

RESOLUTION NO. 20240321-033

WHEREAS, small businesses and the people who own and operate them are essential to the culture and economy of Austin; and

WHEREAS, micro and small business-ownership helps lead to upward economic mobility, mitigating the impacts of displacement and improving opportunities for people in Austin; and

WHEREAS, Section 228.221(a)(3)(B) of Title 25 of the Texas Administrative Code states, “a regulatory authority may require an MFU [mobile food unit] to come, on an annual basis or as often as required, to a location designated by the regulatory authority as proof that the MFU is readily moveable”; and

WHEREAS, on October 8, 2015, City Council amended Section 10-3-93(D)(6) of the City Code relating to food and food handlers, to require mobile food establishments to come, on an annual basis, to a location designated by the health authority for an inspection; and

WHEREAS, Section 10-3-93(D)(4) of the City Code states that “a mobile food establishment shall demonstrate that the vehicle is readily moveable if requested by the health authority...”; and

WHEREAS, of the over 1,500 mobile food vendors operating within the city limits of Austin, it is estimated that more than 80 percent are people of color; and

WHEREAS, closing and moving mobile food establishments for full days to attend a central inspection facility financially burdens microbusiness owners and negatively impacts their employees; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to explore options to amend Section 10-3-26 93(D)(6) of the City Code to update the requirements for the inspection of mobile food establishments that have a regular, fixed location and a co-location agreement with an adjacent business to include an option to opt-in for on-site permitting inspections in the same manner as a brick-and-mortar food establishment that also complies with the requirement under Section 228.221(a)(3) of Title 25 of the Texas Administrative Code that the mobile food establishment is readily moveable.

BE IT FURTHER RESOLVED:

The City Manager is directed to explore and confirm costs for any expanded staffing and equipment required by Austin Public Health's Environmental Health Services Division and Austin Fire Department to accommodate this change in process.

BE IT FURTHER RESOLVED:

The City Manager is directed to explore options for allowing the use of online notary services as part of the mobile food establishment permit application process to minimize the administrative burden on microbusiness owners.

BE IT FURTHER RESOLVED:

The City Manager is directed to work with the Austin Public Health Environmental Health Services Division to begin the routine collection of demographic data for mobile food establishment license holders, and the number of people they regularly employ.

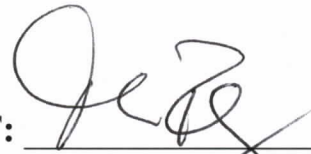
BE IT FURTHER RESOLVED:

The City Manager is directed to work with the Austin Public Health Environmental Health Services Division and Language Access staff within the Communications and Public Information Office to ensure equitable and culturally proficient language access throughout the permitting process, to make the process as accessible and inclusive as possible.

BE IT FURTHER RESOLVED:

The City Manager is directed to bring the available options for City Code amendments, implementation plan, and staffing costs to Council for its consideration by the May 30, 2024, meeting.

ADOPTED: March 21, 2024 **ATTEST:**



Myrna Rios
City Clerk