

SB0071S02 compared with SB0071S01

~~text~~ shows text that was in SB0071S01 but was deleted in SB0071S02.

Inserted text shows text that was not in SB0071S01 but was inserted into SB0071S02.

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Senator Deidre M. Henderson proposes the following substitute bill:

FOOD TRUCK AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions regarding food truck licensing and political subdivision regulation.

Highlighted Provisions:

This bill:

- ▶ clarifies provisions regarding reciprocal business licenses;
- ▶ clarifies that a political subdivision may not enforce local regulations and ordinances that conflict with state law;
- ▶ imposes a limitation on reciprocal business license fees;
- ▶ prohibits a political subdivision from:
 - requiring a fee or permit for a food truck to operate on private property; or
 - requiring a food truck operator to provide the dates, times, and duration of food

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truck operation;

- ▶ allows a food truck to operate in a stationary manner at a temporary mass gathering for multiple dates without moving in certain circumstances; 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 last amended by Laws of Utah 2018, Chapter 172

11-56-105, as enacted by Laws of Utah 2017, Chapter 165

11-56-106, as last amended by Laws of Utah 2018, Chapter 172

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

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

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

(1) A political subdivision may not:

(a) require a separate license or fee beyond the initial or reciprocal business license described in Subsection (2) and the fee [for the operation of a] described in Subsection (3), regardless of whether the food truck operates in more than one location or on more than one day within the political subdivision in the same calendar year;

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

(c) as a business license qualification, require a food truck operator or food truck vendor to:

(i) submit to or offer proof of a criminal background check; or

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

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

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presents to the political subdivision:

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

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

(iii) 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(4)(a).

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

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

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

(c) Nothing in this Subsection (2) prevents a political subdivision from enforcing the political subdivision's land use regulations, zoning, and other ordinances in relation to the operation of a food truck to the extent that the regulations and ordinances do not conflict with this chapter.

(3) (a) [~~A~~] For an initial business license, a political subdivision may only charge a licensing fee to a food truck operator in an amount that reimburses the political subdivision for the actual cost of [regulating the food truck] processing the business license.

(b) For a reciprocal business license that a political subdivision issues in accordance with Subsection (2), the political subdivision shall reduce the amount of the business licensing fee to an amount that ~~is~~

~~— (i) } accounts for the actual administrative burden on the political subdivision ~~{f.}~~ for processing the reciprocal license ~~}; and~~ {~~

~~— (ii) does not exceed \$25}.~~

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

(a) requiring a food truck operator 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

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address how and where a food truck may operate within the political subdivision;

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

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

Section 2. Section **11-56-105** is amended to read:

11-56-105. Food truck events.

(1) Subject to Subsection (4), a political subdivision may not require a food truck operator to pay any fee or obtain from the political subdivision [~~an event~~] 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 operator has a business license from any political subdivision within the state, a political subdivision may not require a food truck operator 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 up to 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.

Section 3. Section **11-56-106** is amended to read:

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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 operator may operate a food truck within the political subdivision during a calendar year;
- (4) require a food truck operator to:
 - (a) provide to the political subdivision:
 - (i) a site plan for each location in which the 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 the food truck operates; or
- (5) if a food truck operator has the consent of a private property owner to operate the 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.