

1 **Ordinance No. 01-2024**

2  
3 AN ORDINANCE ADDING NEW CODE TO REGULATE MOBILE FOOD  
4 VENDORS. CITY CODE TITLE 3: BUSINESS AND LICENSE REGULATIONS,  
5 CHAPTER 13 – MOBILE FOOD VENDORS, SECTIONS 1-6 .

6  
7 WHEREAS UCA § 10-3-701 states, “except as otherwise specifically provided, the  
8 governing body of each municipality shall exercise its legislative power through  
9 ordinances.” And

10  
11 WHEREAS UCA 10-3-702 states that ‘the governing body may pass any ordinance to  
12 regulate, require, prohibit, govern control or supervise any activity, business, conduct or  
13 condition authorized by this act or any other provision of law’; And

14  
15 WHEREAS, At the present time, the City does not have provisions for a mobile food  
16 vendor to obtain a business license. City staff has created a new code to enable a vendor  
17 to obtain a mobile food vendor business license.

18  
19 WHEREAS, The Providence City Council held a public hearing regarding this proposed  
20 new code on February 21<sup>st</sup>, 2024, taking comments, questions, and recommendations  
21 from the public.

22  
23 WHEREAS, the City Council desires to create a new code to establish provisions to  
24 regulate mobile food vendors.

25  
26 WHEREAS, The City Council motions to approve and have incorporated into the city  
27 code the attached code review that establishes the definitions, requirements, permits,  
28 process, prohibited acts etc. for mobile food vendors.

29  
30 WHEREAS, During the City Council meeting Council motioned to approve Ordinance  
31 01-2024 with the addition that staff clarify right side as being the curb side.

32  
33 THEREFORE, be it ordained by the Providence City Council;

- 34 • The attached code shall be approved and added to the city code.  
35 • This ordinance shall become effective immediately upon passage.

36  
37 Passed by vote of the Providence City Council this 21<sup>st</sup> day of February 2024.

38  
39 Council Vote:

40  
41 Nebeker, Jeff (X) Yes ( ) No ( ) Excused ( ) Abstained ( ) Absent  
42 Kirk, Carrie (X) Yes ( ) No ( ) Excused ( ) Abstained ( ) Absent  
43 Kunz, David (X) Yes ( ) No ( ) Excused ( ) Abstained ( ) Absent  
44 Sealy, Jeanell (X) Yes ( ) No ( ) Excused ( ) Abstained ( ) Absent  
45 Speth, Brent (X) Yes ( ) No ( ) Excused ( ) Abstained ( ) Absent

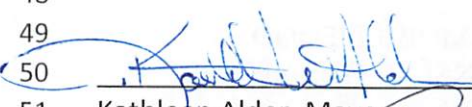
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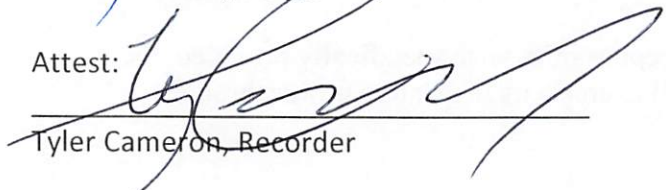
  
\_\_\_\_\_  
Kathleen Alder, Mayor

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Attest:

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\_\_\_\_\_  
Tyler Cameron, Recorder

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1 CHAPTER 3-13 MOBILE FOOD VENDORS

2 3-13-1: Definitions

3 3-13-2: License Required, Health Department Permit, Fees, Regulations

4 3-13-3: Review and Approval Process

5 3-13-4: Permitted Locations

6 3-13-5: Prohibited Acts

7 3-13-6: Compliance with Law

8

9 3-13-1 DEFINITIONS

10 See UCA 11-56-102 for the definitions of the following terms: enclosed mobile business, food cart, food truck, ice  
11 cream truck, and mobile business.

12

13 3-13-2 LICENSE REQUIRED, HEALTH DEPARTMENT PERMIT, FEES, REGULATIONS

14 A. License Required: It is unlawful for any person to operate, conduct, carry on, or maintain mobile food  
15 vending without a business license. See Chapter 3-1 for general license provisions and application  
16 requirements.

17 1. A mobile food vendor who has a valid business license from another political subdivision within  
18 the state is not required to obtain a Providence City business license.

19 2. All mobile food vendors must be able to produce a valid business license, health department food  
20 truck permit, and evidence of a successful fire safety inspection upon request by a City official.

21 B. Separate Licenses Required: A separate business license shall be required for each mobile food vending  
22 unit.

23 C. Health Department Permit and Fire Safety Inspection: Prior to issuance of a Providence City license,  
24 vendors must obtain a Bear River Health Department permit. Such permit must remain in force during the  
25 license period. A vendor must also pass a fire safety inspection, performed by the designated fire  
26 department or show that it has passed a fire safety inspection by another political subdivision within the  
27 current calendar year.

28 D. Fees: The license fees for a mobile food vendor shall be set by resolution of the City Council and published  
29 in the City fee schedule.

30 E. Business Activity to Be Temporary: All business activity related to mobile food vending shall be of a  
31 temporary nature and must be able to be removed from the premises each day, and subject to the  
32 following requirements:

33 1. Permitted hours of operation are seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M., except as  
34 otherwise authorized by the City Manager or designee.

35 2. Storage of tables, chairs, umbrellas, or signs associated with the mobile food vendor operations,  
36 must be secured to prevent damage to others property in the event of wind occurrences.

37

38 3-13-3 REVIEW AND APPROVAL PROCESS.

39 A. Applications shall be subject to review by code authorities, including those for public works, planning,  
40 zoning, building, fire, police, health, and others as required.

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

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

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

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

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

49 E. Based on recommendations from the different reviewing entities, the license may be issued with any  
50 operational limitations specified.

51

52 3-13-4 PERMITTED LOCATIONS

- 53 A. Mobile Food Vending on Private Property: Vendors may only operate on private property with the owner’s  
 54 express written permission or a person with authority to act on behalf of the property owner. The written  
 55 permission shall include any restrictions such as specific location on the property and hours of operation.  
 56 The applicant shall produce the written permission upon request of an authorized City official.
- 57 B. Zoning Restrictions:
- 58 1. Mobile food vending is permitted in the following zoning districts:
- 59 a. Mixed-Use District, MXD, See PCC 10-4-4
- 60 b. Commercial General District, CGD
- 61 c. Commercial-Hwy District, CHD
- 62 d. Public District, PUB See PCC 10-4-5
- 63 e. Recreation District, REC
- 64 2. Mobile food vending is allowed by conditional use in the following zoning districts:
- 65 a. Agricultural, AGR
- 66 b. Residential single-family detached: R-1-1, R-1-20, R-1-12, R-1-10, R-1-8, R-1-6
- 67 c. Residential multi-family: R-1-7, R-1-12, R-1-18
- 68 C. Limited Permitted Open Space and Residential Mobile Food Vending: Mobile food vending is also  
 69 permitted in residential and agricultural and open space zones, but only on public and private school  
 70 property, churches, parks, or other government owned property with written permission.
- 71 D. Conditions and Requirements.
- 72 1. City parks: As part of an approved pavilion or field rental or by invitation of the individual(s) that  
 73 rented the pavilion.
- 74 2. City sponsored events on City property: In an assigned location and by invitation of the City.
- 75 3. Mobile food vendors operating on City property must submit evidence of a certificate of  
 76 insurance, listing Providence City as an additional insured party, on an occurrence policy issued  
 77 by an insurance company authorized to do business in the state of Utah, showing comprehensive  
 78 general liability and property damage coverage for the event with the minimum limits required  
 79 by the city.
- 80 4. All mobile food vendors, including but not limited to mobile food trucks, mobile food trailers, or  
 81 ice cream trucks, shall be operable and shall maintain current vehicle registration, licensing, and  
 82 insurance when operating in the city.
- 83 5. Ice cream trucks: In addition to the requirements listed in state code, ice cream trucks must  
 84 adhere to the following:
- 85 a. For those ice cream trucks operating within the public right-of-way, the motor vehicle  
 86 shall have a clearly audible backup warning device that activates whenever the vehicle is  
 87 shifted into reverse gear and shall have a flashing yellow beacon on the roof of the  
 88 vehicle that is visible from all sides of the vehicle and is activated whenever merchandise  
 89 is being sold, offered for sale or displayed for sale.
- 90 b. Ice cream trucks shall not sell or offer to sell food or beverages on public streets where  
 91 the speed limit exceeds 25 miles per hour.
- 92 c. Food or beverages shall only be sold or offered for sale when the ice cream truck is  
 93 completely stopped and lawfully parked, and only from the rear or side of the vehicle  
 94 nearest to the curb or edge of the roadway on the right side (curb side) of the vehicle.  
 95 The operator of the ice cream truck shall not sell to any person standing in the roadway.
- 96
- 97 3-13-5: PROHIBITED ACTS
- 98 A. Preparation Outside the Mobile Food Vending Unit: Vendors may prepare food and beverages outside of  
 99 the unit (e.g., meat smoking, corn roasting) but such preparation shall not obstruct vehicle or pedestrian  
 100 traffic nor create safety hazards to the public. Vendors, however, shall not serve food directly to customers  
 101 from such an outside food preparation area.
- 102 B. Items for Sale: Only food and beverage items, and merchandise branded with the mobile food vending  
 103 logos such as apparel or beverage containers, may be sold from units. The sale or distribution of other  
 104 merchandise (merchandise that is not branded with the mobile food vending logo), professional or  
 105 personal services, or alcoholic beverages is prohibited.

- 106 C. Obstruction of Traffic: Placement of units or related accessories shall not obstruct or impede pedestrian  
107 traffic or vehicular traffic, access to and from driveways, or clear vision lines for vehicle drivers.  
108 D. Drive-Through or Drive-In Service Prohibited: Units shall serve pedestrians only. Drive-through or drive-in  
109 service is prohibited.

110

111 **3-13-6 COMPLIANCE WITH LAW**

112 Unit placement, mobile operation and any associated accessories must adhere to federal, state and local laws,  
113 regulations and policies. Local laws, regulations and policies include, but are not limited to, the City's zoning  
114 ordinances, noise ordinances, stormwater regulations, and fire and building codes.