



# MEMO

January 14, 2026

**To:** Diane Hirschi for City Council Review  
**From:** Stacy Adams  
**Re:** Intent to Deny/Revoke Commercial Business License Renewal  
**Brazilian Paradise** 1772 N 2750 W, Plain City, UT 84404

Reason for Business License Renewal Denial/Revocation: (see attached documents)

- Business is Not a brick&mortar commercial location, business activities being conducted in residential zone.
- Code violation complaints reported to Plain City, Weber-Morgan Health Dept and Weber County Sheriff regarding parking, exterior storage, nuisance, storm water and health & safety, sanitation violations.
- **Title 3 BUSINESS AND LICENSE REGULATIONS - 3-1-13: REVOCATION OR DENIAL OF LICENSE:**  
[https://codelibrary.amlegal.com/codes/plaincityut/latest/plaincity\\_ut/0-0-0-1015](https://codelibrary.amlegal.com/codes/plaincityut/latest/plaincity_ut/0-0-0-1015)
  - Failure of licensee to comply with conditions and requirements of this code or any ordinance of the city.
  - Unlawful activities conducted or permitted on the premises where the business is conducted.
- **CHAPTER 13 HOME OCCUPATIONS - 10-13-1: CONDITIONS**  
[https://codelibrary.amlegal.com/codes/plaincityut/latest/plaincity\\_ut/0-0-0-4744](https://codelibrary.amlegal.com/codes/plaincityut/latest/plaincity_ut/0-0-0-4744)
  - Based on Plain City code 10-13: Current conditions are not in compliance with City code.
- **Weber-Morgan Health Mobile Food Business Sanitation/R392-102-3 Commissary Requirements.**  
[https://epi.utah.gov/wp-content/uploads/R392-102\\_FoodTruckSanitation\\_Jan32022.pdf](https://epi.utah.gov/wp-content/uploads/R392-102_FoodTruckSanitation_Jan32022.pdf)
  - mobile food business operator shall use a commissary located within a local health jurisdiction approved by the local health officer.

Licensee has the right to appear, to be represented by counsel, to hear evidence against and present evidence as to why the business license renewal should not be denied or revoked.

Confirmed Attorney and Licensee will attend City Council meeting on February 5, 2026

Plain City Attorney, Brandan Quinney, has been advised of this process and has reviewed supporting documents.

This has been added as item on the regular City Council meeting on February 5, 2026 at 6:30pm

Sincerely,

*Stacy Adams*

Business License Clerk

## BRAZILIAN PARADISE

DATE	TIMELINE
12/5/2022	Commerical Business License Application Submitted (before site plan required)
1/5/2023	Commercial Business License Application Approved (one food truck, parked in driveway)
9/19/2023	Citizen Complaint - Parking, Yard Waste, Employee Vehicles
9/21/2023	Code Violation Warning - Parking Regulations
6/12/2025	Bear River Health Dept - Routine Inspection at Residence (compliance: physical facilities)
7/15/2025	Code Violation Warning - Parking Regulations
7/15/2025	Gray Water/Storm Drain Environmental Incident Report
8/11/2025	Bear River Health Dept - Routine Inspection at Residence (Tier 2)
10/10/2025	Code Violation Warning - Parking Regulations
10/10/2025	WCSO Incident Report 25WC35886 - Parking Problem
12/5/2025	Renewal Denial letter mailed to Licensee
12/15/2025	Received appeal from Licensee Attorney
12/19/2025	Spoke with Weber-Morgan Health Dept - Environmental Health
	Currently has a permit through Bear River Health Dept. for a Mobile Food Establishment Permit - Tier 2, which requires a commissary kitchen located within local health jurisdiction.
	<b>No current permit with Weber-Morgan Health Dept. or a local commissary kitchen agreement.</b>
	R392-102 Mobile Food Business Sanitation: No food or equipment may be stored at home residence... <b>Business Commissary is REQUIRED located within local Health jurisdiction.</b>
1/5/2026	Intent Notice mailed to Licensee
1/14/2026	Response from Licensee Attorney - will attend City Council meeting 2/5/2026
1/15/2026	Provided Memo & Documents to City Council for review
1/26/2026	Provided documents to Licensee/Attorney
2/5/2026	City Council Meeting

COPY

Code Violations

License # 745

PLAIN CITY CORPORATION  
4160 W 2200 N  
PLAIN CITY, UTAH

- Revoke  
Business  
License

- Original App - APPLICATION FOR COMMERCIAL BUSINESS LICENSE PRIVILEGES

Date: 12-5-2022

Residential Location

Business Name: British Paradise  
Physical Address: 1772 N. 2750 W Plain City, UT 84444  
Phone: 435-671-7196 Fax: \_\_\_\_\_ Email: dkjakedaniels@gmail.com  
Mailing Address: 1772 N. 2750 W City Plain City Zip 84444  
DESCRIPTION OF BUSINESS: (describe in detail) Food Truck for drinks  
One?

TYPE OF BUSINESS (Please Check)  
Corporation \_\_\_\_\_ Partnership \_\_\_\_\_ LLC  Other \_\_\_\_\_  
EIN 83-1312474 State License # 10917848-0160 Sales Tax # 14734578-0035TC  
NUMBER OF EMPLOYEES: 10 ? Parking? traffic? trash?

Owner Name: DKJakedaniels  
Owner Address: 1772 N. 2750 W. City Plain City Zip 84444  
Owner Phone: 435-671-7196 Fax: \_\_\_\_\_ Email: dkjakedaniels@gmail.com

FEES:  
License: \$60.00  
Beer License: Class A \$60.00  
Class B \$120.00  
Class C \$150.00  
TOTAL \$ \_\_\_\_\_

7/22/25

multiple  
- trailers  
- Vehicles  
- parking / employees

cooler trash  
on property

APPLICANT SIGNATURE

Fee Paid: 60.00 Date: 12-5-22  
Approved: Fire Dept 3rd flr Date: 12-12-22  
Approved: Building Inspector JKM Date: 12/13/2022  
Approved: City Council date: \_\_\_\_\_

Trent reviewed 7/22/25

Get directions  
Google Street View



Original license  
approval?

Image capture: Dec 2022

© 2025 Goo

N 2800  
W 1800 N  
W 1750 N

**ENTITY INFORMATION****ENTITY INFORMATION**

**Entity Name:** BRAZILIAN PARADISE  
LLC

**Entity Number:** 10917848-0160

**Entity Type:** Domestic Limited Liability  
Company

**Entity Subtype:** Limited Liability Company      **Formation Date:** 07/23/2018

**Profession:** N/A      **Formation Effective Date:** 07/23/2018

**Entity Status:** Active      **Renew By Date:** 07/31/2024

**Entity Status Details:** Current      **Last Renewed Date:** 07/31/2023

**Status Updated** 09/16/2022  
**On:**

**REGISTERED AGENT INFORMATION**

**Name:** JACOB DANIELS

**Registered Agent Type:** Individual

**Street Address:** 1772 N 2750 W, PLAIN  
CITY, UT, 84404, USA

**Last Updated:** 9/13/2024 9:22:44 PM

## PRINCIPAL INFORMATION

Title	Name	Address	Last Updated
Governing Person	JACOB BRADEN DANIELS	1772 N 2750 W, PLAIN CITY, UT, 84404, USA	09/19/2024
Manager	JACOB DANIELS	1772 N 2750 W, PLAIN CITY, UT, 84404, USA	09/19/2024
Manager	THAIS DANIELS	1772 N 2750 W, PLAIN CITY, UT, 84404, USA	09/13/2024

Page 1 of 1, records 1 to 3 of 3

## ADDRESS INFORMATION

Physical Address: 1772 N 2750 W, PLAIN CITY, UT, 84404, USA

Updated Date: 9/13/2024 8:42:59 PM

Mailing Address:

Updated Date:

[Filing History](#)[Name History](#)[Mergers/Conversions](#)[Associated DBAs](#)[Return to Search](#)[Return to Results](#)

## **Stacy Adams**

**From:** Klinge, Ryan <rklinge@webercountyutah.gov>  
**Sent:** Friday, December 19, 2025 4:29 PM  
**To:** Stacy Adams  
**Cc:** Eric Ripplinger (eripplinger@brhd.org)  
**Subject:** Re: [EXTERNAL] FW: Plain City Business License - Brazilian Paradise  
**Attachments:** DANIELS.appeal.demand.plaincity.12152025.pdf; Scans\_20251216\_103615.pdf; Scans\_20251216\_113958.pdf

Hi Stacy,

Received, thanks for sending that. I copied Eric Ripplinger, the Food Program Manager at Bear River Health Department, to this reply. Eric and I talked about Brazilian Paradise and he explained that they have two permitted mobile food businesses that are classified as Tier 2, so they would both be required to utilize a commissary kitchen. It sounds like Brazilian Paradise does have a commissary agreement with a kitchen in Bear River's jurisdiction, but there is a question if it is being utilized.

Here are a few of the rule requirements from R392-102 Mobile Food Business Sanitation that may be helpful to you:

- **R392-102-3 Commissary Requirements**

- (1)** No food or equipment may be stored at a home residence, storage unit, garage, or other unapproved structure.
- (2)** Except for Subsection R392-102-3(3), a mobile food business operator shall use a commissary unless exempted by the local health officer having jurisdiction where the mobile food business operates.

Eric confirmed that Brazilian Paradise is not exempt from commissary requirements, so they would be expected to store food and equipment either at the commissary or on the mobile food business. Additionally, any food preparation that does not occur in the mobile food establishment would be expected to be completed at the commissary kitchen and not at a residence. A couple of other code requirements in that same section:

- (4)** If a mobile food business commissary is required by the local health officer having jurisdiction:
  - (a)** the mobile food business operator shall use a commissary located within a local health jurisdiction approved by the local health officer;
  - (b)** the mobile food business operator shall obtain a written, signed commissary agreement from the commissary operator, which shall be renewed annually, and any changes to the agreement shall be submitted to the local health officer before the changes being implemented;
  - (c)** the mobile food business operator shall return the mobile food business to the commissary at a regular frequency, as determined and approved by the local health officer;
  - (d)** the mobile food business operator shall park the mobile food business at a location approved by the local health officer at the end of daily operations;

I don't want to speak for Eric here as some of these portions of code can be more jurisdiction-specific and depend on agreements, but we typically don't allow mobile food businesses to park at residences under normal circumstances.

Thanks,

Ryan Klinge  
Environmental Health Program Manager  
Weber-Morgan Health Department  
477 23rd Street  
Ogden, Utah 84401  
(801) 399-7177

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**From:** Stacy Adams <[stacya@plaincityutah.gov](mailto:stacya@plaincityutah.gov)>  
**Sent:** Wednesday, December 17, 2025 9:31 AM  
**To:** Klinge, Ryan <[rklinge@webercountyutah.gov](mailto:rklinge@webercountyutah.gov)>  
**Subject:** [EXTERNAL] FW: Plain City Business License - Brazilian Paradise

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

You don't often get email from [stacya@plaincityutah.gov](mailto:stacya@plaincityutah.gov). [Learn why this is important](#)

Ryan,

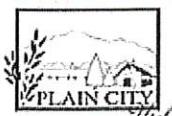
I have attached what I have sent to our City Attorney, Brandan Quinney regarding the Business License denial of Brazilian Paradise.

Please forward the response from Bear River Health Dept once you talk with them and any code/regulations that would be helpful to our Attorney and City Council.

Let me know if you have any further questions.

Thank you for your help.

**Stacy Adams**  
Office Specialist  
801-731-4908  
[www.plaincityutah.gov](http://www.plaincityutah.gov)



**From:** Stacy Adams  
**Sent:** Tuesday, December 16, 2025 10:29 AM  
**To:** 'bkaleiq@gmail.com' <[bkaleiq@gmail.com](mailto:bkaleiq@gmail.com)>

**Cc:** Diane Hirschi <dianeh@plaincityutah.gov>  
**Subject:** Plain City Business License - ATTORNEY APPEAL

Hey Brandan,

We have a Food Truck Business in Plain City that we have had some issues with over the last year.

Originally, he submitted and received a Commercial Business License in 2022, but it is a residential location and not a brick-and-mortar location.

We have received complaints from neighbors regarding parking, employees and vehicles, dumping of product outside of residence, storage, etc.

Dan has been out there a few times and after talking with Trent Meyerhoffer (Building Inspector) and Dan Schiuler, they did not want the business license to be renewed for 2026.

A letter was mailed to the owner on Dec 5<sup>th</sup> regarding his license being revoked and not renewed, with the option to apply for a Home Occupation license.

**We received this attached response from his Attorney yesterday.**

Diane said to send you what we have received from his attorney and our documents for you to review.

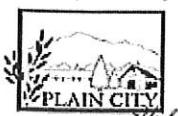
I have asked Dan for the Code Violations he issued and any communication and have also reached out to the Health Dept for any documentation at this location.

He can reapply for a Home Occupation License, but many of the conditions for a Home Occ Business are not currently met either.

Please review and let us know how to proceed.

Thanks

**Stacy Adams**  
Office Specialist  
801-731-4908  
[www.plaincityutah.gov](http://www.plaincityutah.gov)



Log in to store your form. X

## Shared Commissary Agreement - Mobile Food Establishment Portion

Introduction

Commissary Establishment  
Information

Shared Commissary Requirements

No food or equipment may be stored at a home residence, storage unit, garage or other unapproved structure.

The mobile food establishment operator must have access to and the ability to utilize the following at the commissary:<sup>\*</sup>

- A 3-compartment sink and/or other approved warewashing equipment
- A service sink with hot and cold water under pressure
- A conveniently located toilet room
- At least one handsink with pressurized hot and cold water that is conveniently located and used exclusively for handwashing
- Adequate hot and cold holding equipment as necessary for proper food storage that is labeled and dedicated for the mobile food establishment's use (no shared hot or cold holding equipment)
- Adequate space for the sanitary storage of food, equipment utensils, linens and singleservice, or single-use articles. This area must be a labeled and dedicated space for the mobile food establishment's use only
- Approved methods and equipment to clean and sanitize food and non-food contact surfaces within the mobile food establishment. Adequate space for chemical storage that is labeled and dedicated for the mobile food establishment's use only
- An electrical outlet, if needed, for the mobile food establishment. An electrical installation intended for mobile food establishment use at the commissary shall comply with applicable codes and ordinances including the state electrical code and be approved by the Fire Department. Not more than one mobile food establishment shall be served by one electrical outlet at a time at the commissary

<sup>①</sup> Each item in the list must be affirmed.

**A pre-operational inspection fee of \$130 will be required for the shared commissary prior to approval for operating the mobile food establishment and prior to commissary use.**

**THE SHARED COMMISSARY DESIGNATION WILL INCREASE THE RISK CATEGORY OF THE RESTAURANT/FACILITY.**

Mobile Operator Signature <sup>\*</sup>

Today's Date

12/17/2025



# WEBER COUNTY SHERIFF'S OFFICE

Incident #: 25WC35886

Reporting Officer: Andrew VanHaafoten

Report Time: 10/10/2025 13:48:55

## DISCLAIMER

**PROTECTED INFORMATION - This information is not to be used for any other purpose. This information is to be used only in association with this police case. Further dissemination to any unauthorized person or agency may result in both civil and criminal liability**

## Incident

Incident Nature PARKING PROBLEM	Address 1772 N 2750 W PLAIN CITY, Utah 84404	Occurred From 10/10/2025 13:47:55
Occurred To 10/10/2025 13:52:17	Received By Kylee Hawkins	How Received TELEPHONE
Contact PAYSON PAYNE	Disposition REMARKS ADDED	Miscellaneous Entry
Disposition Date 10/10/2025	Cleared	Judicial Status
Cleared Date	Clearance NO REPORT	Cargo Theft Related

Responding Officer(s)  
Andrew VanHaafoten

## Offenses

### PARK VIOLATION

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute	Description	Category

## Narratives

**Supplemental  
Narrative**

**10/10/2025 14:38:07 Andrew VanHaafoten**

CAD Call info/comments

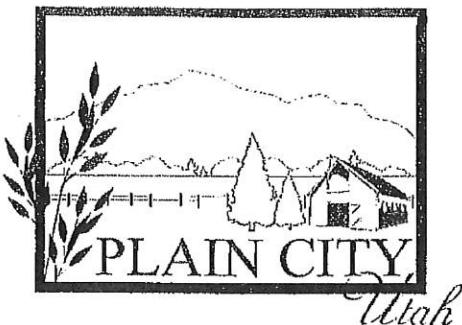
=====

13:49:38 10/10/2025 - Hawkins,K WD  
BRAZILLIAN PARADISE SNOW CONE SHACK TYPE TRAILER  
13:50:13 10/10/2025 - Hawkins,K WD  
2U8TX  
13:51:16 10/10/2025 - Hawkins,K WD  
\*EDITED\* RP W/ CODE ENFORCEMENT W/ PLAIN CITY  
THERES A TRUCK W/ A COMMERCIAL  
TRAILER BLOCKING SIDEWALK. RP ASKED THEM TO MOVE IT BECAUSE IT INTERFERES W/ THE  
KID WALKING TO SCHOOL  
WHEN RP ASKED THE MALE TO MOVE IT, HE GOT IN HIS TRUCK  
AND LEFT. RPS BOSS ADV RP TO CALL AND HAVE A DEPUTY COME CITE HIM SINCE HE WAS  
UNCOOPERATIVE W/ COMP  
13:52:15 10/10/2025 - Hawkins,K WD  
RO AT THIS ADDRESS, JACOB DANIELS  
14:38:06 10/10/2025 - VanHaften,A WC  
spoke with RO, he will move trailer so it is no longer obstructing sidewalk

Address: 1772 N 2750 W

Plate # 2 U 87X

Date: 10/10/25 Time: 1:28 PM



# CODE VIOLATION

## 6-1-3: PARKING REGULATIONS:

A. Signs; Erection: The City Council may authorize or direct any person employed by the City to erect or install any sign or traffic control device required to enforce the provisions of this section.

B. Parking In Violation Prohibited: It shall be a Class B misdemeanor for any person, except physicians on emergency calls or designated emergency vehicles when properly marked or posted, to park any motor vehicle on any street in violation of posted restrictions for that street or except when necessary to avoid interference with other traffic or in compliance with the directions of a policeman or traffic control device.

C. Parking Or Blocking Streets or Highways: In addition to the parking provisions contained in the Utah Traffic Code, as adopted by this City, it shall be unlawful for any person to:

1. Remain standing, lying or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon.

2. Willfully remain standing, lying or sitting on any street or highway in such manner for more than one minute after being requested to move by any police officer.

3. Willfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the street or highway or any property having access to such street or highway.

4. It shall be unlawful for the owner of a motor vehicle, trailer or boat, to park the vehicle for sale on a public street or highway for more than seventy-two (72) hours.

5. Any vehicle, trailer, farm equipment or boat parked in violation of this subsection is declared to be a public nuisance. If a notice of violation has been placed upon such vehicle, trailer, farm equipment or boat and it is not removed within twelve (12) hours thereafter, or if two (2) or more notices of violation have been placed on the same vehicle, trailer, farm equipment or boat within the last thirty (30) days, the vehicle, trailer, farm equipment or boat shall be impounded as a nuisance. The vehicle, trailer, farm equipment or boat shall be released to the owner or responsible party only after the law enforcement agency of the City has received a receipt for the same acknowledging responsibility of that person for the item being unlawfully parked.

6. A separate violation occurs each day a vehicle, trailer, farm equipment or boat is parked contrary to the provisions of this subsection.

### D. Specific Prohibited Parking; Permit:

1. Recreational Type Vehicles: It shall be unlawful for any person to park or leave standing at any time, on any public road, street, alley or City property any unattached trailer of any type whether for the

occupancy of people, storage of items, or for towing purposes, and whether the same be loaded or not, any boat on an unattached trailer or otherwise, or camper not mounted on a vehicle, any motor home or mini-motor home of any length, and any combination of a pulling or towing vehicle with an attached trailer whether loaded or not; provided, however, that it shall be lawful to park such a combination or a motor home that is being loaded or is ready for departure for a period not to exceed thirty six (36) hours.

2. Gross Vehicle Weight: Except as provided above, as regards recreational vehicles, it is further unlawful and an infraction to park in or on any such area, City Street, or public parking facility at any time, any vehicle or motor vehicle having a registered gross weight capability of twenty-six thousand (26,000) pounds or more. An exception can be made for unloading and loading vehicles, not to exceed twelve (12) hours.

3. Time Limited: It shall further be unlawful for any person to park or leave standing on any public road, street, alley or City property any motor vehicle for forty-eight (48) or more consecutive hours, and any vehicle so parked or left standing may be impounded or removed by the law enforcement authority. For purposes of impoundment and removal, the law enforcement authority may, after making a reasonable effort to locate the owner, impound and remove any motor vehicle which has been unmoved for forty-eight (48) consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle.

4. Special Permit: For good cause shown and upon application to and receipt of a special permit from the Police Department, a person may receive a temporary permit to park a vehicle otherwise prohibited for a period of three (3) days and nights.

**⑤ Parking Prohibited:**

a. It shall be unlawful to park a vehicle or permit such vehicle to remain parked upon any street, part of a street or roadway, when signs or traffic markings are erected by the City which give notice that parking is prohibited.

b. When signs or traffic markings are erected or placed by direction of the City, no person shall park a vehicle or permit said vehicle to remain standing during the hours and days specified by such signs and markings upon any street, parts of a street, or roadway.

E. Loading Zone: When so posted, it shall be unlawful for the driver of a passenger vehicle to stand or park such vehicle for a period of time longer than is permitted by the posted sign for the loading or unloading of passengers, or for the driver to stand or park any freight carrying motor vehicle for a period of time longer than is necessary to load, unload and deliver materials in any place designated as a loading zone and marked as such.

F. Alleys: No person shall park a motor vehicle within an alley in such manner or under such conditions as to leave less than ten feet (10') of the width of the roadway available for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

G. Fire Hydrant: It shall be unlawful to stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger within five feet (5') of a fire hydrant.

H. Snow Removal:

1. Prohibited: From November 1st of each year to March 15th of the following year, the following regulations shall apply:

a. It shall be unlawful for any person who owns or has possession, custody or control of any vehicle, farm equipment or other object to park or place such item or property upon or in any street of the City with or without curb between the hours of one o'clock (1:00) A.M. and five o'clock (5:00) A.M.

b. No person who owns or has possession, custody or control of any vehicle, farm equipment or other objects shall park or place such items or property upon any street of the City with or without curb

when the removal of snow from the streets is necessary, apparent or imminent and forty-eight (48) hours after a snow event.

c. It shall be unlawful for the owner or operator of said items listed in subsection H1b of this section to allow such items to remain standing upon any public street for longer than forty-eight (48) hours after said items have become snowbound due to snowplows plowing around said items. Such items shall be presumed to be abandoned. Abandoned items shall be subject to removal and impounded.

d. Notwithstanding the foregoing, this subsection shall not apply to physicians or other authorized emergency personnel acting in the course and scope of their duties.

e. Any vehicle, item or property parked in violation of this subsection is hereby declared a public nuisance.

f. Any person violating any provision of this section is guilty of an infraction and upon conviction shall be punished according to the law.

2. Impounding Vehicle: The police or snow removal crews are hereby authorized to order the impounding of any vehicle that is parked in violation of this subsection. (Ord. 2019-03, 1-3-2019, eff. 1-4-2019)

Any questions or concerns please contact me at your earliest convenience.

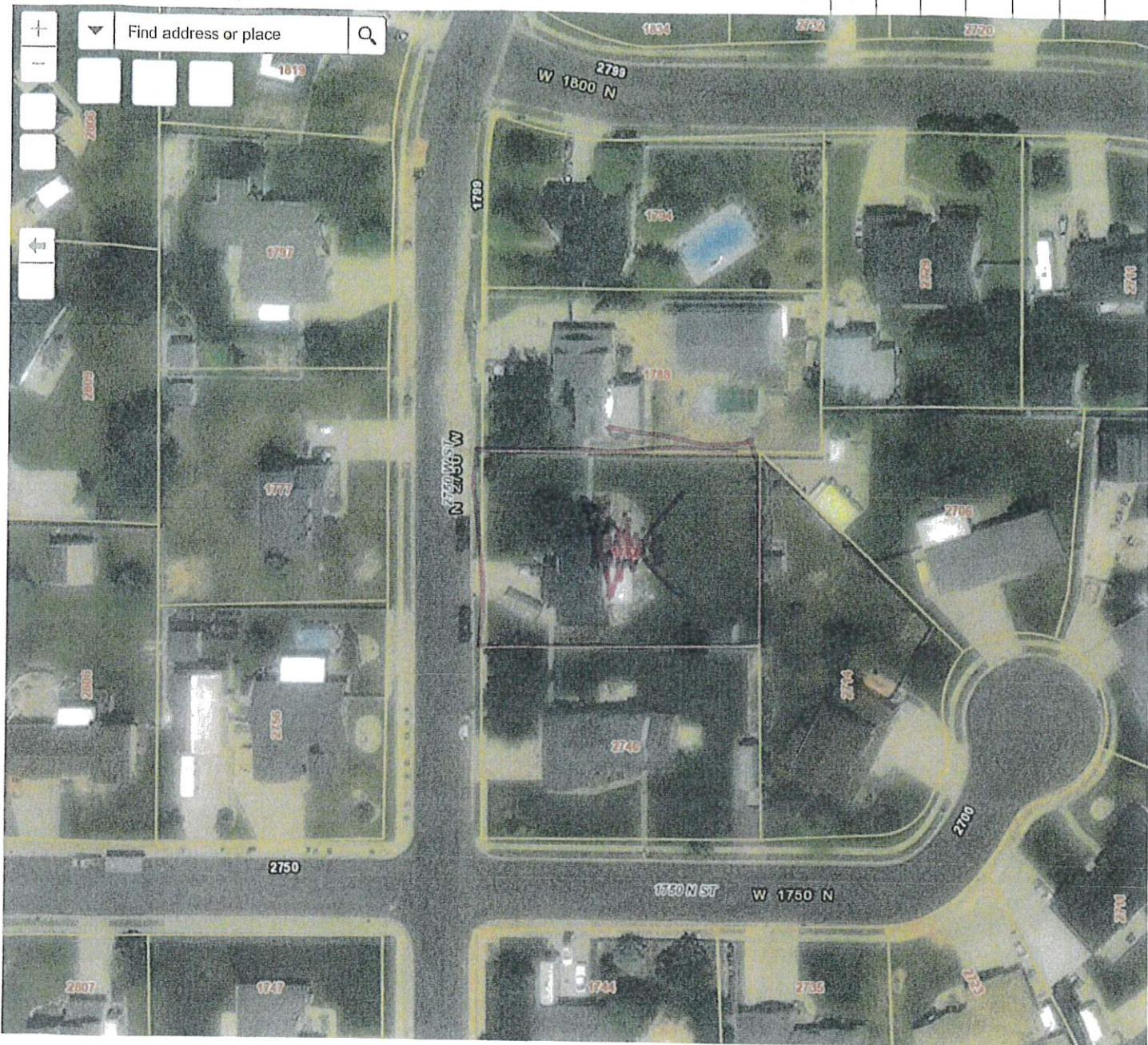
*Daniel Schuler*  
Public Works Director

4160 W 2200 S  
Plain City, Utah 84404  
385-466-1079 cell  
801-731-4908 ext 116 office  
[dans@plaincityutah.org](mailto:dans@plaincityutah.org)

Trailer is Blocking Sidewalk & Making unsafe travel for  
kids to & from school, kids were walking in middle of  
roads to avoid trailer blockage

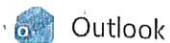
## Weber County Geo-Gizmo

Recorder Surveyor Electronic Planning 13



60ft





Outlook

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## Fwd: Incident Number: 19766 - Plain City - Gray Water from Food Truck

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From Katie Garth <kgarth@utah.gov>

Date Mon 7/21/2025 9:56 AM

To Dan Schuler <dans@plaincityutah.gov>; Public Works <publicworks@plaincityutah.gov>

Cc Brendon Quirk <bquirk@utah.gov>

6 attachments (24 MB)

SPILLREPORT-00020305.pdf; IMG\_2727.jpeg; IMG\_2731.jpeg; IMG\_2728.jpeg; IMG\_2729.jpeg; IMG\_2725.jpeg;

Hi Dan,

I understand you are already managing this incident(s)-thank you! If, during your investigation, you discover impacts to surface water please contact myself or Brendon Quirk directly. Feel free to reach out if we can be of any support.

Best,  
Katie

----- Forwarded message -----

From: [noreplyspills@utah.gov](mailto:noreplyspills@utah.gov) <noreplyspills@utah.gov>

Date: Sun, Jul 20, 2025 at 1:11 PM

Subject: Incident Number: 19766 - Plain City - Gray Water from Food Truck

To: [egerrcountyhealthwebermorgan@utah.gov](mailto:egerrcountyhealthwebermorgan@utah.gov) <egerrcountyhealthwebermorgan@utah.gov>,  
[egerrdwqcomplianceandenforcement@utah.gov](mailto:egerrdwqcomplianceandenforcement@utah.gov) <egerrdwqcomplianceandenforcement@utah.gov>,  
[egerrincidentnotification@utah.gov](mailto:egerrincidentnotification@utah.gov) <egerrincidentnotification@utah.gov>

This is a new spill report: 19766

Title / Event Name: Plain City - Gray Water from Food Truck

Date / Time Reported: 7/20/2025, 12:20 PM

FYI - Any map location shown is approximate.

Click the following Google Map link to view the incident location:

Latitude = 41.28982735857721



Utah Department of Environmental Quality  
Division of Environmental Response and Remediation

Report Number: 19766

195 North 1950 West Salt Lake City, Utah 84116  
Bus. Hours: 801-536-4100  
Report Spills 24/7/365: (801) 536-4123

## ENVIRONMENTAL INCIDENT REPORT - PLAIN CITY - GRAY WATER FROM FOOD TRUCK

Report Taken By: Robin Keeler

Date/Time Reported: 7/20/2025, 12:20 PM

### REPORTING PARTY DATES AND TIMES

Reporting Party:	Anonymous	Title:	Citizen
Company:		Phone:	Available from Duty Officer
Date & Time Discovered:	7/20/2025, 11:00 AM	Email:	
Lead Agency:	DWQ	Agency Contact:	Brendon Quirk

### RESPONSIBLE PARTY

Name:	Jake & Thais Daniels	Phone:	435-671-7196
Email:			
Address:	1772 N 2750 W, Ogden, UT 84404	Company:	Brazilian Paradise

### INCIDENT LOCATION

Incident Address:	1772 N 2750 W, 84404		
Nearest Town:	PLAIN CITY	County:	WEBER
Highway:		Mile Marker:	
UTM:	412356, 4571460	Land Owner:	Private
Longitude, Latitude:	-112.04671368564138, 41.28982735857721		

### INCIDENT SUMMARY

The caller reported that the Brazilian Paradise food truck, which parks on the street at the incident location, releases all its gray water from food and beverage products onto the street, which then flows north into the storm drain located three houses away. The water has a milky white color. The amount released is unknown, but the caller stated this happens multiple times a week and has been occurring for a few months. The caller notified Dan Schuler with the Plain City Public Works Department, and he has spoken to the owners, but they have been uncooperative. The caller provided pictures, attached.

### CHEMICALS REPORTED

Material/Chem	Chem (Other)	Amount	Amount Type	Amount Type (Other)
Other: (describe)	Gray water from food truck	Unknown	Gallons	

### IMPACTED MEDIA

Media	Impacted Media	Media (Other)	Land Use	Waterway Name	Near Water	NRC Rpt. #
IM-16366	Hard Surface	(Asphalt/Cement)	Residential		N/A	
IM-16367	Storm Drains		Residential			

### NOTIFICATIONS MADE

Agency	Contact Type	Contact	Phone	Date/Time	By	Have First Responders Been Notified?
DWQ	Email	Brendon Quirk	(385) 552-1478	7/20/2025, 1:10 PM	Robin Keeler	
Weber-Morgan HD	Email	Group Email		7/20/2025, 1:10 PM	Robin Keeler	

### ACTIONS TAKEN

Date	Agency	Agency Contact	Action	Action Details
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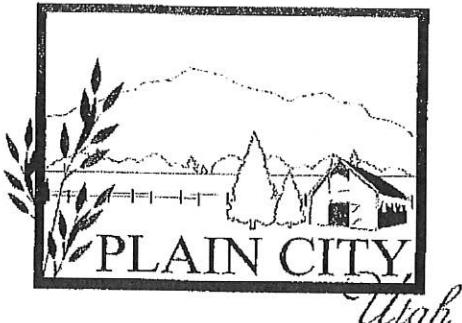
Incident notification reports are prepared by DEQ staff using information provided by the reporting party. The information is considered preliminary and is subject to revision. The reported incident and associated details may or may not be valid.







Date: 7-15-25 Time: 11:30



# CODE VIOLATION

*1772 N 2750 W*

## **6-1-3: PARKING REGULATIONS:**

A. Signs; Erection: The City Council may authorize or direct any person employed by the City to erect or install any sign or traffic control device required to enforce the provisions of this section.

B. Parking In Violation Prohibited: It shall be a Class B misdemeanor for any person, except physicians on emergency calls or designated emergency vehicles when properly marked or posted, to park any motor vehicle on any street in violation of posted restrictions for that street or except when necessary to avoid interference with other traffic or in compliance with the directions of a policeman or traffic control device.

C. Parking Or Blocking Streets or Highways: In addition to the parking provisions contained in the Utah Traffic Code, as adopted by this City, it shall be unlawful for any person to:

1. Remain standing, lying or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon.

2. Willfully remain standing, lying or sitting on any street or highway in such manner for more than one minute after being requested to move by any police officer.

3. Willfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the street or highway or any property having access to such street or highway.

4. It shall be unlawful for the owner of a motor vehicle, trailer or boat, to park the vehicle for sale on a public street or highway for more than seventy-two (72) hours.

5. Any vehicle, trailer, farm equipment or boat parked in violation of this subsection is declared to be a public nuisance. If a notice of violation has been placed upon such vehicle, trailer, farm equipment or boat and it is not removed within twelve (12) hours thereafter, or if two (2) or more notices of violation have been placed on the same vehicle, trailer, farm equipment or boat within the last thirty (30) days, the vehicle, trailer, farm equipment or boat shall be impounded as a nuisance. The vehicle, trailer, farm equipment or boat shall be released to the owner or responsible party only after the law enforcement agency of the City has received a receipt for the same acknowledging responsibility of that person for the item being unlawfully parked.

6. A separate violation occurs each day a vehicle, trailer, farm equipment or boat is parked contrary to the provisions of this subsection.

### **D. Specific Prohibited Parking; Permit:**

1. Recreational Type Vehicles: It shall be unlawful for any person to park or leave standing at any time, on any public road, street, alley or City property any unattached trailer of any type whether for the

occupancy of people, storage of items, or for towing purposes, and whether the same be loaded or not, any boat on an unattached trailer or otherwise, or camper not mounted on a vehicle, any motor home or mini-motor home of any length, and any combination of a pulling or towing vehicle with an attached trailer whether loaded or not; provided, however, that it shall be lawful to park such a combination or a motor home that is being loaded or is ready for departure for a period not to exceed thirty six (36) hours.

2. Gross Vehicle Weight: Except as provided above, as regards recreational vehicles, it is further unlawful and an infraction to park in or on any such area, City Street, or public parking facility at any time, any vehicle or motor vehicle having a registered gross weight capability of twenty-six thousand (26,000) pounds or more. An exception can be made for unloading and loading vehicles, not to exceed twelve (12) hours.

3. Time Limited: It shall further be unlawful for any person to park or leave standing on any public road, street, alley or City property any motor vehicle for forty-eight (48) or more consecutive hours, and any vehicle so parked or left standing may be impounded or removed by the law enforcement authority. For purposes of impoundment and removal, the law enforcement authority may, after making a reasonable effort to locate the owner, impound and remove any motor vehicle which has been unmoved for forty-eight (48) consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle.

4. Special Permit: For good cause shown and upon application to and receipt of a special permit from the Police Department, a person may receive a temporary permit to park a vehicle otherwise prohibited for a period of three (3) days and nights.

5. Parking Prohibited:

a. It shall be unlawful to park a vehicle or permit such vehicle to remain parked upon any street, part of a street or roadway, when signs or traffic markings are erected by the City which give notice that parking is prohibited.

b. When signs or traffic markings are erected or placed by direction of the City, no person shall park a vehicle or permit said vehicle to remain standing during the hours and days specified by such signs and markings upon any street, parts of a street, or roadway.

E. Loading Zone: When so posted, it shall be unlawful for the driver of a passenger vehicle to stand or park such vehicle for a period of time longer than is permitted by the posted sign for the loading or unloading of passengers, or for the driver to stand or park any freight carrying motor vehicle for a period of time longer than is necessary to load, unload and deliver materials in any place designated as a loading zone and marked as such.

F. Alleys: No person shall park a motor vehicle within an alley in such manner or under such conditions as to leave less than ten feet (10') of the width of the roadway available for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

G. Fire Hydrant: It shall be unlawful to stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger within five feet (5') of a fire hydrant.

H. Snow Removal:

1. Prohibited: From November 1st of each year to March 15th of the following year, the following regulations shall apply:

a. It shall be unlawful for any person who owns or has possession, custody or control of any vehicle, farm equipment or other object to park or place such item or property upon or in any street of the City with or without curb between the hours of one o'clock (1:00) A.M. and five o'clock (5:00) A.M.

b. No person who owns or has possession, custody or control of any vehicle, farm equipment or other objects shall park or place such items or property upon any street of the City with or without curb

when the removal of snow from the streets is necessary, apparent or imminent and forty-eight (48) hours after a snow event.

c. It shall be unlawful for the owner or operator of said items listed in subsection H1b of this section to allow such items to remain standing upon any public street for longer than forty-eight (48) hours after said items have become snowbound due to snowplows plowing around said items. Such items shall be presumed to be abandoned. Abandoned items shall be subject to removal and impounded.

d. Notwithstanding the foregoing, this subsection shall not apply to physicians or other authorized emergency personnel acting in the course and scope of their duties.

e. Any vehicle, item or property parked in violation of this subsection is hereby declared a public nuisance.

f. Any person violating any provision of this section is guilty of an infraction and upon conviction shall be punished according to the law.

2. Impounding Vehicle: The police or snow removal crews are hereby authorized to order the impounding of any vehicle that is parked in violation of this subsection. (Ord. 2019-03, 1-3-2019, eff. 1-4-2019)

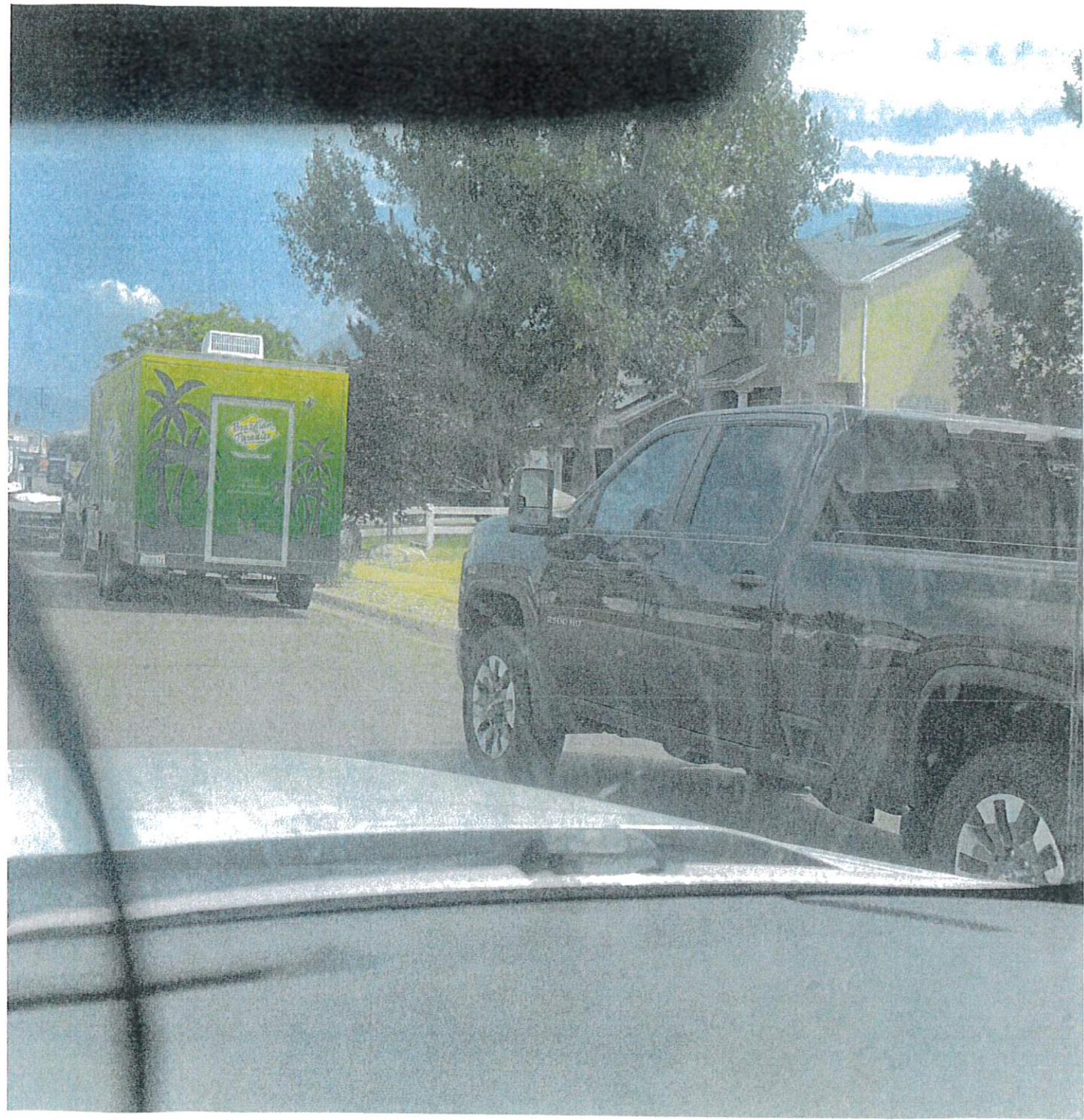
Any questions or concerns please contact me at your earliest convenience.

*Daniel Schuler*  
**Public Works Director**

4160 W 2200 S  
Plain City, Utah 84404  
385-466-1079 cell  
801-731-4908 ext 116 office  
[dans@plaincityutah.org](mailto:dans@plaincityutah.org)









# Food Establishment Inspection Report



Bear River Health Department  
85 East 1800 North  
North Logan, UT 84341  
Phone: (435) 792-6570  
www.brhdt.gov

Date: 06/12/2025

Purpose of Inspection:

Time In:

Routine

Time Out:

Violations 0

Follow Up Date:

Priority: 0

Core: 1

Establishment: Brazilian Paradise #2

Address: 1772 N 2750 W, Ogden, UT 84404-8516

Mailing Address: 1772 N 2750 W Ogden UT 84404-8516

Permit #: FS1203713

Permit Holder: Jacob Daniels

Email: drjakedaniels@gmail.com

Food Safety Manager:

Expiration Date: 06/30/2026

Risk Category: Mobile Food Establishment Permit - Tier 2

## FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Mark the appropriate box. This section MUST be completed.

IN, OUT, N/A (Not Applicable), N/O (Not Observed, COS (Corrected on-site during inspection), R (Repeat violation)

COS R

### Supervision

COS R

IN	1 - Person in charge present, demonstrates knowledge, and performs duties		
N/A	2 - Certified Food Protection Manager		

### Employee Health

IN	3 - Management, food employee and conditional employee; knowledge, responsibilities and reporting		
IN	4 - Proper use of restriction and exclusion		
IN	5 - Procedures for responding to vomiting and diarrheal event		

### Good Hygienic Practices

N/O	6 - Proper eating, tasting, drinking, or tobacco use		
IN	7 - No discharge from eyes, nose, and mouth		

### Preventing Contamination by Hands

IN	8 - Hands clean and properly washed		
IN	9 - No bare hand contact with ready-to-eat (RTE) foods or a pre-approved alternative procedure properly followed		
IN	10 - Adequate handwashing sinks properly supplied and accessible		

### Approved Source

IN	11 - Food obtained from approved source		
N/O	12 - Food received at proper temperature		
IN	13 - Food in good condition, safe, & unadulterated		
N/A	14 - Required records available: shellstock tags, parasite destruction		

### Protection from Contamination

IN	15 - Food separated and protected		
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## GOOD RETAIL PRACTICES

Good retail practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.  
Mark the box if the item is not in compliance. Mark COS (Corrected on-site during inspection), and R (Repeat violation) if applicable.

### Safe Food and Water

COS R

30 - Pasteurized eggs used where required		
31 - Water & ice from approved source		
32 - Variance obtained for specialized processing methods		

### Food Temperature Control

33 - Proper cooling methods used: adequate equipment for temperature control		
34 - Plant food properly cooked for hot holding		
35 - Approved thawing methods used		
36 - Thermometers provided and accurate		

### Food Identification

37 - Food properly labeled, original container		
--	--	--

### Prevention of Food Contamination

38 - Insects, rodents, & animals not present		
39 - Contamination prevented during food preparation, storage, & display		
40 - Personal cleanliness		
41 - Wiping cloths: properly used and stored		
42 - Washing fruits & vegetables		

### Proper Use of Utensils

COS R

43 - In-use utensils: properly stored		
44 - Utensils, equipment & liners: properly stored, dried, & handled		
45 - Single-use/single-service articles: properly stored & used		
46 - Gloves used properly		

### Utensils, Equipment and Vending

47 - Food & non-food contact surfaces cleanable, properly designed, constructed, & used		
48 - Warewashing facilities: installed, maintained, & used; test strips		
49 - Non-food contact surfaces clean		

### Physical Facilities

50 - Hot & cold water available; adequate pressure		
51 - Plumbing installed; proper backflow devices		
52 - Sewage & waste water properly disposed		
53 - Toilet facilities: properly constructed, supplied, & cleaned		
54 - Garbage & refuse properly disposed; facilities maintained		
55 - Physical facilities installed, maintained, & clean		
56 - Adequate ventilation & lighting; designated areas used		

Person in Charge (Signature)

Abigail Taylor

Person in Charge (Print Name)

Inspector (Signature)

Tim Mitchell

Inspector (Print Name)

## Temperature Observations

Food	Temp. (°F)	Location	Food	Temp. (°F)	Location

General Comments:

## Observations and Corrective Actions:

55. Physical Facilities Installed, Maintained, and Clean (P) (Pf) (C)  
Violation Code - Physical Facilities-Cleaning, Frequency and Restrictions (C)

Status: OUT

Type:

Comments: Physical facilities are not cleaned as often as necessary to keep them clean.

# Food Establishment Inspection Report

	<p style="margin: 0;">Bear River Health Department 85 East 1800 North North Logan, UT 84341 Phone: (435) 792-6570 www.brhdut.gov</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Date: 08/11/2025</td> <td style="width: 50%; padding: 2px;">Purpose of Inspection:</td> </tr> <tr> <td>Time In:</td> <td>Routine</td> </tr> <tr> <td>Time Out:</td> <td></td> </tr> <tr> <td>Violations 0</td> <td>Follow Up Date:</td> </tr> <tr> <td>Priority: 0</td> <td></td> </tr> <tr> <td>Core: 0</td> <td></td> </tr> </table>	Date: 08/11/2025	Purpose of Inspection:	Time In:	Routine	Time Out:		Violations 0	Follow Up Date:	Priority: 0		Core: 0	
Date: 08/11/2025	Purpose of Inspection:													
Time In:	Routine													
Time Out:														
Violations 0	Follow Up Date:													
Priority: 0														
Core: 0														
Establishment: Brazilian Paradise #1	Address: 1772 N 2750 W, Ogden, UT 84404-8516	Mailing Address: 1772 N 2750 W, Ogden UT 84404-8516												
Permit #: FS1203714	Permit Holder: Jacob Daniels	Email: drjakedaniels@gmail.com												
Food Safety Manager:	Expiration Date: 05/31/2026	Risk Category: Mobile Food Establishment Permit - Tier 2												

## FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Mark the appropriate box. This section MUST be completed.

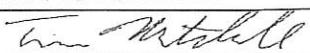
IN, OUT, N/A (Not Applicable), N/O (Not Observed, COS (Corrected on-site during inspection), R (Repeat violation)

COS R

Supervision		COS	R	
IN	1 - Person in charge present, demonstrates knowledge, and performs duties	N/A	16 - Food-contact surfaces: cleaned and sanitized	
N/A	2 - Certified Food Protection Manager	IN	17 - Proper disposition of returned, previously served, reconditioned & unsafe food	
Employee Health				
IN	3 - Management, food employee and conditional employee; knowledge, responsibilities and reporting	N/O	18 - Proper cooking time & temperatures	
IN	4 - Proper use of restriction and exclusion	N/O	19 - Proper reheating procedures for hot holding	
IN	5 - Procedures for responding to vomiting and diarrheal event	N/O	20 - Proper cooling time and temperatures	
Good Hygienic Practices				
N/O	6 - Proper eating, tasting, drinking, or tobacco use	N/O	21 - Proper hot holding temperatures	
N/O	7 - No discharge from eyes, nose, and mouth	N/O	22 - Proper cold holding temperatures	
Preventing Contamination by Hands				
N/O	8 - Hands clean and properly washed	N/O	23 - Proper date marking and disposition	
N/O	9 - No bare hand contact with ready-to-eat (RTE) foods or a pre-approved alternative procedure properly followed	N/O	24 - Time as a public health control; procedures and records	
IN	10 - Adequate handwashing sinks properly supplied and accessible	N/A		
Approved Source				
IN	11 - Food obtained from approved source	N/A		
N/O	12 - Food received at proper temperature	N/A		
IN	13 - Food in good condition, safe, & unadulterated	N/A		
N/O	14 - Required records available: shellstock tags, parasite destruction	N/A		
Protection from Contamination				
N/O	15 - Food separated and protected	N/A		
<b>GOOD RETAIL PRACTICES</b> Good retail practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods. Mark the box if the item is not in compliance. Mark COS (Corrected on-site during inspection), and R (Repeat violation) if applicable.				
Safe Food and Water		COS	R	
N/A	30 - Pasteurized eggs used where required	N/A	43 - In-use utensils: properly stored	
N/A	31 - Water & ice from approved source	N/A	44 - Utensils, equipment & liners: properly stored, dried, & handled	
N/A	32 - Variance obtained for specialized processing methods	N/A	45 - Single-use/single-service articles: properly stored & used	
Food Temperature Control				
N/A	33 - Proper cooling methods used; adequate equipment for temperature control	N/A	46 - Gloves used properly	
N/A	34 - Plant food properly cooked for hot holding	N/A		
N/A	35 - Approved thawing methods used	N/A		
N/A	36 - Thermometers provided and accurate	N/A		
Food Identification				
N/A	37 - Food properly labeled, original container	N/A		
<b>Prevention of Food Contamination</b>				
N/A	38 - Insects, rodents, & animals not present	N/A		
N/A	39 - Contamination prevented during food preparation, storage, & display	N/A		
N/A	40 - Personal cleanliness	N/A		
N/A	41 - Wiping cloths: properly used and stored	N/A		
N/A	42 - Washing fruits & vegetables	N/A		
<b>Physical Facilities</b>				
N/A	50 - Hot & cold water available; adequate pressure	N/A		
N/A	51 - Plumbing installed; proper backflow devices	N/A		
N/A	52 - Sewage & waste water properly disposed	N/A		
N/A	53 - Toilet facilities: properly constructed, supplied, & cleaned	N/A		
N/A	54 - Garbage & refuse properly disposed; facilities maintained	N/A		
N/A	55 - Physical facilities installed, maintained, & clean	N/A		
N/A	56 - Adequate ventilation & lighting; designated areas used	N/A		

Person in Charge (Signature)

Person in Charge (Print Name)



Inspector (Signature)

Tim Mitchell

Inspector (Print Name)

### Temperature Observations

**General Comments:**

This truck has not been seen in the counties this season, only truck #2. Will update this inspection once the truck is located.

**Observations and Corrective Actions:**



Environmental Health Services  
85 East 1800 North  
Logan, UT 84341  
Telephone 435-792-6570  
[www.brhdut.gov](http://www.brhdut.gov)

## Mobile/Caterer Commissary Agreement

A commissary (permitted commercial kitchen) acts as a base of operation and support to a mobile or catering business. The goal is to ensure food/drink preparation and storage doesn't occur in private homes where routine, unannounced inspections can't possibly happen. In Utah, it is by rule that a commissary is to be used – Utah Rule R392-102-3: Commissary Requirements. If you are found operating without a commissary, using a private home, or other unpermitted facility for any portion of your operation, your mobile or catering business permit **WILL BE SUSPENDED**.

### **Mobile or Caterer Information: (To Be Completed by Mobile Business or Caterer)**

Check only one:  This is a Mobile Food business (truck, trailer, van, or cart).  
 This is a Catering business.

Name of Mobile Unit or Catering Business: \_\_\_\_\_

License Plate Number of Mobile Unit: \_\_\_\_\_

Business Owner's Email Address: \_\_\_\_\_

Owner's Phone Number: \_\_\_\_\_

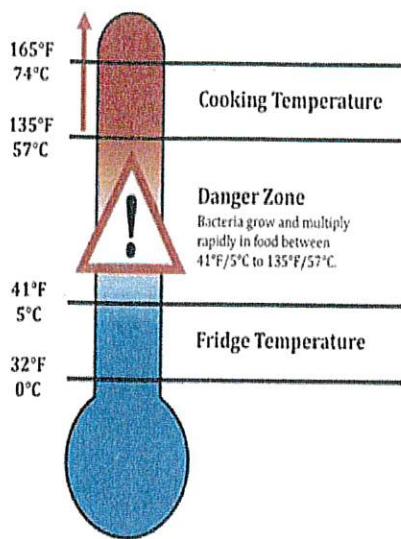
Business Owner's Name (Print): \_\_\_\_\_

Date \_\_\_\_\_

\*By signing below, I acknowledge that I will report to the commissary as often as necessary to meet the requirements of the Mobile Business Rule of Utah (R392-102) and I agree to maintain the commissary log records for 1 year and provide them for inspection (R392-102-3 (e)(i – ii)). Failing to do so may result in the closure of my mobile/catering business and suspension of my permit. Additionally, I will report to Bear River Health Department if I choose to terminate this agreement with the commissary:

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(Mobile or Catering Business Owner's Signature)



Since bacteria proliferates quickly in the danger zone, explain how you will keep TCS food/liquid within cold-holding or hot-holding ranges during transit:

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### Commissary Kitchen Information

(To Be Completed by Commissary Owner)

Commissary Kitchen Name: \_\_\_\_\_

Commissary Kitchen Address: \_\_\_\_\_

City / State / Zip: \_\_\_\_\_

Commissary Kitchen Owner's Name (Print): \_\_\_\_\_

Email: \_\_\_\_\_

Date: \_\_\_\_\_

**\*Required\* List all mobiles and caterers that are currently using this commissary**

1.	_____
2.	_____
3.	_____
4.	_____
5.	_____
6.	_____
7.	_____
8.	_____
9.	_____
10.	_____
11.	_____
12.	_____
13.	_____
14.	_____

15.	
16.	
17.	
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21.	
22.	
23.	
24.	
25.	

**\*Required\* Check all services that will be provided to the mobile food truck/trailer/cart or caterer**

<input type="checkbox"/>	Provide culinary/potable water.
<input type="checkbox"/>	Wastewater disposal: grease is to be filtered through a grease trap.
<input type="checkbox"/>	Ware-washing (3-compartment sink, dishwasher) with a quick drying rack.
<input type="checkbox"/>	Preparation area.
<input type="checkbox"/>	Food/drink/supply storage (space in refrigerators and dry storage labeled with the mobile name).
<input type="checkbox"/>	Trash disposal.
<input type="checkbox"/>	Other:

\*As the owner, I understand my facility operates under a separate Food Establishment Permit issued by Bear River Health Department and I am authorizing use of my facility as a commissary to a mobile business or caterer.

Please initial: \_\_\_\_\_

\*As the kitchen owner, I understand that my facility will be routinely inspected by Bear River Health Department officials. I will ensure compliance with the Utah Food Code and local regulations. Additionally, I will correct issues of non-compliance identified during an inspection.

Please initial: \_\_\_\_\_

\*As the kitchen owner, I understand Bear River Health Department has the right to inspect and assess food safety/security to determine if my kitchen is suitable to have extra occupancy load imposed by a mobile food business or a caterer.

Please Initial: \_\_\_\_\_

\*By signing below, I acknowledge that I will allow this food business to use my facility as a commissary and I will report to Bear River Health Department if the mobile business/caterer is not utilizing the commissary as required. Additionally, I agree to report to Bear River Health Department if the mobile business or caterer no longer uses my commissary for services.

\_\_\_\_\_  
Signature of Commissary Kitchen Owner

\_\_\_\_\_  
Name & Title (Print)



Environmental Health Services  
85 East 1800 North  
North Logan, UT 84341  
Telephone 435-792-6570  
[www.brhdut.gov](http://www.brhdut.gov)

## So you want to open a Mobile Food Establishment?

Apply for Permit Plan Review Inspection Permit Issued

### Permits:

In addition to city business licenses, a County Health Permit is required for establishments serving open food that is not commercially pre-packaged to the public. Some examples include restaurants, convenience stores, catering operations, mobile food trucks/trailers, shaved ice stands, schools and daycares. Permits have fees associated with them. The permit fee is based upon the risk of the facility. Permits are non-transferrable, meaning that when ownership changes, a new permit is required. When this happens, the establishment may need to be upgraded to meet current standards. All employees that handle food are required to obtain food handler permits. Each establishment must also have a certified food safety manager.

### Plan Review:

A plan review and menu submission is required for new builds and remodels. Plans must be drawn to scale and can be no smaller than  $\frac{1}{4}$  inch per foot. The plans must include equipment location layout along with the following plans and schedules: plumbing, lighting, mechanical and finish for floors, walls and ceilings. Architectural plans are ideal. If you are unable to provide architectural grade plans, a hand drawn set of plans must be legibly drawn on graph paper. As you can see from the illustration above, after the plans have been submitted and approved, an inspection is required before the permit will be issued.

Here's the checklist of things that need to be done before you can be open for operation to the public.

### Inspection:

#### Mobile Food Truck/Trailer Plan Checklist

This list is not comprehensive and is meant only to give direction when planning

1. Floors
  - a. Kitchen, preparation, and storage areas must be of smooth, cleanable construction such as stainless steel, aluminum diamond plate, vinyl, poured epoxy, or other acceptable type floors.
  - b. Floor-wall junctures must be coved and sealed.
2. Walls

- a. Kitchen, preparation, and storage area walls must be of smooth, cleanable, durable, and non-absorbent construction. Light-colored walls are preferred. In kitchen areas fiberglass reinforced plastic (FRP), stainless steel, or epoxy paint are preferred.
- b. All splash areas must have equipment fixed and sealed to adjoining walls to prevent moisture and debris from collecting behind the equipment. This includes all sinks.

### 3. Hand Washing

- a. The placement of hand washing stations must be approved by the Bear River Health Department during the plan review process.
- b. At least one sink dedicated to hand washing must be provided.
- c. Must be convenient and easily accessible.
- d. Must have hot and cold water through a mixing tap under pressure.
- e. Must have soap and approved sanitary hand drying provided.
- f. A splash guard (or adequate space) is required to separate handwashing and food preparation areas.

### 4. Ware Washing

- a. A 3-compartment sink is required in the truck/trailer regardless of the use of the commissary kitchen dishwashing facilities.
  - i. Must be NSF approved or equivalent.
  - ii. Must be equipped with hot and cold water under pressure.
  - iii. Must be large enough to submerge the largest equipment or utensil used on the truck/trailer.
  - iv. Must be filled by a faucet installed on the food truck.
- b. Drain boards or utensil racks must be large enough to accommodate all soiled and cleaned items.

### 5. Food Preparation Sinks

- a. Must be NSF approved or equivalent.

### 6. Cooking/Grilling Equipment

- a. Must be vented with cleanable filters in compliance with local, state, and federal laws.

### 7. Food Equipment

- a. Must be NSF approved or equivalent.
- b. Must be commercial grade.
- c. Equipment must be secured to walls and/or floors

### 8. Storage

- a. All storage must be at least 6" above the floor.
- b. Storage shelves must be smooth, easily cleanable, durable, and non-porous.
- c. Separate storage for cleaning chemicals and other toxins must be provided.
- d. Food storage must be adequate, determined by the frequency of deliveries and menu variety.

### 9. Water Supply and Storage

- a. The onboard potable water tank must be a minimum of 30 gallons as measured down from the inlet.
- b. Only a dedicated food-grade water hose can be used to fill the potable water tank from an approved culinary water source.
- c. The onboard greywater tank must be a minimum of 15% larger than the onboard potable water tank as measured down from the inlet.
- d. The food truck must be equipped with a dedicated waste hose for greywater which is emptied at an approved location.

### 10. Restrooms and Living Quarters

- a. A food truck cannot be equipped with restroom facilities, a shower, or living quarters.
- b. A restroom agreement should be in place for any vending locations.

### 11. Self-Service

- a. Self-service counters or tables need to have a canopy/awning covering to protect from environmental contamination.
- b. Self-service should be limited to condiments in squeeze bottles, eating utensils and napkins, and commercially packaged drinks or food.

## 12. Hot/Cold Holding

- a. Must meet temperature requirements:
  - i. Cold foods must be held at 41°F or below
  - ii. Hot food must be held at 135°F or higher
- b. A thermometer is required in all cold holding units (even if there is a thermometer measuring device on the outside of the unit).
- c. A stem thermometer is required on the truck at all hours of operation.

## 13. Garbage - Inside

- a. Waste receptacles must be durable, cleanable, insect- and rodent-resistant, leak proof, and non-absorbent.
- b. Waste receptacles must be emptied at the end of daily operation.

## 14. Garbage - Outside

- a. All containers must have tight-fitting lids or covers.
- b. The container storage area must be hard-surfaced and cleanable.
- c. Containers must be cleaned at frequent intervals.

## 15. Lighting

- a. Must be shielded, coated, or otherwise shatter resistant in areas where there is exposed food, clean equipment, utensils, or linens.
- b. Must be sufficient lighting to safely prepare and cook all foods.

## 16. Surfaces

- a. Food contact and splash surfaces must be smooth, easily cleanable, durable, and non-porous.

## 17. Floor Cleaning

- a. Floor cleaning should be done with a wet Swiffer, a Shark Steamer, sprayed out with a hose, or other similar approved method.

## 18. Vermin and Pests

- a. All outer openings must be sealed to the outside.
- b. Screens are required on all openable windows, and there cannot be any openings to allow pests or vermin entrance from the outside.

## 19. Business Name

- a. The business name must be printed on the outside of the food truck (preferably on at least 3 sides). The business name must match the "DBA" provided in the application.
- b. The printed letters for the business name must be at least 4 inches in height.

## 20. Other

- a. The operator cannot prepare foods on the food truck using "specialized processing methods" as described in the currently adopted FDA Food Code incorporated by reference in Rule 392-100.
- b. The food truck must be equipped with an adequate electrical power source during all hours of operation.

## 21. Commissary Kitchen Requirements

- a. A written agreement with the commissary kitchen information.
- b. The commissary kitchen must be a food service establishment permitted by the Bear River Health Department.
- c. The food truck must return to the commissary at a regular frequency, as determined and approved by the Bear River Health Department.
- d. At the end of daily operations, the operator must park the food truck at a location previously approved by the Bear River Health Department.

- e. No food, single-use items, or equipment may be stored or cleaned at a home residence.
- f. The commissary must keep daily records (sign in/sign out).
- g. The commissary must have a 3-compartment sink and/or approved ware-washing equipment.
- h. The commissary must have a separate hand washing sink supplied with proper soap and drying agent.
- i. The commissary must provide each applicable food truck operator with adequate space for the storage of food and food equipment.
- j. The operator of the food truck/trailer must renew the commissary agreement annually.
- k. If a commissary kitchen's food service permit is terminated, revoked, or suspended, all associated food truck permits are also suspended immediately.

22. Menu;

- a. Allergen information should be indicated on the menu.
- b. For any raw or undercooked items
  - i. Disclosure statement with description of the item, or identification of foods marked with an asterisk\* that contain raw or undercooked ingredients.
  - ii. Reminder statement for foods with an asterisk\* that consuming raw or undercooked foods may increase risk of foodborne illness.

23. Written Plans/Procedures;

- a. A written plan for cleanup of vomiting and diarrheal events.
- b. A written policy for sick employees.

These requirements apply to all new mobile food trucks/trailers, either newly constructed or a used truck/trailer, and to all changes of ownership. Additional fees may be levied for incomplete applications or plans. Please contact the Bear River Health Department with any questions.

Differences between a Food Cart and a Food Truck/Trailer as defined in R392-102:

“Food Cart” means: (a) a cart that is not motorized; and (b) that a vendor, standing outside of the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption; or (c) a motor vehicle that a vendor, standing outside of the frame of the vehicle, uses to sell or serve prepackaged food or beverages for human consumption.

“Food Truck” means a fully encased food service establishment: (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and (ii) from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption. “Food Truck” does not include a food cart, a shaved ice establishment, or an ice cream truck.

A food cart is required to follow almost all regulations listed in this packet, including having access to a commissary kitchen. Some requirements may be exempt with an approved alternate plan from the Bear River Health Department. A food truck/trailer is required to follow all regulations listed in this packet, including having access to a commissary kitchen. Exemptions are very rarely allowed for food trucks/trailers.

Mobile Food Establishments must be permitted by the health department where they do the majority of their business. If you have a mobile food establishment permit from another health department in the state, you may still be required to have a local commissary kitchen agreement in place. Permits and commissaries from outside the state of Utah are not allowed. All food preparation and storage must be done either in the commissary kitchen or in the mobile food establishment. No food preparation or storage may be done in a private residence or other facility not permitted by the health department. Failure to comply with this will result in immediate closure.

Health departments in Utah with their county jurisdictions are listed below:

Bear River Health Department (Box Elder, Cache, and Rich)  
Central Health Department (Juab, Millard, Piute, Sanpete, Sevier, and Wayne)  
Davis County Health Department (Davis)  
Salt Lake County Health Department (Salt Lake)  
San Juan County Health Department (San Juan)  
Southeast Health Department (Carbon, Emery, and Grand)  
Southwest Health Department (Beaver, Garfield, Iron, Kane, and Washington)  
Summit County Health Department (Summit)  
Tooele County Health Department (Tooele)  
Tri-County Health Department (Daggett, Duchesne, and Uintah)  
Utah County Health Department (Utah)  
Wasatch Health Department (Wasatch)  
Weber-Morgan Health Department (Morgan and Weber)

## Used/New Food Equipment

All food equipment must be NSF approved or have an equivalent certification in order to ensure that all food equipment meets with the requirements of the Utah Food Code (R392-100). This means that the equipment will either bear the NSF mark or a marking from ETL (Semko Environmental Test Laboratory), UL (Underwriters Lab) Sanitation, or CSA (Canadian Standards Association).



Note that UL, ETL, and CSA marks all need to say 'sanitation' or 'classified' on them. These organizations also certify equipment to different standards for other areas of certification apart from food safety and sanitation and as such will have different marks. Any NSF mark is sufficient.

Many new operators purchase used food service equipment in starting up a facility in an attempt to save money. While most food service resale companies are legitimate, it is important to ensure that used equipment meets the Utah food code requirements.

It is the responsibility of the food service facility owner to obtain the proper food service equipment. You must also provide documentation to the Bear River Health Department that the equipment meets the code. This is done with equipment cut sheets, which will bear one or more of the above marks showing compliance with the NSF standards.

If the supplier is unable to supply cut sheets for the used equipment, other documentation must be provided to the department to confirm that the equipment meets current standards. It is not the responsibility of the health department to do this research. If no such documentation is provided, the equipment will not be allowed for use.

Additionally, food service equipment designed for home use will not be allowed for commercial use. Residential appliances (dishwashers, refrigerators, ovens, mixers, etc.) are designed for occasional use and are not meant to meet rigid commercial standards. Commercial equipment is designed to meet the demanding use of a commercial establishment.

If there is a change of ownership in a food service facility, any food service equipment that does not meet these standards must be replaced with approved equipment before the facility will be permitted to operate.

# Food Safety Manager Certification

“Each food service establishment in the state of Utah shall be managed by at least one full-time certified food safety manager at each establishment site, who need not be present at the establishment site during all its hours of operation” (Utah code 26-15a-104(1)).

A food safety manager course provides a more in depth training in food safety. This helps to ensure that managers at food service establishments are aware of what food safety practices need to be followed. Establishments managed by someone with this certification tend to do better on inspections than those without this training.

There is some confusion over this certification and the food handler card. Every food service worker must have a food handler card. A food safety manager certification only needs to be held by one person per establishment. While the Bear River Health Department does issue food handler cards, it does not provide any food safety manager training or certification. A copy of this certificate must be submitted to the health department. In Utah, these certifications are good for 3 years from the date of exam, despite the expiration date listed on the certificate.

Food safety manager courses must be approved by the Utah Department of Health & Human Services before being accepted by the Bear River Health Department. Certificates from these entities are approved\*:

1. AAA Food Manager, <https://aaafoodhandler.com/> 714-592-4100
2. WFSO Academy, <https://academy.worldfoodsafety.org/#/fpm>
3. State Food Safety, <https://www.statefoodsafety.com/>
4. 360 Training/Learn2Serve <https://www.360training.com/learn2serve> 877-881-2235
5. My Food Service License, <https://myfoodservicelicense.com/>
6. National Registry of Food Safety Professionals (NFRSP) <https://www.nrfsp.com/> 800-446-0257
7. National Restaurant Association (ServSafe) <https://www.servsafe.com/> 800-765-2122
8. Trust 20/ Relish Works Inc., <https://trust20.co/>
9. Responsible Training/ Safeway Certifications, <https://www.responsibletraining.com/> 866-409-9190
10. Always Food Safe Company, <https://alwaysfoodsafecompany.com/en/> 844-312/2011
11. Utah State University Food Safety Manager’s Certification Course, <https://extensioncourses.usu.edu/product/food-safety-managers-certificate/> 435-797-8459

\*For the most current list of all approved entities visit:

<https://epi.health.utah.gov/food-safety-manager-certification/>

Certifications from NFRSP or ServSafe can be obtained locally through Rex Davidsavor at Bridgerland Applied Technology College. He can be reached at 435-750-3237

## Food Handler's Permit

All food employees who work in the food service industry are required to obtain a Food Handler's Permit from an approved provider in the State of Utah.

Food Handler's classes last approximately 90 minutes and are offered on-line from multiple approved providers. Permits are valid for 3 years from the date of the exam.

For a list of approved online classes, go to [www.brhdut.gov](http://www.brhdut.gov), or the Utah Dept. of Health & Human Services at: <https://epi.health.utah.gov/food-handler-training-providers/>

# 24-HOUR NOTICE



Date: 9-24-23 Time: 11:15

## **CODE VIOLATION**

Address: 1772 N 2750 W

### **6-1-3: PARKING REGULATIONS:**

A. Signs; Erection: The City Council may authorize or direct any person employed by the City to erect or install any sign or traffic control device required to enforce the provisions of this section.

B. Parking In Violation Prohibited: It shall be a Class B misdemeanor for any person, except physicians on emergency calls or designated emergency vehicles when properly marked or posted, to park any motor vehicle on any street in violation of posted restrictions for that street or except when necessary to avoid interference with other traffic or in compliance with the directions of a policeman or traffic control device.

C. Parking Or Blocking Streets or Highways. In addition to the parking provisions contained in the Utah Traffic Code, as adopted by this City, it shall be unlawful for any person to:

1. Remain standing, lying or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon.

2. Willfully remain standing, lying or sitting on any street or highway in such manner for more than one minute after being requested to move by any police officer.

3. Willfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the street or highway or any property having access to such street or highway.

4. It shall be unlawful for the owner of a motor vehicle, trailer or boat, to park the vehicle for sale on a public street or highway for more than seventy-two (72) hours.

5. Any vehicle, trailer, farm equipment or boat parked in violation of this subsection is declared to be a public nuisance. If a notice of violation has been placed upon such vehicle, trailer, farm equipment or boat and it is not removed within twelve (12) hours thereafter, or if two (2) or more notices of violation have been placed on the same vehicle, trailer, farm equipment or boat within the last thirty (30) days, the vehicle, trailer, farm equipment or boat shall be impounded as a nuisance. The vehicle, trailer, farm equipment or boat shall be released to the owner or responsible party only after the law enforcement agency of the City has received a receipt for the same acknowledging responsibility of that person for the item being unlawfully parked.

6. A separate violation occurs each day a vehicle, trailer, farm equipment or boat is parked contrary to the provisions of this subsection.

D. Specific Prohibited Parking; Permit





FW: 1772 N 2750 W

From Tammy Folkman <tammyf@plaincityutah.org>

Date Thu 9/21/2023 10:15 AM

To Dan Schuler <dans@plaincityutah.org>

This is for you.

**From:** via Plain City UT <cmsmailer@civicplus.com>

**Sent:** Tuesday, September 19, 2023 8:20 PM

**To:** Tammy Folkman <tammyf@plaincityutah.org>

**Subject:** 1772 N 2750 W

Submitted on Tuesday, September 19, 2023 - 8:19pm

Submitted values are:

==Your Message Details:==

Subject: 1772 N 2750 W

Message: A house on our street run their lemonaid food trucks out of their house. Their front yard is a disaster. They have one traiker on the street, and one in the driveway. They empty their ice chests, and leave them in their front yard. They have power chords all over. It's a mess. When they have their employees come over, they leave five or six cars in street. Please address.

==Your Contact Information:==

Full Name:

E-mail Address:

Phone Number:

==Address:==

Street: 1772 N 2750 W

City: Plain City

State: Utah

Zipcode: 84404

The results of this submission may be viewed at:

<https://www.plaincityutah.org/node/2/submit/3286>

# TITLE 3

## BUSINESS AND LICENSE REGULATIONS

### CHAPTER 1

#### GENERAL LICENSE PROVISIONS

##### SECTION:

**3-1-1: Definitions**

**3-1-2: License Assessor And Collector**

**3-1-3: Business License Required; Penalty**

**3-1-4: Application For License**

**3-1-5: Fee For License**

**3-1-6: Payment Dates**

**3-1-7: Certificate Of License**

**3-1-8: Transfer Of License Prohibited**

**3-1-9: Branch Establishments**

**3-1-10: Joint Business Licenses**

**3-1-11: Reciprocal Recognition; Delivery Of Goods**

**3-1-12: Exemptions To License**

**3-1-13: Revocation Or Denial Of License**

##### **3-1-1: DEFINITIONS:**

As used in this title:

**BUSINESS:** Includes all activities engaged in within the city carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business, unless otherwise specifically provided.

**EACH SEPARATE PLACE OF BUSINESS:** Each separate establishment or place of operation, whether or not operating under the same name, within the city, including a home or other place of lodging if the same is held out by advertisements, listings or otherwise as the establishment or place of operation of a person engaging in the business of selling tangible, personal property at either retail or wholesale, or both, in the city.

**EMPLOYEE:** The operator or manager of a place of business and any persons employed in the operation of said place of business in any capacity and also any salesperson, agent or independent contractor engaged in the operation of the place of business in any capacity.

**ENGAGING IN BUSINESS:** Includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

**PLACE OF BUSINESS:** Each separate location maintained or operated by the licensee within the city from which business activity is conducted or transacted.

**WHOLESALE:** A sale of tangible personal property by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale, and does not include a sale by wholesalers or retailers to users or consumers not for resale, except as otherwise specified.

**WHOLESALER:** A person doing a regularly organized wholesale or jobbing business and selling to retail merchants, jobbers, dealers or other wholesalers, for the purpose of resale. (1982 Code § 9-111; amd. 2003 Code)

**3-1-2: LICENSE ASSESSOR AND COLLECTOR:**

The city recorder is designated and appointed as ex officio assessor of license fees for the city. Upon receipt of any application for a license, the city recorder shall assess the amount due thereon and shall collect all license fees based upon the rate established by resolution. He shall enforce all provisions of this title, and shall cause to be filed complaints against all persons violating any of the provisions of this title. (1982 Code § 9-113)

**3-1-3: BUSINESS LICENSE REQUIRED; PENALTY:**

It shall be a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code, for any person to transact, engage in or carry on any business, trade, profession, calling or to operate a vending, pinball or coin operated machine without first receiving the class or type of license required by the city. (1982 Code § 9-112; amd. 2003 Code)

**3-1-4: APPLICATION FOR LICENSE:**

A. **Contents:** All applications for license shall include:

1. The name of the person desiring a license.
2. The kind of license desired, stating the business, calling, trade or profession to be performed, practiced or carried on.
3. The class of license desired, if such licenses are divided into classes.
4. The place where such business, calling, trade or profession is to be carried on, giving the street number if the business calling, trade or profession is to be carried on in any building or enclosure having such number.
5. The period of time for which such license is desired to be issued.

B. **Coin Operated Machine Or Device:** In the event that the license application relates to a coin operated machine or device, the application shall identify the machine or device to which it applies and the location thereof.

C. All new commercial business licenses must obtain site plan approval from the Planning Commission before applying for a business license. (1982 Code § 9-116; amd. Ord. 2023-17, 11-16-2023)

**3-1-5: FEE FOR LICENSE:**

A. **Fee Schedule:** The business, location, trade, calling or profession of every person engaged in a business in this municipality shall pay an annual business license fee in such amount as established by resolution of the city council. (Res. 97-10, 12-4-1997; amd. 2003 Code)

B. **Interstate Commerce:** None of the license fees provided for by this section shall be applied as to occasion an undue burden on interstate commerce. In any case, where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the city council for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the city council may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The city council shall then conduct an investigation, comparing applicant's business with other

businesses of like nature and shall make findings of fact from which it shall determine whether the fee fixed by this section is discriminatory, unreasonable or unfair as to applicant's business and shall recommend a license fee for the applicant in an amount that is nondiscriminatory, reasonable and fair, and if the city council is satisfied that such license fee is the amount that the applicant should pay, it shall fix the license fee in such amount. If the regular license fee has already been paid, the city council shall order a refund of the amount over and above the fee fixed by the city council. In fixing the fee to be charged, the city council shall have the power to base the fee upon a percentage of gross sales, or employees, or may use any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature. (1982 Code § 9-125; amd. 2003 Code)

### **3-1-6: PAYMENT DATES:**

All license fees shall be due and payable as follows, except as may be otherwise provided:

A. Payable: Annual fees shall be payable before each calendar year, in advance. The annual license shall date from January 1 of each year and shall expire on December 31 of each year.

B. Due: Annual fees shall be due on January 1 of each calendar year and shall become delinquent if not paid by February 1 of each year.

C. Issued After July 1: One-half ( $\frac{1}{2}$ ) of the annual fee shall be payable for all licenses issued by the city pursuant to applications made after July 1 of each year, and licenses issued after July 1 shall expire on January 1 of the year following. Payment shall be due upon the date of application approval. (1982 Code § 9-114)

D. Penalty For Late Payment: If any license fee is not paid within thirty (30) days of the due date, a penalty of ten percent (10%) of the amount of such license fee shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid in full. (1982 Code § 9-115)

### **3-1-7: CERTIFICATE OF LICENSE:**

A. Contents: All certificates of license shall be signed by the mayor, attested by the city recorder, and shall contain the following information:

1. Name: The name of the person to whom such certificate has been issued.
2. Amount: The amount paid.
3. Type: The type of license and the class of such license, if licenses are divided into classes.
4. Term: The term of the license with the commencing date and the date of its expiration.
5. Location: The place where such business, calling, trade or profession is to be conducted. (1982 Code § 9-117)

### **B. Display:**

1. Required: Every certificate of license issued under this chapter shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that the same may be easily seen. When such certificate of license has expired, it shall be removed by the licensee from such place in which it has been posted, and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on his person, ready to be shown upon request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.

2. Coin Operated Machine: In the event the license is for a coin operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued. (1982 Code § 9-118)

### **3-1-8: TRANSFER OF LICENSE PROHIBITED:**

No license granted or issued under any ordinance of the city shall be assigned or transferred to any other person. It shall not be deemed to authorize any person other than therein named to do business or to authorize any other business, calling, trade or profession than is therein named, unless by permission of the city council. (1982 Code § 9-119)

**3-1-9: BRANCH ESTABLISHMENTS:**

A separate license must be obtained for each separate place of business in the city and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license; provided, that warehouses and distributing places used in connection with or incident to a business licensed under this chapter shall not be deemed to be separate places of business or branch establishments. (1982 Code § 9-121)

**3-1-10: JOINT BUSINESS LICENSES:**

Whenever any person is engaged in two (2) or more businesses at the same location within the city, such person shall not be required to obtain separate licenses for conducting each of such businesses, but shall be issued one license which shall specify on its face all such businesses. The license fee to be paid shall be computed at the highest license fee applicable to any of the businesses being conducted at such location. The sale of beer or any other product or service requiring an additional license shall be subject to such additional licensing requirement. Where two (2) or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license fee for such business. (1982 Code § 9-122; amd. 2003 Code)

**3-1-11: RECIPROCALrecognition; DELIVERY OF GOODS:**

A. Exceptions: No license shall be required for operation of any vehicle or equipment in the city when:

1. Such vehicle is merely passing through the city.
2. Such vehicle is used exclusively in intercity or interstate commerce.

B. Delivery Of Property: No license shall be required by this chapter of any person whose only business activity in the city is the mere delivery in the city of property sold by him at a regular place of business maintained by him outside the city where:

1. Such person's business is at the time of such delivery licensed by the Utah municipality or county in which such place of business is situated; and
2. The authority licensing such business grants to licensees of the city making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this section; and
3. Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of the city for compliance with health or sanitary standards prescribed by the city; and
4. The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol issued by the said licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.

C. Certification Of Section: The city recorder shall, at the request of any person, certify a copy of this section to any municipality or county of the state to which a copy has not previously been certified. (1982 Code § 9-123)

**3-1-12: EXEMPTIONS TO LICENSE:**

A. Tax Exempt Businesses: No license fee shall be imposed under section 3-1-5 of this chapter on any person engaged in business for solely religious, charitable, eleemosynary or other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States and the state, nor shall any license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the state; nor shall any license fee be imposed upon any person not maintaining a place of business within the city who has paid a like or similar license tax or fee to some other taxing unit within the state and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses domiciled in the city and doing business in such taxing unit.

B. Reciprocal Agreements With Other Agencies: The license assessor and collector may, with approval of the city council, enter into reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in subsection A of this section. (1982 Code § 9-124)

**3-1-13: REVOCATION OR DENIAL OF LICENSE:**

A. Failure To Comply; Unlawful Activities: Any license issued pursuant to the provisions of this code or of any ordinance of the city may be revoked and any application denied by the city council because of:

1. The failure of the licensee or applicant to comply with the conditions and requirements of this code or any ordinance of the city.
2. Unlawful activities conducted or permitted on the premises where the business is conducted.

B. Notice To Licensee: Prior to the revocation of a license or denial of an application to renew business license, the licensee or applicant shall be given a notice which shall state in substance that the city council intends to revoke the business license or deny the application to renew, together with the reason or reasons therefor, at a regular or special meeting of the city council (which shall be at least 10 days and not more than 30 days from the date notice is sent), and that the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against him, to cross examine witnesses and to present evidence as to why the license should not be revoked or the application denied.

C. Not Applicable To Businesses Not Previously Licensed: The preceding subsection shall not apply to applications for licenses for businesses which have not previously been licensed by the city, and such applicants need only be informed that their application has been denied. (1982 Code § 9-120)

# CHAPTER 13

## HOME OCCUPATIONS <sup>1</sup>

### SECTION:

#### **10-13-1: Conditions**

10-13-2: Present Uses

10-13-3: Licensing And Regulation

10-13-4: Public Nuisance

10-13-5: Abatement

10-13-6: Injunction

10-13-7: Criminal Penalty

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### Notes

<sup>1</sup> 1. See also section 10-10-9 of this title for limited residential occupations.

#### **10-13-1: CONDITIONS:**

It shall be unlawful to conduct or pursue a home occupation within the city unless each of the following conditions is observed:

- A. Only persons who are bona fide residents of the premises shall be engaged in the occupation.
- B. The home occupation shall not physically change the dwelling to the extent that it would alter the residential character of the dwelling or the residential atmosphere of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises or vibrations. (Ord. 86-01, 1-9-1986)
- C. The home occupation is conducted on the premises, and if conducted within the dwelling unit, does not exceed twenty five percent (25%) of the main floor area of the dwelling unit to a maximum of three hundred (300) square feet. (Ord. 2001-11, 11-1-2001, eff. 11-1-2001)
- D. The home occupation shall not use any accessory buildings, yard or space outside of the main dwelling not normally associated with residential uses permitted within the zone wherein the dwelling is located.
- E. Inventory and supplies for the home occupation shall not occupy more than fifty percent (50%) of the permitted area described by subsection C of this section.
- F. There shall be no display (unless totally enclosed within the premises and not visible from without the premises) or sale of goods, wares, commodities or merchandise upon said premises other than those produced upon the premises.
- G. The home occupation shall not generate vehicular traffic not commonly associated with the zone in which it is located.
- H. The addition of off street parking facilities on the premises beyond that normally required for residential uses is prohibited. Parking of automobiles generated by the home occupation shall be confined to existing residential parking, except that one parking place may be allowed on a street sixty feet (60') wide or wider, provided there is at least thirty five feet (35') of unobstructed and unrestricted frontage on the street in front of the dwelling used by the home occupation.
- I. There shall be complete conformity with fire, building, plumbing, electrical and health codes of the city and the state.

J. The home occupation shall not be associated with noise, dust, odors, noxious fumes, glare or other hazards to safety and health which are emitted and may be discernable beyond the premises.

K. The home occupation shall not create a hazard by using flammable, explosive or other dangerous materials or by keeping or raising animals which are capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

L. The home occupation shall not create a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses. (Ord. 86-01, 1-9-1986; amd. 2003 Code)

**10-13-2: PRESENT USES:**

Occupations not conforming to the above conditions which are in existence at the time the ordinance codified herein is adopted may be continued, except that said nonconforming use shall be discontinued where said use is abandoned for a continuous period of one year. Nonconforming uses shall not be enlarged or expanded as to volume, intensity, size, area, nature, extent, time or effect unless they conform to the above conditions. (Ord. 86-01, 1-9-1986)

**10-13-3: LICENSING AND REGULATION:**

Nothing in this chapter shall prohibit the city from licensing, taxing or otherwise regulating home occupations. (Ord. 86-01, 1-9-1986)

**10-13-4: PUBLIC NUISANCE:**

Any income producing activity conducted in a residential zone not meeting the conditions of this chapter shall be unlawful. Upon discovering any violation of the requirements, conditions or limitations of this chapter, the building inspector shall notify the owner or occupant of said premises, in writing, of the violations and demand abatement of said violation. If, after seven (7) days of receipt of written notice thereof, the violation persists, said violation shall be considered a public nuisance and shall be abated in the manner and form hereinafter prescribed. (Ord. 86-01, 1-9-1986)

**10-13-5: ABATEMENT:**

The city attorney is empowered to institute an action in the name of the city to abate a public nuisance in any court of competent jurisdiction. (Ord. 86-01, 1-9-1986)

**10-13-6: INJUNCTION:**

If the existence of a public nuisance is admitted or established, either on a civil or criminal proceeding, judgment shall be entered forthwith which shall permanently enjoin each defendant and any other person from further maintaining the nuisance at the place complained of. Such injunction shall not be the only or exclusive remedy hereunder; abatement of a public nuisance as provided herein shall have no effect upon or preclude a criminal prosecution arising out of a violation of this chapter. (Ord. 86-01, 1-9-1986)

**10-13-7: CRIMINAL PENALTY:**

A violation of this chapter shall be a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord. 86-01, 1-9-1986; amd. 2003 Code)

**R392. Health and Human Services, Population Health, Environmental Health.**

**R392-102. Mobile Food Business Sanitation.**

**R392-102-1. Authority and Purpose.**

(1) This rule is authorized under Sections 26B-1-202, 26B-7-113, and 26B-7-402, and Subsections 26B-1-202(25) and 26B-1-202(26).

(2) This rule requires a mobile food business operator to adhere to uniform statewide standards for constructing, operating, and maintaining a mobile food business in a manner that safeguards public health - including risk factors contributing to injury, sickness, death, and disability - and ensures that food is safe, unadulterated, and honestly presented when offered to the consumer.

(3) This rule establishes uniform standards for the regulation of a mobile food business, including the permitting process, plan reviews, inspections, construction, sanitary operations, and equipment requirements, which provide for the prevention and control of health hazards associated with mobile food businesses that are likely to affect public health.

**R392-102-2. Definitions.**

(1) "Catering operation" means a mobile food business that contracts with a client for food service to be provided to the client or the client's guests or customers at a private event on private property. A catering operation does not include services routinely provided at the same location, or meals that are purchased individually by guests or customers.

(2) "Commissary" means a food service establishment permitted by a local health department according to Rule R392-100 to which a mobile food business operator may return regularly to perform functions necessary for sanitary operations including:

- (a) food preparation and boarding onto the mobile food business;
- (b) hot and cold holding of TCS foods;
- (c) storing and stocking of food, utensils, and equipment;
- (d) disposal of solid and liquid wastes;
- (e) equipment and utensil cleaning and sanitizing;
- (f) vehicle cleaning;
- (g) refilling of water tanks with potable water; and
- (h) utilizing electrical power sources.

(3) "Drinking Water" means water that is fit for human consumption and meets the primary drinking water standards of Rule R309-200. Common usage of terms such as culinary water, potable water or finished water are synonymous with drinking water.

(4) "FDA Food Code" or "Food Code" means the FDA Model Food Code as incorporated by reference in Section R392-100-4. When FDA Food Code is referenced in this rule, the term 'establishment' or 'food establishment' used in the FDA Food Code shall be synonymous with 'food truck' or 'food cart' as defined in this rule.

(5) "Food cart" has the same meaning as provided in Section 11-56-102.

(6) "Food processing plant" means a commercial operation inspected by a regulatory authority, such as the United States Department of Agriculture (USDA), U.S. Food and Drug Administration (FDA), or the Utah Department of Agriculture and Food, that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments. A food processing plant does not include a food establishment.

(7) "Food service establishment" means an operation that:

- (a) stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location; and
- (b) relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(8) "Food truck" has the same meaning as provided in Section 11-56-102.

(9) "HACCP Plan" means a written document that delineates the formal procedures for following the Hazard Analysis and Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

(10) "Ice cream truck" has the same meaning as provided in Section 11-56-102.

(11) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury.

(12) "Local health department" has the same meaning as provided in Subsection 26A-1-102(5).

(13) "Local health officer" means the director of the jurisdictional local health department or a designated representative.

(14)(a) "Mobile food business" means a food truck or food cart as defined in this rule.

(b) A mobile food business does not include an ice cream truck or a shaved ice establishment.

(15) "Mobile food business operator" or "operator" means a person who owns, manages, or controls, or who has the duty to manage or control, the operation of a mobile food business.

(16) "Mobile food business employee" means a person working with unpackaged food, food equipment or utensils, or food-contact surfaces in a mobile food business.

- (17) "Permit" means a document that a local health department issues to authorize a person to operate a food truck or food cart within the jurisdiction of the local health department.
- (18) "Person in charge" means the individual present at a mobile food business who is responsible for its operation at the time of the inspection.
- (19) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.
- (20) "Potentially hazardous food" has the same meaning as "Time/temperature control for safety food (TCS)."
- (21) "Sanitized" means the application of cumulative heat or chemicals on cleaned food, ice, or potable water contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.
- (22) "Shaved ice establishment" means a facility that would normally be classified as a mobile food business as defined in this rule that serves only shaved ice with flavored syrups and other toppings approved by the local health officer, and is operating from a fixed, single location without moving offsite throughout the entire operating season.
- (23) "Small producer" has the same meaning as provided in Subsection 4-4-103(10).
- (24) "Time/temperature control for safety food" or "TCS" has the same meaning as "Time or temperature control food" provided in Section 26B-7-401, which also has the same meaning as "potentially hazardous food".

**R392-102-3. Commissary Requirements.**

- (1) No food or equipment may be stored at a home residence, storage unit, garage, or other unapproved structure.
- (2) Except for Subsection R392-102-3(3), a mobile food business operator shall use a commissary unless exempted by the local health officer having jurisdiction where the mobile food business operates.
- (3) A local health officer may not require a mobile food business operator to use a commissary if the mobile food business:
  - (a) is designated as a tier one mobile food business by the permitting local health department;
  - (b) does not use temperature controlled products;
  - (c) does not store prepared food products from one operating day to the next;
  - (d) conducts all food service operations on the food truck or food cart, including cleaning and sanitizing;
  - (e) can refill its potable water tanks at a location and in a manner approved by the local health officer; and
  - (f) can dispose of all wastewater, used cooking oil, and other refuse at a location and in a manner approved by the local health officer.
- (4) If a mobile food business commissary is required by the local health officer having jurisdiction:
  - (a) the mobile food business operator shall use a commissary located within a local health jurisdiction approved by the local health officer;
  - (b) the mobile food business operator shall obtain a written, signed commissary agreement from the commissary operator, which shall be renewed annually, and any changes to the agreement shall be submitted to the local health officer before the changes being implemented;
  - (c) the mobile food business operator shall return the mobile food business to the commissary at a regular frequency, as determined and approved by the local health officer;
  - (d) the mobile food business operator shall park the mobile food business at a location approved by the local health officer at the end of daily operations;
  - (e) the mobile food business operator shall document presence at the commissary on a log according to the frequency determined and approved by the local health officer, and as follows:
    - (i) the mobile food business operator shall record the date, time in, time out, and initials; and
    - (ii) the mobile food business operator shall retain commissary records for one year, and shall make the records available for inspection by a local health officer upon request;
  - (f) the mobile food business operator shall have access to, and the ability to utilize:
    - (i) a 3-compartment sink provided with hot and cold water under pressure, or other warewashing equipment approved by the local health officer;
    - (ii) adequate hot and cold holding equipment as necessary for proper food storage;
    - (iii) a service sink with hot and cold water under pressure;
    - (iv) at least one handsink with pressurized hot and cold water that is conveniently located and used exclusively for hand washing;
    - (v) a conveniently located toilet room; and
    - (vi) approved methods and equipment to clean and sanitize food and nonfood-contact surfaces within the mobile food business;
  - (g) the mobile food business operator shall use a commissary that provides adequate space for the sanitary storage of food, equipment, utensils, linens, and single-service, or single-use articles;
  - (h) the mobile food business operator shall use a commissary that has an electrical outlet available for mobile food business use, if needed, when parked at the commissary;
  - (i) an electrical installation intended for mobile food business use at a commissary shall comply with applicable codes and ordinances including the state electrical code; and
  - (j) not more than one mobile food business shall be served by one electrical outlet at a time.

(5) If a local health officer revokes or suspends a commissary's operating permit as authorized in Subsection R392-102-4(10), each associated mobile food business permit shall be invalidated until a local health officer reinstates the operating permit or the mobile food business operator obtains a new commissary agreement at an approved location, at which point the mobile food business permit shall be reinstated with the original expiration date.

**R392-102-4. Mobile Food Business Permit Requirements.**

- (1) A person shall not operate a mobile food business without a valid permit to operate issued by a local health department.
- (2) A mobile food business operator shall only operate a mobile food business after:
  - (a) obtaining a temporary food establishment permit from a local health department when only operating at a fixed location for no more than 14 consecutive days; or
  - (b) obtaining an annual permit from the local health department wherein the majority of the mobile food business's operations will take place.
- (3) To obtain a permit, a mobile food business operator shall:
  - (a) provide the following information to the local health department issuing the permit:
    - (i) name, title, contact information, and signature;
    - (ii) evidence of food safety manager certification as required in Subsection R392-102-4(13);
    - (iii) ownership status of the mobile food business such as individual, partnership, or corporation;
    - (iv) name of the mobile food business or "dba";
    - (v) food truck license plate number;
    - (vi) a complete list of menu items if there has been a menu change or if it was not previously submitted with plans as required in Section R392-102-5;
    - (vii) a means whereby the local health department can determine the mobile food business's vending location or route as well as days and hours of mobile food business operation;
    - (viii) a copy of the written commissary agreement as described in Subsection R392-102-3(4)(b), unless exempted by the local health officer; and
    - (ix) documentation of an approved servicing area if the commissary is not properly equipped to provide potable water or electricity to, or to receive wastewater from a mobile food business; and shall
      - (b) pay a permit fee;
      - (c) submit plans for review as described in Section R392-102-5;
      - (d) complete necessary changes resulting from the review of plans, as required; and
      - (e) complete a pre-operational inspection, as described in Subsection R392-102-18(9).
  - (4) An issued permit shall include the following information:
    - (a) name of the issuing local health department;
    - (b) name of the permitted mobile food business, as provided on the application;
    - (c) license plate of the associated food truck;
    - (d) expiration date; and
    - (e) permit tier designation as described in Subsection R392-102-4(5)(b).
  - (5)(a) Permit fees shall be uniform statewide and may only be in an amount that reimburses the local health department for the cost of administering the mobile food business sanitation program.
    - (b) The local health department shall use a two-tier risk-based assessment to determine an appropriate permit fee as follows:
      - (i) a permit shall be designated as "tier one" when the mobile food business operator's menu includes fewer than three TCS foods, and when raw animal products are not included as a menu ingredient;
      - (ii) a permit shall be designated as "tier two" when the mobile food business operator's menu includes three or more TCS foods, or when raw animal products are included as a menu ingredient; and
      - (iii) the amount of a tier one permit fee shall be reduced, as compared to a tier two permit fee, to account for the lower regulatory burden.
    - (6) If an application for a permit is denied, the mobile food business operator may request information from a local health officer that includes:
      - (a) the specific reasons and rule citations for permit denial; and
      - (b) any actions the applicant must take to qualify for a permit.
    - (7) A local health department shall recognize as valid a mobile food business permit that has been issued by another local health department within the state.
    - (8)(a) A mobile food business operator shall comply with permitting requirements as stated in Subsection R392-102-4(3) when renewing a permit.
      - (b) If a mobile food business operator elects to renew a permit, it shall be the duty of the operator to renew within 30 calendar days before the expiration date of the current permit.
    - (9)(a) A permit applied for or issued pursuant to this rule may be denied, suspended, or revoked by the local health officer for any of the following reasons:
      - (i) failure of the application or plans to show that the mobile food business will be operated or maintained in accordance with the requirements of this rule;

- (ii) submission of incorrect or false information in the application or plans;
- (iii) failure to operate or maintain the mobile food business in accordance with the application, plans, and specifications approved by the local health department;
- (iv) failure of the mobile food business operator to allow the local health officer to conduct inspections as necessary to determine compliance with this rule;
- (v) failure of the mobile food business operator to make the mobile food business available for inspection or to obtain an inspection according the frequency requirements detailed in Subsection R392-102-18(10);
  - (vi) operation of the mobile food business in a way that causes or creates an imminent health hazard;
  - (vii) violation of any condition upon which the permit was issued; or
  - (viii) failure to pay a permit fee or inspection fee.
- (b) If a local health officer suspends a permit, the local health officer shall notify other applicable local health departments regarding the enforcement actions taken.
  - (c) In the event of an imminent health hazard, a local health officer may suspend a permit issued by another local health jurisdiction. Except as coordinated and approved by the impacted local health officers, the local health jurisdiction that suspends a permit shall be the same organization that reinstates a suspended permit when the issues of noncompliance have been adequately addressed.

(10) To reinstate a suspended permit, a mobile food business operator shall:

- (a) complete a pre-operational inspection with the local health department that suspended the permit, as described in Subsection R392-102-18(9), which shows that the mobile food business is back in compliance with this rule; and
- (b) pay an inspection fee.

(11)(a) A food truck operator shall post:

- (i) the issued permit in a conspicuous location inside the food truck; and
- (ii) the included permit decal (sticker) on the outside rear of the food truck.

(b) A food cart operator shall post the issued permit and the included permit decal (sticker) in a conspicuous location on the food cart.

(12) A mobile food business permit may not be transferred from one mobile food business operator to another, from one mobile food business to another, or from one type of operation to another if the change affects the tier designation as specified in Subsection R392-102-4(5)(b) and the local health department that issued the permit has not approved the change.

(13) At least one mobile food business employee shall:

- (a) be certified in food safety management according to the requirements of Rule R392-101, unless exempted by a local health officer according to the criteria listed in Section R392-101-8 and Section 26B-7-411; and
- (b) maintain proof of certification available for review by the local health officer upon request.

(14)(a) Each mobile food business employee shall be trained in food safety as required by Rule R392-103, and shall hold a valid food handler's permit issued by a local health department.

(b) The mobile food business operator shall maintain proof of food handler permit certification of employees and shall provide it to the local health officer upon request.

#### **R392-102-5. Plan Review Requirements.**

- (1) A mobile food business operator shall submit to the local health department properly prepared plans and specifications for review and approval before:
  - (a) the construction of a mobile food business;
  - (b) the conversion of an existing vehicle or trailer to a mobile food business; or
  - (c) the remodeling of a mobile food business or a change of mobile food business type or change in foods served or food service operations that would require a change in risk assessment as described in Subsection R392-102-4(5)(b).
- (2) When applying for a permit for the first time, the operator of a newly constructed mobile food business, or mobile food business in pre-construction shall submit plans to the local health department, which include at least the following:
  - (a) a complete list of intended menu items;
  - (b) anticipated volume of food to be stored, prepared, and sold or served;
  - (c) equipment cut sheets;
  - (d) plumbing schedule;
  - (e) mechanical schedule;
  - (f) dimensional floor plan;
  - (g) finish schedule for floors, walls, and ceilings, if applicable;
  - (h) an equipment layout; and
  - (i) any additional information required by the local health officer.
- (3) When applying for a permit for the first time, the operator of a retrofitted or existing mobile food business shall submit plans to the local health department, which may include the following:
  - (a) dimensional floor plan;
  - (b) an equipment layout, including the location of hand wash and food preparation sinks; and
  - (c) any additional information required by the local health officer.
- (4)(a) Except when the mobile food business has undergone renovation or a change in ownership since the time of permit issuance, an additional plan review is not required before renewing a permit.

(b) When the mobile food business has undergone renovation or a change in ownership since the time of permit issuance, the mobile food business operator shall comply with Subsection R392-102-5(3).

**R392-102-6. Construction and Maintenance Requirements.**

(1) Materials for indoor floor, wall, and ceiling surfaces of a food truck shall be:

(a) smooth, durable, and easily cleanable for areas where food is stored, prepared, held under temperature control, or served; and

(b) nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, servicing areas, and areas subject to flushing or spray cleaning methods.

(2) Nonfood-contact surfaces of a mobile food business shall be free of unnecessary ledges, projections, and crevices, and be designed and constructed to allow easy cleaning and to facilitate maintenance.

(3) Exterior walls and roofs of a food truck shall be constructed of weather-resistant materials, and shall effectively protect the food truck interior from the entry of dust, debris, stormwater, insects, rodents, and other animals.

(4)(a) A food truck operator shall permanently display the business name on the exterior of the food truck in printed letters of at least four inches in height.

(b) The business name printed on the exterior of the food truck shall be the same as the business name or "dba" provided on the application required by Subsection R392-102-4(3)(a)(iv).

(5) Mats and duckboards used inside a food truck shall be designed to be removable and easily cleanable.

(6) Physical facilities shall be maintained in good repair.

(7)(a) Physical facilities shall be cleaned as often as necessary to keep them clean.

(b) Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of food is exposed such as after closing.

(8) Equipment shall be maintained in a state of repair and condition that meets the requirements specified under Section R392-102-8.

(9) Except as specified in Subsection R392-102-6(10), a food truck operator shall protect outer openings of a food truck against the entry of insects and rodents by:

(a) tight-fitting windows; and

(b) closed, solid, tight-fitting doors.

(10) If the windows or doors of a food truck are kept open for ventilation or food service, the openings shall be protected against the entry of insects and rodents by:

(a) 16 mesh to one inch screens; or

(b) other effective means approved by the local health officer.

(11)(a) Light intensity within the interior of the food truck shall be:

(i) at least 540 lux (50 foot candles) at any surface where a food truck employee works with food or utensils;

(ii) at least 215 lux (20 foot candles):

(A) in a toilet room; and

(B) inside equipment such as reach-in and under-counter refrigerators; and

(iii) at least 108 lux (10 foot candles) at a distance of 30 inches (75 cm) above the floor in walk-in refrigeration units and dry food storage areas.

(b) Light bulbs located in the food truck shall be shielded, coated, or otherwise shatter-resistant.

(12) Living quarters and shower or bathing facilities are prohibited on a mobile food business.

(13)(a) A mobile food business shall have at least one handwashing sink provided with hot and cold running water.

(b) A local health department issuing a permit may require the installation of one or more handwashing sinks as necessary for their convenient use by employees in the following areas:

(i) food preparation, food dispensing, and warewashing areas; and

(ii) in a toilet room, if applicable.

(14)(a) A food truck shall have a 3-compartment sink installed with hot and cold water under pressure for manually washing, rinsing, and sanitizing equipment and utensils unless exempted by the local health department issuing a permit.

(b) Unless exempted, a 3-compartment sink shall meet the following requirements:

(i) the food truck shall have sufficient onboard water storage capacity to fill all sink compartments without depleting water storage needed for food truck operations such as handwashing; and

(ii) sink compartments shall be large enough to accommodate immersion of in-use utensils.

(c) A food cart operator is exempted from the requirements of Subsection R392-102-6(14)(a) unless specifically required by the local health officer.

**R392-102-7. Water and Wastewater Requirements.**

(1)(a) A food truck operator shall ensure that potable water is available to a food truck during all hours of operation through:

(i) an onboard potable water storage tank that shall hold a minimum of 30 gallons as measured down from the inlet; or

(ii) piping, tubing, or hoses connected to an adjacent potable water source under pressure as approved by the local health officer. The water supply type described in Subsection (1)(a)(ii) is allowed only when the food truck is concurrently connected to a public sanitary sewer system in a manner approved by the local health officer.

(b) A food cart operator shall ensure that potable water is available to a food cart during all hours of operation through:

- (i) an onboard potable water storage tank that shall hold a minimum of 10 gallons as measured down from the inlet; or
- (ii) piping, tubing, or hoses connected to an adjacent potable water source under pressure as approved by the local health officer. The water supply type described in Subsection (1)(b)(i) is allowed only when the food cart is concurrently connected to a public sanitary sewer system in a manner approved by the local health officer.

(2)(a) The water source and system shall be of sufficient capacity to meet the peak water demands of the mobile food business.

(b) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the mobile food business.

(3) Materials that are used in the construction of a mobile water tank, mobile food business onboard water tank, and appurtenances shall be:

- (a) safe;
- (b) durable, corrosion-resistant, and nonabsorbent;
- (c) finished to have a smooth, easily cleanable surface; and
- (d) designed and intended only for use with potable water.

(4) An onboard water tank shall be:

- (a) enclosed from the filling inlet to the discharge outlet;
- (b) sloped to an outlet that allows complete drainage of the tank; and
- (c) used for conveying potable water and for no other purpose.

(5) If an onboard water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and be:

- (a) flanged upward at least one-half inch; and
- (b) equipped with a port cover assembly that is:

- (i) provided with a gasket and a device for securing the cover in place; and
- (ii) flanged to overlap the opening and sloped to drain.

(6) A fitting with "V" type threads on an onboard water tank inlet or outlet shall be allowed only when a hose is permanently attached.

(7) If provided, an onboard water tank vent shall terminate in a downward direction and shall be covered with:

- (a) 16 mesh to 25.4 mm (16 mesh to one inch) screen or equivalent when the vent is in a protected area; or
- (b) a protective filter when the vent is in an area that is not protected from windblown dirt and debris.

(8)(a) A water tank and its inlet and outlet shall be sloped to drain.

(b) A water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil, or grease.

(9)(a) A hose, pipe, or tube used for conveying potable water from a water tank shall be:

- (i) safe;
- (ii) durable, corrosion-resistant, and nonabsorbent;
- (iii) resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition;
- (iv) finished with a smooth interior surface;
- (v) clearly and durably identified as to its use if not permanently attached; and
- (vi) prohibited from use in any other service such as conveying wastewater or toxic chemicals.

(b) A mobile food business operator shall only use a hose designed and intended to convey potable water when filling an onboard water tank as described in Subsection (1).

(10) A mobile food business operator shall install and maintain a filter that does not pass oil or oil vapors in the air supply line between the compressor and potable water supply system when compressed air is used to pressurize the water tank system.

(11)(a) A cap and keeper chain, closed cabinet, closed storage tube, or other protective cover or device approved by the local health officer shall be provided for a water inlet, outlet, and hose.

(b) The protective cover or device shall be used when the water tank or hose inlet and outlet fitting is not in use.

(12) A mobile food business's onboard water tank inlet shall be:

- (a) three-fourths inch in inner diameter or less; and
- (b) provided with a hose connection of a size or type that will prevent its use for any other service.

(13) The mobile food business operator shall flush and sanitize any water tank, pump, and hoses before placing into service after initial purchase, construction, repair, modification, and periods of nonuse of 30 days or more, and as often as necessary to maintain the equipment in clean and sanitary condition.

(14) A mobile food business operator shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

(15)(a) A wastewater holding tank in a mobile food business shall be:

- (i) sized 15% larger in capacity than the water supply tank; and
- (ii) sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve.

(b) Subsection (15)(a)(i) does not apply to a potable water tank that is used only for beverage service on a mobile food business and is not connected to a wastewater holding tank.

(16) Wastewater shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of wastewater transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to:

- (a) Plumbing Code;
- (b) the Utah Department of Environmental Quality under Title R317, Water Quality;
- (c) local health department and municipal regulations; and
- (d) the local sewer district having jurisdiction.

(17)(a) Wastewater and other liquid wastes shall be removed from a mobile food business at an approved commissary or a waste servicing area approved by the local health officer or by a wastewater transport vehicle in such a way that a public health hazard or nuisance is not created.

(b) A mobile food business operator shall thoroughly flush and drain a tank for liquid waste retention in a sanitary manner during the servicing operation.

(18) Wastewater or liquid waste conveyance lines that are not shielded to intercept drips shall be installed or located under food and food-contact surfaces.

(19) The mobile food business operator shall store potable water pipes, hoses, and tubes separately from wastewater pipes, hoses, and tubes in a manner that prevents cross contamination.

#### **R392-102-8. Equipment Requirements.**

(1) Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be:

- (a) safe;
- (b) durable, corrosion-resistant, and nonabsorbent;
- (c) sufficient in weight and thickness to withstand repeated washing;
- (d) finished to have a smooth, easily cleanable surface; and
- (e) resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

(2)(a) Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

(b) Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

(3) Copper and copper alloys such as brass may not be used in contact with a food that has a pH below 6 such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator.

(4) Hot oil filtering equipment shall be readily accessible for filter replacement and cleaning of the filter and meet the requirements of Subsection R392-102-8(1).

(5) Galvanized metal may not be used for utensils and food-contact surfaces of equipment that are used in contact with acidic food.

(6) Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

(7)(a) Except as specified in Subsections (b), (c), and (d) of this section, wood and wood wicker may not be used as a food-contact surface.

(b) Hard maple or an equivalently hard, close-grained wood may be used for:

(i) cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and

(ii) wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110 degrees C (230 degrees F) or above.

(c) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.

(d) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:

(i) untreated wood containers; or

(ii) treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 Preservatives for wood.

(8) Multiuse food-contact surfaces shall be:

(a) smooth;

(b) free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;

(c) free of sharp internal angles, corners, and crevices;

(d) finished to have smooth welds and joints; and

(e) accessible for cleaning and inspection.

(9)(a) Equipment that is fixed in place because it is not easily movable shall be installed so that it is:

(i) spaced to allow access for cleaning along the sides, behind, and above the equipment;

(ii) spaced from adjoining equipment, walls, and ceilings a distance of not more than one millimeter or one thirty-second inch; or

(iii) sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.

(b) Counter-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:

- (i) sealed; or
- (ii) elevated on legs to provide not less than four inches of clearance.

(10) Floor-mounted equipment that is not easily movable, if used in a food truck, shall be sealed to the floor or elevated on legs that provide at least a six inch (15 centimeter) clearance between the floor and the equipment.

(11) Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

(12) Filters or other grease extracting equipment shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

(13)(a) Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided in a food truck for necessary utensil holding before cleaning and after sanitizing.

(b) Sufficient space shall be provided for storage of soiled and cleaned items that may accumulate during hours of operation, such as on drainboards, utensil racks, or tables.

(c) Soiled and clean items shall be stored separately and in a manner that protects clean items from contamination.

(14) A plumbing fixture such as a handwashing sink or toilet shall be easily cleanable.

(15)(a) Equipment for cooling and heating food, and holding cold and hot food, shall be:

- (i) sufficient in number and capacity; and

- (ii) capable of consistently maintaining food temperatures as specified under Section R392-102-12.

(b) The mobile food business operator shall maintain an accurate and operational food temperature measuring device in each mechanically refrigerated unit.

(c) In a mechanically refrigerated or hot food storage unit, the sensor or thermometer shall be located to measure the ambient temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

(16) A mobile food business operator with a menu offering any TCS foods shall equip the mobile food business with at least one readily accessible and properly calibrated food temperature measuring device that is easily readable and may not have a sensor or stem constructed of glass unless the thermometer with a glass sensor or stem is encased in a shatterproof coating such a candy thermometer.

(17)(a) When manual warewashing of utensils or food-contact equipment is done on a food truck or food cart, the mobile food business operator shall provide a test kit or other device that accurately measures the concentration in mg/L of chemical sanitizing solutions.

(b) If hot water is used for sanitization in manual warewashing operations in a mobile food business, the sanitizing compartment of the sink shall be:

- (i) designed with an integral heating device that is capable of maintaining water at a temperature not less than 171 degrees F; and

- (ii) provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

(18)(a) Receptacles and waste handling units for refuse and recyclables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.

(b) Receptacles and waste handling units for refuse and recyclables used with materials containing food residue and used outside the mobile food business shall be:

- (i) designed and constructed to have tight-fitting lids, doors, or covers; and

- (ii) maintained in good repair.

(c) Refuse and recyclables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

(d) Receptacles and waste handling units for refuse and recyclables shall be kept covered inside a food truck:

- (i) if the receptacles and units contain food residue and are not in continuous use; or

- (ii) after they are filled.

(19) Refuse and recyclables shall be removed from the mobile food business premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

(20) Except when exempted by a local health officer, a mobile food business operator shall furnish or equip a mobile food business with adequate electrical power to ensure uninterrupted service.

#### **R392-102-9. Requirements for Cleaning Equipment and Utensils.**

(1) Equipment food-contact surfaces and utensils shall be clean to sight and touch.

(2) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

(3) Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

(4)(a) Equipment food-contact surfaces and utensils shall be cleaned and sanitized:

- (i) before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;

- (ii) each time there is a change from working with raw foods to working with ready-to-eat foods;

- (iii) between uses with raw fruits and vegetables and with TCS food;
- (iv) before using or storing a food temperature measuring device; and
- (v) at any time during the operation when contamination may have occurred.

(b) Equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every four hours if used with TCS food.

- (c) Utensils and equipment contacting food that is not TCS shall be cleaned:
  - (i) at any time when contamination may have occurred;
  - (ii) at least every 24 hours;
  - (iii) before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and
- (iv) in equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment:
  - (A) at a frequency specified by the manufacturer; or
  - (B) at a frequency necessary to preclude accumulation of soil or mold.

(5) Except for hot oil cooking and filtering equipment, the food-contact surfaces of cooking and baking equipment shall be cleaned at least every 24 hours.

(6) The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.

(7) Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

(8) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.

(9) The washing procedures selected shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.

(10) Washed utensils and equipment shall be rinsed, after cleaning and before sanitizing, so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using a distinct, separate water rinse after washing and before sanitizing if using:

- (a) a 3-compartment sink; or
- (b) alternative manual warewashing equipment equivalent to a 3-compartment sink as approved by the local health department issuing the permit.

(11) Equipment food-contact surfaces and utensils shall be sanitized before use after cleaning. Sanitizers and sanitizing operations shall meet the requirements in Section R392-102-10.

(12) After cleaning and sanitizing, equipment and utensils shall be air-dried or used after adequate draining.

(13) Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.

(14)(a) Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be:

- (i) maintained dry; and
- (ii) used for no other purpose.

(b) Cloths in-use for wiping counters and other equipment surfaces shall be:

- (i) held between uses in a container of chemical sanitizer solution at a concentration specified under Subpart 4-501.114 of the FDA Food Code; and
- (ii) laundered daily.

(c) Cloths in-use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes.

(d) Dry wiping cloths and the chemical sanitizing solutions specified in Subsection (14) in which wet wiping cloths are held between uses shall be free of food debris and visible soil.

(e) Containers of chemical sanitizing solutions specified in Subsection (14)(b)(i) in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.

(f) Single-use disposable sanitizer wipes shall be used in accordance with EPA-approved manufacturer's label use instructions.

(15) Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.

(16) Cleaned and sanitized equipment and utensils, laundered linens, and single-service and single-use articles shall be stored:

- (a) in a clean, dry location;
- (b) where they are not exposed to splash, dust, or other contamination; and
- (c) at least six inches above the floor.

(17) Clean and sanitized equipment and utensils shall be stored as specified under Subsection R392-102-8(13) and shall be stored:

- (a) in a self-draining position that allows air drying; and
- (b) covered or inverted.

(18) The wash, rinse, and sanitize solutions shall be maintained clean.

(19) Single-service and single-use articles may not be reused.

(20) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form.

**R392-102-10. Requirements for Sanitizing Equipment and Utensils.**

(1) Chemical sanitizers, including chemical sanitizing solutions generated onsite, and other chemical antimicrobials applied to food-contact surfaces shall:

- (a) meet requirements specified in 40 CFR 180.940 and 40 CFR 180.2020; and
- (b) be used in accordance with the EPA-registered label use instructions.

(2) Chlorine sanitizer solutions shall have a minimum concentration and temperature of:

- (a) 25 to 49 mg/L at 120 degrees F, with an associated contact time of 10 seconds;

(b) 50 to 99 mg/L at 100 degrees F, pH of 10 or less, or 75 degrees F, pH or 8 or less, with an associated contact time of 7 seconds; or

- (c) 100 mg/L at 55 degrees F, with an associated contact time of 10 seconds.

(3) Iodine sanitizing solutions shall have a:

- (a) minimum temperature of 68 degrees F;

(b) pH of 5.0 or less of a pH no higher than the level for which the manufacturer specifies the solution is effective;

- (c) concentration between 12.5 mg/L and 25 mg/L; and

- (d) contact time of at least 30 seconds.

(4) Quaternary ammonium compound solutions shall:

- (a) have a minimum temperature of 75 degrees F;

(b) have a concentration as stated by the manufacturer's use directions included in the labeling;

(c) be used only in water with 500 mg/L hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions; and

- (d) have a contact time of at least 30 seconds.

(5) Hot water sanitization, without the use of chemicals, shall be accomplished by:

- (a) manual immersion for at least 30 seconds in water held at a minimum temperature of 171 degrees F or higher; or

(b) being cycled through equipment which:

(i) the temperature of the sanitizing rinse as it enters the manifold may not be more than 194 degrees F or less than 165 degrees F for stationary racks or 180 degrees F for all other machines; and

(ii) achieves a utensil surface temperature of 160 degrees F as measured by an irreversible registering temperature indicator.

**R392-102-11. Food Safety Requirements.**

(1)(a) Food shall be safe, unadulterated, and honestly presented.

(b) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.

(c) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.

(2) Food shall be obtained from sources that comply with Rule R392-100.

(3) Food prepared in a private home or any structure or dwelling designed, constructed, or intended for human occupancy shall not be used in a mobile food business or offered from a mobile food business for human consumption.

(4) Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

(5) Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

(6)(a) Shell eggs that have not been specifically treated to destroy all viable *Salmonellae* shall be labeled to include safe handling instructions as specified in 21 CFR 101.17(h).

(b)(i) Shell eggs shall be received in a clean and sound condition.

(ii) Except for shell eggs that are purchased from a small producer, shell eggs may not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified Rule R70-410, Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes.

(iii) Shell eggs may not be addled or moldy, and may not contain:

(A) black spot;

(B) black rot;

(C) white rot;

(D) blood ring;

(E) adherent yolk; or

- (F) a bloody or green albumen.
- (c) Egg products shall be obtained pasteurized.
- (d) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are not cooked.
  - (i) Raw, unpasteurized shell eggs may be used in recipes that will not be cooked if the mobile food business has obtained a variance from the permit issuer, which variance is based on a commissary HACCP plan; and
  - (ii) The local health officer may revoke or suspend a permit and variance if the commissary HACCP plan is not being followed.
- (7) Fluid milk and milk products shall be obtained from sources that comply with grade A standards as specified in Rule R70-310.
- (8)(a) Fish and molluscan shellfish that are received for sale or service shall be commercially and legally caught or harvested.
  - (b) Molluscan shellfish that are recreationally caught may not be received for sale or service.
  - (c) Molluscan shellfish, shucked shellfish and shellstock shall comply with Subparts 3-202.17, 3-202.18, 3-203.11, and 3-203.12 of the FDA Food Code.
  - (d) When received by a mobile food business, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock, or those with badly broken shells, shall be discarded.
- (9) Mushroom species picked in the wild shall not be offered for sale or service by a mobile food business.
- (10) If game animals are received for sale or service they shall meet the requirements of Subpart 3-201.17 of the FDA Food Code.
- (11) Ice for use as a food or a cooling medium shall be made from drinking water.
- (12) Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.
- (13) Ice may not be used as food after use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment.
- (14)(a) Food shall only contact surfaces of equipment and utensils that are cleaned and sanitized as specified in Sections R392-102-9 and R392-102-10 or single-service and single-use articles.
  - (b) Linens, such as cloth napkins, shall not be used in contact with food.
  - (15)(a) Except as specified in Subsections (b) and (c) of this subsection, food shall be protected from contamination by storing the food:
    - (i) in a clean, dry location;
    - (ii) where it is not exposed to splash, dust, or other contamination; and
    - (iii) at least six inches (15 cm) above the floor.
  - (b) Pressurized beverage containers and cased food in waterproof containers such as bottles or cans may be stored on a floor that is clean and not exposed to floor moisture.
  - (c) Food in packages and working containers may be stored less than six inches above the floor on case lot handling equipment, such as dollies, pallets, racks, and skids used to store and transport large quantities of packaged foods.
- (16) Food may not be stored:
  - (a) in toilet rooms;
  - (b) under sewer lines;
  - (c) under open stairwell;
  - (d) under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed; or
  - (e) under other sources of contamination.
- (17) Food shall be protected from cross contamination by:
  - (a) separating raw animal foods during storage, preparation, holding, and display from:
    - (i) raw ready-to-eat food; and
    - (ii) cooked ready-to-eat food;
  - (b) except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:
    - (i) using separate equipment for each type; or
    - (ii) arranging each type of food in equipment so that cross contamination of one type with another is prevented; and
    - (iii) preparing each type of food at different times or in separate areas;
    - (c) cleaning hermetically sealed containers of food of visible soil before opening;
    - (d) protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;
    - (e) storing and segregating damaged, spoiled, or recalled food in designated areas within the mobile food business that are separated from food, equipment, utensils, linens, and single-service and single-use articles; and
    - (f) separating fruits and vegetables before they are washed from ready-to-eat food.
  - (18) Food shall be protected from contamination that may result from a factor or source not specified in this section.

(19) Except for containers holding food that can be readily and unmistakably recognized such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the mobile food business, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the food.

(20) Food shall be protected from contamination that may result from the addition of:

- unsafe or unapproved food or color additives; and
- unsafe or unapproved levels of approved food and color additives.

(21) A mobile food business operator shall not:

- apply sulfating agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1; or
- except for grapes, serve or sell food specified under Subsection (21)(a) that is treated with sulfating agents before receipt by the mobile food business.

(22)(a) A mobile food business operator may not prepare food on a mobile food business using "specialized processing methods" as described in the FDA Food Code. A mobile food business operator may not obtain a variance from the Department of Health and Human Services or an exemption from a local health officer to use specialized processing methods on a mobile food business.

(b) A mobile food business operator shall remove TCS food from reduced oxygen packaging before holding or storing the food in a temperature controlled environment on a mobile food business.

(23) Food shall be protected from contamination that may result from a factor or source not specified elsewhere in this rule.

**R392-102-12. Food Temperature Requirements.**

(1)(a) Refrigerated, TCS food shall be at a temperature of 5 degrees C (41 degrees F) or below when received at the mobile food business from a commissary or other approved source.

(b) Raw eggs shall be received at the mobile food business from a commissary or other approved source in refrigerated equipment that maintains an ambient air temperature of 7 degrees C (45 degrees F) or less.

(c) TCS food that is cooked to a temperature and for a time specified under Subparts 3-401.11 to 3-401.13 of the FDA Food Code and received hot at the mobile food business from a commissary or other approved source shall be at a temperature of 57 degrees C (135 degrees F) or above.

(d) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen at the mobile food business from a commissary or other approved source.

(e) Upon receipt at the mobile food business from a commissary or other approved source, TCS food shall be free of evidence of previous temperature abuse.

(2) Any food requiring cooking, freezing, or reheating before service shall be cooked, frozen, or reheated as required in Part 3-4 of the FDA Food Code.

(3)(a) Stored frozen foods shall be maintained frozen.

(b) Commercially processed foods that are labeled to be kept frozen shall be kept frozen until cooked or served.

(c) Commercially processed foods labeled to be kept frozen may be thawed under refrigeration at 41 degrees F or below in accordance with Subsection (4) if:

- records are kept or date marking used indicating when the food entered refrigeration; and
- discarded seven days after entering the refrigerator.

(4) Any food requiring thawing shall be thawed as required in Subpart 3-501.13 of the FDA Food Code.

(5) Any food requiring cooling shall be cooled in the commissary as required in Subparts 3-501.14 and 3-501.15 of the FDA Food Code. The mobile food business operator shall not cool cooked TCS food on the food truck or food cart unless exempted by the local health officer issuing the permit.

(6) Except during preparation, cooking, or cooling, TCS foods shall be maintained:

- at 57 degrees C (135 degrees F) or above; or
- at 5 degrees C (41 degrees F) or less.

(7)(a) Ready-to-eat, TCS food prepared and held for more than 24 hours at a temperature of 5 degrees C (41 degrees F) or less in a mobile food business shall be clearly marked to show the date or day by which the food shall be consumed, sold, or discarded, which date shall be a maximum of seven days from the date of preparation, with the day of preparation being counted as day 1.

(b) Ready-to-eat, TCS food prepared and packaged by a food processing plant and opened and held for more than 24 hours at a temperature of 5 degrees C (41 degrees F) or less in a mobile food business, shall be clearly marked when the original container is opened in a mobile food business to show the date or day by which the food shall be consumed, sold, or discarded, with the day the original container is opened being counted as day 1, and the day or date marked by the mobile food business operator may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

(8) A refrigerated, ready-to-eat TCS food ingredient or a portion of a refrigerated, ready-to-eat, TCS food that is subsequently combined with additional ingredients or portions of food shall keep the date marking of the earliest-prepared or first-prepared ingredient.

(9) A food specified in Subsection (7) shall be discarded if it:

- exceeds the temperature and time combination specified in Subsection (7), except time that the product is frozen;
- is in a container or package that does not bear a date or day; or

(c) is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Subsection (7).

**R392-102-13. Poisonous or Toxic Materials.**

- (1) Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.
- (2) Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.
- (3) Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:
  - (a) separating the poisonous or toxic materials by spacing or partitioning; and
  - (b) locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.
- (4) Only those poisonous or toxic materials that are required for the operation and maintenance of a mobile food business, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a mobile food business.
- (5) Poisonous or toxic materials shall be:
  - (a) used according to:
    - (i) Rule R392-100 and local health department regulations;
    - (ii) manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food establishment;
    - (iii) the conditions of certification for use of the pest control materials; and
    - (iv) additional conditions that may be established by the local health officer; and
  - (b) applied so that:
    - (i) a hazard to employees or other persons is not constituted; and
    - (ii) contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented by:
      - (A) removing the items;
      - (B) covering the items with impermeable covers; or
      - (C) taking other appropriate preventive actions; and
      - (D) cleaning and sanitizing equipment and utensils after the application.
- (6) A mobile food business shall be maintained free of rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence inside a food truck by:
  - (a) routinely inspecting incoming shipments of food and supplies;
  - (b) routinely inspecting the food truck for evidence of pests; and
  - (c) using pest management methods, if pests are found, such as trapping devices, eliminating harborage, or other means of pest control.
- (7) Restricted use pesticides shall not be used in a mobile food business.
- (8) A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food.
- (9) Rodent bait shall be contained in a covered, tamper-resistant bait station.
- (10) Tracking powder may not be used inside a food truck unless the powder is non-toxic, such as flour or talcum powder, and is used in such a manner that it cannot contaminate food, equipment, utensils, linens, and single-service or single-use articles.

**R392-102-14. Personal Cleanliness and Protection from Contamination.**

- (1) Mobile food business employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- (2) Mobile food business employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- (3) If used, single-use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.
- (4) Mobile food business employees shall keep their hands and exposed portions of their arms clean using the cleaning procedure specified in Subpart 2-301.12 of the FDA Food Code immediately before engaging in handling of food or clean equipment and utensils and:
  - (a) after touching bare human body parts other than clean hands and clean, exposed portions of arms;
  - (b) after using the toilet room;
  - (c) after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
  - (d) after handling soiled equipment or utensils;
  - (e) during food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
  - (f) when switching between working with raw food and working with ready-to-eat food;
  - (g) before donning gloves to initiate a task that involves working with food; and

- (h) after engaging in other activities that contaminate the hands.
- (5) The mobile food business operator shall supply each handwashing sink with:
  - (a) a supply of hand cleaning liquid, powder, or bar soap; and
  - (b) individual, disposable towels and an associated waste receptacle;
  - (c) a continuous towel system that supplies the user with a clean towel;
  - (d) a heated air hand drying device; or
  - (e) a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperature.
- (6) Near each handwashing sink in a conspicuous location, the mobile food business operator shall place a sign or poster that notifies mobile food business employees to wash their hands.
- (7) Mobile food business employees shall clean their hands in a handwashing sink and may not clean their hands in a sink used for food preparation or warewashing.
- (8)(a) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:
  - (i) be applied only to hands that are cleaned as specified in Subsection (4); and
  - (ii) comply with the requirements of Subpart 2-301.16 of the FDA Food Code.
- (b) Except as temporarily allowed by the local health officer, the use of a hand antiseptic shall not replace the requirement for hand washing in Subsection (4).
- (9) Mobile food business employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- (10) Unless wearing intact gloves in good repair, a mobile food business employee may not wear fingernail polish or artificial fingernails when working with exposed food.
- (11) Except for a plain ring such as a wedding band, mobile food business employees may not wear jewelry including medical information jewelry on their arms and hands.
- (12) Mobile food business employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.
- (13) Mobile food business employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.
- (14) Mobile food business employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- (15) A mobile food business employee may not use a utensil more than once to taste food that is to be sold or served.
- (16)(a) A toilet room that is installed on a food truck, shall:
  - (i) include a toilet that is discharged to a dedicated wastewater holding tank that is separate from the holding tank described in Subsection R392-102-7(15)(a), with a capacity as specified by the local health officer before permit issuance;
  - (ii) have a supply of toilet tissue available at each toilet;
  - (iii) be conveniently located and accessible to food truck employees during all hours of operation;
  - (iv) be provided with a covered waste receptacle; and
  - (v) be completely enclosed and provided with a tight-fitting door.
- (b) Except during cleaning and maintenance operations, toilet room doors shall be kept closed.

#### **R392-102-15. Supervision, Employee Health, and Contamination Events.**

- (1) The mobile food business operator shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the mobile food business during all hours of operation.
- (2) Based on the risks inherent to the mobile food business operation, during inspections and upon request, the person in charge shall demonstrate to the local health officer knowledge of foodborne disease prevention and the requirements of this rule. The person in charge shall demonstrate this knowledge by:
  - (a) complying with the requirements of this rule;
  - (b) being certified in food safety management according to the requirements of Rule R392-101; or
  - (c) responding correctly to the inspector's questions as they relate to the specific mobile food business operations.
- (3) The person in charge shall ensure that:
  - (a) mobile food business operations are not conducted in a private home or in a room used as living or sleeping quarters;
  - (b) persons unnecessary to a food truck operation are not allowed in the food truck;
  - (c) employees and other persons entering a food truck comply with this rule;
  - (d) employees are effectively cleaning their hands;
  - (e) employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the proper temperatures, protected from contamination, unadulterated, and accurately presented, and are placing foods into appropriate storage locations;
  - (f) employees are properly cooking TCS food;
  - (g) employees are using proper methods to rapidly cool TCS food;

- (h) consumers who order raw or partially cooked TCS food of animal origin are informed that the food is not cooked sufficiently to ensure its safety;
  - (i) employees are properly sanitizing cleaned equipment and utensils;
  - (j) employees are preventing cross contamination of ready-to-eat food with bare hands by properly using suitable utensils;
  - (k) employees are properly trained in food safety, including food allergy awareness;
  - (l) employees are informed in a verifiable manner of their responsibility to report, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food, as specified under Subsection (4); and
  - (m) written procedures and plans, where required in this rule or by the local health officer, are maintained and implemented as required.

(4) The mobile food business operator, person in charge, and employees shall abide by Subpart 2-201 of the FDA Food Code in reporting of diseases, symptoms, and the exclusion or restriction of those working in the mobile food business.

(5) A mobile food business shall have procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food truck or on the food cart. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

**R392-102-16. Inspections, Corrective Actions, and Prevention of Foodborne Disease.**

(1) Each mobile food business shall meet the requirements of this rule. Food trucks and food carts are exempt from the requirements of Rule R392-100, Food Service Sanitation, unless otherwise stated in this rule.

(2) Upon presenting proper identification and providing notice of the intent to conduct an inspection, the mobile food business operator shall allow the local health officer to determine if the mobile food business is in compliance with this rule by allowing access to the mobile food business, allowing inspection, and providing information and records specified in this rule during the mobile food business's hours of operation and other reasonable times.

(3) If a mobile food business operator denies access to the local health officer, the local health officer shall:

- (a) inform the mobile food business operator that:
  - (i) the operator shall allow access to the local health officer as specified under Subsection (2);
  - (ii) access is a condition of the acceptance and retention of a permit to operate as specified under Section R392-102-4; and
- (iii) if access is denied, an order issued by an appropriate authority allowing access may be obtained;
- (b) make a final request for access; and
- (c) if access continues to be refused, the local health officer shall provide details of the denial of access on an inspection report form.

(4) The local health officer shall document on an inspection report form:

- (a) administrative information about the mobile food business's legal identity, street and mailing addresses, permit tier designation as specified under Section R392-102-4, inspection date, and other information including the type of water supply, sewage disposal, status of the permit, and personnel certificates of food safety management and training; and
- (b) specific factual observations of noncompliant conditions or other deviations from this rule that require correction by the mobile food business operator including:
  - (i) failure of the operator to demonstrate the knowledge of foodborne illness prevention; and
  - (ii) failure of employees and the operator to report a disease or medical condition; and
  - (c) time frame for correction of violations.

(5) At the conclusion of the inspection the local health officer shall:

- (a) provide a copy of the completed inspection report and the notice to correct violations to the mobile food business operator or to the person in charge;
- (b) request a signed acknowledgment of receipt; and
- (c) inform a person who declines to sign an acknowledgment of receipt of inspectional findings that:
  - (i) an acknowledgment of receipt is not an agreement with findings;
  - (ii) refusal to sign an acknowledgment of receipt will not affect the mobile food business operator's obligation to correct the violations noted in the inspection report within the time frames listed; and
  - (iii) a refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the historical record for the mobile food business; and
- (d) make a final request that the person in charge sign an acknowledgment of receipt of inspectional findings.

(6) The local health officer shall treat the inspection report as a public document and shall make it available for disclosure.

(7)(a) A mobile food business operator shall immediately discontinue operations and notify the local health department if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstances that may endanger public health.

(b) If operations are discontinued as required by the local health officer or in response to an imminent health hazard as specified in Subsection (7)(a), the mobile food business operator shall obtain approval from the local health officer before resuming operations.

(8) For each mobile food business that fails a health inspection, a local health department may charge and collect a fee from the associated mobile food business for that health inspection.

(9) A local health department issuing the permit, or reinstating a suspended permit, may conduct one or more pre-operational inspections to verify that the mobile food business is constructed and equipped in accordance with the approved plans and approved modifications of those plans, and is in compliance with this rule.

(10)(a) A local health officer may periodically conduct operational onsite inspections of a mobile food business to determine continued compliance with this rule.

(b) For each year that a permit is issued to a mobile food business operator, the local health department that issued the permit shall conduct a minimum of one inspection of a mobile food business with a permit, regardless of tier designation as described in Subsection R392-102-4(5)(b).

(c) The local health department shall periodically inspect throughout its permit period a mobile food business operating only with a temporary food establishment permit that prepares, sells, or serves unpackaged TCS food and that has improvised rather than permanent facilities or equipment for accomplishing functions such as handwashing, food preparation and protection, food temperature control, warewashing, potable water supply, waste retention and disposal, and insect and rodent control.

(11) A local health officer may conduct follow-up inspections, as needed, to ensure the timely resolution of inspection findings.

(12) The local health officer shall make the mobile food business operator aware of inspectional findings both during, and at the conclusion of, the inspection as well as strategies for achieving compliance. Repeat violations may prompt further compliance and enforcement actions.

**R392-102-17. Severability.**

If a provision of this rule, or its application to any person or circumstance is declared invalid, the application of such provisions to other persons or circumstances, and the remainder of this rule shall be given effect without the invalidated provision or application.

**KEY:** food trucks, mobile foods, sanitation, food carts

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