

ORDINANCE 17-39

AN ORDINANCE AMENDING TITLE 5, "BUSINESS REGULATIONS AND LICENSES", BY ADDING CHAPTER 5.35 ENTITLED "TEMPORARY BUSINESSES"; AND AMENDING TITLE 19, "ZONING", SECTION 19.21.010 ENTITLED "DEFINITIONS" BY ADDING A DEFINITION FOR "FOOD CART", "FOOD TRUCK" AND "ICE CREAM TRUCK" AND REMOVING "MOBILE FOOD COURT", "MOBILE FOOD TRAILER", "MOBILE FOOD VEHICLE", AND "MOBILE FOOD VENDOR"; AND REPEALING AND REENACTING SECTION 19.21.045 ENTITLED "FOOD CARTS AND FOOD TRUCKS"; AND AMENDING TABLE 6-1 AND 6-2 "TABLE OF LAND USE REGULATIONS" REPLACING "MOBILE FOOD VENDOR" WITH "FOOD CART, FOOD TRUCK"; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, in a review of Titles 5 "Business Regulations and Licenses" and 19 "Zoning" of the Layton Municipal Code (LMC), it was determined that an update is needed due to changes in state regulations; and

WHEREAS, the City desires to keep business and zoning regulations current with state law requirements to protect both the interests of the City and its residents; and

WHEREAS, the Planning Commission has reviewed the proposed ordinance and has recommended the text amendments be approved; and

WHEREAS, the City Council has reviewed the Planning Commission's recommendation and has received pertinent information in the public hearing regarding the proposal; and

WHEREAS, at the conclusion of the public hearing and upon making the necessary reviews, the City Council of Layton City finds it to be in the best interest of its citizens to make the proposed amendments to Title 5 and Title 19 of the Layton Municipal Code (LMC);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAYTON, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. Title 5, Chapter 5.35, Temporary Businesses, shall be enacted to read as follows:

5.35 Temporary Businesses

5.35.010 Definitions

5.35.020 Food Carts and Food Trucks

5.35.010 Definitions

For the purposes of this Chapter, the following terms and words and their derivations shall have the meaning as given herein. Words used in the present tense shall include the future; words in the singular number include the plural, and the plural the singular. "Shall" is always mandatory. Words not included herein, but which are defined in the building code, or land use ordinance shall be construed as defined therein. Words which are not included herein or in the building code, or land use ordinance shall be given their usual meaning as found in an English dictionary, unless the context of the words clearly indicates a different meaning.

1. "Food cart" means a cart that is not motorized and that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.

2. **“Food cart operator”** means a person who owns, manages, or controls, or who has the duty to manage or control, the operation of a food cart.
3. **“Food cart vendor”** means a person who sells, cooks, or serves food or beverages from a food cart.
4. **“Food truck”** means a fully encased food service establishment:
 - a. on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
 - b. from which a food truck vendor, standing within the frame of the vehicle or trailer, prepares, cooks, sells, or serves food or beverages for immediate human consumption; and
 - c. does not include a food cart or an ice cream truck.
5. **“Food truck event”** means an event where an individual, corporation, or other group has ordered or commissioned the operation of a food truck at a private or public gathering.
6. **“Food truck operator”** means a person who owns, manages, or controls, or who has the duty to manage or control, the operation of a food truck.
7. **“Food truck vendor”** means a person who sells, cooks, or serves food or beverages from a food truck.
8. **“Ice cream truck”** means a fully encased food service establishment:
 - a. on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
 - b. from which a vendor, from within the frame of the vehicle, serves ice cream; and
 - c. that attracts patrons by traveling through a residential area and signaling the truck’s presence in the area, including by playing music; and
 - d. that may stop to serve ice cream at the signal of a patron.
9. **“Political subdivision”** means a city, town, metro township, or county.

5.35.020 Food Carts and Food Trucks

- 5.35.021 Licensing Requirements
- 5.35.022 General Regulations
- 5.35.023 Food Truck Events Held On Private Property
- 5.35.024 Food Truck Events Held On Public Property
- 5.35.025 Enforcement and Revocation

5.35.021 Licensing Requirements

1. All food cart and/or food truck operators shall obtain a business license prior to the operation of a food cart or food truck within Layton City. Business licenses for food carts and/or food trucks shall be valid for one (1) year from the date of issuance. A Layton City business license issued pursuant to Layton Municipal Code (LMC) 5.35.021 (3) shall expire on the same date as the business license issued by the other political subdivision.
2. All food cart and/or food truck operators seeking a Layton City business license shall first file a written application with the City, on a form prescribed by the Community and Economic Development Department, along with the application fee as set forth in the City’s currently adopted Consolidated Fee Schedule. In addition to the written application and fees, food truck operators shall also submit the following information to the City for review:
 - a. annual Food Truck Permit from Davis County Health Department; and
 - b. annual Food Truck Fire Safety Inspection performed by the Layton City Fire Department.
 - i. Inspections performed by the Layton City Fire Department are current for one (1) year from the approval date of the inspection.
3. If a food truck operator has obtained a business license to operate the food truck in a different political subdivision within the State of Utah, the food truck operator shall present the following information:
 - a. a copy of a current business license from the other political subdivision within the State of Utah; and

SCANNED
DEC 11 2015

- b. a copy of a current Health Department Food Truck Permit from a local health department within the State of Utah; and
- c. a copy of a current fire safety inspection/approval from another political subdivision with the State of Utah, conducted in accordance with §11-55-104(4)(a) of Utah Code Annotated (as amended).

5.35.022 General Regulations

1. Food carts and/or food trucks shall comply with all land use requirements set forth in Layton Municipal Code (LMC) 19.21.045.
2. Food carts and/or food trucks shall comply with all applicable State and Davis County Health Department requirements, and shall comply with all State, County, and City retail sales tax regulations.
3. A food cart or food truck operator that lives within Layton City, whose business is based out of their home, shall also comply with the home occupation requirements set forth in Title 19 of Layton Municipal Code (LMC).

5.35.023 Food Truck Events Held On Private Property

1. The City shall not require a food truck operator to obtain a special event permit to operate a food truck at a food truck event on private property within Layton City, regardless of whether the event is open or closed to the general public.
2. A food truck operator that has a valid business license from another political subdivision within the State of Utah, shall not be required to obtain a Layton City business license in order to operate a food truck at a food truck event that takes place on private property within the City, so long as the food truck event is not open to the general public.
 - a. If the event is, or will be, open to the general public, the food truck operator shall obtain a Layton City business license.

5.35.024 Food Truck Events Held On Public Property

1. Food cart and/or food truck operators desiring to operate a food truck and/or food cart on public property, including City owned property, public parks, and rights-of-way shall first obtain a special event permit through the Parks and Recreation Department.
2. Food cart and/or food truck operators shall file a written application with the City, on a form prescribed by the Parks and Recreation Department, along with the application fees as set forth in the City's currently adopted Consolidated Fee Schedule.
3. In addition to the written application and fees, food cart and/or food truck operators shall also submit the following information to the City for review at least ten (10) business days prior to the event:
 - a. a list of each food cart and/or food truck vendor that will be participating in the event; and
 - b. a site plan which includes the following information:
 - i. location of event, including address
 - ii. date and time of event
 - iii. applicant's name and contact information
 - iv. north arrow
 - v. specific locations and dimensions of food cart and/or food truck vendors
 - vi. location of adjacent building(s)
 - vii. location of adjacent street(s)
 - viii. parking lot layout
4. Each food cart and/or food truck participating at an event held on public property shall possess a valid Layton City business license issued through the Business Licensing Division.
5. The organizer of the food truck event may obtain a single special event permit on behalf of all the food trucks that will service the event.

SCANNED
DEC 11 2017

6. A special event permit granted by Layton City shall be limited to a maximum of six (6) months beginning on the day the license is approved.
7. Food carts and/or food trucks shall not operate in the public right-of-way unless otherwise permitted by the Parks and Recreation Department as part of the special event permit.
8. Any changes in location or expansion in the number of food cart and/or food truck vendors shall require a revised site plan and prior approval of the Community and Economic Development Director, or designee.

5.35.025 Enforcement and Revocation

1. A business license or special event permit issued by Layton City for a food cart and/or a food truck may be revoked for any violation of this Chapter.
2. The license officer shall follow the enforcement procedures set forth in Layton Municipal Code (LMC) 5.04.140.

SECTION III: Enactment. Title 19, Chapter 19.21, Section 19.21.010 shall be amended to read as follows:

19.21.010 Definitions

The following words or phrases, when used in this Chapter, shall have the meaning as given herein. Words not defined herein shall have their usual and common meaning.

1. “Catering” means a contracted service which involves the preparation, delivery, and serving of food and/or beverages through the use of portable equipment and related accessories, to a client’s property and/or premises for a private social, institutional, or business event and/or gathering.
2. “Food cart” means a cart that is not motorized and that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.
3. “Food truck” means a fully encased food service establishment:
 - a. on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
 - b. from which a food truck vendor, standing within the frame of the vehicle or trailer, prepares, cooks, sells, or serves food or beverages for immediate human consumption; and
 - c. does not include a food cart or an ice cream truck.
4. “Ice cream truck” means a fully encased food service establishment:
 - a. on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
 - b. from which a vendor, from within the frame of the vehicle, serves ice cream; and
 - c. that attracts patrons by traveling through a residential area and signaling the truck’s presence in the area, including by playing music; and
 - d. that may stop to serve ice cream at the signal of a patron.
- ~~15. “Kiosk” – An unmanned freestanding structure, with a footprint no larger than fifty (50) square feet, where retail items are sold, rented, distributed, or collected and/or a freestanding structure where temporary information, posters, notices, and announcements are posted.~~
- ~~2. “Mobile food court” – Where a clustering of three (3) or more mobile food vendors and/or street vendors congregate to serve food or beverages to the public located within three hundred feet (300’) of each other, shall be considered a mobile food court. At least one vendor must be a mobile vehicle or trailer to be considered a mobile food court.~~
- ~~3. “Mobile food trailer” – A vendor that serves food or beverages from a non-motorized trailer on wheels that is normally pulled behind a motorized vehicle and is readily moveable without disassembling for transport to another location.~~
- ~~4. “Mobile food vehicle” – A vendor that serves food or beverages from a self-contained unit that is a motorized vehicle on wheels, and is readily moveable for transport to another location without disassembling.~~

SCANNED
DEC 11 2017

5. ~~“Mobile food vendor” – A vendor that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels and is readily movable. A mobile food vendor shall solely include mobile food trailer(s) and mobile food vehicle(s) as defined within this Section.~~

6. **“Street vendor”** – An attended portable structure that serves only walk-up customers and is intended for the selling of prepared food, non alcoholic drinks, balloons, cut flowers, caps, t-shirts, souvenirs, handmade crafts, or locally grown produce.

a. **“Cart”** – a non-motorized mobile structure where business and customer operations take place adjacent to but outside of the structure.

7. **“Tent vendor”** – A freestanding tent or canopy open on at least one (1) side and used for the retail sale of goods and services.

8. **“Snow shack”** – A freestanding rigid structure with one (1) or more open sides from which cold summer treats are sold.

9. **“Single event”** – An event lasting no more than seven (7) consecutive days in which up to fifty (50) retailers sell and advertise goods, wares, or merchandise on one (1) or more contiguous lots.

10. **“Seasonal outdoor vendor”** – Any temporary retailer selling seasonal products outdoors which are related to a specific holiday, for no more than forty-five (45) consecutive days per calendar year.

SECTION IV: Enactment. Title 19, Chapter 19.21, Section 19.21.045 shall be repealed and reenacted to read as follows:

19.21.045 Food Carts and Food Trucks

1. **Business License Required.** Food carts and/or food trucks shall comply with the business licensing requirements of Layton Municipal Code (LMC) 5.35.

2. **General Regulations.** Food carts and/or food trucks may be permitted to operate daily between the hours of 7:00 a.m. and 10:00 p.m. in all B-RP (Business and Research Park), C-H (Planned Highway Commercial), CP-1 (Planned Neighborhood Commercial), CP-2 (Planned Regional Commercial), CP-3 (Planned Regional Commercial), M-1 (Light Manufacturing/Industrial), M-2 (Heavy Manufacturing/Industrial), MU (Mixed-Use), and MU-TOD (Mixed-Use, Transit Oriented Development) zoning districts provided that they:

- a. shall not operate on any City owned property, including public parks and rights-of-way, unless prior permission is given by the Director of the Parks and Recreation Department, or their designee, in the form of a special event permit; and
- b. shall not be placed so as to disrupt the vehicle and pedestrian traffic flow into or out of a site; and
- c. shall not cause noise, light, glare, or odors which adversely impacts surrounding uses, the use of flashing, scintillating, blinking, or traveling lights is strictly prohibited.

3. **Accessory Agricultural Uses.** Food carts and/or food trucks may be allowed to operate daily between the hours of 8:00 a.m. and 10:30 p.m. in the A (Agriculture) zoning district, provided the property, or portion of, meets all of the criteria set forth in Layton Municipal Code (LMC) 19.06.240 as an accessory agricultural use.

4. **Catering.** Food carts and/or food trucks may be allowed to operate in the A (Agriculture), R-S (Residential Suburban) and R-1 (Single Family Residential) zoning districts for catering purposes only, provided that:

- a. the event is a private event; and
- b. the general regulations set forth in Layton Municipal Code (LMC) 19.21.045 (2) have been met.

5. **Appearance and Signage Regulations.**

- a. all food carts and/or food trucks shall be maintained in a neat and professional manner; and
- b. all food carts and/or food trucks shall only operate when placed or parked on a hard surface; and

SCANNED
DEC 11 2017

- c. food carts and/or food trucks shall not operate as a drive-through establishment; and
- d. food trucks shall not idle unnecessarily after being placed or parked onsite in order to prevent and limit forms of air pollution such as fumes, dust, and smoke from impacting surrounding uses; and
- e. food cart and/or food truck vendors shall provide trash and/or recycling containers which shall be removed from the site when the food cart or food truck leaves the site; and
- f. all signage must be permanently attached to the food truck and/or food cart except for one (1) menu sign that shall not exceed three feet (3') by four feet (4') and shall be placed on a hard surface no more than ten feet (10') from the food truck and/or food cart vendor; and
- g. the placement of a food truck and/or a food cart and associated signage shall comply with the clear view requirements set forth in Layton Municipal Code (LMC) 19.16.080.

SECTION V: Enactment. Title 19, Table 6-1 and 6-2, Table of Land Use Regulations, shall be amended to read as follows:

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TABLE OF LAND USE REGULATIONS																					
	TABLE 6-1									TABLE 6-2											
	A	RS	R-1-6	R-1-8	R-1-10	R-MH	R-2	R-M1	R-M2	R-H	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD	
COMMERCIAL AND RELATED SERVICES																					
Mobile Food Vendor																					
Food Cart, Food Truck***	P	P	P	P	P						P		P	P	P	P	P	P	P	P	P
P = Permitted C = Conditional																					
*** Special requirements for businesses in these zones are available in 19.21.045.																					

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SECTION VI: Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VII: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall become effective immediately upon posting.


SCANNED
DEC 11 2015

PASSED AND ADOPTED by the City Council of Layton, Utah, this 7th day of December, 2017.




ROBERT J STEVENSON, Mayor

ATTEST:


KIMBERLY S READ, City Recorder

SCANNED
DEC 11 2017