

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) "Food truck" means:
 - (a) 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) a food cart; or
 - (c) 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 306, 2022 General Session

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

- (1)
 - (a) Subject to the provisions of this chapter, a political subdivision may require a food truck business to obtain a business license if the food truck business does not hold a current business license in good standing from another political subdivision in the state.
 - (b) 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.
- (2) A political subdivision may not:
 - (a) require a food truck business to:
 - (i) obtain a separate business license beyond the initial business license described in Subsection (1)(a);
 - (ii) pay a fee other than the fee for the initial business license described in Subsection (1); or
 - (iii) pay a fee for each employee the food truck business employs;
 - (b) as a condition of a food truck business obtaining a business license under Subsection (1):
 - (i) require a food truck operator or food truck vendor to submit to or offer evidence of a criminal background check, except as provided in Subsection (5); or
 - (ii) require a food truck operator to demonstrate how the operation of the food truck business will comply with a land use or zoning ordinance at the time the food truck business applies for the business license; or
 - (c) regulate or restrict the size of a food truck operated by a food truck business.
- (3)
 - (a) A political subdivision shall recognize as valid within the political subdivision the business license of a food truck business obtained in another political subdivision within the state, if the business license is current and in good standing.
 - (b) Notwithstanding Subsection (3)(a), a political subdivision is not required to recognize as valid the business license of a food truck business issued in another political subdivision within the state if the food truck business does not have the following for each food truck that the food truck business operates:
 - (i) a current health department food truck permit from a local health department within the state; and
 - (ii) 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(3)(a).
- (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) requiring a food truck business to keep a copy of the following in each food truck operated by the food truck business:
 - (i) a valid business license for the food truck business, as described in this section, whether issued by the political subdivision or another political subdivision;
 - (ii) a valid health department food truck permit, as described in Section 11-56-104, whether issued by a local health department or another health department; or
 - (iii) evidence of passing a fire safety inspection, as described in Section 11-56-104, whether conducted by the political subdivision or another political subdivision.
- (5) As a condition of obtaining and maintaining in good standing an initial business license as described in Subsection (1)(a), a political subdivision may require a food truck business that operates one or more ice cream trucks to submit to or offer evidence of an annual criminal background check for each employee of the food truck business that operates or will operate an ice cream truck.

Amended by Chapter 306, 2022 General Session

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

- (1)
 - (a) 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.
 - (b) A local health department shall recognize as valid a health department food truck permit that has been issued by another local health department within the state.
- (2) 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.
- (3)
 - (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 recognize as 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 (3)(b)(i) issued during the same calendar year.
- (4)
 - (a) Nothing in this section prevents a local health department from requiring a food truck business to obtain an event permit, in accordance with Section 11-56-105.
 - (b) Nothing in this section prevents a political subdivision from revoking the political subdivision's approval:
 - (i) described in Subsection (1)(b), if the operation of the related food truck within the political subdivision fails a health inspection by a local health department; or

- (ii) described in Subsection (3)(b)(i), if the operation of the related food truck within the political subdivision fails to meet the criteria described in Subsection (3)(a).
- (c) For each food truck that fails a health inspection as described in Subsection (4)(b)(i), a local health department may charge and collect a fee from the associated food truck business for that health inspection.

Amended by Chapter 306, 2022 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