

FOOD TRUCK REGULATION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: Francis D. Gibson

LONG TITLE

General Description:

This bill amends provisions related to political subdivision regulation of food trucks.

Highlighted Provisions:

This bill:

- ▶ prohibits a political subdivision from charging a fee for a reciprocal business license for the operation of a food truck;
- ▶ restricts a political subdivision's ability to regulate a food truck through a land use or zoning ordinance;
- ▶ prohibits certain regulation of a food truck on private property; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-56-103, as enacted by Laws of Utah 2017, Chapter 165

11-56-106, as enacted by Laws of Utah 2017, Chapter 165

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section 11-56-103 is amended to read:

29 **11-56-103. Licensing -- Reciprocity -- Fees.**

30 (1) A political subdivision may not:

31 (a) require a separate license or fee beyond the initial business license and fee for the
32 operation of a food truck in more than one location or on more than one day within the political
33 subdivision in the same calendar year; [~~or~~]

34 (b) require a fee for each employee the food truck operator employs; or

35 [~~(b)~~] (c) as a business license qualification, require a food truck operator or food truck
36 vendor to:

37 (i) submit to or offer proof of a criminal background check[-]; or

38 (ii) demonstrate compliance with a land use or zoning ordinance at the time the
39 operator or vendor applies for the license.

40 (2) (a) A political subdivision shall grant a business license to operate a food truck
41 within the political subdivision to a food truck operator who has obtained a business license to
42 operate a food truck in another political subdivision within the state if the food truck operator
43 presents to the political subdivision:

44 (i) a current business license from the other political subdivision within the state;

45 (ii) a current health department food truck permit from a local health department within
46 the state; and

47 (iii) a current approval of a political subdivision within the state that shows that the
48 food truck passed a fire safety inspection that the other political subdivision conducted in
49 accordance with Subsection 11-56-104(4)(a).

50 (b) If a food truck operator presents the documents described in Subsection (2)(a), the
51 political subdivision may not:

52 (i) impose additional license qualification requirements on the food truck operator
53 before issuing a license to operate within the political subdivision, except for charging a fee in
54 accordance with Subsection (3); or

55 (ii) issue a license that expires on a date earlier or later than the day on which the
56 license described in Subsection (2)(a)(i) expires.

57 (c) Nothing in this Subsection (2) prevents a political subdivision from enforcing the
58 political subdivision's land use regulations, zoning, and other ordinances in relation to the

59 operation of a food truck.

60 (3) (a) A political subdivision may only charge a licensing fee to a food truck operator
61 in an amount that reimburses the political subdivision for the actual cost of regulating the food
62 truck.

63 (b) For a business license that a political subdivision issues in accordance with
64 Subsection (2), the political subdivision shall reduce the amount of the business licensing fee to
65 an amount that accounts for the [~~lower~~] actual administrative burden on the political
66 subdivision.

67 (4) Nothing in this section prevents a political subdivision from:

68 (a) requiring a food truck operator to obtain an event permit, in accordance with
69 Section 11-56-105; or

70 (b) revoking a license that the political subdivision has issued if the operation of the
71 related food truck within the political subdivision violates the terms of the license.

72 Section 2. Section 11-56-106 is amended to read:

73 **11-56-106. Food truck operation.**

74 A political subdivision may not:

75 (1) entirely or constructively prohibit food trucks in all zones within the political
76 subdivision's jurisdictional boundaries;

77 (2) prohibit the operation of a food truck within a given distance of a restaurant[-];

78 (3) restrict the total number of days a food truck operator may operate a food truck
79 within the political subdivision during a calendar year;

80 (4) require a food truck operator to:

81 (a) provide to the political subdivision a site plan for each location in which the food
82 truck operates in the public right of way, if the political subdivision permits food truck
83 operation in the public right of way; or

84 (b) obtain and pay for a land use permit for each location and time during which the
85 food truck operates; or

86 (5) if a food truck operator has the consent of a private property owner to operate the
87 food truck on the private property:

88 (a) limit the number of days the food truck may operate on the private property;

89 (b) require that the food truck operator provide to the political subdivision or keep on

90 file in the food truck the private property owner's written consent; or
91 (c) require a site plan for the operation of the food truck on the private property where
92 the food truck operates in the same location for less than 10 hours per week.

Legislative Review Note
Office of Legislative Research and General Counsel