

# Mobile Vending Laws in the 10 Most Populous U.S. Cities

City	Nutrition Incentives	Restrictions on Vendor Proximity to Schools	Restriction on Duration of Vendor Stops	Hours When Vendors are Allowed to Operate	Are Vendors Subject to Inspection?	Are Vendors Required to Operate from a Commissary?	Other Special Regulations	Fees for Mobile Vendor Permits or License
<b>Chicago</b>	Vendors selling only fruits and vegetables are separately classified as “peddlers” and pay a reduced permit fee. <sup>1</sup>	No regulation.	No regulation.	7 a.m. to 5 p.m. for peddlers of fruits and vegetables. <sup>2</sup> Otherwise, there is no restriction on hours.	Yes. Vendors must pass inspection before license will be issued. <sup>3</sup>	Vendors must operate from a commissary or other licensed fixed food service establishment. <sup>4</sup>	n/a	\$165 payable every two years for “peddlers” of fruits and vegetables; <sup>5</sup> otherwise \$275, payable every two years. <sup>6</sup>
<b>Dallas</b>	No nutrition-based incentives.	No regulation.	Vendors may not stop longer than one hour in one place per day, or operate for a total of three hours in one location within a 24-hour period. <sup>7</sup>	No regulation.	Yes. <sup>8</sup>	Yes. Vendors are required to operate from a commissary. <sup>9</sup>	Vendors must provide a monthly itinerary indicating where they intend to stop and operate. <sup>10</sup> Vendors also must be able to provide proof of liability insurance. <sup>11</sup>	\$100 for most vendors, but \$465 for a mobile food preparation vehicle such as a “hot truck.” <sup>12</sup>
<b>Houston</b>	No nutrition-based incentives.	No regulation.	No regulation.	Vendors may designate a site for 24-hour use. <sup>13</sup>	Yes. Vendors must pass inspection before receiving a permit to operate. Thereafter vendors may be subject to inspection without notice. <sup>14</sup>	Yes. Vendors are required to operate from a commissary, and commissaries are required to keep servicing records for each mobile vendor. <sup>15</sup>	Vendors in the downtown theater/entertainment district must obtain permission from any abutting fee owner for use of the site. <sup>16</sup> At least one person who has obtained a safe food handling certification from the Houston Health Department must be on duty at all times. Certification requires one to take a food management class at a cost of \$45. <sup>17</sup>	\$200 for a permit; <sup>18</sup> \$310 for a “medallion” to be placed on the vending vehicle plus a \$200 electronic monitoring systems fee and a \$50 pre-opening inspections fee for “unrestricted mobile food units.” <sup>19</sup>

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<b>Los Angeles</b>	n/a	n/a	n/a	n/a	n/a	n/a	In the City of Los Angeles, mobile vending is currently illegal. To operate legally, a vendor must follow the complex process of establishing a "special sidewalk vending district" and at present, no such district exists in Los Angeles. <sup>20</sup>	n/a
<b>New York</b>	"Green Carts" legislation amended New York law to set aside 1,000 permits to vendors selling whole fruit and vegetables in underserved communities. <sup>21</sup> Green cart vendors also have preference on the city's permit waiting list. <sup>22</sup>	No regulation.	No regulation.	Varies by location. <sup>23</sup>	Yes. Vendors are not allowed to operate until they have passed inspection. <sup>24</sup>	Yes. All vendors must operate from a commissary, depot, or other licensed facility. <sup>25</sup>	New York City's Green Cart Initiative includes a public education campaign. For example, the City published an "Eat Street Smart" brochure to accompany each green cart, discussing the importance of eating fruits and vegetables and ways to do so. <sup>26</sup>	Permits are valid for two years. <sup>27</sup> Permits cost \$50 for vendors of pre-packaged food or fresh fruits and vegetables, <sup>28</sup> and \$100 for vendors selling food processed or prepared on the mobile vending vehicle. <sup>29</sup>
<b>Philadelphia</b>	No nutrition-based incentives.	No regulation.	No regulation.	7 a.m. to 12 a.m. <sup>30</sup>	Yes. Vendors must submit to an official inspection. <sup>31</sup> Vendors also must perform one self-inspection every three months. <sup>32</sup>	Yes. <sup>33</sup>	n/a	\$125 annually for vendors on foot; otherwise \$300 annually for all other vehicles. <sup>34</sup>
<b>Phoenix</b>	No nutrition-based incentives.	Vendors located on private property may not operate within 300 feet of any school between 6 a.m. and 5 p.m., <sup>35</sup> or within 600 feet of any school, or between 7 a.m. and 4:30 p.m. when located on public property. <sup>36</sup>	Vendors may not stop for more than one hour within an eight-hour period on any public street or alley. <sup>37</sup>	6 a.m. to 2 a.m. on private property; <sup>38</sup> the later of 7 p.m. or sunset and before sunrise on public property. <sup>39</sup>	Yes. Vendors must be inspected at least every six months under the Arizona Food Code. <sup>40</sup>	Yes. Vendors must report daily to a commissary. <sup>41</sup>	Vendors may not operate on any street abutting a public park within 150 feet of a lawfully established park concession. <sup>42</sup>	\$250 first-time license application fee and \$30 per year for a vendor license thereafter. <sup>43</sup> There is also a onetime fee for criminal investigation fingerprints. <sup>44</sup>
<b>San Antonio</b>	Vendors selling whole fruits or vegetables, fresh fish, or shrimp do not have to operate from a commissary. <sup>45</sup>	Vendors may not sell within 300 feet of any school one hour before, one hour after, and during school hours. <sup>46</sup>	No regulation.	7 a.m. to 30 minutes after sunset in residential areas. 7 a.m. to 10 p.m. in June, July, and August. <sup>47</sup>	Yes. Vendors are subject to routine unannounced inspections. <sup>48</sup>	Yes. Vendors must operate from a commissary, unless they sell food that exempts them from this provision. <sup>49</sup>	Vendors may not sell within 300 feet of any food establishment unless the vendor obtains written notarized permission from the owner. <sup>50</sup>	\$48 to \$350 annually depending on the type of vehicle used and the type of food sold. <sup>51</sup>

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<b>San Diego</b>	Vendors may sell farm produce from the farm property without paying a permit fee. <sup>52</sup>	Yes. Vendors may not operate within 500 feet of any public school between 7 a.m. and 4 p.m. on regular school days. <sup>53</sup>	Restrictions on duration of time vendors are allowed to stop varies by location. <sup>54</sup>	9 a.m. to 8 p.m. <sup>55</sup>	Yes. <sup>56</sup>	Yes. <sup>57</sup>	Generally, mobile vending units propelled by hand, handcart, pushcart, bicycle cart or by "muscular power either human or animal" cannot be used to sell perishable food. <sup>58</sup>	\$164 to \$427 annually depending on the type of vehicle used and the type of food sold. <sup>59</sup>
<b>San Jose</b>	No nutrition-based incentives.	Vendors may not operate within 500 feet of any school property. <sup>60</sup>	Except for "approved location" (stationary) vendors may not stop in one place for longer than 15 minutes in a two-hour period. <sup>61</sup>	10 a.m. to 7 p.m. or sunset; vendors at construction or industrial sites are exempt from this regulation. <sup>62</sup> Approved location vendors may operate from 6 a.m. until 7 p.m. or sunset. <sup>63</sup>	Yes. <sup>64</sup>	Yes. Vendors must operate from a commissary or other approved facility. <sup>65</sup>	Stationary vendors operating from a designated "approved location" must have liability insurance. <sup>66</sup>	\$418 for an "approved location" permit, but \$149 for all other vendors, plus \$45 for an ID card. <sup>67</sup>

- <sup>1</sup> Chicago, IL. Code §§ 4-244-020, 4-5-010(66) (2008).
- <sup>2</sup> *Id.* § 4-244-120 (2008).
- <sup>3</sup> *Id.* § 4-8-030(b).
- <sup>4</sup> IL. Admin. Code tit. 77, § 750.1550 (2009).
- <sup>5</sup> Chicago, IL. Code § 4-5-010(66).
- <sup>6</sup> *Id.* § 4-5-010(31).
- <sup>7</sup> Dallas, TX Code § 17-8.2(h)(2)(F)(iv) (2008).
- <sup>8</sup> *Id.* § 17-8.2(c)(1)(B).
- <sup>9</sup> *Id.* § 17-8.2(g)(1).
- <sup>10</sup> *Id.* § 17-8.2(h)(2)(B).
- <sup>11</sup> City of Dallas. Requirements for Mobile Food Vendors. Available at: [www.dallascityhall.com/pdf/chs/MobileFoodVendorRequirements.pdf](http://www.dallascityhall.com/pdf/chs/MobileFoodVendorRequirements.pdf).
- <sup>12</sup> *Id.*
- <sup>13</sup> Houston, TX Code, art. XI, div. 2, § 40-263(2) (2008).
- <sup>14</sup> *Id.* § 40-269(b); *See also* City of Houston. Mobile Food Service Units. § VIII. Available at: [www.houstontx.gov/health/Food/MOBILEREQ.html](http://www.houstontx.gov/health/Food/MOBILEREQ.html).
- <sup>15</sup> Houston, TX Code art II, div. 1, § 20-22(e)(1), (4) (2009).
- <sup>16</sup> *Id.* art X, div. 2, § 40-263(3).
- <sup>17</sup> Mobile Food Service Units, *supra* note 14, at § XIV.
- <sup>18</sup> Houston, TX Code, art II, div. 1, § 20-38(b)(1)(2009).
- <sup>19</sup> *Id.* § 20-38(b)(2) & (5)(2009)
- <sup>20</sup> City of Los Angeles, Community Development Department, Sidewalk Vending Program. Available at: [www.lacity.org/cdd/bus\\_side.html](http://www.lacity.org/cdd/bus_side.html).
- <sup>21</sup> New York City, N.Y., Code § 17-307(b)(4) (2008).
- <sup>22</sup> *Id.* § 17-307(b)(4)(e).
- <sup>23</sup> *Id.* § 17-315 (l).
- <sup>24</sup> New York City, N.Y., Tit. 24, Health Code § 89.5(a) (2008).
- <sup>25</sup> *Id.* § 89.05(a)(2).
- <sup>26</sup> New York City Department of Health and Mental Hygiene. *Eat Street Smart*. 2008. Available at: [www.nyc.gov/html/doh/downloads/pdf/cdp/greencarts-brochure-online.pdf](http://www.nyc.gov/html/doh/downloads/pdf/cdp/greencarts-brochure-online.pdf).
- <sup>27</sup> New York City, N.Y., Code § 17-307(e) (2008).
- <sup>28</sup> *Id.* §17-308(c)(1).
- <sup>29</sup> *Id.* §17-308(c)(2).
- <sup>30</sup> Philadelphia, PA Code § 9-205(8)(l) (2009).
- <sup>31</sup> Philadelphia, PA Health Code § 6-301(3)(a) (2009).
- <sup>32</sup> *Id.* § 6-301(8)(b).
- <sup>33</sup> Philadelphia Dept. of Pub. Health. *Food Safety for Mobile Food Vendors: Preparing and Servicing Safe Food from Mobile Food Vending Units in Philadelphia*. Available at: [www.fsis.usda.gov/OPPDE/foisgrs/Retail/FY01/Philadelphia/VendorBrochure.pdf](http://www.fsis.usda.gov/OPPDE/foisgrs/Retail/FY01/Philadelphia/VendorBrochure.pdf).
- <sup>34</sup> Philadelphia, PA Code § 9-203(3)(b) (2009).
- <sup>35</sup> Phoenix, AZ Code art. XIV, § 10-166(B)(3) (2009).
- <sup>36</sup> *Id.* art. II, § 31-24(2).
- <sup>37</sup> *Id.* § 31-24(1).
- <sup>38</sup> *Id.* art. XIV, § 10-166(B)(2).
- <sup>39</sup> *Id.* § 31-24.1(c).
- <sup>40</sup> Ariz. Food Code § 8-401.10 (2000). Available at: [www.azdhs.gov/phs/oech/rs/pdf/fc2000.pdf](http://www.azdhs.gov/phs/oech/rs/pdf/fc2000.pdf).
- <sup>41</sup> Maricopa County Env'tl. Health Code ch. VIII, § 3, regulation (5)(e) (2007).
- <sup>42</sup> Phoenix, AZ Code art. II, § 31-24(5).
- <sup>43</sup> *Id.* art. XIV, § 10-162(A) to (B).
- <sup>44</sup> *Id.* § 10-162(F).
- <sup>45</sup> San Antonio, TX Code art. IV, § 13-64(2) (2009). This exception also applies to prepackaged novelty ice cream, individual portion size non perishable foods, and snow cones or shaved ice.
- <sup>46</sup> *Id.* § 13-63(9).
- <sup>47</sup> *Id.* § 13-63(12).
- <sup>48</sup> *Id.* § 13-62(j).
- <sup>49</sup> *Id.* § 13-64(2).
- <sup>50</sup> *Id.* § 13-63(a)(10).
- <sup>51</sup> *Id.* § 13-62(d).
- <sup>52</sup> San Diego, Cal. Code § 42.0126.
- <sup>53</sup> *Id.* at §54.0122(g).
- <sup>54</sup> County of San Diego, Dept. of Env'tl. Health. Construction and Operational Guide for Mobile Food Facilities and Mobile Support Units. Available at: [www.sdcounty.ca.gov/deh/food/pdf/publications\\_plancheckmff.pdf](http://www.sdcounty.ca.gov/deh/food/pdf/publications_plancheckmff.pdf).
- <sup>55</sup> San Diego, Cal. Code § 33.1410.
- <sup>56</sup> *Id.* at § 42.0103.
- <sup>57</sup> *Id.* at § § 42.0130 & 42.0161(m).
- <sup>58</sup> *Id.* at § §42.0101.2.
- <sup>59</sup> San Diego County Code §8 65.104 & 65.106(a)(7)-(9).
- <sup>60</sup> San Jose, Cal. Code § 6.54.240 (2).
- <sup>61</sup> *Id.* at § 6.54.240(1).
- <sup>62</sup> *Id.* at § 6.54.205.
- <sup>63</sup> *Id.* at § 6.54.260(R)
- <sup>64</sup> Cal. Health & Safety Code §§ 113715 & 113725 (West 2009).
- <sup>65</sup> *Id.* § 114295 (West 2009).
- <sup>66</sup> San Jose, Cal Code § 6.54.270.
- <sup>67</sup> San Jose, Cal Resolution No. 74981 (2009).

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