



Mobile Food Vendor Application for License City of Tomball, Texas

Application Fees

Per Day.....	\$10.00
Per Week.....	\$25.00
Per Month.....	\$50.00
Per 3 Months.....	\$100.00
Per 6 Months.....	\$150.00

For Questions or to Submit This Application

Tomball City Hall
401 Market St.
Tomball, Texas 77375
Tel. 281-351-5484
Fax 281-351-6256
cso@tomballtx.gov

Note: these application fees are **non-refundable**.

Requirements

- **Completed application** - All sections of this application MUST be filled out. If something does not apply to you, write N/A. **Sec. 32-42** (see back of this page).
- **Doctor's certification regarding health** - Tomball, Code of Ordinances, **Sec. 32-42(2)** (see back of this page).
- **\$1,000 surety bond, naming the City of Tomball as the certificate holder** - Tomball Code of Ordinances, **Sec. 32-46** (see back of this page).
- **Must successfully complete a background check through IdentoGO using the City of Tomball's designated code.** Please contact the City Secretary's Office at 281-351-5484 to obtain the required code for use at an IdentoGO location. **Sec. 32-45**
- **Proof of sales tax permit (clerk will make a copy to go with your application)** - Tomball, Code of Ordinances, **Sec. 32-41(13)**.
- **Valid driver's license/ID - (clerk will make a copy to go with your application).**
- **Proof of Harris County Health Inspection.**
- **IMPORTANT:** All applications for non-mobile vendors must also be approved by the Community Development Department. Please call (281) 290-1477 for more information.

The following excerpts from the City of Tomball Code of Ordinances are provided for your convenience in filling out this application. For more information, please consult the City of Tomball Code of Ordinances.

Sec. 32-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Mobile* shall mean being capable of being in active, but not necessarily continuous, movement. *Mobile food vendor* shall mean any business which sells food or beverages from a vehicle or structure which is capable of being moved from place to place. The term shall include, but is not limited to: (1) Mobile food truck: a self-contained motorized unit selling food or beverage items; (2) Concessions cart: mobile vending unit that must be moved by non-motorized means; and (3) Trailer: a vending unit which is capable of being moved when pulled by a motorized unit and has no power to move on its own. *Peddler* means any person, whether a resident of the city or not, traveling from house to house, or from street to street, for the purpose of selling or soliciting for sale, goods, wares, merchandise or services, other than agricultural products produced or processed in the state; and also means and includes any person transacting a temporary business within the city at an established place of business. The term "peddler" includes the terms "solicitor," "transient or itinerant merchant or vendor," or "transient or itinerant photographer." (Code 1978, § 17-1; Code 1993, § 54-1; Ord. No. 2015-13, § 2, 8-4-2015)

Sec. 32-2. Exceptions to chapter.

The provisions of this chapter shall not apply to the following:

(1) Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business. (2) Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law. (3) Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl or farm products which were produced on land within the state, owned or controlled by such vendor. (4) Noncommercial solicitations, sales or distributions for purposes of fundraising or generating profits by religious or charitable organizations, political organizations, conservation organizations, city civic organizations, or other educational organizations, which have their principal place of activity within the city. (5) Minors conducting fundraising activities who represent an organization for the benefit of youths, including, but not limited to, Boy Scouts, Girl Scouts, Little League groups and city school groups. (6) Mobile food vendors that are registered with the city and conducting business at a mobile food court as defined in section 50-2. (Code 1978, § 17-2; Code 1993, § 54-2; Ord. No. 2011-01, § 1(54-2), 3-21-2011; Ord. No. 2016-34, § 2, 1-3-2017)

Sec. 32-8. - Responsibility of owners, tenants and lessees allowing peddlers to utilize property.

Any property owner, tenant, or lessee who allows a peddler to utilize his private property shall be responsible, along with the peddler, for compliance with the adopted zoning regulations of the city set forth in [chapter 50](#). Approval by the zoning administrator must be obtained before a permit may be issued.

Sec. 32-10. - Structures erected or maintained by peddlers.

It shall be unlawful for any peddler to erect or maintain any permanent or temporary structure without complying with the applicable building codes, zoning regulations, and other applicable city codes.

Sec. 32-11. - Mobile food vendors.

The following regulations shall apply to mobile food vendors operating within the city: (1) Each unit shall be equipped with a portable trash receptacle, and shall be responsible for the proper disposal of solid waste and waste water in the sanitation facility legally accessed by the mobile food vendor. All disturbed areas must be cleaned following each stop at a minimum of 20 feet of the sales location. Each unit shall comply with all applicable provisions of chapter 36 of the Code of Ordinances; (2) Each unit shall be equipped with a power source sufficient to conduct all operations. It shall be a violation of this provision for any unit to obtain power from an exterior source; (3) Continuous or repetitive music or sounds shall not project from the mobile food vendor unit; and (4) A mobile food vendor shall not be located in the same location, or within 100 yards thereof, for more than four hours total per day. (Ord. No. 2015-13, § 3, 8-4-2015)

Sec. 32-46, Bond required. "The application for a permit required by the provisions of this article shall be accompanied by a bond in the penal sum of \$1,000.00 signed by the applicant and signed, as surety, by some surety company authorized to do business in this state, conditioned for the final delivery of goods, wares, merchandise or services in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal of such bond, at the time of delivery, and that may be discovered by such purchaser or customer within 30 days after delivery, and which bond shall be for the use and benefit of all persons that may make any purchase or give any order to the principal on such bond, or to an agent or employee of such principal."

Ordinance 2015-13, Amending Chapter 32, Section 4

"Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense."

Important: Each vendor or assistant must be individually licensed.

All spaces on this application must be filled out to the best of the applicant's knowledge. If a question does not apply, please state so by writing N/A. The City of Tomball reserves the right to deny an application for falsifying or failing to provide information.

Personal Information

Name: _____ Age: _____ Gender: M F

Weight: _____ Height: _____ Hair Color: _____ Eye Color: _____

Race: _____ Birth Date: / / Birth Place: _____

Home Phone Number: () Cell Phone Number: ()

E-mail: _____ Social Security Number: _____

Driver's License No.: _____ State Issued by: _____ Expires: / /

Home Address: _____

Have you ever been convicted of a felony of any nature or any other crime of moral turpitude in Texas or any other state? Have you ever been convicted of any crime, misdemeanor, or violation of any state or federal law or municipal ordinance or code?

Yes No

If yes, give information regarding the nature of the offense; the punishment or penalty assessed therefore, if previously convicted; and the place and date of the conviction.

Company Information

Full Company Name: _____

Company Address: _____

Food Selling Dates: / / through / /

Supplemental Documents

Attachments: please make sure the following items are attached (where applicable) to your application. Applications will not be accepted without appropriate documentation.

- Copy of Harris County Health Inspection
- Health Certificate from Doctor
- \$1,000 Surety Bond or Insurance (Original Certificate)
- Copy of Lease or Letter from Property Owner (Stationary Food Vendors Only)
- Copy of Valid Driver's License/ID
- Sales Tax Permit
- Signature of Acknowledgment of Responsibility from Owner of Property (If on Private Property Only)

Signature: _____

Date: _____

**Acknowledgment of Property Owner/Lessee
(If on Private Property ONLY)**

I hereby acknowledge that I am responsible, for compliance with the adopted Zoning Ordinance of the City of Tomball. Approval by the Zoning Administrator must be obtained before a permit may be issued.

A letter or lease agreement is attached.

Signature:

Date:

**Approval of Community Development: Zoning
*If staying in one area for longer than 4 hours***

Application has been reviewed and applicant's intended operations are consistent with existing zoning requirements.

Signature:

Date:

For City of Tomball Use ONLY

Fire Marshal's Office Inspection

Passed

Failed

If failed, reason for failure:

Signature:

Date:

City Secretary's Office

Received by:

Date:

Approved

Refused

If refused, reason for refusal:

Permit Issued by:

Date:

Signature:

Date:

Background Check Received by Tomball Police Department

Approved

Refused

Signature:

Date: