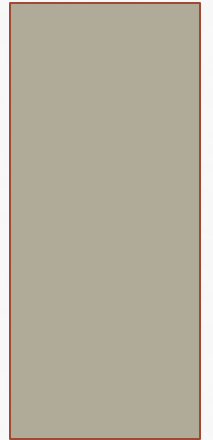


FOOD TRUCK AMENDMENT

ORDINANCE 2020-11



FOOD TRUCKS

Direction from City Council from the May 5th meeting

- Catering from a food truck would be allowed throughout Midway
- Food trucks would be allowed in the right-of-way if approved by staff

FOOD TRUCKS

- The organizer of the event must rent the entire park or Town Square or one of the buildings on Town Square.
- Food trucks would not be allowed in the public right-of-way, only in the parking area of the Town Square or the rented city park.
- A site plan must be submitted and approved by city staff. Staff would review the site plan for safety, access, and traffic circulation around the food trucks.

FOOD TRUCKS

- All health code requirements must be met and approval from the Health Department given before the event takes place.
- The event organizer must submit a list of the food trucks participating to the City and the State so the sales tax from the food trucks is sent to the City.
- The event coordinator will need to be approved for a food truck permit, either a single event permit or an annual permit.

PROPOSED CODE

- *7.05.050 Periodic Sale of Prepared Food by Mobile Vendors*
- *A. Purpose and Definitions*
- *1. This section is enacted to allow periodic sale of prepared food by mobile vendors pursuant to the standards and policies set forth herein. Unless authorized by this section, the sale of prepared food by mobile vendors in Midway City is prohibited.*
- *2. The definition of “prepared food” contained in the Utah Sales and Use Tax Act shall govern this section.*
- *3. “Mobile vendor” shall mean a person or entity that sells prepared food from a vehicle that is not permanently affixed to the site of sale and can be readily transported to and from that site. Vehicles used by such mobile vendors are often commonly referred to as “food trucks” and may be so referenced in this section.*

PROPOSED CODE

- *B. Standards and Policies*
- *A currently-licensed business with a physical, commercial presence on a parcel of land located in the C-2 or C-3 zones of Midway City may allow sales of prepared food on that parcel by a mobile vendor in accordance with the following standards and policies:*
 - *1. Sales may take place on any day except for days on which food will be sold at a special event to be held on City property.*
 - *2. Food trucks operating under this section must be located in a safe and appropriate location, which may include in the public right-of-way, as determined by the City Planner.*
 - *3. Preparation, serving and storage of food is subject to inspection and approval by the Wasatch County Health Department.*

PROPOSED CODE

- 4. Any equipment or appliances used by the food truck must comply with City ordinances regulating noise.
- 5. The sale of prepared food by mobile vendors is subject to collection and payment of sales tax in the same manner as any other prepared food sold in Midway City.
- 6. The holder of the permanent business that is licensed at the location where the food sales occur is responsible to ensure compliance with this section. The City assumes no responsibility for any contractual or legal relationships between the business license holder and the operator of the food truck.
- 7. The City reserves the right to immediately regulate, modify or terminate the sale of prepared food by a mobile vendor, with or without prior notice, if necessary to protect the public, health, safety or welfare or to abate a nuisance.

PROPOSED CODE

- 8. No alcoholic beverages or tobacco products may be sold or served from a food truck.
- 9. The provisions of this section allowing sale of prepared food by mobile vendors may be amended or repealed at any time by the City Council.
- C. Licensing Procedures
- In order to allow the sale of prepared food by a mobile vendor at an existing business location in the C-2 or C-3 zones, the business license holder must comply with the following procedures:
 - 1. File an application with the Midway City Planning Office identifying the date, time and location of the proposed food truck event, the name of the proposed vendor, and other required information required by the City, no later than the close of City office hours three business days before the proposed event.
 - 2. Pay a one-time fee for a single event, or an annual fee for the calendar year, in an amount set from time to time by the City Council.

PROPOSED CODE

- 3. *Submit a site plan with the application showing the proposed location of the food truck on the parcel. Location and placement of the food truck will be subject to review and modification by the City Planner for safety and access purposes.*
- *D. Catering*
- *1. Catering is allowed in all zones but there shall be no direct sales to clients from the mobile vendor.*
- *E. Food Trucks on City Property.*
- *1. Food Trucks (mobile vehicles selling prepared food on a temporary basis) may be allowed on City Property upon the following terms and conditions:*
- *(a) The vendor shall apply for and receive a temporary permit to operate a Food Truck on City Property. No Food Truck shall be operated on City Property without a valid temporary permit.*

PROPOSED CODE

- *(b) The temporary permit shall only be granted when the entire parcel of City Property (i.e. Town Square, Centennial Park or the Hamlet Park) has been rented as part of part of a larger event or gathering. The organizer of the event must rent the entire Park or Town Square, or one of the buildings on Town Square in order for a temporary permit described herein to be issued.*
- *(c) Food Trucks are not allowed to operate on City Property if no larger event has been properly scheduled and permitted.*
- *(d) The temporary permit shall be issued via administrative approval. The temporary permit may be issued based on conditions as approved by the Midway City Staff.*

PROPOSED CODE

- *(e) An application for a temporary permit under this subsection shall be submitted on the form provided by the City. The application shall include an administrative fee covering the cost of reviewing and enforcing the permit. The applicant shall include a description of the Food Truck(s) that will be participating, a description of the event in which the Food Truck will participate, and a simple site plan showing the proposed location of the Food Truck, hours of operation, safety issues, access and traffic circulation around the Food Truck area, etc. The City shall impose reasonable restrictions on the location, hours of operation and other issues in order to promote the safety, health and well-being of the attendees at the event, the surrounding property owners, and the public at large.*

PROPOSED CODE

- *(f) “City Property” for purposes of this subsection regarding a temporary permit, does not include any portion of a public right-of-way. Food Trucks are not allowed to park and do business in a public right of way.*
- *(g) All Food Trucks operating under a temporary permit issued pursuant to this subsection shall comply with all other applicable City, County or State requirements, including all Wasatch County Health Department requirements.*

POSSIBLE FINDINGS

- The proposed code will allow food trucks on Midway City public areas if all requirements are met
- Food trucks have been included in several events and adding language in the code will make it clear what the requirements are for including food trucks
- Food trucks would only be allowed if the public property is rented
- Food trucks will need to comply with all Health Department requirements
- Food trucks may be located in the public right-of-way if approved by staff
- Catering from a food truck would be allowed in all zones but no direct sales from the food truck would be allowed