

ORDINANCE 2026-18

AN ORDINANCE OF THE MOAB CITY COUNCIL TO AMEND THE TEXT OF CERTAIN CHAPTERS IN TITLES 5 AND 17 OF THE MOAB MUNICIPAL CODE (MMC) TO INCLUDE ADDITIONAL LAND USES AND STANDARDS CONTROLLING PRIVATE PROPERTIES HOSTING VENDORS AND AMENDING THE BUSINESS LICENSE PROVISIONS IN THE MMC REGARDING VENDORS, PEDDLERS, SOLICITORS, AND MISCELLANEOUS MERCHANTS

RECITALS

WHEREAS, the City of Moab is a municipality and has authority to adopt additional land use classifications and regulations pursuant to align the Code with state law and contemporary planning concepts in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Section 20, Utah Code; and

WHEREAS, the City desires to encourage safe and standardized land use for vendors; and

WHEREAS, increasing accessibility to vendors through providing multiple land uses for off-street vending; and

WHEREAS, the Council deems it necessary to amend its land use ordinances to the vendor code, and for the protection and preservation of the public health, safety and general welfare;

WHEREAS, the Moab City Planning Commission held a public hearing on September 24th, 2026 to consider amendments to the code in accordance with Utah Code §§ 10-20-205 and 10-20-502; and

WHEREAS, the Planning Commission issued a favorable recommendation to the Moab City Council regarding the Proposed Action.

BE IT ORDAINED BY THE MOAB CITY COUNCIL as follows:

1. Chapter 5.64, Vendor, Peddler, Solicitor, and Miscellaneous Merchant Business Licenses is hereby repealed and replaced in its entirety with language attached hereto as Exhibit A. and;
2. Chapter 17.06 Definitions is hereby amended as set forth in Exhibit B.
3. Chapter 17.09 Supplementary Requirements and Procedures Applicable within Zones is hereby amended as set forth in Exhibit C.
4. Chapter 17.67 Site Plan is hereby amended as set forth in Exhibit D.
5. Chapters 17.20, 17.21, 17.24, 17.27, 17.30, 17.31, 17.32, and 17.36 the C-1, C-2, C-3, C-4, C-5, RC, SAR, and I-1 Zones is hereby amended as set forth in Exhibit E.

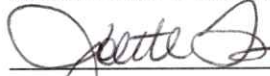
1. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

2. Direction to Staff. Staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to revise the MMC to include the ordinance, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

3. Effective Date. This Ordinance will take effect immediately on October 13, 2026 date.

PASSED AND ADOPTED this 13 day of _____ October 13, 2026.

MOAB CITY COUNCIL


By: Joette Langanese, Mayor

ATTEST


Sommar Johnson, Recorder

Voting:

Council Member	<u>LOFTIN</u>	voting	<u>AYE</u>
Council Member	<u>MYERS</u>	voting	<u>AYE</u>
Council Member	<u>KNUTSON-BOND</u>	voting	<u>AYE</u>
Council Member	<u>TOPPER</u>	voting	<u>AYE</u>
Council Member	<u>TAYLOR</u>	voting	<u>NAY</u>

(Complete as Applicable)

Date ordinance summary was posted to the Moab City website, the Utah Public Notice website, and in a public place within Moab City per Utah Code §10-3-711: 10.14.26

Effective date of ordinance: OCTOBER 14, 2026

EXHIBIT A

Chapter 5.64, Vendor, Peddler, Solicitor, and Miscellaneous Merchant Business Licenses Repeal
and Replace

Chapter 5.64

VENDOR, PEDDLER, SOLICITOR, AND MISCELLANEOUS MERCHANT BUSINESS LICENSES

Sections:

5.64.010 Definitions.

5.64.020 Licenses – Required.

5.64.030 Exemptions.

5.64.040 License fees.

5.64.050 General operating standards.

5.64.060 Specific operating standards.

5.64.070 Prohibited practices.

5.64.080 Application.

5.64.085 License renewal – Criminal convictions.

5.64.090 Licenses – Issuance.

5.64.100 Modification of display apparatus, vehicle or structure.

5.64.110 Grounds for denial.

5.64.120 Appeal of denial.

5.64.130 License – Display.

5.64.140 License – Fees.

5.64.150 License – Nontransferable.

5.64.160 License revocation – Grounds.

5.64.170 License revocation – Notice, right to cure, procedure.

5.64.180 License – Term and renewal.

5.64.190 Agent for service of process.

5.64.010 Definitions.

For purposes of this chapter:

- A. "Accoutrements" means additional items added for flavoring such as, but not limited to, seasonings, mustard, ketchup, and mayonnaise.
 - B. "Cart" means a small mobile cart or wagon that occupies a temporary location on a sidewalk or private property and is a human-propelled wheeled vehicle that may contain food or other items for sale.
 - C. "Display apparatus" means a nonpermanent structure such as a table, stand, wagon, tray, cart, canopy, tents with three sides open, or other displays for the sale of goods, merchandise, food, wares, or services. Teepees shall be allowed if seventy-five percent of the sides are open and the interior is visible, from outside the teepee, to at least seven vertical feet from the ground.
 - D. "Farm produce" means fresh fruit, vegetables, herbs, eggs, or grains.
 - E. "Miscellaneous merchant" means any licensee conducting business that does not meet the criteria of a peddler, solicitor, or vendor as defined in this chapter.
 - F. "Month" means a period of thirty consecutive days regardless of the calendar month.
 - G. "Nonmotorized trail system" means a paved or unpaved government-constructed trail or path that is intended solely for pedestrian, bicycle, or equestrian use.
 - H. "Peddler" means any person who goes from house to house or business to business, carrying food, goods, wares, or merchandise and selling or offering the same for sale. Peddlers seek out customers and are only stopped while engaged in a business transaction. They are not stopped or parked waiting for customers to come to them.
- "Peddler" shall not include persons going door to door requesting contributions or offering goods for sale for fundraising purposes, by volunteer representatives of qualified charitable organizations or schools. A qualified charitable organization is a nonprofit organization that qualifies for tax-exempt status according to the U.S. Treasury under Section 501(c)(3) of the Internal Revenue Code.

I. "School-sponsored event" means an activity or sale that generates money that is collected or paid to the school district or individual public school. The event must be overseen or sponsored by the school district, an individual public or private school, or a school group or club.

J. "Solicitor" means any person who goes from house to house or business to business, not carrying goods, wares, or merchandise, but taking orders for future delivery of goods, wares, merchandise, subscriptions, or services. A solicitor may also conduct sales by means of telephone solicitation, direct mail, email, distributing fliers, or internet offers.

"Solicitor" shall not include persons going door to door requesting contributions or offering goods for sale for fundraising purposes, by volunteer representatives of qualified charitable organizations or schools, nor shall it include persons carrying out petitioning activity or serving political candidates or causes. A qualified charitable organization is a nonprofit organization that qualifies for tax-exempt status according to the U.S. Treasury under Section 501(c)(3) of the Internal Revenue Code.

~~K. "Stationary mobile cart" means a cart having functional wheels and an axle that occupies one temporary location for a specified period of time.~~

L. "Vehicle" means a motorized vehicle used for displaying, storing or transporting of articles offered for sale by a vendor, peddler or solicitor and is currently licensed and registered by the Department of Motor Vehicles.

M. "Vendor" means a Food Truck, Food Cart, or Enclosed Mobile Business as defined by Utah State Code 11-56-102. ~~means any person, firm, or corporation~~ engaged in the business of selling food, goods, ~~services~~, wares, or merchandise from a vehicle, trailer, cart, human-powered cycle, backpack, basket, or other display apparatus within the City, and who, in furtherance of such purpose, leases, uses, or occupies any street, sidewalk, or private property. The term "vendor" includes:

1. Street vendors;

2. Sidewalk vendors; ~~and~~

3. Private property vendors; ~~and~~

4. Temporary private property vendors

N. "Vendor, food" means any street vendor, sidewalk vendor, or private property vendor that sells foodstuffs, edibles, beverages, ice cream, confectionery, or other edible products upon any public street, road, alley, curb or sidewalk, or on private property.

O. "Vendor, limited" means a vendor that legally engages in business within City limits for a specified period of time not to exceed twenty-nine days.

P. "Vendor, long-term" means a vendor that legally engages in business within City limits for a renewable term of one to twelve months.

Q. "Vendor, private property" means means a person or business engaged in the business of selling food, goods, services, wares, or merchandise from a vehicle, trailer, cart, or other display apparatus on private property within the City, and who, in furtherance of such business, leases, uses, or occupies any private property designated as a Private Property Vendor Court. any business that exhibits, displays, offers for sale or sells any food, beverages, goods, wares, or merchandise from a cart, fixed cart, stationary mobile cart, display apparatus, trailer, or vehicle located in a described location on private property. Merchandise may be displayed on display apparatus, as defined above.

R. "Vendor, sidewalk" means a vendor that sells or offers for sale from temporary locations for limited durations on any public sidewalk (excluding City parks and Mill Creek Parkway) any goods, wares, merchandise, services, food, or beverages from a cart or by foot from a pack, basket or similar container, or handheld display.

S. "Vendor, street" means a vendor that travels by vehicle, human-powered cycle, or other street-legal conveyance on public or private streets and who carries, conveys, or transports food, beverages, goods, wares, or merchandise and offers them for sale. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.020 Licenses – Required.

A. All vendors, peddlers, and solicitors, and anyone using vending display apparatus to engage in business within the City, shall first obtain a business license as required by Chapter 5.04.

- B. Each individual peddler or solicitor going door to door, or the company that employs them, must obtain a business license in his, her, or its name. Each individual peddler or solicitor must obtain a background check prior to conducting business in a residential area.
- C. Applicant shall apply to the City Treasurer's Office and shall submit all information and fees required by Chapter 5.04 and Sections 5.64.040 and 5.64.080 for the specific type of vendor, peddler, or solicitor license. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.030 Exemptions.

- A. This chapter shall not apply to school and City recreation sponsored sales or events, or to City contracted sales or events.
- B. Vendors who conduct sales at a special event as defined in Title 4 are exempt from the provisions of this chapter, provided the responsible organization which holds the special event permit lists the vendor on an approved vendor list and the organization satisfies all City license and sales tax requirements as specified in Title 4.
- C. Vendors who conduct sales at a convention or meeting where products or services are offered to registered members or guests and where the meeting or venue is not open to the general public shall be exempt from the provisions of this chapter.
- D. This chapter shall not apply to sales of farm produce, as defined above, where such sales are conducted by persons who grow such items and sales are conducted on private property.
- E. Temporary displays by a permanent business, as described in Section 5.64.060(E), are exempt from obtaining a separate license for the temporary display; however, they must adhere to the requirements outlined in Section 5.64.060(E). (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.040 License fees.

License fees shall be determined by the Moab City Council. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.050 General operating standards.

A. The following requirements shall be met by all vendors:

1. Code Compliance. Display apparatus, vehicles, and structures must meet all applicable building, health, and fire codes for the intended use. Display apparatus, vehicles, and structures require approval by the City Treasurer, and locations of display apparatus, vehicles, and structures are limited to commercial zones unless otherwise permitted by the subsequent provisions of this chapter.

2. Illegal Camping. It is illegal for any vendor to camp on the selling site, in accordance with Chapter 8.20 and Section 10.04.230.

3. Refuse and Recycling. Vendors shall provide refuse/recycling containers adequately for the scope. Public refuse containers shall not be used to meet refuse/recycling needs.

a. All refuse and recycling containers shall be securely stored at the close of each business day.

b. Every container shall have a cover.

Vendors are strongly encouraged to recycle. Vendors shall provide their own refuse/recycling containers and in no case shall City street receptacles be used for on-site vendor refuse and recycling.

a. All refuse and recycling containers shall be removed and securely stored at the close of each business day.

b. Every container shall have a cover.

c. Pickup of refuse/recyclables shall be made through a refuse service provider or through the host property owner. Written permission from the property owner or proof of other arrangements must be submitted with the application. The City, at its discretion, may require applicants to obtain commercial refuse disposal service.

d. Food vendors involved in special events shall utilize the special event refuse plan.

e. Food vendors with seating areas shall have refuse and recycling containers emptied at the close of each business day.

f. Food vendors shall comply with all applicable requirements for the collection and disposal of grease.

4. Area Maintenance. All vendors shall maintain the permitted area, the display apparatus, and the immediate area within thirty feet surrounding the permitted area in a neat, clean, and hazard-free condition.

5. Signs. Signs on or attached to a vendor do not need a permit through the City. Signage on private property requires a City permit. All signage shall be painted on or attached to the display apparatus, cart, or vehicle, and a drawing to scale or photograph of the proposed signage shall be included in the application. Signs on display apparatus shall not appear on devices that extend above the display apparatus except on umbrellas and canvas covers. Umbrella and cover signage shall relate only to the product being sold or the name of the business. Public poles, picnic tables, and trash receptacles shall not be used to display signs. Separate freestanding signs are prohibited.

6. Business Access. Vendor license applicants shall demonstrate that there is sufficient access, parking and maneuvering space available at the site on which the vendor will operate. Suitable, safe access by pedestrians shall be provided and no structure shall obstruct access to or from parking areas or sidewalks.

7. Hours of Operation. The hours of operation shall be limited to seven a.m. to ten p.m.

8. Employee Restroom Facilities. Restroom services for employees shall be provided by a written agreement between the property owner and the vendor. The written agreement must be submitted with the application to the City Treasurer.

9. Noise Level. Noise levels shall comply with the requirements of Chapter 8.24.

10. Animals. No live animals shall be attached to any vending vehicle, cart, stand, or display.

11. Number of Parking Spaces. Parking shall be provided by a written agreement between the property owner and the vendor or transient merchant. Said written agreement must be

submitted with the application to the City Treasurer. One parking space per each temporary commercial structure shall be designated on the host property and shall be located so as not to reduce the number of parking spaces required for the permanent business.

a. A parking exception may be granted by the City Manager if the applicant can adequately demonstrate that on-street parking is available, sufficient parking is provided elsewhere or customers largely walk up or would use short-term parking.

b. In no case shall the vending apparatus occupy parking spaces that reduce the amount of required parking for the host business.

12. Tents. The use of fully enclosed tents as apparatus is prohibited. A tent structure may be erected that is open on at least three sides.

13. Proximity to Special Event. Any vending apparatus that sets up within one hundred linear feet in a straight line of a special event shall ask permission from the event and appear on the special event list of vendors.

14. Zoning Compliance. No license shall be granted for a vendor unless allowed as a land use in the underlying zone(s) in which it operates except for vendors selling frozen food products.

15. Location. Except for sidewalk vendors, ice cream trucks/cycles, and vendors moving to the designated food court at the corner of 100 North and 100 West, all other vendors must get prior written approval for each location they intend to occupy.

16. Vehicles. All vehicles must be insured and registered with the Utah Department of Motor Vehicles. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

17. Health. Food vending apparatus, structures, and vehicles shall comply with all State of Utah health requirements.

5.64.060 Specific operating standards.

A. Food Vendors. With the exception of vendors or peddlers selling frozen food in residential areas, all other food vendors shall follow the standards listed below:

1. Location. Business shall be conducted in commercial zones. The vehicle, structure, or display apparatus shall not block ingress or egress of any loading, parking, or emergency access areas of the property or reduce required parking.

2. Structures.

a. Food vending apparatus, structures, and vehicles shall comply with all State of Utah health requirements.

b. Food vending apparatus must be constructed of durable materials, and be designed with smooth impervious surfaces for easy cleaning.

c. Carts shall be of sufficient lightweight construction that can be moved from place to place by one adult person without any auxiliary power.

d. The total area occupied by a display apparatus or pushcart, together with the operator and any trash receptacle, cooler or chair, shall not exceed thirty-six square feet of space.

e. Sidewalk vendor carts shall not exceed the dimensions of three feet wide, eight feet long, and eight feet high.

f. Vehicles or structures serving food shall not exceed the dimensions of eight feet wide, twenty-five feet long, and ten feet high. If the proposed vehicle or structure is more than twenty-five feet long, the applicant must obtain written approval for this exception from the City Manager.

g. Umbrellas or canopies shall be a minimum of seven feet above the sidewalk if they extend beyond the edge of the cart or vehicle.

h. Seating may be provided to include a table and up to six seats. Seating areas shall be located near the display apparatus, structure, or vehicle and shall not exceed forty square feet in area.

B. Mobile Street Vendors. Street vendors using motorized vehicles shall follow the standards listed below:

1. Location. A street vendor may operate on public or private streets. Street vendors shall not conduct business on State highways.

a. Street vending vehicles shall not stop to conduct business in intersections or within crosswalks so that vehicular and pedestrian traffic will remain unhindered.

b. Business shall be conducted in commercial zones. The vehicle, structure, or display apparatus shall not block ingress or egress of any loading, parking, or emergency access areas of any property or reduce required parking.

b. Street vending vehicles selling frozen products from vehicles may operate in residential areas; provided, that the vehicle continues to travel through neighborhoods with stops only to conduct sales. The vehicle must generally remain mobile and in no case shall the vehicle be parked longer than ten minutes in a single location for sales.

c. Street food vending apparatus must be designed as a single, self-contained unit, able to operate without the use of detached tables and counters, or require additional refrigeration facilities at the place of operation.

2. Size of Vehicle. Vehicles shall not exceed the dimensions of eight feet wide, twenty-five feet long, and ten feet high. If the proposed vehicle or structure is more than twenty-five feet long, the applicant must obtain written approval for this exception from the City Manager.

C. Mobile Sidewalk Vendors. Sidewalk vendors using human-propelled carts or cycles, packs, baskets, or handheld displays shall follow the display apparatus standards listed below:

1. Location. A sidewalk vendor may operate on the sidewalk in the public right-of-way with written permission from the City.

a. No license shall be approved for locations on City nonmotorized trail systems.

b. Sidewalk vending apparatus shall not locate on corners or at intersections where it may cause line of sight issues for pedestrians or motorists. Carts shall be located so the flow of pedestrians is not impeded and be positioned along the route at the curbside of the sidewalk.

- c. Sidewalk vending apparatus shall not locate within ten feet of any doorway to an existing business.
- d. A minimum five feet of open sidewalk space for the passage of pedestrians shall be maintained at all times.

2. Carts.

- a. Sidewalk vendor carts shall not exceed the dimensions of three feet wide, eight feet long, and eight feet high.
- b. The area occupied by the cart, together with the operator and any trash receptacle, ice cooler or chair, shall not exceed thirty-five square feet of adjacent sidewalk space.
- c. The structures shall be moved on air-filled rubber tires and be of sufficiently lightweight construction that they can be moved from place to place by one adult person without auxiliary power.
- d. The device or cart shall not be motorized so as to move on its own power.
- e. Hard casters for wheels are prohibited.

D. Private Property Vendors.

- 1. Location. All display apparatus shall be located on private property [with the applicable land use of Private Property Vendor Court or Private Property Vendor Pad](#) and in commercial zones. The Vendor Court standard matrix can be found at MMC 17.09.710.

2. Structures/Vehicles/Display Apparatus.

[Mobile Ability.](#) Vendors should be able to vacate the Private Property Vendor Pad or Court at any time with no special knowledge or tools.

[Utilities.](#) Vendors should provide self-sufficient utilities or connect to the Private Property Vendor Court using flexible and removable utility connections.

[Zoning Compliance.](#) No license shall be granted for a vendor unless allowed as a land use in the underlying zone(s) in which it operates.

a. *Dimensions.* No display apparatus shall exceed the dimensions of one hundred twenty square feet.

b. *Construction.* All display apparatus shall be constructed in a sturdy manner so that there is no risk to the public of having the display apparatus collapse or break.

c. *Umbrellas Permitted.* An umbrella or awning may be attached to the display apparatus or vehicle so as to shelter the vendor or customers.

i. *Umbrellas or canopies shall provide a minimum of seven feet of head room above the ground.*

ii. *Umbrellas or canopies shall not exceed one hundred twenty square feet in area.*

d. *All accoutrements must be contained in a three-foot by five-foot area adjacent to the display apparatus, structure, or vehicle.*

e. *Display apparatus that cannot be adequately secured during off-business times shall be removed from the property at the end of each working day.*

f. *Vehicles or structures shall not exceed the dimensions of eight feet wide by twenty-five feet long and ten feet in height. If the proposed vehicle or structure is more than twenty-five feet long, the applicant must obtain written approval for this exception from the City Manager.*

g. *Seating may be provided to include a table and up to seven seats.*

h. *Private property vendors must meet all applicable zoning, building, health, and fire codes for the intended use.*

E. *Temporary Display - Permanent Business.* A structure or display apparatus outside a permanent business shall not exceed twenty percent of the permanent business building's area. Apparatus must meet all applicable zoning, building, health, and fire codes for the intended use. Structures are limited to commercial zones and do not require a separate vendor license if they comply with the following:

1. Existing businesses may place racks, tables, tents, canopies, awnings, or outside displays of merchandise, food, or beverages at their permanent place of business if such displays are less than two hundred square feet in size.
2. Where located along public sidewalks, such displays shall be located as close as possible to the main business building.
3. A minimum clear sidewalk width of five feet shall be maintained for pedestrian traffic to pass.
4. All merchandise displays shall be removed at the end of each business day and stored indoors.
5. Any display or temporary structure shall not reduce the number of parking spaces for the permanent business and shall not obstruct ingress or egress to the business.
6. Temporary displays at a permanent business must be approved by the Zoning Administrator for compliance with zoning, required parking spaces, and sign codes on a form provided by the City Treasurer. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.070 Prohibited practices.

- A. It is unlawful for any vendor, transient merchant, peddler or solicitor to conduct business in such a manner as to impede or inconvenience any public use area, including, but not limited to, streets, alleys, sidewalks, and public rights-of-way.
- B. It is unlawful for any vendor, transient merchant, peddler or solicitor to:
 1. Persist or remain on private property after the owner or occupant has directed the vendor, peddler, or solicitor to leave;
 2. Initiate telephone, mail, or in-person contact with a customer or prospective customer after that person has provided notice to the vendor, peddler, or solicitor requesting that all such contact shall cease;
 3. Engage in business between ten p.m. and seven a.m.;

4. Engage in a pattern of contacts, whether in person, by telephone, or via mail or computer, which, viewed in terms of their frequency, duration, or content, are likely to be offensive, annoying, or disturbing to the recipient;
5. Yell, sing, call out, or play recorded audio to passersby to interest them in the merchandise of the vendor, peddler or solicitor. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.080 Application.

- A. Only complete applications will be accepted. Applications shall be submitted on a form provided by the City Treasurer and shall require the applicant to furnish the following items and information:
 1. Name, business name, address, email, telephone number, driver's license number, and type of business entity of the vendor, peddler or solicitor.
 2. If applicable, the name, address, email, and telephone number of the company who employs or is represented by the vendor, transient merchant, peddler, or solicitor.
 3. Identification of the site or sites where the vendor, peddler, or solicitor will operate.
 4. Signed agreement with property owner that employees may use adjacent restroom facilities.
 5. All applicable license fees shall be paid in full at the time of application. License fees shall be refundable only under the terms and conditions stated in Section 5.04.030(E) or 5.04.040(B). (Refer to the City's fee schedule for annual license fees.)
 6. A certificate of insurance is required for anyone operating on City property or in the rights-of-way.
 7. A description of the display apparatus, structure, vehicle, cycle, or cart, if applicable, including photographs and/or scale drawings with construction plans and specifications of any vending apparatus to be used in the business for which the license application is filed. Include proof of insurance, the license plate number and current registration of motor vehicles, if any. The description/drawings shall show:

a. Dimensions of the structure, display apparatus, vehicle, cycle, or cart, and all attached signage. Include drawings or photographs of the proposed signage.

b. Site plan showing:

i. The complete perimeter of the property with dimensions.

ii. All existing structures and dimensions.

iii. All distances from buildings and property lines.

iv. Locations of all drives, parking areas, loading areas, and sign locations on the property.

v. Landscaped areas with dimensions.

vi. All easements impacting the property.

vii. All parking for the host property and highlighting the parking for the vendor business.

8. Identification of the length of time and/or specific dates during which the applicant proposes that such business be conducted, together with the proposed hours of operations.

9. All vendors, peddlers, and solicitors proposing operation in residential zones must provide a complete record of the applicant with respect to any disqualifying criminal conviction, plea of no contest, disqualifying pending criminal charge, or plea currently being held in abeyance, or a statement by the applicant that no such conviction or pending charge exists, attested to by the applicant, in addition to obtaining a comprehensive, criminal background check. See Section 5.64.110(B) regarding disqualifying criminal convictions for residential zones.

10. All peddlers and solicitors, whether operating in commercial or residential zones, must provide a complete record of the applicant with respect to any disqualifying criminal conviction, plea of no contest, disqualifying pending criminal charge, or plea currently being held in abeyance, or a statement by the applicant that no such conviction or pending charge

exists, attested to by the applicant. See Section 5.64.110(C) regarding disqualifying criminal convictions for peddlers and solicitors.

11. Except for food trucks as defined by U.C.A. 11-56-102, written evidence of compliance from the Zoning Administrator that the use is allowed in the zone in which the applicant proposes to operate.
 12. Proof of a Utah State sales tax identification number in the applicant's name or business name, if applicable, and compliance with all other applicable State and federal requirements for the particular business for which a license is requested.
 13. A description of the type of goods, wares, services or merchandise to be sold or offered for sale.
 14. Except for food trucks as defined by U.C.A. 11-56-102, a written statement of authorization from the property owner(s) of the location(s) where the applicant intends to conduct business.
 15. Payment of the applicable license fee, at the time of submittal of the application.
 16. An inspection report from the Southeastern Utah Health District, dated not more than ten days prior to the date of application, if applicant proposes to handle or offer food or beverages for sale.
 17. A refuse and recycling plan explaining how refuse and recycling disposal will be dealt with on site, including written permission from the host property owner to use the host's refuse removal service, if applicable.
 18. A written agreement between the private property owner and the vendor regarding parking, unless an exception is granted pursuant to Section 5.64.050(A)(11)(a).
- B. By signing the application, the applicant verifies that the condition, location, parking requirements and use of the structure, vehicle, cycle, cart, or display apparatus will comply with all City ordinances and other applicable codes. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.085 License renewal – Criminal convictions.

- A. Before each license renewal, all vendors, peddlers, and solicitors operating in residential zones must provide an updated background check, completed within thirty days of the date of renewal. See Section 5.64.110 regarding disqualifying criminal convictions.
- B. If a license subject to the requirements of this chapter expires and is not renewed, that license is automatically cancelled, and the licensee must apply for a new license, including obtaining a current criminal background check, if proposing operation in residential areas. (Ord. 18-15 § 2, 2018)

5.64.090 Licenses – Issuance.

The City Treasurer shall review the application for completeness for licenses under this chapter.

If approved, the City Treasurer will issue a vendor, peddler, or solicitor license, showing:

- A. The number of the license;
- B. The date of issuance;
- C. The nature of the business authorized to be conducted;
- D. The license fee paid;
- E. The location(s) of the business;
- F. The license term; and
- G. The company name(s) of the person(s) authorized to conduct business. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.100 Modification of display apparatus, vehicle or structure.

If the licensee, during any time of operation, wishes to modify the display apparatus, vehicle, or structure in a way that varies from the drawing or photo submitted at the time of

application, the licensee must obtain prior approval from the City Treasurer. Failure to obtain prior approval for modification of any display apparatus, vehicle, or structure, or any failure to provide a complete list of items to be offered for sale, is a violation of the license. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.110 Grounds for denial.

- A. A vendor, peddler, or solicitor license may be denied by the City Treasurer based upon any of the criteria in Section 5.04.040. In addition, the City Treasurer may base denial, in whole or in part, upon the existence of site-specific impacts of the proposed license which render it incompatible with neighboring uses, or a history of past violations or complaints.
- B. *Residential Zones.* For applicants proposing operation in residential zones, grounds for denial will include findings from a criminal background check, or from the attestation of a criminal record by the applicant, that include any of the following. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this chapter.
 - 1. Listing of the person on the sex offender registry or that the applicant is subject to an extended supervision order under the Serious Sex Offender Monitoring Act, at any time in the past;
 - 2. Offenses against the Sex Offender Registration Act or the Serious Sex Offender Monitoring Act, at any time in the past;
 - 3. An applicant has been convicted of, pled no contest to, has a pending charge, or has a current plea in abeyance for a crime involving:
 - a. The sale, distribution, or display of material harmful to minors; sexual performance by minors; contributing to the delinquency of a minor; possession of child pornography; lewdness; obscenity; indecent exposure; public indecency; any crime involving sexual abuse or exploitation of a minor; sexual assault or aggravated sexual assault; rape; rape of a minor; object rape; object rape of a minor; forcible sodomy; sodomy on a minor; forcible sexual abuse; kidnapping; harboring a runaway minor; manslaughter; murder; or any attempt, conspiracy, or solicitation to commit any of the foregoing offenses or

offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense, at any time in the past; or

b. Any felony not listed in subsection (B)(3)(a) of this section; arson; assault; robbery; burglary; theft; fraud; conversion; violations of consumer protection statutes; deceit; misrepresentation; false statements; dishonesty; extortion; larceny; forgery; false or bogus checks; prostitution; exploitation of prostitution; promotion of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; incest; any crime of violence not involving a sex act; driving under the influence of alcohol or drugs; criminal contempt; or any attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense, for which:

i. Less than two years have elapsed from the date of conviction, if the conviction is a misdemeanor, or less than five years if the convictions are of two or more misdemeanors within the five years; or

ii. Less than five years have elapsed from the date of conviction if the offense is a felony;

4. Sale and/or delivery of drugs, or any violation under the Utah Controlled Substances Act or substantially similar State or federal statute if the conviction was within the past five years;

5. A history of consumer complaints against the applicant establishing unfair or dishonest trade practices, sales of shoddy, defective, or dangerous goods, or the like; or

6. Any crime that, when considered by the Chief of Police, with the activities of a vendor, peddler, or solicitor, indicates that the best interests of the public are not served by granting the applicant a license.

C. *Peddlers and Solicitors.* For applicants proposing peddling and soliciting in commercial and/or residential zones, grounds for denial will include findings from a criminal background check, or from the attestation of a criminal record by the applicant, that include any of the following:

1. An applicant has been convicted of, pled no contest to, has a pending charge, or has a current plea in abeyance for a crime involving: fraud; deceit; misrepresentation; false statements; dishonesty; extortion; larceny; forgery; false or bogus checks; kidnapping; perjury; burglary; robbery; theft; conversion; violation of consumer protection statutes; or any attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense, for which:
 - a. Less than two years have elapsed from the date of conviction, if the conviction is a misdemeanor, or less than five years if the convictions are of two or more misdemeanors within the five years; or
 - b. Less than five years have elapsed from the date of conviction if the offense is a felony.
2. A history of consumer complaints against the applicant establishing unfair or dishonest trade practices, sales of shoddy, defective, or dangerous goods, or the like.
3. Any crime that, when considered by the Chief of Police, with the activities of a peddler or solicitor, indicates that the best interests of the public are not served by granting the applicant a license.

The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this chapter. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.120 Appeal of denial.

An applicant denied a vendor, peddler, or solicitor license by the City Treasurer may appeal that decision through the procedures outlined in Section 5.04.050. Exhaustion of administrative remedies and timely appeal shall be a jurisdictional prerequisite to judicial review. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.130 License – Display.

A. Vendors. The vendor license issued under this chapter shall be posted conspicuously in the place or places of business named therein.

B. *Peddlers and Solicitors.* Every licensed peddler and solicitor shall possess and display upon demand a copy of their business license. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.140 License – Fees.

Vendor, peddler, and solicitor license fees shall be established pursuant to the procedures and criteria established in Section 5.04.020 and this chapter. The license fees imposed by this chapter shall be in addition to any other fees applicable to the particular business use imposed by the provisions of this code. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.150 License – Nontransferable.

Any license issued pursuant to this chapter is not transferable by the licensee. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.160 License revocation – Grounds.

Licenses under this chapter may be revoked by the City Manager for any of the causes specified in Section 5.04.080, in addition to the following:

- A. Any fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, or merchandise, or made on the application for a license or in the attestation to the licensee's criminal record;
- B. Any violation of the general or specific operating standards;
- C. Operation of the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public; or
- D. Any criminal conviction, plea of no contest, pending charge, or plea in abeyance of any disqualifying crime enumerated in Section 5.64.110. (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.170 License revocation – Notice, right to cure, procedure.

Notice of and the procedure for curing a revocation of a license issued under this chapter shall be pursuant to the procedures and requirements specified in Section 5.04.090, (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.180 License – Term and renewal.

All licenses issued under this chapter shall expire one year from the date of issuance, unless a prior date is specified. Licensees wishing to renew their license at the end of the specified term shall submit a renewal form and license fee at least thirty days prior to expiration. All renewals shall be reviewed for approval criteria by the City Treasurer. Licenses are renewable under the terms stated in Section 5.04.060, (Ord. 18-15 § 2, 2018; Ord. 13-17 (part), 2013)

5.64.190 Agent for service of process.

- A. A condition upon the issuance of any peddler or solicitor license is the irrevocable consent by the licensee to the nomination of the City Recorder as its agent for service of process for any claims derived from the licensee's business activities within the City. Additionally, the licensee stipulates to venue in the courts of Grand County, Utah, for any action involving its business activities in the City.
- B. Should the City Recorder be served with process for any licensed peddler or solicitor, a complete copy of the summons and complaint shall be mailed by certified mail, return receipt requested, to the licensee's business address, as contained in the City records. The City Recorder shall then notify the City Manager of the impending action and the nature of the complaint. (Ord. 18-15 § 2, 2018)

EXHIBIT B

Chapter 17.06 Definitions Amendment to Add the Following:

“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.

“Vendor” means a Food Truck, Food Cart, or Enclosed Mobile Business as defined by Utah State Code 11-56-102.

“Private Property Vendor Court” or Vendor Court means a property where the primary use is to host one (1) or more Vendors, which are not Temporary Private Property Vendors.

“Temporary Private Property Food Vendor Pad” means a designated area on a property where the accessory use has been established to host one Temporary Private Property Vendor.

“Private Property Vendor” means a person or business engaged in the business of selling food, goods, services, wares, or merchandise from a vehicle, trailer, cart, or other display apparatus on private property within the City, and who, in furtherance of such business, leases, uses, or occupies any private property designated as a Private Property Vendor Court.

“Temporary Private Property Vendor” means a person or business engaged in the business of selling food, goods, services, wares, or merchandise from a vehicle, trailer, cart, or other display apparatus within the City, and who, in furtherance of such business, leases, uses, or occupies any private property. Temporary Private Property Vendors must move the vehicle, trailer, cart, or other display apparatus from the private property where they are operating every 12 hours and may not return to the private property space for another 12 hours.

“Food Vendor Court” means a Vendor Court that has one or more Food Vendors.

“Vendor Court Area” means the area delineated by a polygon on an approved site plan that encompasses all vendor spaces, seating areas, supporting structures, decorations, tables, vending apparatus, and other features associated with the Vendor Court.

EXHIBIT C

Chapter 17.09 Supplementary Requirements and Procedures Applicable within Zones Amendment to Add the Following;

17.09.710 Vendor Court Matrix

Zone	C-1	C-2	C-3	C-4	C-5	RC	SAR	I-1	A-1	MH/ RV-1	R-1	R-2	R-3	R-4	RA-1
Permitted	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No
Employee Parking Space per Vendor	1	1	1	1	1	1	1	1	X	X	X	X	X	X	X
Customer Parking Space per Minimum Vendor Court Area (sq ft)*	1	1	0	1	1	1	1	1	X	X	X	X	X	X	X
Minimum Area / per Vendor	3000	3000	2000	2000	3000	2000	2000	2000	X	X	X	X	X	X	X
Number of Vendors that trigger Standard Buffering if abutting an R zone	4	4	6	6	4	6	4	4	X	X	X	X	X	X	X
Number of Vendors that trigger a 6-foot fence if abutting a residential zone	2	2	4	4	2	4	2	2	X	X	X	X	X	X	X

*An additional parking spot will be required for every 300 SF of Vendor Court Area utilized over the stated minimum.

*Any Private Property Vendor or Temporary Private Property Vendor that operates beyond the approved Site Plans shall constitute a violation of the approval. Upon notification by

the City, the property owner will be required to obtain the appropriate site plan or site plan amendment.

17.09.720 Amortization and Enforcement of Nonconforming Private Property Vendors.

- A. The City shall require all Private Property Vendors on properties without the applicable land use approval to vacate the property within 30 days of Notice that are otherwise not exempted by this chapter, pursuant to the amortization schedule contained in this section.
- B. All permitted Private Property Vendors operating within the bounds of their original approvals prior to August 1st, 2027 shall be considered legal nonconforming. Any existing approved accessory uses and additions to the Private Property Vendor Area, which is being used in a manner or for an otherwise lawful purpose, shall be deemed legal nonconforming, pursuant to Chapter [17.12](#), General Provisions.
- C. All permitted Private Property Vendors, legally existing within the bounds of their original approvals prior to the effective date of this chapter and which are not exempted, shall be considered legal, nonconforming and shall be brought into compliance by the property owner as follows:
 - a. Immediate compliance is required as a condition for approval when applying for a building permit, sign permit, new (nonrenewal) business license, site plan review, or similar City permit.
 - b. No new Private Property Vendors may occupy a property if the appropriate land use is not established. A one-for-one trade of vendors is also unacceptable.
 - c. All properties which host a Private Property Vendor previously scheduled for amortization or otherwise exempted shall be brought into conformance by January 1st, 2028.
 - d. Whenever a nonconforming use, structure, or lot is abandoned for a period greater than one year and then changed to a new use according to the requirements of Section [17.12.060](#), the lot must gain approval for the applicable land use required for the number of vendors on the property or have the Private Property Vendors vacate the property.
 - e. Private Property Vendor Courts and Pads must be brought into compliance if they violate any health or safety codes of the Building, Fire, Health, or Planning Departments, as determined by the Zoning Administrator.
- D. Violation and enforcement shall be processed as outlined in Chapter [17.78](#).

EXHIBIT D

Chapter 17.67 Site Plan Amendment to Add the Following;

17.67.020.A.4

Process for Vendor Use. The establishment of a Vendor Court or Temporary Private Property Food Vendor Pad shall trigger a Level 1 Site Plan. If the proposed vendor area is over 8,000 SF, a level 2 site plan will be required

EXHIBIT E

Chapters 17.20,17.21,17.24,17.27,17.30,17.31,17.32, and17.36 the C-1,C-2,C-3,C-4,C-5, RC,SAR, and I-1 Zones, respectively Amendment to Add the Following Permitted Uses;

Vendor Court

- a. The vendor court area must meet ADA, fire, health, and building requirements.
- b. The Vendor Area must meet the minimum setback of the zone
- c. See Vendor Court Matrix in 17.09.710
- d. Sufficient access, parking and maneuvering space shall be made available. Suitable, safe access by pedestrians shall be provided and no structure shall obstruct access to or from parking areas or sidewalks.
- e. Nothing in the Vendor Court Area shall interfere with required vehicular circulation and parking.
- f. Space heaters, tents, sheds, and other displays or apparatus can be permitted with special approval from Building, Fire, and Health.
- g. Restroom services for employees shall be provided

Food Vendor Court

- a. The Vendor Area must meet the minimum setback of the zone
- b. See Food Vendor Court Matrix in 17.09.710
- c. The vendor court area must meet ADA, fire, health, and building requirements, including but not limited to;
 - i. Providing a grease interceptor
 - ii. Potable water supply systems shall be designed, installed, and operated according to the requirements set forth by:(a) Plumbing Code;(b) the Utah Department of Environmental Quality, Division of Drinking Water; and(c) Local health department regulations
 - iii. Wastewater shall be discharged to a public sanitary sewer system or an approved septic system.
- d. Nothing in the Vendor Court Area shall interfere with required vehicular circulation and parking.
- e. Outdoor cooking may be approved if safety standards are met by Fire, Health, and Building standards

- f. Space heaters, tents, sheds, and other displays or apparatus can be permitted with special approval from Building, Fire, and Health.
- g. Sufficient access, parking and maneuvering space shall be made available. Suitable, safe access by pedestrians shall be provided and no structure shall obstruct access to or from parking areas or sidewalks.
- h. Restroom services for employees shall be provided

Temporary Private Property Vendor Pad- Accessory use

- a. The vendor court area must meet ADA, fire, health, and building requirements.
- b. Vendors must meet the minimum setback of the zone
- c. An area of not less than 2,000 square feet shall be provided and maintained for the Private Property Vendor. Services provided by the Vendor shall not occur outside of the designated 2,000 SF area unless occurring off the property.
- d. One parking space shall be required for every Vendor. In no case shall the vendor occupy parking spaces that reduce the amount of required parking for the host business.
- e. Restroom services for employees shall be provided
- f. One Private Property Vendor is permitted on a parcel
- g. If a TPPV is found to overstay the limit, the property owner must report to the Moab City Planning Department to get Private Property Vendor use approval, or the vendor must vacate the property.

Temporary Private Property Food Vendor Pad- Accessory Use

- a. The vendor court area must meet ADA, fire, health, and building requirements, including but not limited to;
 - i. Providing a grease interceptor
 - ii. Potable water supply systems shall be designed, installed, and operated according to the requirements set forth by:(a) Plumbing Code;(b) the Utah Department of Environmental Quality, Division of Drinking Water; and(c) Local health department regulations
 - iii. Wastewater shall be discharged to a public sanitary sewer system or an approved septic system.
 - iv. A food truck must return to an approved commissary daily unless a current [Mobile Food Establishment Commissary Waiver](#) is on file with the Health Department.
- b. Vendors must meet the minimum setback of the zone, including any outdoor dining structures
- c. An area of not less than 2,000 square feet shall be provided and maintained for the Private Property Vendor. Services provided by the Vendor shall not occur outside of the designated 2,000 SF area unless occurring off the property.

- d. One parking space shall be required for every Vendor. In no case shall the vendor occupy parking spaces that reduce the amount of required parking for the host business.
- e. Restroom services for employees shall be provided
- f. One Private Property Vendor is permitted on a parcel
- g. Not more than one vendor may occupy the Private Property Vendor site within 24 hours.
- h. Nothing in the Vendor Court Area shall interfere with required vehicular circulation and parking.
- i. Outdoor cooking may be approved if safety standards are met by Fire, Health, and Building standards
- j. If a TPPV is found to overstay the limit, the property owner must report to the Moab City Planning Department to get Private Property Vendor use approval, or the vendor must vacate the property.