



CITY OF SAN ANTONIO
RULES AND REGULATIONS

FOR

DOWNTOWN MOBILE FOOD TRUCK VENDING PROGRAM

1 INTRODUCTION:

- 1.1 The Mayor and City Council are the policy makers elected to represent the community and to concentrate on policy issues that are responsive not only to the needs of their constituents, but also how they meet the goals of the entire community. It is the policy of the City of San Antonio, established through City Council approval, that it shall be unlawful to operate a mobile food truck establishment in the Central Business District with the exception of vendors who have obtained a Downtown Mobile Food Truck Vending Permit from the Downtown Operations a division of Center City Development in addition to having all the required San Antonio Metropolitan Health District (Metro Health) permits.
- 1.2 The City desires to create a program for mobile food truck vending within the Central Business District to create a sense of place and to provide a vibrant culinary experience at street level for downtown San Antonio.
- 1.3 The City of San Antonio (COSA), through the City Manager, as authorized by City Council on May 15, 2008 Ordinance 2008-05-15-0402, has the authority to establish rules and regulations governing the issuance and regulation of a Downtown Mobile Food Truck Vending Program within the Downtown Central Business District.
- 1.4 This document sets out guidelines for the permitting process for the Mobile Food Truck Vending Program in the Downtown Central Business District.
- 1.5 The Downtown Central Business District starts at the intersection of Salado and El Paso Streets; north on Salado to its intersection with Frio Street; thence northeast in a straight line to the intersection of IH-10 and Cadwallader; south on IH-10 to IH-35; northeast on IH-35 to a perpendicular point connecting with Cherry Street; south on Cherry Street to Cesar Chavez Boulevard; west on Cesar Chavez to the San Antonio River; south along the San Antonio River to Arsenal Street; west on Arsenal to El Paso Street; and the west on El Paso to Salado.

2 PURPOSE:

- 2.1 To establish rules and regulations for the application and permitting process in order to monitor and control the quantity and quality of vendors who desire to operate a mobile food truck vending operation in the Downtown Business District.
- 2.2 These rules and regulations are not applicable for permits for the River Walk Stationary Designated Public Space Vending Program and Privately Controlled Property Vending Program, the Special Downtown Mobile Food Vending Permit Program, or any other vending program authorized by the City of San Antonio.

3 DEFINITIONS:

- 3.1 “City” means the City of San Antonio.
- 3.2 “Department” means Center City Development-Downtown Operations Division.
- 3.3 “Director” means the Director of the Center City Development.
- 3.4 “Petitioner” means any prospective vendor submitting an application for vending permit under this program.
- 3.5 “Qualified Petitioner” means a petitioner whose application has been approved and is in compliance with the stated requirements and is eligible to participate in the Downtown Mobile Food Truck Vending Program.
- 3.6 “Selected Vendor” means the qualified petitioner who is selected through application process.

4 DOWNTOWN MOBILE FOOD TRUCK VENDING SITES:

- 4.1 The following are the current Vending Sites for the Downtown Mobile Food Truck Vending program:
 - 4.1.1 Site 1 described as Main Plaza on Dolorosa Street. (Mobile Food Trucks will vend on Mondays and Thursday 11:00 am to 2:00 pm.)
 - 4.1.2 Site 2 described as Travis Park located along Jefferson Street. (Tuesday from 11:00 am to 2:00 pm) One night per month for Downtown Tuesday (last Tuesday of the month – from 5 p.m. to 8 p.m.)

- 4.1.3 Site 3 described as Weston Center located on Soledad at Pecan (Mobile Food Trucks will vend on Wednesday from 11:00 am to 2:00pm)
- 4.1.4 Site 4 described as Madison Park located on Richmond Street (Friday, 11:00am to 2:00pm and Wednesday 6:00pm to 9:00pm)
- 4.1.5 **“An Evening in The Park”** event will be held one night per month for Downtown Tuesday (The last Tuesday of every month from 5p.m. to 8p.m.) Event rotates through Alamo Plaza, Travis Park and Main Plaza.
- 4.2 Special locations and times can be proposed by the Petitioner; however, the acceptance of these proposals will be determined solely by the “City”.
- 4.3 Dates and times for vending at designated or special locations will be determined by the “Department”. Selected vendors, however, must agree to participate at the specified location on designated dates and times for the entire term of the permit period.
- 4.4 Each Site will be approved by the “City”. Each space will be marked in a manner deemed appropriate by the City. Any customer queuing on pedestrian sidewalks must not restrict the public right-of-way. Vendor is responsible for managing the queue.
- 4.5 “City” may adjust these sites in cases of construction, special events, rentals or other special circumstances approved by the “Director”.
- 4.6 Notification for events requiring vendors to relocate will be provided to vendors no later than two (2) days prior to the event and will designate the vending relocation site they may utilize if available. Department will provide a map in advance designating the relocation sites, if available. All vendors will be required to have a copy of the map with them at all times.

5 APPLICATION PROCESS:

- 5.1 Prospective vendors (Petioners) wishing to participate in this program may obtain an application from the City’s website which can be found at <http://www.sanantonio.gov/dtops/vending/mobilefoodtruckvending.aspx> or at the “City” of San Antonio’s Downtown Operations Division Offices, located at 400 N. St. Mary’s, Suite 100. Applications shall be accepted at the “City” of San Antonio’s Downtown Operations Division Offices, located at 400 N. St. Mary’s, Suite 100 from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for “City” Holidays. Applications will only be accepted during the timeframe specified in Section 5.2 of this document.
- 5.2 Applications for the Downtown Mobile Food Truck Vending Program will only be accepted at the Downtown Operations Division Offices at 400 N. St. Mary’s, Suite 100. Applications are accepted for the permit period from December 1 through November 30. Applications will be accepted until no further space is available in the program. Staff will be available to review applications for completion and no application will be accepted unless deemed complete.

- 5.3 A Petitioner must submit a completed application for a permit to vend on the approved form. Petitioner shall be required to provide a copy of a valid State of Texas photo I.D. at the time of submission of completed application.
- 5.4 Petitioner must be eighteen (18) years of age or older at the time of application.
- 5.5 Each Petitioner shall submit a State of Texas Sales and Use Tax Permit I.D. Number issued by the State Comptroller's Office. Said Sales Tax and Use Permit must be in compliance and in good standing. If not confirmed to be valid, the petitioner will not be eligible to participate as a Qualified Petitioner.
- 5.6 Each petitioner will submit, as part of the application, a menu with descriptions of items and pricing proposed for the location. This submittal shall also include representations of the mobile food truck. Petitioner must provide four color photos illustrating the type of mobile food truck. These photos should include a rear, sides and a front view. Also included will be the dimensions of the food truck (length, width and height).
- 5.7 No third party advertising will be allowed in method or manner of display. A list of prohibited items can be found below under Rules and Regulations, Section 9.
- 5.8 Each petitioner shall submit a letter from an agent authorized to bind the petitioner and their company to the required coverage, limits, and additional insured endorsement as provided in Section 6.14 and 6.15 below verifying that Petitioner is qualified for said coverage and that Insurance Agent agrees to provide coverage to Petitioner if Petitioner is selected as a Vendor under this program.
- 5.9 The Selected Vendor shall be allowed to designate additional employees to vend.
- 5.10 Each employee must have a letter submitted to the "Department" from the Vendor that has the Name, Address and Contact Information of the employee with a two year background clearance letter from San Antonio Police Department. Each employee will be required to obtain a Local, State and Federal background investigation from the San Antonio Police Department. SAPD will utilize the Metropolitan Health Department's criteria
- 5.11 To be eligible for the program, the mobile food truck must be a "kitchen on wheels", that is, it must be able to perform complex handling of perishable foods on the unit and have the appropriate mobile food establishment permit from Metro Health. Proof of said permit will be required prior to acceptance into the program. The permit may be obtained at the Development and Business Services Center at 1901 S. Alamo. Interested vendors should contact Metro Health at (210)207-8853 for more information.

6 DOWNTOWN MOBILE FOOD TRUCK VENDING SELECTION PROCESS:

- 6.1. Each petitioner shall be notified if they are eligible as a Qualified Petitioner at the time they submit their application.
- 6.2. Applicants must submit an application supplied by “Department” which will require photos and specifications of their mobile food truck.
- 6.3. A proposed menu with pricing must be submitted.
- 6.4. Vendors must have access to a rest room during operating hours and applicant must indicate how this will be addressed in the application.
- 6.5. Proof of Commercial General Liability Insurance must be submitted with the application.
- 6.6. The applicant must agree to the terms of the Mobile Food Truck Vending Program and pay the permit fee. These terms may include:
 - 6.6.1 Sharing sales information.
 - 6.6.2 Agree to vend at specified location, specified dates and times on a consistent basis
- 6.7. The applications will be reviewed and evaluated by Department staff.
- 6.8. The Downtown Operations Division staff will select participants based on the truck’s appearance, food quality and variety (avoidance of food redundancy)
- 6.9. Selected Vendors will be notified in writing. Selected Vendors must notify the “City” in writing within three (3) business days of their acceptance.
- 6.10. The Selected Vendor is defined as the qualified petitioner who is selected by the departmental staff.
- 6.11. All vendors must submit a permit application, and pay a permit fee of \$100 for the Mobile Food Truck Vending Program.
- 6.12. In no event shall the Selected Vendor be allowed to sell, assign, subcontract, or sublease their permit rights. Any attempt to do so shall result in the immediate revocation of the Vendor’s permit rights and all associated additional vendors’ permit rights.

6.13. The Selected Vendor shall:

- 6.13.1. Be responsible for all vending activities taking place on their designated site, including any infractions of these policies and procedures.
 - 6.13.2. Have an emergency contact number on file with the “Department” for any times in which they are not present at their authorized vending site.
 - 6.13.3. Prior to issuance of a permit, the Selected Vendor must provide to the “City” an original completed Certificate of Insurance, which shall be completed by an agent authorized to bind the Selected Vendor and their company to the required coverage, limits, and termination provisions.
 - 6.13.4. The original certificate must have the agent’s original or facsimile signature, including the signer’s company affiliation, title, and telephone number.
 - 6.13.4.1. Selected Vendor is required to provide the following insurance coverage in their Certificate of Insurance covering all vending activities occurring within the designated site.
 - 6.13.4.2. Commercial General Liability (Broad Form), which will include Products and Completed Operations, Independent Contractors in the amount of \$500,000 per occurrence for Bodily Injury and Property Damage.
- 6.14. All insurance contracts and Certificates of Insurance shall name the “City” and its officers and employees as additional insured as respects operations and activities of, or on behalf of, the named insured and shall provide that the coverage for the named insured shall be primary and non-contributory as to any insurance available to the “City” as an additional insured.

7 PERMIT PROCESS:

- 7.1 The Director of the “Department” or designees shall issue the Downtown Mobile Food Truck Vending Permits and administer the Vending Sites. All permits for the Downtown Mobile Food Truck Vending Program will be in effect for the program period from December 1st through November 31st. The cost of the permit will be \$100 for the permit period.
- 7.2 Each permit shall only be valid for the Downtown Mobile Food Truck Vending Program. Vending Permits issued through the separate Leased Space/Private Property Vending Program or the River Walk Stationary Designated Public Space Vending Program, the Special Downtown Mobile Food Vending Permit Program, or any other vending program authorized by the “City” of San Antonio will not be valid for the Downtown Mobile Food Truck Vending Program.

- 7.2.1 Each Program Permit shall include:
- 7.2.2 The Permit Number as issued by “Department”.
- 7.2.3 Approved vendor’s contact information.
- 7.2.4 Phone number(s);
- 7.2.5 Permit Validity Dates.
- 7.2.6 Current approved vending locations.

8 PERMIT FEES:

- 8.1 The permit fee for food truck the Program is \$100.00 per vending year (December 1-November 30).

9 RULES AND REGULATIONS:

- 9.1 Each Mobile Food Truck Vending Permit shall be for a specific site within “City” controlled property.
- 9.2 Only authorized mobile food truck vendors may operate in the Downtown Central Business District as authorized by the “Director”.
- 9.3 If selected vendor cannot uphold the term of the agreement about where and when the truck will be located, the vendor will provide a letter to the “Director” as to the reason for the abandonment of the site.
- 9.4 All mobile food trucks will remain at the fixed location on the approved day and time as per the permit.
- 9.5 ***NO MOBILE FOOD TRUCKS*** will be permitted on Alamo Plaza.
- 9.6 Vending at approved/designated public spaces will only be allowed on the specified days and times.
- 9.7 The vendor will not leave the mobile food truck unattended for any lengthy period of time. If the mobile food truck is left unattended for more than 1 hour then it may be towed and the vendor may be held liable for all reasonable towing and storage charges. The “City” is not responsible for any damages or theft to the truck if the Vendor chooses to leave their food truck unattended for a short period of time. Vendors must remove their supplies, food truck and equipment from the downtown area at the end of each business day.
- 9.8 Mobile Food Truck Operators are expected to be cordial to other Mobile Food Truck Operators.

- 9.9 Food Trucks should not have excessive noise coming from their generators.
- 9.10 Loud speakers or loud noises of any kind for the purpose of attracting attention are prohibited.
- 9.11 “City” utilities will not be used.
- 9.12 Any waste shall be disposed of safely and properly as per all associated local and state rules, regulations and laws.
- 9.13 Downtown Mobile Food Truck Vending Program vendors are prohibited from conducting business on public streets. (Patrons must be on sidewalk (public right-of-way), Vendors are not allowed to sell, solicit or attempt to solicit or sell to occupants of any vehicle.
- 9.14 Vendors must display visibly their current mobile food truck vending permit from the SAMHD and the “Department” inside each food truck at all times. The food vending permits will be displayed visibly inside the truck and it must be available for inspection.
- 9.15 Vendors must keep the grounds around their food truck and around their vending space free of litter, trash, paper and waste at all times. The vendor shall comply with any reasonable request from the “Department” staff personnel to cease operations and/or to temporarily reposition their food truck to allow time for the “Department” maintenance crews to wash down sidewalks, conduct repairs, or other related maintenance functions.
- 9.16 Mobile food truck vending units shall provide waste containers for customers at such times when the unit is parked. All waste containers and refuse will be taken with the vendor when they leave. No Glass Containers are permitted in Main Plaza.
- 9.17 Vendors will position the mobile food truck so as not to damage or destroy any park, private or public property. The truck will not be allowed to touch, lean against or be affixed temporarily or permanently to any building structure, wall, tree, shrubbery or planting bed.
- 9.18 Vendors will not be allowed to hang or display merchandise on trees, umbrellas, walls, or vend from other temporary structures located upon any public street, sidewalk, right-of-way or other public property.
- 9.19 Vendors may with the permission of the “Department” place tables and chairs in public spaces that do not inhibit the right of way. Any obstructions of the public right of way deemed unsafe by the City or placed without proper approval will be promptly removed.
- 9.20 Any additional signage will require the approval of the “Department”.

- 9.21 Depending upon the type of food service proposed for the vending unit, additional specifications may be required to meet the City of San Antonio Health Code. Such additional specifications as may be required shall be determined by the City of San Antonio Metropolitan Health District of the San Antonio Fire Department. For instance, any and all gas cylinders used are subject to San Antonio Fire Department inspection.
- 9.22 Whenever a City of San Antonio Health Officer finds an unsanitary or other unhealthy or unsafe condition in the operation and maintenance of the mobile food truck unit, SAMHD shall determine the appropriate actions for compliance. The vendor shall comply with any corrective action(s) to be taken as per SAMHD instructions.
- 9.23 The vendor will make the mobile food truck available for an inspection by a Health Department Officer, San Antonio Police Officer, Park Police, San Antonio Fire Department Officer, the “Director” or his/her representatives any time the unit is on public property.
- 9.24 Vendors and their Associates shall at all times be neat and well-groomed. Their outer garments, including footwear, shall be clean, in good condition and/or well-mended. Mobile Food truck operators must comply with all SAMHD requirements regarding attire.
- 9.25 No vendor will be allowed to sell, possess, consume or distribute alcoholic beverages while operating a mobile food truck as a vendor in the Downtown Central Business District. In addition, tobacco products of any sort will not be offered for sale.
- 9.26 Vendors must comply with **CHAPTER 13 OF THE MUNICIPAL CODE** and all **GUIDELINES AS OUTLINED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT** in order to be eligible to participate in this program.
- 9.27 A downtown mobile food truck vending permit is issued in the vendor name for a particular unit(s) and vending site and cannot be assigned, sold, lent, leased, or otherwise transferred, even if the ownership of the unit has changed.
- 9.28 The “Director” may establish additional program specifications and requirements as may be operationally appropriate for the Downtown Business District.
- 9.29 ***Prohibited Vending:***
- 9.29.1 Tobacco products
 - 9.29.2 Alcoholic product
 - 9.29.3 Sexually explicit and/or drug related paraphernalia
 - 9.29.4 Obscene Material

- 9.29.5 Non food Vending
 - 9.29.6 Real estate transactions and vacation packages, including but not limited to: time shares, rentals, and vacations clubs or other similar arrangements
 - 9.29.7 Marketing and advertising activities, including but not limited to: soliciting for memberships or credit card applications
 - 9.29.8 Tickets for events
 - 9.29.9 Other services or products not approved by the City prior to issuance of the Program Permit
- 9.30 Vendors shall be allowed to utilize a mobile food truck vending for their operations. This truck will require the approval of the San Antonio Health District Food Sanitation Division and the City's Historic Preservation Office. Mobile food truck inspections and approvals occur at the Development and Business Services Center at 1901 S. Alamo. Telephone number is (210) 207-8853. Mobile food trucks used in vending of items cannot be left on any designated public space during non-operating hours, as well as during other prohibited times such as during special events or at any time that the vendor is not actively vending.
- 9.31 **NO Vending is permitted in such a manner as to impede pedestrian traffic along the right of way/pathway/sidewalk.**
- 9.32 **NO Vending is permitted in such a manner as to impede vehicular traffic around the mobile Food Kitchen.**
- 9.33 Existing special events, such as parades and craft shows, will take precedence over any Downtown Mobile Food Truck Vending Program permits. As such, mobile food truck vending on Downtown approved spaces will not be allowed during such special events.
- 9.33.1 Fiesta Events: During the Battle of Flowers Parade and the Fiesta Flambeau Parade, individuals with a valid Downtown Mobile Food Vending Permit are allowed to continue to vend during said parade, within the Fiesta Commissioned licensed premises. Mobile Food Truck Vendors will be required to contact the event organizer to secure a permit if they wish to vend during the Fiesta Events.
- 9.34 Where exigent circumstances exist and a San Antonio Police Officer, Park Police Officer, Parking Enforcement Officer or other authorized officer of the City of San Antonio gives notice to a vendor to temporarily move from a location, such vendor will not operate from or otherwise remain at such location. For the purpose of this rule, exigent circumstances shall include, but shall not be limited to, unusually heavy pedestrian or vehicular traffic; the existence of any obstructions in the public space at or near such location; a major event; festival, program or park activity, a fire, a

parade, demonstration, or other such event at or near such location. Any location that becomes unsafe or unusable due to construction will be temporarily suspended until such time as construction is completed.

- 9.35 “City” shall not be responsible for any theft, damages or destruction of goods and/or property of vendor both during the term of the Downtown Mobile Food Truck Vending Permit and as so any mobile food trucks or goods left on the designated public space after vendor vacates the designated public space. If said goods and any other property placed by vendor upon the Downtown Mobile Food Vending Site are not removed after hours of operation, then the “City” may remove same without further notice or liability therefore.
- 9.36 Vendors must adhere to all sound restrictions, solicitation, queuing, and hawking laws and regulations of the City of San Antonio.
- 9.37 Vendor shall pay, on or before their respective due dates to the appropriate collecting authority, all Federal, State and local taxes and fees which are now or may hereafter be levied upon the Vendor, or upon the business conducted on the designated public space, or upon any of Vendor’s property used in connection therewith; and shall maintain in current status all Federal, State and local licenses and permits required for the operation of the business conducted by Vendor. Failure to comply with the foregoing provisions shall constitute grounds for termination of the “City” Public Space Vending Permit by the “City”.
- 9.38 Vendor shall not assign the designated public space, or allow same to be assigned by operation of law or otherwise, or sublet or sell the downtown mobile food vending approved/designated public space or any part thereof. Any of the previous actions shall constitute grounds for termination of the City Downtown Mobile Food Truck Vending Permit by the “City”.
- 9.39 San Antonio Police Officers and Park Police Officers shall enforce “City” Codes on the San Antonio Downtown Central Business District.
- 9.40 **Any violation of these rules and regulations may result in the issuance of a misdemeanor citation or an administrative statement of violation issued by the Director or his/her designee.**
- 9.40.1 The issuance of three vending related misdemeanor citations within the permit period to a vendor may result in the immediate loss of the vending permit and preclude re-application one year from the date of conviction and/or completion of deferred adjudication, as well as forfeiture of any and all fees paid to the City. Administrative revocation of the Permit may be appealed to the City Manager’s Designee within ten (10) days.

9.40.2 An administrative statement of violation issued by the “Director” or his/her designee will be treated the same as a misdemeanor citation for purposes of Administrative Revocation of the Permit. A vendor will receive one verbal and one written warning prior to issuance of an administrative statement of violation, unless the severity of the offense warrants an immediate statement of violation, such as vending without a permit or utilizing someone else’s badge to vend.

All information related to this program may be obtained from:

City of San Antonio
Center City Development-Downtown Operations
400 N. St. Mary’s, Suite 100
San Antonio, Texas 78205
(210) 207-3677