

# Frequently Asked Questions about the City of Austin's Mobile Food Establishment Ordinance

## Overview of the Mobile Food Establishment Ordinance

- [A mobile food establishment must be licensed by the Austin Public Health.](#)
- Is allowed in a commercial zoning (LR, GR, CS, CS-1, DMU, and CBD) and industrial zoning (LI) districts except Neighborhood Office (NO), Limited Office (LO), or General Office (GO).
- May not be located within 50' of a building that contains both residential and commercial uses.
- They may be allowed to operate any time except between the hours of 3:00 AM and 6:00 AM.
- May not be located within 20' of a restaurant located in a building.
- The mobile food establishment may not have a drive-through.
- Lighting must be shielded so as to not be directly visible to a residential use.
- All signs must be mounted flat against the mobile food establishment.
- A trash receptacle must be available during business hours and the area around the mobile food establishment must be kept free of litter and debris.
- Permanent water and waste water lines are not allowed.

## Intent of the Mobile Food Establishment Ordinance

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.

## Neighborhoods and the Mobile Food Establishment Ordinance

**Q: Can neighborhoods recommend adopting more restrictive or additional regulations for mobile food establishments?**

Yes, additional regulations can be adopted that further define the location and hours of operation for mobile food establishments. A City of Austin-recognized neighborhood plan contact team or [a neighborhood association registered with the City of Austin](#) may request that the following set of regulations be adopted for a given area:

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- A mobile food establishment must be located 50' or further from property zoned SF-1 through SF-5 or further than 50' from where townhouses, duplexes, or single-family houses are located.
- A mobile food establishment may operate between the hours of 6:00 AM and 10:00 PM if it is further than 50' and not more than 300' from a property zoned SF-1 through SF-5, or where townhouses, duplexes, and single-family houses are located.
- A mobile food establishment may operate between the hours of 6:00 AM and 10:00 PM if it is further than 50' and not more than 300' from a property where townhouses, duplexes, and single-family houses are located.
- A mobile food establishment may operate between the hours of 6:00 AM and 3:00 AM if it is located more than 300' from property zoned SF-1 through SF-5 or further than 300' from where townhouses, duplexes, or single-family houses are located.

Once these additional regulations are recommended to the City Council and the City Council votes to adopt them for the specific areas of the city mobile food vendors within the area have 60 days to comply.

## ***Q: How can I find out what neighborhoods have been approved for these additional regulations?***

The City of Austin maintains a [map](#) that depicts the areas to which these additional regulations apply.

## ***Q: How can my Neighborhood Association or Neighborhood Planning Area Contact Team apply to be placed on the Mobile Food Area Map?***

There are two ways a [registered neighborhood association](#) or City of Austin-recognized contact team may request these additional regulations for their area:

- 1) During the neighborhood planning process, these additional regulations can be requested; or
- 2) Submit an application during the open filing period in February of each year.

A Mobile Food Establishment application can be found at: [http://www.austintexas.gov/sites/default/files/files/Planning/Applications\\_Forms/mfv\\_app.pdf](http://www.austintexas.gov/sites/default/files/files/Planning/Applications_Forms/mfv_app.pdf).

Applications may be hand delivered or mailed to the Planning and Zoning Department offices at 505 Barton Springs Road, 5<sup>th</sup> Floor 78704.

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## *The City of Austin and the Mobile Food Establishment Ordinance Application, Enforcement, Penalties*

***Q: Who can submit an application to the city requesting additional mobile food regulations?***

For an area with an adopted neighborhood plan, the chair of the official neighborhood plan contact team or an officer of a neighborhood association if there is no official neighborhood plan contact team. For an area without an adopted neighborhood plan, an officer of a neighborhood association. The neighborhood association must be registered with the Public Information Office and have association by-laws. Applications can be submitted during the open filing period in February of each year to the City of Austin, Planning and Development Review Department offices at 505 Barton Springs Road, 5<sup>th</sup> floor.

***Q: Will the City of Austin help me find a location for a trailer/cart?***

No. You must find a location on your own.

***Q: How can I find out the zoning on a property in order to comply with the mobile food ordinance?***

For information on the zoning district for a certain property, visit the [City of Austin Property Profile Tool](#).

For additional information regarding zoning information, please call the Development Assistance Center at (512) 978-4000.

***Q. Are there additional requirements for a food vending push cart located on a sidewalk or in a city park?***

Vendors with units selling food on city easements or sidewalks require an additional permit from the [Austin Transportation Department's ROW Management Division](#). More information on Food Vending is available in the [application packet](#). Vending on city park property is administered by the [Parks and Recreation Department](#). Please contact the main office at 512-974-6700 for more information.

***Q. Can Mobile Food Vendors sell alcohol?***

No, Mobile Food Vendors are vehicles which do not have certificates of occupancy and cannot legally sell alcohol. For a facility to sell alcohol for on premise consumption, the facility must have a certificate of occupancy for either Restaurant (General), Cocktail Lounge, or be a production brewery in an LI zoning district.

***Q: Who enforces the Mobile Food Ordinance?***

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[Austin Code](#) is the enforcement agency for this ordinance.

**Q: *Who do I call if I see someone violating the Mobile Food Establishment Ordinance?***

To report a suspected violation of Mobile Food Establishment Ordinance [contact 311](#) and ask for Austin Code. When calling, you must have a specific address.

**Q: *What are the penalties given for violating the Mobile Food Ordinance?***

In most cases, a single warning is given; however, if the mobile food vendor is a repeat offender, charges can be filed with the Municipal Court.