



Austin Transportation Department

3701 Lake Austin Blvd, Austin, TX 78703
(512) 974-1150

RIGHT OF WAY SIDEWALK VENDING GUIDELINE AND APPLICATION PACKET

Only businesses and individuals with permits are allowed to use City of Austin right-of-way for the purposes of vending. The City may issue a license agreement to a street vendor for use of a specific part of a right-of-way to sell, offer for sale, exchange, or take orders for merchandise. Submit an application to Transportation Department staff at 3701 Lake Austin Blvd, Austin, TX 78703, a minimum of **45 days** in advance. All uses of the City's right-of-way must be pre-approved by the City transportation engineering staff.

PREPARATION

Prior to starting the application process, please read and familiarize yourself with all of the associated application forms/materials in their entirety. If you have any questions before application submittal, please call (512) 974-1150 to be directed to a permitting staff member.

FEES

The current application fee is **\$150.00** and is non-refundable. Please ensure that your proposed site meets all guidelines prior to submitting an application. The current yearly permit or renewal fee is **\$650.00** once your request has been approved. Sidewalk vending permits are valid for a period of one year from its date of issuance, unless the permit is revoked or suspended.

VENDING APPLICANT CHECKLIST

This checklist is intended to provide a snapshot of an applicant's basic role in the Street Vending Permit application process. It does not include all possible requirements or the review process performed by The City of Austin.

- Pick a location that meets all of the location criteria.
- Submit the notarized application to The Austin Transportation Department with \$150 application fee.
 - 10 Days are given to abutting property owner to provide comments/objection to application.
- Submit the certificate of insurance for review. The certificate must be approved by staff prior to permit approval.
- Submit any required Health Department food permit(s).
- Submit a copy of your Sales Tax Number Certificate.
- Schedule a cart inspection with The Austin Transportation Department.
- Cart inspection approved.
- Schedule a meeting to pay \$650 yearly permit fee and notarize the yearly License Agreement.
- Receive issued, laminated permit.



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VENDING APPLICANT AND STAND CRITERIA

- The vending stand shall be mobile so it may be moved in case of an emergency and shall not exceed four **(4)** feet in width and five **(5)** feet in length. The stand shall be self-contained and neither it, a vending vehicle, nor any other items related to the operation of the vending business shall be leaned against, fastened to, or hung from any building or any other structure, including, but not limited to, structures such as lamp posts, parking meters, mail boxes, traffic signal stanchions and control boxes, fire hydrants, trees, tree box benches, planters, bus shelters, or traffic barriers which lawfully occupy public space.
- No person or company shall have more than three **(3)** vendor license agreements with the City. If a person or company desires more than three **(3)** locations for vending, that person or company must apply for a normal license agreement with the City. Such license agreement must be approved by the City Council.
- No person or company shall submit more than three **(3)** applications for vending license agreements at any one time, nor can any person or company have more than three **(3)** pending applications at any one time.
- Vending applications for any food sales require a certificate from the Austin-Travis County Health Department prior to final approval. You should contact them for additional information at 512-972-5600.
- All licensed vendors are required to obtain a State of Texas Sales and Use Permit. Contact the State Comptroller's Office at 512-463-4600 for details.

VENDING LOCATION CRITERIA

Vending permits issued by the Austin Transportation Department are for selling items from **Approved and Permanent Locations** on city right-of-way. In order to obtain a Vending License to operate from a cart, you will need to find a location that is suitable based on criteria below:

- Sidewalk area must be a minimum of sixteen **(16)** feet wide.
- Six **(6)** feet wide pedestrian clear zone must be maintained at all times.
- Vending locations shall not be placed within twenty **(20)** feet of another vending location or **(10)** feet from customer entryway to a business or **(20)** feet from a customer entryway to a business selling comparable type merchandise, unless the business provides written release.
- Vending locations shall not be placed within twenty **(20)** feet of a driveway or pedestrian crosswalk.
- Vending site shall have usable space of ten **(10)** feet by ten **(10)** feet for stand, vendor and customers; however only the stand space shall be marked.
- Vending locations shall not be placed within ten **(10)** feet of an entrance or doorway without written approval from the abutting property owner or occupier.
- Vending cart shall not obstruct or block a display window, unless the affected abutting property owner or occupier provides a written release.
- No person or company shall be granted a license agreement for a location within one thousand **(1000)** feet of another location held by the same person or company. Nor can any person or company submit multiple applications for locations within one thousand **(1000)** feet of each other.



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INSURANCE REQUIREMENTS

The City reserves the right to review the insurance requirements of this section during the effective period of the permit and to make reasonable adjustments to insurance coverages, their limits, exclusions when deemed necessary and prudent by the City based upon changes in statutory law, court decisions, the claims history of the industry or financial condition of the insurance company, as well as the applicant.

Insurance Requirements

- Commercial General Liability policy with a combined single limit of \$500,000 per occurrence for coverage's AB&C including products/completed operations, where appropriate, with a separate aggregate of \$500,000.
- If this coverage is underwritten on claims made basis, the retroactive date shall be coincident with the date of this permit and the certificate of insurance shall state that the coverage is claims made and the retroactive date. The applicant shall maintain coverage for the duration of this permit and for six months following completion of this project. The applicant shall provide the City annually with a certificate of insurance as evidence of such insurance. The premium for this extended reporting period shall be paid by the applicant.
- Applicant shall be responsible for deductibles and self-insured retentions, if any, stated in policies. If insurance policies are not written for amounts specified above, the applicant shall carry Umbrella or Excess Liability Insurance for any differences in amounts specified. If Excess Liability Insurance is provided, it shall follow the form of the primary coverage.
- Insurance shall be written by a company licensed to do business in the State of Texas at the time the policy is issued and shall be written by a company with an A. M. Best rating of B+ or better.
- The applicant shall not cause any insurance to be cancelled or allow any insurance to lapse during the term of this permit or the six months following completion for a "claims made" policy.
- Applicant shall provide City thirty (30) days written notice of erosion of the aggregate limit below the minimum required combined single limit of coverage.
- Actual losses not covered by insurance as required by this permit shall be paid by the applicant.

INSURANCE ENDORSEMENTS REQUIRED

The applicant shall produce the requested endorsements below to each effected policy . If the policy can be endorsed but the reference to the endorsement cannot be added to the certificate of insurance, you may provide a copy of the actual endorsement.

- Naming the City of Austin, Care of: Right-of-Way, P.O. Box 1088, Austin, TX 78767 as additional insured. The additional insured endorsement shall not be contingent on a written or verbal contract/agreement.
- That obligates the insurance company to notify the City of Austin, Care of: Right-of-Way, P.O. Box 1088, Austin, TX 78767, of any non-renewal, cancellations or material changes at least thirty (30) days prior to change or cancellation.
- That the "other" insurance clause shall not apply to the City where the City of Austin is an additional insured shown on the policy. It is intended that policies required in this permit covering both the City and the applicant shall be considered primary coverage.



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APPLICATION TIPS

The required application can be found on pages 4 and 5 of this packet. Please keep the other pages for your records.

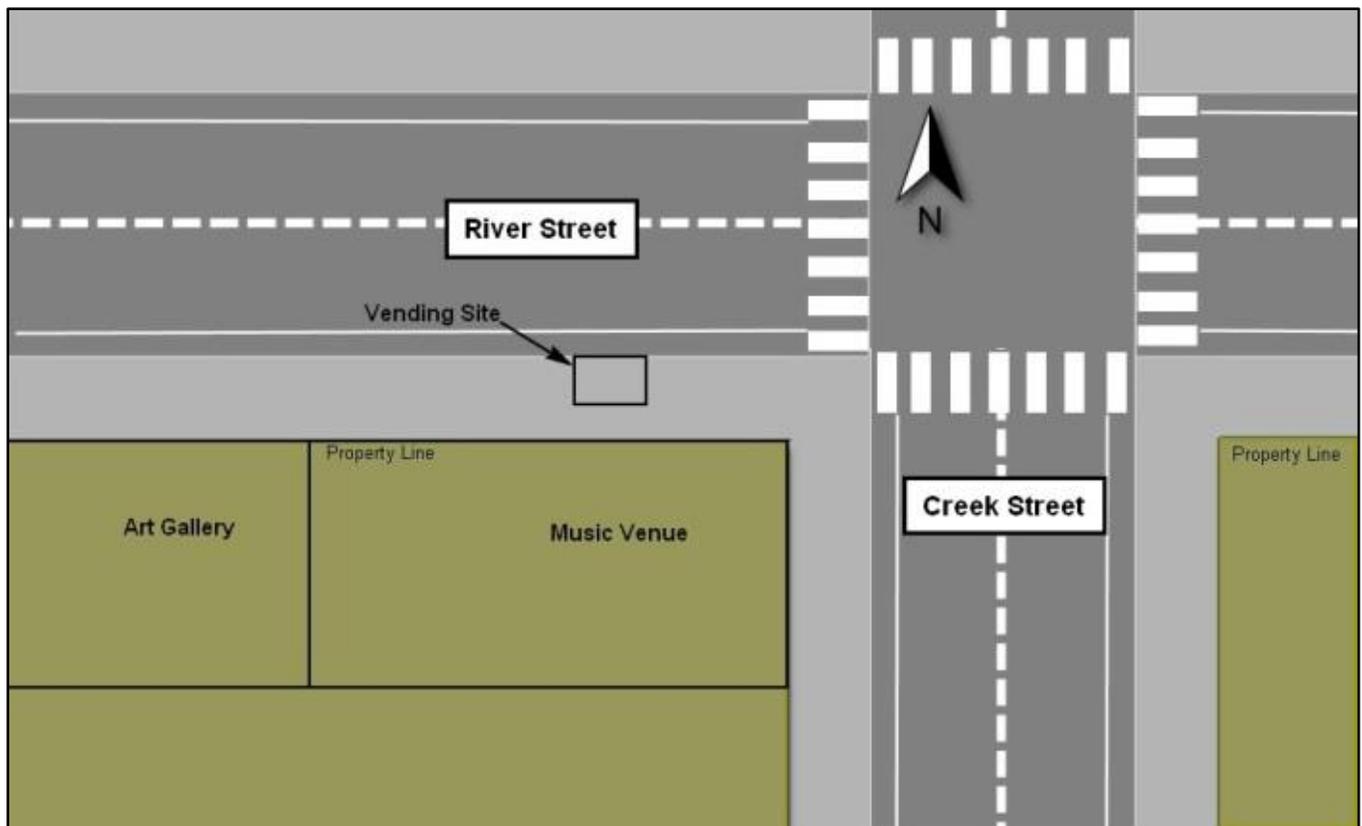
TIPS

You can use the City's GIS Viewer to find the closest property address. <http://www.austintexas.gov/GIS/developmentwebmap/>

- Search a block range like '400 Congress' and select an address match.
- From Map Layers selection, in the Property Information folder, check Address Points
- Zoom into your proposed location and look for the closest address.

Components of Vending Location Diagram

- Label street names and cross street names.
- Use a North arrow.
- Identify the proposed vending location.
- Label names of adjacent properties if possible.





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RIGHT OF WAY VENDOR LICENSE APPLICATION

APPLICANT INFORMATION *(Do not include business information here.)*

Applicant Name:		
Address:		
City:	State:	ZIP Code:
Phone:	E-mail:	

BUSINESS INFORMATION

Business Name/DBA:		
Sales Tax Number:		
<input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> General Partnership		
Address:		
City:	State:	ZIP Code:
Phone:	E-Mail:	

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

VENDING LOCATION DIAGRAM

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



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VENDOR LICENSE APPLICATION CONTINUED

SALES INFORMATION

Proposed Days of Operation:

Proposed Hours of Operation:

State your proposed method of sale, including the size of any cart, stand, display case, etc from which items will be offered for sale and attach photographs or drawing.

List items to be offered for sale:

I DECLARE THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND THAT I HAVE READ THE CODE OF THE CITY OF AUSTIN SECTION 15-1-1 AS AMENDED BY ORDINANCE NUMBER 820902K, AND I UNDERSTAND ALL CONDITIONS OF THIS APPLICATION AS SET FORTH HEREIN AND THE CITY CODE.

Applicant Signature

Name

Business Name

Title

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 BEFORE ME, THIS _____ DAY OF _____, 20_____

NOTARY PUBLIC-STATE OF TEXAS



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GENERAL INFORMATION FOR VENDING IN THE CITY OF AUSTIN

Please refer to the basic guidelines of opening a mobile food trailer and contacts for finding a location below to guide you through the process.

ITEM 1 provides information how to contact the Health Department. The Health Department is always involved when any kind of consumables are produced and sold.

ITEM 2 discusses options available for mobile vendors in Austin.

ITEM 3 covers the services offered by the Small Business Development Program.

ITEM 1

Health Department Questions:

Contacting the Health Department at an early stage will provide you with a clear picture of what their requirements will consist of. Their review and approval will be necessary and critical to how you approach your proposal. SBDP always urges our clients not to purchase or lease a cart, trailer or truck until the client has talked to the Health Department. The Health Department is always involved when consumables are produced or sold. The more detailed information you provide staff, the more accurate their answers will be. Discussing the details will assure that you will not be faced with unwelcome surprises at a future date.

<u>Name of Division:</u>	Commercial Plan Review Health Department representative
<u>Location:</u>	One Texas Center, 505 Barton Springs Road 2 nd Floor
<u>Contacts:</u>	Mark Churilla Tel.: (512) 974-8067 Email: mark.churilla@ci.austin.tx.us
	or
<u>Name of Division:</u>	The Environmental and Consumer Health Unit Austin Travis County Health and Human Services
<u>Location:</u>	RBJ Health Center, 15 Waller Street 4 th Floor
<u>Contact:</u>	(512) 978-0300

ITEM 2

Mobile Vending Under City Regulations:

1. Mobile Vending on Private Property:

Your cart can be an accessory use on a developed property that has the right zoning. This means you do not have to go through the City zoning process. Your cart can be located on a gas station property, in a food trailer park as examples or any other property with the right zoning. Make sure the location you may be looking at has all the necessary City permits and no outstanding violations, if you decide on this option. The Development Assistance Center (DAC) can help you with answers to all those questions. Prepare an iron-clad contract with the private property owner. This will help avoid unpleasant and potentially costly surprises in the future. This only applies to the private lease options.



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ITEM 2 CONTINUED

Listed below are two gentlemen in DAC who will be able to help you with any questions you may have on the properties you may be looking at.

Name of Division: **Development Assistance Center (DAC)
Neighborhood Planning and Zoning**

Location: One Texas Center, 505 Barton Springs Road
1st Floor

Contacts: **Christopher Johnson**
Tel.: (512) 974-2769
Email: christopher.johnson@austintexas.gov

Glenn Rhoades
Tel.: (512) 974-2775
Email: glenn.rhoades@austintexas.gov

2. Moving your truck from private location to private location:

This is another option you may want to consider. If you decide to visit different offices to sell your food, make sure you have a written contract spelling out when you will be at the location, on what days, what times and where you can park. Keep in mind that you cannot park and sell from the City right-of-way. Any specific questions regarding this option should also be addressed with the staff in DAC, who are listed above under item 1.)

3. Mobile Vending in City of Austin Right-of-Way (ROW):

Name of Division: **Right-of-Way Management
Transportation Department**

Location: 3701 Lake Austin Blvd, Austin, TX 78703
Walk-in's accepted M-F 8AM-1PM

Contact: **Tracy Linder**
Tel.: (512) 974-6532
Email: tracy.linder@austintexas.gov

4. Mobile Vending in facilities/events managed by the Parks and Recreation Department:

Vending in facilities or events managed by the Parks and Recreation Department have their own processes. Contact this gentleman for more details of this process.

Name of Division: **Parks and Recreation Department**

Location: 200 S. Lamar Blvd.

Contact: **Jason Maurer**
Tel.: (512) 974-2427
Email: jason.maurer@austintexas.gov

Renaissance Market
Russell Wiseman
Tel.: (512) 974-4004
Email: Russell.wiseman@austintexas.gov



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ITEM 2 CONTINUED

4. Mobile Vending in the SoCo District:

The properties in this district are managed by private business owners in the area. Get in contact with them to find out what the process is of doing business in this district.

Vespiao:

Jen Nowzaradan

Tel.: 713- 392-2481

Email: jnowzar@yahoo.com

St. Vincent:

Paul Kleypas

Tel.: 512-442-5652

Email: svdpstoreaustin@sbcglobal.net

First Avenue Baptist Church:

Vic Hidalgo

Lot behind San Jose Church:

Vic Hidalgo

Tel.: 210-240-8216

Guero's Oak Garden:

Trey Munford

Tel.: 512-447-7688

Email: treymunford@guerostacobar.com

5. Vending During Special Events

All sidewalk vending during Special Events must be licensed by The Austin Transportation Department, following the Sidewalk Vending Guidelines and Processes outlined in this packet.

To set up inside of an event, you will need to contact the specific event promoter directly to inquire about their vendor processes and fees. You can find event calendars online on multiple public sites. Events permitted by various City of Austin Departments may be found on our public calendar here: <http://austintexas.gov/fullcalendar>. You are able to use this calendar to view past, often annual events – giving you the opportunity to plan further in advance.

ITEM 3

This text lists the services our department provides for getting small businesses up and running:

1. For general information on setting up a business:

The Small Business Development Program (SBDP) has a plethora of services for small business entrepreneurs. Please visit their website for more information: <http://austintexas.gov/department/small-business-development-program>

Name of Division:

Business Solutions Center – BIZ Aid

Location:

One Texas Center, 505 Barton Springs Road
1st Floor

Contacts:

Xavier Zarate

Tel.: (512) 974-9147

Email: xavier.zarate@austintexas.gov

TJ Owens

Tel.: (512) 974-7608

Email: tj.owens@austintexas.gov