MIDVALE CITY, UTAH

ORDINANCE NO. 2018-O-13

AN ORDINANCE CREATING A PROVISION FOR LICENSING AND REGULATING MOBILE FOOD TRUCKS IN TITLE 5 - BUSINESS TAXES, LICENSES AND REGULATIONS OF THE MIDVALE MUNICIPAL CODE

WHEREAS, Midvale City does not currently have a provision for licensing mobile food trucks; and

WHEREAS, the State of Utah has adopted regulations for food trucks, Utah State Code 11-56; and

WHEREAS, the City has interest in creating licensing and regulations for mobile food trucks complying with the State’s regulations within its municipal boundary; and

WHEREAS, the Midvale City Council has discussed this topic and finds it in the City’s best interest to create a provision for licensing and regulating mobile food trucks within Title 5 of the Midvale Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The City Council desires to amend Midvale Municipal Code Title 5 as set forth in Exhibit A. See “ATTACHMENT A” (Attachment A is the proposed code)

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 18th day of September 2018.

Robert Hale, Mayor

ATTEST:

Roni Andreason, MMC
City Recorder

Voting by City Council
Quinn Sperry
Paul Glover
Paul Hunt
Bryant Brown
Dustin Gettel

“Aye”

“Nay”

Date of first publication: 23.9.2018
Chapter 5.36

FOOD TRUCKS

Sections:
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5.34.010 Definitions.

“City-owned property” means all parks, open space, parcels, rights-of-way, buildings, parking lots, and other such properties owned or operated by the City.

“Fire safety inspection” means a document that a political subdivision issues as evidence that a food truck complies with the criteria set forth by the Utah Fire Prevention Board.

“Food cart” means a cart that is not motorized and that a vendor, standing outside of the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.

“Food truck” means 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. “Food truck” does not include a food cart or an ice cream truck.

“Food truck license” means a City business license that permits a food truck operator to operate a food truck within the City and engage in vending.

“Food truck operator” means a person who owns, manages, or controls, or who has the duty to manage or control the operation of a food truck.

“Food truck vendor” means a person who sells, cooks, or serves food or beverages from a food truck.

“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.

“Ice cream truck” means a fully encased food service establishment (a) on a motor vehicle or a trailer that a motor vehicle pulls to transport, (b) from which a vendor, from within the frame of a 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.

“Local health department” means a single county local health department, a multicounty local health department, a united local health department, or a multicounty united local health department in Utah.

“Political subdivision” means a city, town, metrotownship, or a county in Utah.

“Vending” means the donation or sale of food and beverages ready for immediate consumption or merchandise containing a food truck’s logo, name, or mark.
5.34.020 License required.

A. It is unlawful for any food truck to engage in vending without first having obtained a food truck license as provided in this chapter.

B. A separate food truck license is required for each food truck.

5.34.030 Application.

A food truck operator applying for food truck license shall submit the following information to the business license administrator:

A. A completed business license application form, as provided by the City;

B. A current health department food truck permit; and

C. A current fire safety inspection.

5.34.040 Current licenses.

A. A food truck is required to maintain a current health department food truck permit and to pass a fire safety inspection each calendar year.

B. A food truck operator is responsible for providing the City with current copies of a health department food truck permit and a fire safety inspection.

C. A food truck license under this chapter will expire upon expiration of a health department food truck permit or a fire safety inspection, whichever is earlier.

5.34.050 Reciprocity.

A. The City shall grant a food truck license to operate food truck to any food truck operator that presents the City with:

   i. a current business license from another political subdivision;

   ii. a current health department food truck permit; and

   iii. a current fire safety inspection.

B. The food truck license issued by the City shall expire on the same day as the business license in Section 5.34.050(A)(i).

5.34.060 Operations.

A. A food truck may only operate between 6 A.M. to 10 P.M., except as authorized by the City.

B. A food truck may not park or engage in vending on City-owned property, except as authorized by the City.

C. A food truck must provide trash receptacles for its patrons while engaged in vending.

D. A food truck and its immediate vicinity must be kept in clean, attractive, and good operating condition.

E. A food truck may only use signs to advertise if such signs are physically attached to the food truck.

G. A food truck may not idle while operating.
H. A food truck may play music subject to Chapter 8.01A ‘Noise Control.’

5.34.070 Permitted locations.

A. A food truck may engage in vending in the following locations if the food truck’s vending does not reduce the parking below the amount required for the property’s use and the food truck has the property owner’s permission:

i. Mixed Use Zone;

ii. State Street Zone;

iii. Transit-Oriented Development Zone;

iv. Historic Commercial Zone;

v. Regional Commercial Zone;

vi. Clean Industrial Zone;

vii. State Street Overlay Zone;

viii. Transit-Oriented Development Overlay Zone;

ix. Commercial properties within the Bingham Junction Zone; and

x. Commercial properties within the Jordan Bluffs Zone.

B. A food truck may engage in vending at any church or school in any zone within the City if:

i. The food truck is participating in a community event;

ii. The food truck has been invited to participate by the property owner; and

iii. The food truck only serves those participating in the community event.

5.34.080 Compliance with law.

A food truck must adhere to federal, state, and local laws, regulations, and policies. This includes, but is not limited to, the City’s zoning, noise, stormwater, building, and fire ordinances and Salt Lake County Health Department’s regulations.

5.34.090 Prohibited acts.

A. A food truck may only engage in the vending of food, beverages, and merchandise branded with the food truck’s logo, name, or mark. A food truck may not engage in the vending of other merchandise, professional or personal services, or alcoholic beverages.

B. A food truck and any related accessories may not obstruct or impede pedestrian or vehicular traffic, access to and from driveways, or clear visions lines for vehicle drivers.

C. A food truck may only engage in vending to pedestrians. A food truck may not provide drive-thru or drive-in service.

D. A food truck may not engage in vending to any customer that is located in any portion of the right-of-way.

E. A food truck may not violate any other requirement under this chapter.