

Senator Deidre M. Henderson proposes the following substitute bill:

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:

- ▶ 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, including 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:



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

27 **11-56-103. Licensing -- Reciprocity -- Fees.**

28 (1) A political subdivision may not:

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

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

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

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

36 (ii) demonstrate how the operation of the food truck will comply with a land use or
37 zoning ordinance at the time the operator or vendor applies for the business license.

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

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

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

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

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

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

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

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

57 operation of a food truck.

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

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

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

66 (a) requiring a food truck operator to comply with local zoning and land use
67 regulations;

68 (b) promulgating local ordinances and regulations consistent with this section that
69 address how and where a food truck may operate within the political subdivision;

70 [~~(a)~~] (c) requiring a food truck operator to obtain an event permit, in accordance with
71 Section 11-56-105; or

72 [~~(b)~~] (d) revoking a license that the political subdivision has issued if the operation of
73 the related food truck within the political subdivision violates the terms of the license.

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

75 **11-56-106. Food truck operation.**

76 A political subdivision may not:

77 (1) entirely or constructively prohibit food trucks in a zone in which a food
78 establishment is a permitted or conditional use;

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

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

82 (4) require a food truck operator to:

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

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

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

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

91 (b) require that the food truck operator provide to the political subdivision or keep on
92 file in the food truck the private property owner's written consent; or

93 (c) require a site plan for the operation of the food truck on the private property where
94 the food truck operates in the same location for less than 10 hours per week.