

## **CHAPTER 26. MOBILE FOOD BUSINESSES.**

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### **5-26-1. Purpose and intent.**

The purposes of this Chapter include to provide clear and concise regulations for mobile food businesses, to prevent safety, traffic, and health hazards, and to preserve the peace, safety, health, and welfare of the community.

(Ord. 2018-12, 09-05-2018)

### **5-26-2. Mobile food business allowed.**

(1) No person shall operate a mobile food business without first obtaining a business license from the City in accordance with this Chapter and Chapter 5-1 (General Provisions).

(2) A separate business license shall be required for each mobile food vehicle.

(3) A mobile food business may operate within commercial, industrial, and mixed use zoning districts.

(4) A mobile food business may operate within Tooele City parks in any zoning district:

(a) pursuant to a permitted special event with the written authorization of the special event permit holder; or,

(b) with written authorization of Tooele City for a City event.

(5) A mobile food business may operate on school or church owned property in any zoning district:

(a) for a school or church event; and,

(b) with written authorization of the property owner.

(6) A mobile food business may not operate within a public right-of-way.

(7) This Chapter shall not apply to vending carts, ice cream trucks, caterers, agricultural vendors, solicitors, itinerant or transient merchants, and other temporary merchants or uses that are regulated elsewhere in this Title 5.

(Ord. 2018-12, 09-05-2018)

### **5-26-3. Definitions.**

The following terms have the following definitions for purposes of this Chapter.

“Food Trailer” means a mobile food business that serves food or beverages from a non-motorized vehicle larger than 3 feet in width and 8 feet in length that is normally pulled behind a motorized vehicle. The term “food trailer” shall not include vending carts, food trucks, or ice cream trucks.

“Food Truck” means a mobile food business that serves food or beverages from an enclosed, self-contained motorized vehicle. The term “food truck” shall not include vending carts, food trailers, or ice cream trucks.

“Mobile Food Business” means a business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and is readily movable, without disassembly, for transport to another location. The term “mobile food business” does not include vending carts or ice cream trucks.

“Mobile Food Vehicle” means a food truck or food trailer.

“Vending Cart” means a non-motorized mobile device or pushcart smaller than 3 feet in width and 8 feet in length from which limited types of products are sold or offered for sale directly to any consumer, where the point of sale is at the cart.

(Ord. 2018-12, 09-05-2018)

### **5-26-4. Application for a business license.**

(1) If a mobile food business has a current business license from another Utah political subdivision, the City shall issue a business license upon the applicant providing the following to the Department:

(a) a copy of the current business license from the other Utah political subdivision;

(b) a copy of the current health department mobile food vehicle permit from a local health department within the state; and,

(c) a copy of the current approval of a Utah political subdivision that shows that the mobile food vehicle passed a fire safety inspection that the other political subdivision conducted in accordance with Utah Code Section 11-56-104, as amended.

(2) If a mobile food business does not have a current business license from another Utah political subdivision, a mobile food business shall submit the following information to the Department:

(a) the name and address of the applicant and the name and address of all employees operating the mobile food vehicle;

(b) a copy of a current health department food truck permit from the Tooele County Health Department; and,

(c) a copy of a fire safety inspection conducted in accordance with Utah Code Section 11-56-104, as amended.

(3) A mobile food business licensed under Subsections (1) or (2), above, shall provide the following information to the City:

(a) the locations where the mobile food vehicle will operate;

(b) the proposed duration of the business activity; and,

(c) a simple site plan, where the mobile food business will operate in the same location for more than 10 hours per week.

(Ord. 2019-26, 11-20-2019) (Ord. 2018-12, 09-05-2018)

**5-26-5. Fees.**

(1) A mobile food business applicant shall pay a business license fee as required by this Chapter and the Tooele City Fee Schedule. The fee shall be a calendar year fee for the licensed business and shall not include an additional fee for mobile food business employees. The fee is intended to cover the City's administrative cost to provide the license.

(2) Notwithstanding the above, the City will not charge a business license fee for a mobile food business that demonstrates that it is licensed by another Utah political subdivision, but may charge a nominal processing fee.

(Ord. 2018-12, 09-05-2018)

**5-26-6. Temporary nature.**

All business activity related to a mobile food business shall be of a temporary nature, the duration of which shall not extend for more than 16 hours within a 24-hour period at any one location.

(Ord. 2018-12, 09-05-2018)

**5-26-7. Design and operational standards.**

Mobile food vehicles shall comply with the following design and operational standards and requirements:

(1) be designed to meet all applicable health department requirements;

(2) not have a drive-through;

(3) be kept in good operating condition, including no visible peeling paint or rust;

(4) locations to be kept clean and free of grease, refuse, and other debris;

(November 20, 2019)

(5) refuse and recycling containers to be provided for use of patrons; and,

(6) enclosures or canopy extensions to be integrated into the design of the mobile food vehicle and to not project onto any portion of a public right-of-way.

(Ord. 2018-12, 09-05-2018)

**5-26-8. Signs.**

No signs shall be used to advertise the conduct of the mobile food business other than those which are physically attached to the food truck or food trailer.

(Ord. 2018-12, 09-05-2018)

**5-26-9. Professional and personal services prohibited.**

The performance of professional or personal services for sale shall not be provided from a food truck.

(Ord. 2018-12, 09-05-2018)

**5-26-10. Special events.**

A mobile food business operating at a special event approved under Chapter 8-16, with the authorization of the special event permit holder, is exempt from the licensing requirements of this Chapter; provided however, that the business shall:

(1) comply with all other requirements of this Chapter and of Chapter 8-16 (Special Events); and,

(2) have available for City inspection the following:

(a) a copy of a current health department food truck permit from a local health department; and,

(b) a copy of a current approval of a Utah political subdivision that shows that the mobile food business passed a fire safety inspection conducted in accordance with Utah Code Section 11-56-104, as amended.

(Ord. 2018-12, 09-05-2018)