



SUMMARY SHEET

Presenter/Submitted By: ~~Joseph Cook~~ Recorder Hale		
Subject: 3. Consider Ordinance 2019-03 adding Chapter 12 entitled "Food Truck Regulations" to Title 3 entitled "Business and License Regulations" of the Sunset City Code	Work Session? Yes No	Meeting Date: 7/16/19
		Fiscal Impact: n/a
		Funding Source: n/a
Background: The Legislature set regulations for food trucks so the cities' regulations would be the same. I have drafted (and Attorney Ericson has approved) an ordinance the City should adopt to keep in line with State Code.		
Attachment(s): Ordinance 2019-03 and State Code Title 11, Chapter 56 – Food Truck Licensing and Regulation Act		
Recommendations from staff, attorney, etc:		
Recommended Motion: To approve Ordinance 2019-03 adding Chapter 12 entitled "Food Truck Regulations" to Title 3 entitled "Business and License Regulations" of the Sunset City Code.		

ORDINANCE NO. 2019-03

AN ORDINANCE AMENDING THE SUNSET CITY CODE BY ADDING CHAPTER 12 ENTITLED "FOOD TRUCK REGULATIONS" TO TITLE 3 ENTITLED "BUSINESS AND LICENSE REGULATIONS" AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Utah State Code Title 11, Chapter 56 was enacted to regulate and license food trucks; and

WHEREAS, the City Council deems it necessary to add Title 3, Chapter 12 entitled "Food Truck Regulations" to the Sunset City Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SUNSET CITY, as follows:

Section One: The Sunset City Code is amended by adopting Title 3, Chapter 12 entitled "Food Truck Regulations" to read as follows:

Chapter 12 FOOD TRUCK REGULATIONS

3-12-1: ADOPTION OF STATE STATUTE:

3-12-2: DEFINITIONS:

3-12-3: MANDATORY MINIMUM REQUIREMENTS FOR GRANTING ANY FOOD TRUCK PERMIT:

3-12-4: FIRST TIME FOOD TRUCK APPLICATION PROCEDURE:

3-12-5: RECIPROCITY FOOD TRUCK PERMIT APPLICATION PROCEDURE:

3-12-6: GENERAL USE REGULATIONS:

3-12-7: PENALTY:

3-12-1: ADOPTION OF STATE STATUTE:

A. Sunset City incorporates herein the provisions set forth in Utah Code Title 11 Chapter 6 "Food Truck Licensing and Regulation Act".

B. All provisions of this local chapter not precluded by the Utah Food Truck Licensing and Regulation Act shall supersede said Act, provided said local regulations do not conflict with the provisions of said Act.

3-12-2: DEFINITIONS:

BUSINESS LICENSE ORIGIN: The original municipality, or political subdivision, within the State of Utah, for which the business collects and pays Sales Tax.

EVENT PERMIT: A permit that a political subdivision issues to the organizer of a public food truck event located on public property.

FIRST TIME FOOD TRUCK APPLICATION: An application for a mobile food truck business

that does not already possess a business license with another municipality or political subdivision within the State of Utah.

FOOD TRUCK: A fully encased food service establishment:

- A. On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
- B. 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.
- C. Food truck does not include vending carts or mobile ice cream vendors.

FOOD TRUCK EVENT: An event where an individual has ordered or commissioned the operation of a food truck at a private or public gathering.

FOOD TRUCK OPERATOR: A person who manages, controls, or who has the duty to manage or control, the operation of a food truck.

FOOD TRUCK OWNER: A person who owns and/or holds the actual title to the food truck vehicle.

FOOD TRUCK RALLY: A private or public parcel of land where two (2) or more mobile food businesses congregate to:

- A. Prepare, cook, sell, or serve food or beverages for human consumption.
- B. Food truck rally shall not include special events.

RECIPROCITY FOOD TRUCK PERMIT APPLICATION: An application for a mobile food truck business within the Sunset City boundary limits, that already has an active license with another municipality, or political subdivision, located within the State of Utah.

TEMPORARY MASS GATHERING:

- A. An actual or reasonably anticipated assembly of five hundred (500) or more people that continues, or reasonably can be expected to continue, for two (2) or more hours per day; or
- B. An event that requires a more extensive review to protect public health and safety because the event's nature or conditions have the potential of generating environmental or health risks.

3-12-3: MANDATORY MINIMUM REQUIREMENTS FOR GRANTING ANY FOOD TRUCK PERMIT:

- A. A business license to operate a food truck in a political subdivision within the State;
- B. A current Health Department food truck permit from a local Health Department within the State; and
- C. A current approval of a political subdivision within the State that shows that the food truck passed a fire safety inspection that the other political subdivision conducted in accordance with Utah Code Annotated subsection 11-56-104(4)(a).

D. Current compliance with all local, State and Federal laws and requirements.

3-12-4: FIRST TIME FOOD TRUCK APPLICATION PROCEDURE: All first-time licensee mobile food truck applications shall be made in writing to the Sunset City Business License Clerk and shall be subject to the provisions of chapter 1, "General Business License Provisions", of this title.

3-12-5: RECIPROCITY FOOD TRUCK PERMIT APPLICATION PROCEDURE: All mobile food truck businesses that engage in business within the Sunset City limits, who have an existing business license with another municipality, or political subdivision, within the State of Utah, shall be required to submit the following:

- A. Reciprocity Mobile Food Truck Permit Application.
- B. Pay reciprocity application fee.
- C. Copy of the active business of origin license.
- D. Copy of the active local Health Department permit.
- E. Copy of the active fire inspection.

3-12-6: GENERAL USE REGULATIONS: All food truck businesses shall adhere to the following regulations:

A. All food truck businesses shall conduct business on private property, unless in the following cases:

- 1. In conjunction with a City sponsored event; or
- 2. In conjunction with a City approved special event.

B. The food truck shall be occupied by the owner, food truck operator or employee, at all times.

C. All mobile food truck businesses shall adhere to following location and parking requirements:

- 1. Parking: All mobile food trucks shall park on a hard surface of either asphalt or concrete, unless otherwise allowed by ordinance.
- 2. Traffic Hazard: No mobile food truck, or customer of a mobile food truck, may block or obstruct a driveway or an entrance of an existing building, or be parked in such a manner that results in a traffic hazard.
- 3. Circulation: No mobile food truck shall interfere with the internal parking lot circulation that creates a hazard or dangerous situation.
- 4. Public Right-Of-Way: No mobile food truck shall use the public right-of-way, unless otherwise allowed by ordinance.
- 5. Auxiliary Power: Any auxiliary power required for the operation of the mobile food truck shall be self-contained.
- 6. Portable Structures: No use of any tents, tables or other portable structures are allowed if it restricts the flow of pedestrians or vehicular traffic.
- 7. Lighting: Any lights used to illuminate the premises shall be installed in such manner that the source of light shall be suitably screened to avoid annoying illumination of lands outside said premises. No lighting may be used in any way which will penetrate onto any adjoining property used for residential purposes, or in any manner constituting a nuisance.

8. Sound: No person shall operate or aid in the operation of private radios, stereophonic or sound amplification devices at a greater operating level than eighty six (86) decibels measured at a distance of twenty five feet (25') from such radios or devices or exceed a noise level of sixty two (62) decibels except by permit in designated areas or as defined and enforced under the City's nuisance ordinance or permit policy.
9. Others: All other local, State or Federal law, rule or regulation.

D. All mobile food truck businesses shall adhere to the following business license standards:

1. Reciprocity permits shall be renewed annually; with the date of expiration being the same date as the business license origin.
2. Reciprocity permits are non-transferable and shall be issued to the mobile food truck owner(s) as identified on the reciprocity food truck permit.
3. No signage shall be allowed except those painted or affixed directly on the mobile food truck.
4. All mobile food trucks shall maintain a valid Utah vehicle registration.
5. All mobile food trucks shall be responsible for the trash within the proximity of their parked food truck.

3-12-7: PENALTY: Any food truck business that fails to comply with any City, County, State and/or Federal laws shall be subject to the revocation of the business license and/or permit as outlined in section 3-1-6 of this Title.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective immediately upon passage and adoption and publication of a summary of the Ordinance as required by law.

PASSED AND ADOPTED by the City Council of Sunset City, State of Utah, this 16th day of July, 2019.

SUNSET CITY, a Municipal Corporation

By: _____
D. HOWARD MADSEN
Mayor

ATTEST:

SUSAN R. HALE
City Recorder

Publication Date: _____

Effective 5/9/2017

Chapter 56
Food Truck Licensing and Regulation Act

11-56-101 Title.

This chapter is known as the "Food Truck Licensing and Regulation Act."

Enacted by Chapter 165, 2017 General Session

11-56-102 Definitions.

As used in this chapter:

- (1) "Event permit" means a permit that a political subdivision issues to the organizer of a public food truck event located on public property.
- (2) "Food cart" means a cart:
 - (a) that is not motorized; and
 - (b) that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.
- (3)
 - (a) "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.
 - (b) "Food truck" does not include a food cart or an ice cream truck.
- (4) "Food truck business" means a person who operates a food truck or, under the same business, multiple food trucks.
- (5) "Food truck event" means an event where an individual has ordered or commissioned the operation of a food truck at a private or public gathering.
- (6) "Food truck operator" means a person who owns, manages, or controls, or who has the duty to manage or control, the food truck business.
- (7) "Food truck vendor" means a person who sells, cooks, or serves food or beverages from a food truck.
- (8) "Health department food truck permit" means a document that a local health department issues to authorize a person to operate a food truck within the jurisdiction of the local health department.
- (9) "Ice cream truck" means a fully encased food service establishment:
 - (a) on a motor vehicle or on a trailer that a motor vehicle pulls to transport;
 - (b) from which a vendor, from within the frame of the vehicle, serves ice cream;
 - (c) that attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and
 - (d) that may stop to serve ice cream at the signal of a patron.
- (10) "Local health department" means the same as that term is defined in Section 26A-1-102.
- (11) "Political subdivision" means:
 - (a) a city, town, or metro township; or
 - (b) a county, as it relates to the licensing and regulation of businesses in the unincorporated area of the county.
- (12)
 - (a) "Temporary mass gathering" means:

- (i) an actual or reasonably anticipated assembly of 500 or more people that continues, or reasonably can be expected to continue, for two or more hours per day; or
 - (ii) an event that requires a more extensive review to protect public health and safety because the event's nature or conditions have the potential of generating environmental or health risks.
- (b) "Temporary mass gathering" does not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless the assembly is a temporary mass gathering described in Subsection (12)(a)(i).

Amended by Chapter 260, 2019 General Session

11-56-103 Licensing -- Reciprocity -- Fees.

(1) A political subdivision may not:

- (a) require a separate license, permit, or fee beyond the initial or reciprocal business license described in Subsection (2) and the fee described in Subsection (3) for a food truck business, regardless of whether a food truck operates in more than one location or on more than one day within the political subdivision in the same calendar year;
- (b) require a fee for each employee the food truck business employs; or
- (c) as a business license qualification, require a food truck business to, regarding a food truck operator or food truck vendor:
 - (i) submit to or offer proof of a criminal background check; or
 - (ii) demonstrate how the operation of the food truck business will comply with a land use or zoning ordinance at the time the business applies for the business license.

(2)

- (a) A political subdivision shall grant a business license to operate a food truck within the political subdivision to a food truck business that has obtained a business license to operate a food truck in another political subdivision within the state if the food truck business presents to the political subdivision:
 - (i) a current business license from the other political subdivision within the state; and
 - (ii) for each food truck that the food truck business operates:
 - (A) a current health department food truck permit from a local health department within the state; and
 - (B) a current approval of a political subdivision within the state that shows that the food truck passed a fire safety inspection that the other political subdivision conducted in accordance with Subsection 11-56-104(4)(a).
- (b) If a food truck business presents the documents described in Subsection (2)(a), the political subdivision may not:
 - (i) impose additional license qualification requirements on the food truck business before issuing a license to operate within the political subdivision, except for charging a fee in accordance with Subsection (3); or
 - (ii) issue a license that expires on a date earlier or later than the day on which the license described in Subsection (2)(a)(i) expires.
- (c) Nothing in this Subsection (2) prevents a political subdivision from enforcing the political subdivision's land use regulations, zoning, and other ordinances in relation to the operation of a food truck to the extent that the regulations and ordinances do not conflict with this chapter.

(3)

- (a) For an initial business license, a political subdivision may only charge a licensing fee to a food truck business in an amount that reimburses the political subdivision for the actual cost of processing the business license.
- (b) For a reciprocal business license that a political subdivision issues in accordance with Subsection (2), the political subdivision shall reduce the amount of the business licensing fee to an amount that accounts for the actual administrative burden on the political subdivision for processing the reciprocal license.
- (4) Nothing in this section prevents a political subdivision from:
 - (a) requiring a food truck business to comply with local zoning and land use regulations to the extent that the regulations do not conflict with this chapter;
 - (b) promulgating local ordinances and regulations consistent with this section that address how and where a food truck may operate within the political subdivision;
 - (c) requiring a food truck business to obtain an event permit, in accordance with Section 11-56-105; or
 - (d) revoking a license that the political subdivision has issued if the operation of the related food truck within the political subdivision violates the terms of the license.

Amended by Chapter 260, 2019 General Session

11-56-104 Safety and health inspections and permits -- Reciprocity -- Fees.

- (1) A food truck business shall obtain, for each food truck that the business operates, an annual health department food truck permit from the local health department with jurisdiction over the area in which the majority of the food truck's operations takes place.
- (2)
 - (a) A local health department shall grant a health department food truck permit to operate a food truck within the jurisdiction of the local health department to a food truck business that has obtained the health department food truck permit described in Subsection (1) from another local health department within the state if the food truck business presents to the local health department the current health department food truck permit from the other local health department.
 - (b) If a food truck business presents the health department food truck permit described in Subsection (1), the local health department may not:
 - (i) impose additional permit qualification requirements on the food truck business before issuing a health department food truck permit to operate within the jurisdiction of the local health department, except for charging a fee in accordance with Subsection (3); or
 - (ii) issue a health department food truck permit that expires on a date earlier or later than the day on which the permit described in Subsection (1) expires.
- (3)
 - (a) A local health department may only charge a health department food truck permit fee to a food truck business in an amount that reimburses the local health department for the cost of regulating the food truck.
 - (b) For a health department food truck permit that a local health department issues in accordance with Subsection (2), the local health department shall reduce the amount of the food truck permit fee to an amount that accounts for the lower administrative burden on the local health department.
- (4)

- (a) A political subdivision inspecting a food truck for fire safety shall conduct the inspection based on the criteria that the Utah Fire Prevention Board, created in Section 53-7-203, establishes in accordance with Section 53-7-204.
- (b)
 - (i) A political subdivision shall consider valid within the political subdivision's jurisdiction an approval from another political subdivision within the state that shows that the food truck passed a fire safety inspection that the other political subdivision conducted.
 - (ii) A political subdivision may not require that a food truck pass a fire safety inspection in a given calendar year if the food truck business presents to the political subdivision an approval described in Subsection (4)(b)(i) issued during the same calendar year.
- (5)
 - (a) Nothing in this section prevents a local health department from:
 - (i) requiring a food truck business to obtain an event permit, in accordance with Section 11-56-105; or
 - (ii) revoking a health department food truck permit that the local health department has issued if the operation of the related food truck within the jurisdiction of the local health department violates the terms of the permit.
 - (b) Nothing in this section prevents a political subdivision from revoking the political subdivision's approval described in Subsection (4)(b)(i) if the operation of the related food truck within the political subdivision fails to meet the criteria described in Subsection (4)(a).

Amended by Chapter 260, 2019 General Session

11-56-105 Food truck events.

- (1) Subject to Subsection (4), a political subdivision may not require a food truck business to pay any fee or obtain from the political subdivision any permit to operate a food truck at a food truck event that takes place on private property within the political subdivision, regardless of whether the event is open or closed to the public.
- (2) If the food truck business has a business license from any political subdivision within the state, a political subdivision may not require a food truck business to pay any fee or obtain from the political subdivision an additional business license or permit to operate a food truck at a food truck event that:
 - (a) takes place on private property within the political subdivision; and
 - (b) is not open to the public.
- (3) If a political subdivision requires an event permit for a food truck event, the organizer of the food truck event may obtain the event permit on behalf of the food trucks that service the event.
- (4)
 - (a) Nothing in this section prohibits a county health department from requiring a permit for a temporary mass gathering.
 - (b)
 - (i) A food truck operating at a temporary mass gathering that occurs over multiple days may operate in a stationary manner for the duration of the temporary mass gathering, not to exceed five consecutive days, without moving or changing location if the food truck maintains sanitary conditions and operates in compliance with the permitting requirements and regulations imposed on other food vendors at the temporary mass gathering.
 - (ii) A county health department may not impose a requirement on a food truck described in Subsection (4)(b)(i) that the county health department does not impose on other food vendors operating at the temporary mass gathering.

Amended by Chapter 260, 2019 General Session

11-56-106 Food truck operation.

A political subdivision may not:

- (1) entirely or constructively prohibit food trucks in a zone in which a food establishment is a permitted or conditional use;
- (2) prohibit the operation of a food truck within a given distance of a restaurant;
- (3) restrict the total number of days a food truck business may operate a food truck within the political subdivision during a calendar year;
- (4) require a food truck business to:
 - (a) provide to the political subdivision:
 - (i) a site plan for each location in which a food truck operates in the public right of way, if the political subdivision permits food truck operation in the public right of way; or
 - (ii) the date, time, or duration that a food truck will operate within the political subdivision; or
 - (b) obtain and pay for a land use permit for each location and time during which a food truck operates; or
- (5) if a food truck business has the consent of a private property owner to operate a food truck on the private property:
 - (a) limit the number of days the food truck may operate on the private property;
 - (b) require that the food truck operator provide to the political subdivision or keep on file in the food truck the private property owner's written consent; or
 - (c) require a site plan for the operation of the food truck on the private property where the food truck operates in the same location for less than 10 hours per week.

Amended by Chapter 260, 2019 General Session