

Midway City Council
21 April 2020
Regular Meeting

Ordinance 2020-11 /
Food Truck Amendments



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: April 21, 2020

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Section 7.05.050:
Periodic Sale of Prepared Food by Mobile Vendors

ITEM: 6

Midway City is proposing a code text amendment of Section 7.05.050: Periodic Sale of Prepared Food by Mobile Vendors. The proposed code will allow food trucks on public property, excluding street right-of-ways, if the property is rented for an event.

BACKGROUND:

Midway City is proposing a code text amendment that would add language to the code that will allow food trucks on public property, excluding street right-of-ways, if the property is rented for an event. City properties, such as the Town Square, Centennial Park, and Hamlet Park are rented for events and gatherings. The organizers of these events regularly have asked for food trucks to be included as part of the event. The City has allowed food trucks to participate in these events, but staff feels there should be specific language in the code that does allow the food trucks to participate. Events in the past that have included food trucks include, Swiss Christmas, Volkesmarch, and events at the ice-skating rink, to name a few. There are private groups that rent the Town Square such as yoga events, that would like to include food trucks. This proposal would allow them to include food trucks as they plan their events.

Staff has determined that the following items should be included in the code.

- The organizer of the event must rent the entire park or Town Square or one of the buildings on Town Square.

- Food trucks would not be allowed in the public right-of-way, only in the parking area of the Town Square or the rented city park.
- A site plan must be submitted and approved by city staff. Staff would review the site plan for safety, access, and traffic circulation around the food trucks.
- All health code requirements must be met and approval from the Health Department given before the event takes place.
- The event organizer must submit a list of the food trucks participating to the City and the State so the sales tax from the food trucks is sent to the City.
- The event coordinator will need to be approved for a food truck permit, either a single event permit or an annual permit.

The proposed code is being prepared by our attorney's office and will be attached to this report.

POSSIBLE FINDINGS:

- The proposed code will allow food trucks on Midway City public areas if all requirements are met
- Food trucks have been included in several events and adding language in the code will make it clear what the requirements are for including food trucks
- Food trucks would only be allowed if the public property is rented
- Food trucks will need to comply with all Health Department requirements

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial



ORDINANCE 2020-__

AN ORDINANCE AMENDING TITLE 7.05.05 OF THE MIDWAY CITY CODE REGARDING TEMPORARY BUSINESS LICENSES FOR PERIODIC SALE OF PREPARED FOOD BY MOBILE VENDORS (FOOD TRUCKS) ON CITY PROPERTY, AND RELATED MATTERS

WHEREAS, the City Council of Midway City desires to amend the City Code to provide for a temporary license for Food Trucks allowing them to operate on City Property under certain limited conditions; and

WHEREAS, the City Council now desires to amend Title 7 of the Midway City Municipal Code to accomplish these purposes.

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

Subsection B of Section 7.05.05 of the Midway City Code is hereby amended to read as follows:

Section 7.05.05 (D) Food Trucks on City Property.

1. Food Trucks (mobile vehicles selling prepared food on a temporary basis) may be allowed on City Property upon the following terms and conditions:

- (a) The vendor shall apply for and receive a temporary permit to operate a Food Truck on City Property. No Food Truck shall be operated on City Property without a valid temporary permit.
- (b) The temporary permit shall only be granted when the entire parcel of City Property (i.e. Town Square, Centennial Park or the Hamlet Park) has been rented as part of a larger event or gathering. The organizer of the event must rent the entire Park or Town Square, or one of the buildings on Town Square in order for a temporary permit described herein to be issued.
- (c) Food Trucks are not allowed to operate on City Property if no larger event has been properly scheduled and permitted.
- (d) The temporary permit shall be issued via administrative approval. The temporary permit may be issued based on conditions as approved by the Midway City Staff.
- (e) An application for a temporary permit under this subsection shall be

submitted on the form provided by the City. The application shall include an administrative fee covering the cost of reviewing and enforcing the permit. The applicant shall include a description of the Food Truck(s) that will be participating, a description of the event in which the Food Truck will participate, and a simple site plan showing the proposed location of the Food Truck, hours of operation, safety issues, access and traffic circulation around the Food Truck area, etc. The City shall impose reasonable restrictions on the location, hours of operation and other issues in order to promote the safety, health and well-being of the attendees at the event, the surrounding property owners, and the public at large.

- (f) "City Property" for purposes of this subsection regarding a temporary permit, does not include any portion of a public right-of-way. Food Trucks are not allowed to park and do business in a public right of way.
- (g) All Food Trucks operating under a temporary permit issued pursuant to this subsection shall comply with all other applicable City, County or State requirements, including all Wasatch County Health Department requirements.

This ordinance shall take effect upon publication as required by law.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2020.

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney