

BROWNSVILLE NAVIGATION DISTRICT
MOBILE FOOD VENDOR PERMIT
ORIGINAL OR RENEWAL APPLICATION

Pursuant to the provisions of Item 441, Brownsville Navigation District Tariff No. 6, application is hereby made for a permit to operate as a Mobile Food Vendor at the Port of Brownsville.

In support thereof, the following information is submitted:

Permit Information

Mobile Vending Unit Name:	
Mailing Address:	Sales Tax ID:
<input type="checkbox"/> Original Application <input type="checkbox"/> Renewal Application	
Period Requested: (Months)	
Contact for services provided under this permit: (Name, address, phone number, fax number, email address)	

Mobile Unit Information (*Permits are not transferrable*)

<input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Trailer	
Make: _____ Model: _____ Year: _____	
Color: _____	
License Plate: _____ State: _____	
VIN: _____	
Address of Base of Operations:	

Business Information (*Permits are not transferrable*)

Business Owner Name:	
Phone Number:	Email Address:
Form of business entity: (Proprietorship, partnership, corporation, other – please describe)	
Certified Food Manager assigned to this Mobile Vending Unit:	
Phone Number:	Email Address:

**BROWNSVILLE NAVIGATION DISTRICT
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Documents required to be attached in support of this application:

- _____ 1. **Cameron County Health Permit and most recent inspection report**
- _____ 2. **Color Photo of the Mobile Food Unit**
- _____ 3. **Typed or Printed Food Menu**
- _____ 4. **Certificate of Insurance**
- _____ 5. **Copy of Operator's Driver's License**
- _____ 6. **Copy of Certified Food Manager's Certificate**

**APPLICATION FEE – ORIGINAL AND RENEWAL APPLICATION
\$1,000.00 per month**

Please complete the above items and sign the application where indicated below. Return the completed application along with all appropriate attachments, and the application fee to:

**Antonio "Tony" Rodriguez
Director of Cargo Services-Overweight Permit/FTZ Administrator
1000 Foust Road
Brownsville, TX 78521**

Application fee is non-refundable and will not be pro-rated for fractional parts of a month.

MOBILE FOOD VENDOR PERMIT

In the event this permit application is approved, and a permit is granted, the applicant agrees to abide by the rules and regulations of the Brownsville Navigation District and the provisions of the Port of Brownsville Tariff No. 6, changes thereto, and reissues thereof. The applicant agrees to maintain compliance with the provisions of Item under which this permit is granted.

The person whose signature appears below on behalf of the applicant declares that he/she has read this application, understands its contents to be true and factual, and is authorized to sign on behalf of the applicant.

Signed on this _____ day of _____, _____

on behalf of _____
(Type or print name of applicant)

By: _____

Typewritten Name: _____

Title: _____

Granted by the Brownsville Navigation District

Signed on this _____ day of _____, _____

By: _____

Typewritten Name: _____

Title: _____

Assigned Location

☐ Location A

☐ Location B

☐ Location C

**Brownsville Navigation District
INSURANCE REQUIREMENTS
Mobile Food Vendor**

These requirements are applicable to holders of a Mobile Food Vendor Permit for operations in the Port of Brownsville.

Workers' Compensation	
Workers' Compensation	Statutory Limits
Employer's Liability	\$ 1,000,000 Each occurrence
Waiver of Subrogation Endorsement in favor of the Brownsville Navigation District d/b/a The Port of Brownsville for this policy must be submitted.	

Commercial General Liability	
Commercial General Liability including Broad Form Liability, Personal Injury Liability, Contractual Liability, Products/Completed Operations Liability	
a. Bodily Injury	\$ 1,000,000 Each occurrence
b. Property Damage	\$ 1,000,000 Each aggregate
c. Combined Single Limit	\$2,000,000 Combined Single Limit
d. Food Products Liability to include Food Borne illness	\$300,000 Minimum Limit

Commercial (Business) Automobile Liability		
a. Bodily Injury	\$ 1,000,000 each person	\$ 1,000,000 each occurrence
b. Property Damage	\$ 1,000,000 each occurrence	
c. Alternate to a. & b.	Combined single limit of \$ 1,000,000	
Commercial Auto Liability shall provide coverage for damages because of bodily injury or property damages caused by an accident and resulting from the ownership, maintenance or use of (1) any auto, including owned, hired and non-owned autos, and (2) any mobile equipment.		

The above minimum requirements may be provided exclusively by primary insurance or may be provided by a combination of primary and umbrella liability coverage. Each insurance policy shall have a combined deductible and/or self-insurance retention of not more than \$1,000.00. All coverages shall be issued on an Occurrence Basis. All coverages shall be Primary and Non-Contributory.

Deductible
Each of the required policies should not have a deductible and/or self-insured retention in excess of: \$1,000.00.

Proof of Insurance Required
Certificates of insurance as well as the declarations page(s) from all policies will be submitted to the District as proof of insurance.

Additional Insured and Notice of Cancellation or Change Endorsements
All policies shall be endorsed to name the Brownsville Navigation District d/b/a The Port of Brownsville as an additional insured and shall be endorsed to require that the insurance will not be cancelled or changed without giving the District 30 days' prior written notice. All policies must be endorsed with a Waiver of Subrogation in favor of the District. Coverage will not extend to actions resulting from the District's own sole negligence.

Endorsements Required

Copies of endorsements regarding deductible and/or self-insurance and the required additional insured and notice of cancellation or change notices must be submitted. Copies of all endorsements that limit coverage or impose exclusions to coverage must also be submitted.

Notes

The above minimum requirements may be covered exclusively by primary insurance or may be covered by a combination of primary and umbrella liability insurance.

The District reserves the right to request a copy of any and all insurance policies for review. Certificates of Insurance shall be furnished to the District.

Individual exceptions to any of the above requirements may be granted or required due to unavailability of coverage, risk factor, magnitude of operations, or other individual reasons.

All required insurance shall be placed in a company or companies having a current Best's Rating of A-VII or better, or in companies acceptable to the District.

The requirements and limits in this document are acceptable for the Mobile Food Vendor at the effective date of the permit. The District reserves the right to amend these requirements prior to the renewal of the permit.

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ITEM 441 - MOBILE FOOD VENDOR PERMIT

1. PERMIT REQUIRED

A. No person, firm, corporation or other business entity shall operate as a mobile food vendor upon any of the properties controlled by the Brownsville Navigation District without a District-issued permit authorizing such mobile food vending.

B. Mobile Food Vendors will not be allowed to operate within the secured area of the Port of Brownsville.

2. **APPLICATION FOR PERMIT** - Application for permit with accompanying fee and other required documentation shall be submitted to the District. Copies of the application form are available from the Director of Administrative Services. Renewals shall be as provided in this Item.

3. **CONSIDERATION OF APPLICATION** – All new permit applications and renewal applications will be considered by the administrative staff of the District. A separate application must be made for each vending vehicle. Applications must address the following issues:

A. The applicant must have a current permit to operate a mobile vending unit issued by the Cameron County Public Health Environmental Health Program (956) 247-3599. A copy of the Health Permit issued by Cameron County must be attached to the Application submitted to the District.

B. A copy of the most recent County Inspection Report for the mobile food unit.

C. A color photo of the mobile food unit must be attached to the Application.

D. A typed or printed Food Menu must be submitted which specifies what products will be sold through the mobile unit. Any changes to the menu must be submitted to the District for approval. **No home-prepared food may be sold from the mobile unit.**

E. Applicant must submit certificates of insurance for the following coverages. The required limits will be provided to the Applicant. The District reserves the right to require the submission of the full policy for review.

- General Liability insurance for the mobile food unit or for the vehicle towing trailer units
- Food Products insurance
- Automobile Liability
- Workers Compensation coverage
- Brownsville Navigation District must be included as an additional insured on all insurance policies

F. A copy of the owner's driver's license.

G. Certified Food Managers Certification.

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- H. The mobile food units will not be allowed to remain on District property beyond the specified hours of operation. There must be a Base of Operation where the mobile food unit will be taken for cleaning and other routine maintenance and preparation operations.
- I. Consideration of the Application for a Mobile Food Vendor Permit will be undertaken with attention to the Food Menus of any existing Mobile Food Vendor Permits. Care will be exercised to assure that the Food Menus of the Mobile Food Vendor permit holders are distinct from each other. Failure to offer a Food Menu that is distinct from an existing permit holder's Food Menu, in the sole opinion of the District, will be grounds for denial of a Mobile Food Vendor Permit. Should a permit be denied under these grounds, the application fee will be refunded to the applicant.

4. ISSUANCE OF PERMIT AND RENEWAL

- A. Issuance of a permit and renewal of the permit shall be evidenced by the dated signature on the application form of the Director of Administrative Services or designee.
- B. All original permits will be issued for a period of one month and each renewal will be for a period of one month. Permits months begin on the first of the month and end on the last day of the month. Applicants may purchase a permit for multiple months at one time. A permit will automatically expire unless the application for renewal with the appropriate fee and all required attachments are received by the District not later than five days prior to the date of expiration.
- C. Failure to renew prior to the expiration date of the existing permit will terminate the mobile food vendor's authorization to provide mobile food services on the public properties of the District.
- D. Renewal Applications received on a timely basis will be given priority consideration over a new Original Application. Renewal Applications not received prior to the expiration of the current permit will be considered in the order in which the Application is received and are not guaranteed the issuance of a permit.

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5. GENERAL CONDITIONS

- A. No more than three (3) Mobile Food Vendor Permits will be issued at the same time. Food menus for the permitted Mobile Food Vendors must be distinct from each other.
- B. A Mobile Food Unit does not include a stand or booth. The Mobile Food Unit must remain mobile at all times.
- C. No seating areas for customers are allowed.
- D. Mobile Foods Vendors must keep the area around the mobile food unit clear of litter and debris at all times. They shall provide covered garbage containers that are insect- and rodent-proof for the use of their customers which are located immediately adjacent to the exterior of the mobile food unit and shall be removed from the designated site at the end of the hours of operation.
- E. Signs must be affixed to the mobile food unit and may not project more than 6 inches from the exterior of the unit.
- F. Water and waste water connections are not provided. All water used in the mobile food unit must be from an approved public water system. A mobile food unit may use commercially bottled water.
- G. Electrical service may be provided by an on-board generator which does not create noise that exceeds 75 decibels, or solar panels.
- H. The mobile food unit shall be completely enclosed. No open truck beds. Windows shall be screened or kept closed.
- I. It is the responsibility of the Mobile Food Vendor permit holder to provide restroom facilities and hand-washing facilities for their employees. The District has public restrooms in the Overweight Permit Office, however, these restrooms are not open to the public during the full schedule of operating hours for food vending. There are no public restrooms in the Guard Houses at the Entrance Gates.
- J. No sales of alcoholic beverages are allowed.

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6. SUSPENSION AND/OR REVOCATION OF PERMIT

- A. A permit, and the permit holder's right to operate at the Port of Brownsville, may be suspended by the District's staff on a showing that the permit holder is in violation of the District's rules and regulations. The suspension shall not be lifted until the permit holder has met with the administrative staff to discuss their plans for complying with the District's rules and regulations. Once the staff's concerns have been satisfied, the suspension will be lifted.
- B. A permit, and the permit holder's right to operate at the Port of Brownsville, may be suspended should the permit holder no longer have either a valid Health Certificate or automobile liability insurance on file with the District. Renewals of these documents must be submitted to the Director of Administrative Services of the District within 10 working days of the expiration of the documents that were submitted with the Application.
- C. Vendors who do not comply with the District's designated locations or hours of operation for sales will have their permit revoked. Mobile food vendors who have had their permit revoked will not be allowed to apply for a period of 90 days after the revocation of their permit.
- D. No food vending operations may be undertaken by a permit holder while their permit is suspended or revoked, or while they are waiting for action to be taken on their Original Application or Renewal Application.

- 7. PERMIT FEES** - All mobile food vendors desiring a permit to operate at the Port of Brownsville shall pay the following fees at the time of application or renewal:

Original or Renewal Application – per month \$1,000.00

Note Application fees are non-refundable and will not be prorated for fractional parts of a month.

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- 8. PERMITS ARE NON-TRANSFERABLE** - A permit may not be transferred, assigned, or otherwise used by other than the permit holder and the specific vehicle designated thereon without prior written approval of the District. Any person, firm, corporation or other business entity acquiring an on-going business from a permit holder hereunder may qualify for a permit upon submission of an Application for Mobile Food Vendor Permit with the application fee and the required attachments to the District. Upon finding that such application establishes proof of being ready, willing, and able to perform the service, the District may grant a new permit to the applicant. Any attempt to transfer or assign a permit contrary to this provision shall be cause for revocation.
- 9. DESIGNATED SITES AND HOURS OF OPERATION**
- A. Each Mobile Food Vendor permit holder will be assigned to a specific site in the parking lot for the Overweight Permit Office at 1801 Foust Road. No vending may occur outside of the designated site.
- B. Hours of Operation for Mobile Food Units:
- | | |
|-----------------------|-------------------------|
| Monday through Friday | 6:00 AM through 4:00 PM |
| Holidays and Weekends | No Hours of Operation |
- 10. BASE OF OPERATION REQUIREMENT** – All mobile food vendors must have a Base of Operation at a site outside of the District’s public properties. The vehicles used for mobile vending must be removed from the District’s public properties daily and must be cleaned and stored at the vendor’s Base of Operation.
- 11. VEHICLE REGULATIONS**
- A. Mobile Food Units must display a current Texas Department of Motor Vehicles Registration/Inspection Sticker and have current license plates.
- B. Vehicles on District property are subject to search at any time.
- 12. LIMITATIONS ON PERMIT** - The issuance of a permit under this Item is subject to the limitations contained in Items 106 and 400 of this Tariff.