vehicle or stand used in vending in accordance with the fee schedule in [appendix A](#) of this code.
- (b) No fee shall be charged to any bona fide certified charitable, religious, educational, or philanthropic organization, or persons engaged in interstate commerce.

#### **Sec. 8.04.135 Historic overlay district permit duration**

180 days for Itinerant vendors and vendors operating out of a trailer, as defined by the Texas Transportation Code, within the designated vendor zone within the historic overlay district, or until revoked under the provisions of this article.

#### **Sec. 8.04.136 Issuance; permit nontransferable; display**

Upon receipt of a completed application and fees, the city manager or his/her designee shall review the application and consider the issuance of a permit authorizing the sale, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof, in the city for a period not to exceed one hundred and eighty (180) days. The permit is not transferable or assignable. The itinerant vendor permit or mobile street vendor permit must be conspicuously displayed at all times during the operation of the vending business. A person commits an offense under this article if the person fails to display the itinerant vendor permit or mobile street vendor permit to a peace officer or code enforcement officer during the time the person is operating at the permitted location.

#### **Sec. 8.04.137 Denial**

The city manager or his/her designee may not issue a permit under this section unless the city's engineer (or his/her designee) has reviewed the request for a permit and determines that the proposed location:

- (1) Has been approved by the Texas Department of Transportation engineer if the location involves a right-of-way covered by a state-city maintenance agreement;
- (2) Has been the site of more than three motor vehicle accidents during the 12-month period immediately preceding the date of the application;
- (3) Has a turnout, curbside parking, or other parking space available that may be used to transact a sale;
- (4) Is not expected to cause excessive vehicle delays, vehicle surges, or lane changes;
- (5) Has customary street traffic volumes that do not significantly impede the flow of vehicular traffic;
- (6) Complies with the provisions of section 552.007 (solicitation by pedestrians) of the Texas Transportation Code and section 42.03 (obstructing highway or other passageway) of the Texas Penal Code;
- (7) Is not expected to cause or significantly contribute to street congestion or make access to abutting public or private property unreasonable inconvenient or hazardous;
- (8) Is not expected to impede the flow of street traffic to make the use of the street unreasonably inconvenient or hazardous; or
- (9) If other permits are issued for that location for the same time period(s), and whether the applicant failed to pay any outstanding debts, fines, or fees owed to the city or a consumer.

#### **Sec. 8.04.138 Renewal**

A permit may be renewed, provided an application for renewal and permit fees are received by the city no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. The city manager or his/her designee shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of this article, shall issue a new permit.

#### **Sec. 8.04.139 Suspension and revocation**

- (a) In addition to the penalties contained herein, any permit issued under this article may be suspended or revoked for any of the following reasons:
  - (1) Fraud, misrepresentation or knowingly making a false statement in the application for the permit;
  - (2) Fraud, misrepresentation or knowingly making a false statement in the course of carrying on the business of vending;
  - (3) Refusing to fully reimburse consumer if provided with timely notice of the consumer's intent to cancel the transaction and return of the commodity;
  - (4) Conducting the business of vending in any manner contrary to the conditions of the permit or this article;

- (5) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners; or
- (6) Violating any other applicable city code provision.

(b) The city manager or his/her designee shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the permitted itinerant vendor or mobile street vendor permit of the right to appeal. Such notice shall be mailed to the address on the itinerant vendor application by certified mail, return receipt requested, or presented in person or via hand delivery to the itinerant vendor.

(c) If the city revokes an itinerant vendor permit or mobile street vendor permit, the fee already paid shall be forfeited. A person whose permit has been revoked under this article may not apply for a new permit for a period of one year from the date that the revocation took effect.

**Secs. 8.04.140–8.04.170 Reserved**