

Midway City Council
19 May 2020
Regular Meeting

Ordinance 2020-11 /
Food Truck Amendments



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: May 19, 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: 9

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:

During the City Council's meeting on May 5, 2020 staff proposed an amendment to the Food Truck ordinance that would allow food trucks on public property under certain circumstances. It was decided to consider a comprehensive amendment to the ordinance the City Council. City Council also wanted to hold a public hearing to gather comment about the current ordinance. The following is the ordinance that was adopted on 5-11-2016:

7.05.050 Periodic Sale of Prepared Food by Mobile Vendors

A. Purpose and Definitions

1. This section is enacted to allow periodic sale of prepared food by mobile vendors pursuant to the standards and policies set forth herein. Unless authorized by this section, the sale of prepared food by mobile vendors in Midway City is prohibited.

2. The definition of “prepared food” contained in the Utah Sales and Use Tax Act shall govern this section.

3. “Mobile vendor” shall mean a person or entity that sells prepared food from a vehicle that is not permanently affixed to the site of sale and can be readily transported to and from that site. Vehicles used by such mobile vendors are often commonly referred to as “food trucks” and may be so referenced in this section.

B. Standards and Policies

A currently-licensed business with a physical, commercial presence on a parcel of land located in the C-2 or C-3 zones of Midway City may allow sales of prepared food on that parcel by a mobile vendor in accordance with the following standards and policies:

1. Sales may take place on any day except for days on which food will be sold at a special event to be held on City property.

2. Food trucks operating under this section must be located in a safe and appropriate location as determined by the City Planner.

3. Preparation, serving and storage of food is subject to inspection and approval by the Wasatch County Health Department.

4. Any equipment or appliances used by the food truck must comply with City ordinances regulating noise.

5. The sale of prepared food by mobile vendors is subject to collection and payment of sales tax in the same manner as any other prepared food sold in Midway City.

6. The holder of the permanent business that is licensed at the location where the food sales occur is responsible to ensure compliance with this section. The City assumes no responsibility for any contractual or legal relationships between the business license holder and the operator of the food truck.

7. The City reserves the right to immediately regulate, modify or terminate the sale of prepared food by a mobile vendor, with or without prior notice, if necessary to protect the public, health, safety or welfare or to abate a nuisance.

8. No alcoholic beverages or tobacco products may be sold or served from a food truck.

9. The provisions of this section allowing sale of prepared food by mobile vendors may be amended or repealed at any time by the City Council.

C. Licensing Procedures

In order to allow the sale of prepared food by a mobile vendor at an existing business location in the C-2 or C-3 zones, the business license holder must comply with the following procedures:

1. File an application with the Midway City Planning Office identifying the date, time and location of the proposed food truck event, the name of the proposed vendor, and other required information required by the City, no later than the close of City office hours three business days before the proposed event.

- 2. Pay a one-time fee for a single event, or an annual fee for the calendar year, in an amount set from time to time by the City Council.*
- 3. Submit a site plan with the application showing the proposed location of the food truck on the parcel. Location and placement of the food truck will be subject to review and modification by the City Planner for safety and access purposes.*

The following is the staff report from the May 5, 2020 City Council meeting:

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