

ORDINANCE NO. 22-05

AN ORDINANCE AMENDING THE CITY OF ELK RIDGE BUSINESS AND LICENSING REGULATIONS REGARDING FOOD TRUCKS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Elk Ridge has adopted the Elk Ridge City Business and Licensing Regulation Title 3, Chapter 1 Section 1, defining the definition of a Food Truck and adding Chapter 1 Section 13 Food Trucks defining the process and regulations for operating Food Trucks in Elk Ridge City, and

WHEREAS, the City of Elk Ridge desires to amend Business and Licensing Regulation Title 3, Chapter 1 Section 1, defining the definition of a Food Truck and adding Chapter 1 Section 13 Food Trucks defining the process and regulations for operating Food Trucks in Elk Ridge City; and

WHEREAS, the Elk Ridge Planning Commission held a public meeting on June 2, 2022 at 7:00pm, for the purpose of the proposed amendment to Regulation Title 3, Chapter 1 Section 1, defining the definition of a Food Truck and adding Chapter 1 Section 13 Food Trucks; and

WHEREAS, the public meeting was preceded by the posting of a notice of public meeting in at least three (3) public places: city office, city website, Utah Public Notice Website, Local Newspaper, along with notification to the Payson Chronicle Newspaper, a newspaper of general circulation within the city, at least 24 hours prior to the Public Meeting; and

WHEREAS, the notice of the meeting, which was posted and published, by the City Council contains specific advance notice that the proposed ordinance amendment, as set forth herein, would be considered and that copies thereof were available for inspection in the city offices; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ELK RIDGE CITY, UTAH, AS FOLLOWS: (red text is added text, ~~Strikeout text is deleted text~~)

3-1-1: DEFINITIONS:

As used in this title:

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

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

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

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

FOOD TRUCK: Means a “Food Truck” as defined in Utah Code 11-56-102(3)

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

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

WHOLESALE: A person doing a regularly organized wholesale or jobbing business and selling to retail merchants, jobber, dealers, or other wholesalers, for the purpose of resale. (Ord. 91-5-22-11,5-22-1991, eff 5-22-1991;amd 2003 Code)

3-1-13: FOOD TRUCKS

Purpose: To provide responsible companies who operate mobile food businesses with clear and concise regulation to prevent hazards to safety, traffic, or health, as well as to preserve the peace, safety and welfare of the community.

A. Licensing

1. The city shall grant a business license to operate a food truck within the city 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 presents:
 - a. A current business license from the other political subdivision.
 - b. For each food truck that the food truck business operates:
 - I. A current health department food truck permit from a local health department with in the state; and
 - II. A current approval of a political subdivision with in the state that shows the food truck passed a fire safety inspection that the other political subdivision conducted.
 - III. **Insurance requirements**
 - IV. **An annual license permit fee to operate within the city is required as set through resolution by City Council per the city fee schedule.**
2. No additional license qualification requirements will be imposed on the food truck business before issuing a license to operate with the political subdivision.
3. An application shall not be approved and no license shall be issued or renewed to an applicant if a criminal background check, administrative records search, or application materials uncover information showing either the applicant or any driver has a record of any of the following:
 - a. A conviction within the past ten (10) years of driving under the influence of drugs or alcohol; alcohol or drug related reckless driving, impaired driving, driving with

any measurable amount of a controlled substance in the body, automobile homicide;

- b. Any criminal conviction within the past ten (10) years for an offense involving violence, theft, possession of controlled substances with the intent to distribute to another person or any conviction for a crime of moral turpitude; or
- c. Misrepresentation of material facts in an application for a business license.

B. Location of Operation

- 1. Food Trucks or Food Trailers may operate on public property if:
 - a. The food vending vehicle is not parked within 20 feet of an intersection.
 - b. A mobile food vendor may operate from legal parking spaces, including metered spaces upon payment of appropriate fees, on the public right of way.
 - c. When operating on public property, a mobile food vendor is subject to the same parking rules, restrictions, and obligations that a commercial vehicle would be subject to if not used by a mobile food vendor.
 - d. A resident may employ a food truck for a private event on their property that is not open to the public. The truck may not park on a public right of way.
- 2. Food Trucks may not operate within **any residential zone**:
 - a. ~~Residential Zone (R-1-15,000, R-1-20,000; and R-1-12,000, or any other Residential zone)~~
 - b. ~~Residential and Livestock Raising Zone (RR-1 and R&L-1-20,000, or any other Residential and Livestock zone); and~~
 - c. ~~Residential And Environmental Zone (HR-1, CE-2, CE-3, or any other Residential and Environmental Zone)~~

C. Operational Standards

- 1. Food Trucks and Food Trailers operating in the Right-of-Way must comply with all applicable parking and traffic regulations. No operation shall extend into the vehicle travel or bicycle lanes.
- 2. Food Truck or Food Trailers operating in the Right-of-Way must orient the vending window to face away from the Right-of-way.
- 3. Food Trucks or Food Trailers shall be constructed in a way that they may be easily removed on a daily basis and shall not be left overnight or stored on the subject property or Right-of-Way. ~~The City Council will provide details on dates and times when the Food Truck can operate.~~ The City reserves the right to determine the location and times the food trucks may operate within the city.
- 4. Trash Receptacles. All Food Trucks or Food Trailers shall provide sufficient trash receptacles meeting Utah County Health Department standards. Trash containers shall be provided for use of their patrons. The trash receptacles shall be removed with the Food Truck or Food Trailer on a daily basis. All materials generated from the business must be disposed of properly.
- 5. All Food Trucks and Food Trailers are required to clean the area within a twenty five (25) foot radius on a daily basis.

6. All food trucks or Food Trailers are required to comply with Utah County Health Department regulations.
7. Hours of Operation. All activity related to Food Trucks or Food Trailers shall be temporary. Food Truck or Food Trailer operation shall not exceed eighteen (18) hours within a twenty-four (24) hour period at any one location
8. Business operations shall not create any public nuisance, including: (1) noises audible from within an enclosed vehicle or from within an enclosed building; (2) accumulation of litter; (3) obstruction of pedestrian and vehicle access or travel areas; (4) ~~reduction in required Parking Stalls or other similar activities~~; and (5) any violation of City, County, or State Regulations.
9. Failure to comply with the requirements of this Chapter shall be grounds for denial, suspension or revocation of a business license.
10. No Mobile Food Vendor license shall be valid within 2,000 feet of the perimeter of the parcel of property of a City sanctioned event, including but not limited to the following events, as determined by the City Administration: Elk Ridge City Celebration.
11. It shall be unlawful for any mobile food business to operate adjacent to or in a public park without the prior written consent of the City Administration.
12. ~~An annual licensing fee will be required.~~
13. ~~(The deposit fee we discussed of \$50/75 -- see notes to Planning Commission.) To operate at a city park, a deposit of \$75 dollars will be collected. This deposit will be fully refunded when city staff determines that there was no damage or excessive trash left at the park.~~

SECTION III. EFFECTIVE DATE. This ordinance shall become effective immediately upon passage.

Passed and duly adopted this ____ day of _____, 2022.

Rob Haddock, MAYOR

Councilmember Nelson Abbott	Voted ____
Councilmember Tricia Thomas	Voted ____
Councilmember Jared Peterson	Voted ____
Councilmember Cory Thompson	Voted ____
Councilmember Tanya Willis	Absent ____

ATTEST:

Royce Swensen
Elk Ridge City Recorder

STATE OF UTAH)
COUNTY OF UTAH) ss.

I, ROYCE SWENSEN, City Deputy Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of Ordinance #22-05, passed by the City Council of the City of Elk Ridge, Utah, on the ____ day of _____, 2022, entitled:

“AN ORDINANCE AMENDING THE CITY OF ELK RIDGE BUSINESS AND LICENSING REGULATION TITLE 3, CHAPTER 1 SECTION 1, DEFINING THE DEFINITION OF A FOOD TRUCK AND ADDING CHAPTER 1 SECTION 13 FOOD TRUCKS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Elk Ridge City Utah this ____ day of _____, 2022.

ROYCE SWENSEN
Elk Ridge City Recorder

STATE OF UTAH)
)
) ss.
)
COUNTY OF UTAH)

The three places are as follows:

1. Elk Ridge City website elkridgecity.org
2. Utah Public Notice Website <https://www.utah.gov/pmn/>
3. 80 E Park Dr. Elk Ridge City, UT 84651

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

ROYCE SWENSEN
Elk Ridge City Recorder

The foregoing instrument was acknowledged before me this ____ day of ___, 2022, by ROYCE SWENSEN.

My Commission Expires:

Notary Public

Residing at: Utah County