AN ORDINANCE AMENDING SECTIONS OF LOGAN MUNICIPAL CODE REGARDING MOBILE FOOD VENDORS

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety, promote the prosperity, improve the peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city; and

WHEREAS, pursuant to Utah Code § 10-1-203, a municipality may license for the purpose of regulation and revenue any business within the limits of the municipality and may regulate that business by ordinance; and

WHEREAS, the City Council has determined that the following ordinance is in the City’s best interest;

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH, AS FOLLOWS:

SECTION 1:

Chapter 5.20
MOBILE FOOD VENDORS

5.20.010: DEFINITIONS:

In addition to the definitions set forth in section 5.02.020 of this title, the following words and phrases used in this chapter shall have the meanings prescribed in this chapter:

**MOBILE FOOD TRUCK:** A fully encased food service establishment on a motor vehicle and 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.

**MOBILE FOOD TRAILER:** A fully encased food service establishment on a trailer, that a motor vehicle pulls to transport, and from which a food vendor, standing within the frame of the trailer, prepares, cooks, sells, or service food beverages for immediate human consumption.

**ICE CREAM TRUCK:** A fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport; from which a vendor, from within the frame of the vehicle, serves ice cream, shaved ice or like desserts; that attracts patrons by traveling through a residential area and signaling the truck’s presence in the area, including by playing music; and that may stop to serve ice cream, shaved ice or like desserts at the signal of a patron.
MOBILE FOOD VENDOR: The conduct of business from a licensed and operable motor vehicle, including but not limited to mobile food trucks, mobile food trailers, or ice cream trucks, from which food or beverages are sold or offered for sale on a temporary basis.

STATIONARY FOOD VENDOR: A food vendor that operates from a structure which is not permanently affixed to the property, such as a snow shack, and is located in one location during the duration of the temporary use. A stationary food vendor shall be subject to the licensing and operational requirements contained in Chapter 5.18 and shall not include either a Food Truck, Food Trailer, or Ice Cream Truck.

5.20.020: MOBILE FOOD VENDOR LICENSE REQUIRED:

It is unlawful for any person to conduct the business of a mobile food vendor without first securing a license for each place to be so operated. The licensee shall conspicuously display such license so that the same is plainly visible to the public. The division shall collect a license fee from each mobile food vendor as set forth in the schedule of fees adopted by the municipal council.

5.20.030: APPLICATIONS; LICENSE; TERM:

A. All applications for a license under this chapter shall be made to and upon forms provided by the division, and shall require that the applicant have a current state sales tax number.

B. A complete application for a license shall be submitted at least 15 days prior to the date of operation. Incomplete or late applications may be rejected. Applicant revisions or modifications to the original application may extend the date of approval.

C. All applicants for a license to operate a mobile food vendor shall submit a BCI Background Check as defined in Section 5.31.030. The application for a mobile food vendor shall include the address of the location where the mobile food vendor is to be cleaned, restocked, and stored overnight (Commissary).

D. Upon approval of the mobile food vendor application, the division shall issue a temporary business license signed by the director. The license shall show the name of the licensee, the business or occupation to be carried on thereunder, the place where the licensed business is to be carried on if at a fixed place, and the date of expiration of such license.

E. The division shall issue a business license for a mobile food vendor upon presentation of a current business license from another political subdivision within the State of Utah, a current health department mobile food vendor permit from a local health department within the State of Utah, and a current approval of a political subdivision within the State of Utah that shows that the mobile food vendor passed a fire safety inspection conducted in accordance with Subsection 11-55-104(4)(a) of the Utah Code.
5.20.040: RESPONSIBLE PARTY IDENTIFICATION:

Each applicant, whether a partnership, sole proprietorship, or other entity shall designate an individual that shall be responsible for the business, and this individual shall:

A. Furnish the division with two (2) recent photographs, one of which shall be affixed to the certificate issued to the licensee and the other shall be retained in the files and records of the division;

B. Sign the registration record kept by the director; and

CA. Provide valid driver’s license number, date of birth and vehicle identification information.

5.20.050: MOBILE FOOD VENDOR CONDITIONS AND REQUIREMENTS:

Each mobile food vendor shall abide by the following conditions and requirements:

A. For those ice cream trucks mobile food vendors operating within the public right of way, the motor vehicle shall have a clearly audible backup warning device that activates whenever the vehicle is shifted into reverse gear and shall have a flashing yellow beacon on the roof of the vehicle that is visible from all sides of the vehicle and is activated whenever merchandise is being sold, offered for sale or displayed for sale. Food trucks and food trailers are not permitted to prepares, cook, sell, or serve food within the public right of way.

B. The motor vehicle shall be inspected and approved by the Bear River Health Department on an annual basis. The presentation to the City of a current health department permit from another local health department within the State of Utah will suffice to meet this requirement.

C. The motor vehicle shall be inspected by the City for safety, appearance, signage and accessibility. The presentation to the City of a current fire safety approval conducted by another political subdivision within the State of Utah will suffice to meet this requirement.

D. A mobile food vendor may operate between the hours of seven o’clock (7:00) A.M. and ten o’clock (10:00) P.M. On a temporary basis, extended hours may be approved by the Director of Community Development, upon application by the merchant showing substantial justification why extended hours on a temporary basis are appropriate.

E. Ice cream trucks shall not sell or offer to sale Food or beverages shall not be sold or offered for sale on public streets where the speed limit exceeds twenty-five (25) miles per hour.

F. Food or beverages shall only be sold or offered for sale when the ice cream truck vehicle is completely stopped and lawfully parked, and only from the rear or side of the vehicle nearest to the curb or edge of the roadway on the right side of
the vehicle. The operator of the ice cream truck mobile food vendor shall not sell to any person standing in the roadway.

G. Food or beverages shall not be sold within 300 feet of any public property that already contains a concessionaire licensed and approved by the City of Logan.

HG. The motor vehicle selling food or beverages shall not be parked in one location on public property for longer than 30 minutes.

IH. For those mobile food vendors operating on public property, the applicant shall submit evidence of insurance as set forth in Logan Municipal Code Section 5.04.040.

I. All mobile food vendors, including but not limited to mobile food trucks, mobile food trailers, or ice cream trucks, shall be operable and shall maintain current vehicle registration, licensing, and insurance while operating in Logan City.

5.20.060: MOBILE FOOD VENDOR SALES ON PRIVATE PROPERTY:

Each mobile food vendor conducting business on private property, in addition to the other requirements of this Chapter, shall comply with the following:

A. Shall provide written permission from the private property owner upon request demonstrating and provide proof of access and availability to restroom facilities within 300 feet of the operating business location.

B. Not operate for more than one hundred eighty (180) consecutive days on a property or parcel of land within a twelve (12) month period of time. A mobile food vendor shall obtain a new temporary business license for a different property or parcel.

C. For parcels or properties less than one (1) acre in size, only one mobile food vendor shall be permitted on that site or parcel at any one time. For parcels or properties larger than one (1) acre in size, one mobile food vendor for every 250' of linear public street frontage shall be permitted at any one time.

DB. All aspects of the business shall be temporary in nature and must be able to be removed from the premises each day. No outdoor storage of tables, chairs, umbrella or signs associated with the mobile food vendor operation, shall be allowed and no overnight parking of the mobile food vendor is permitted. The mobile food vendor shall return on a nightly basis to a specified location for cleaning, restocking, dumping of waste, storage, etc. The specific location shall be identified in the business license application.

E. Obtain a separate license for each individual private property location.

FC. Be fully self-contained with respect to gas, water, and waste. All waste and waste water shall be disposed of according to Logan City requirements and shall not be dumped on the ground or in the stormwater system.
GD. **Food Trucks and food trailers shall only** be permitted in the Airport, Commercial, Commercial Services, Gateway, Industrial, Mixed Use or Town Center zoning districts as per the Logan Land Development Code and according to the following:

1. Mobile food vendors are only permitted within the historic downtown area (200 North to 100 South and 100 East to 100 West) if associated with a special event licensed by Logan City, or comply with LMC Chapter 5.35; and

21. A mobile food vendor shall not be located on vacant or undeveloped property.

H. For mobile food vendors selling food and beverages at two or more private property locations within a 15-hour period of time, the motor vehicle selling food or beverages shall not be parked on any one property or parcel for longer than 90 minutes and is therefore not required to comply with Subsection 5.20.060.A, B, C and E.

5.20.080: REVIEW AND APPROVAL PROCESS:

A. Applications shall be subject to review by code authorities, including those for public works, planning, zoning, building, fire, police, health, and others as required for the product, vendor or special event.

B. Approvals shall be based on a combination of code compliance in all applicable areas.

C. The applicant must obtain and maintain proper business and sales tax registration for all aspects of the operation prior to operating.

D. Approvals shall be based on any other factors or circumstances review authorities consider necessary to protect the public and enhance the community, such as:

1. Pedestrian traffic and site compatibility with proposed operation; and

2. Ability of the applicant to manage the operation and maintain compliance with all laws and local codes.

E. Based on recommendations from the different reviewing entities, the license administrator may issue the license with any operational limitations specified.
SECTION 2: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS 3 DAY OF
SEPTEMBER, 2017 BY THE FOLLOWING VOTE:

AYES: Reedham, Simmonds, Manhers, Clark, Dawson
NAYS: None
ABSENT: None

Holly Daines, Chair

ATTEST:
Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this 3 day of September, 2017.

Holly Daines, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 3 day of September, 2017.

H. Craig Petersen, Mayor
LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL

SUMMARY OF AN ORDINANCE - The following ordinance was adopted and approved by the Logan Municipal Council, Logan, Utah on October 3, 2017.
ORD. 17-09 An ordinance amending the Logan Municipal Code Section 5.20 regarding Mobile Food Vendors.
This ordinance is effective immediately upon publication. Full text of the ordinance can be reviewed at the office of the Logan City Recorder, City Hall, 290 North 100 West, Logan, Utah during regular business hours.
Teresa Harris, City Recorder
Published October 8, 2017
Ref. No. 1680446

STATE OF UTAH
COUNTY OF CACHE, ss

On this 9th day of October, A.D. 2017 personally appeared before me JENNIFER BIRCH who being first being duly sworn, deposes and says that she is the Principal Legal Clerk of the Cache Valley Publishing Co., publishers of The Herald Journal a daily newspaper published in Logan City, Cache County Utah, and that the Legal Notice, a copy of which is hereto attached was published in said newspaper for 1 issue(s) and that said notice also published on utahlegals.com on the same day(s) as publication in said newspaper

Commencing on the following days:
10/08/2017

______________________________
Jennifer Birch
Principal Legal Clerk

Subscribed and sworn to before me on this 9th day of October, A.D. 2017

______________________________
Laurie Jackson
Notary Public
Commissioned in the State of Utah
My Commission expires 10/18/2019