

## ORDINANCE NO. 04-13

### ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor (votes only in case of tie)</i>	ABSENT	
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
BRANDON B. GORDON <i>Council member</i>	X	
STEVE LEIFSON <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Council member Davis  
I SECOND the foregoing motion: Council member Scoubes

### ORDINANCE No. 04-13

#### AN ORDINANCE AMENDING BUSINESS LICENSE REGULATIONS CONCERNING MOBILE FOOD VENDORS

WHEREAS, Spanish Fork City has adopted an ordinance regulating businesses and requiring business licenses; and

WHEREAS, the current ordinance combines all itinerant merchants into one section; and

WHEREAS, separating mobile food vendors from other itinerant merchants has the support of the Chamber of Commerce and would benefit the residents of the community; and

WHEREAS, the business license division of the Community Development Department

has evaluated the basic administrative cost to review and issue licenses, which costs should be assessed in the cost of a business license;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork City Municipal Code §5.04.020 "Definitions" is hereby amended to add a definition of mobile food vendor as follows:

**5.04.020 Definitions**

- A. [no change]
- B. [no change]
- C. [no change]
- D. "Mobile Food Vendor" means any business which sells edible goods from a non-stationary location within the City. The term shall include, but not be limited to:
  - Mobile food trucks: a self-contained motorized vehicle selling food items;
  - Concession carts: mobile vending units selling food items that must be moved by non-motorized means;
  - Concession trailers: a vending unit selling food items which is pulled by a motorized unit and has no power to move on its own.

II.

Spanish Fork Municipal Code §5.04.110 is hereby amended to create a new paragraph "F" and to re-number the existing paragraph "F" to "G" as follows:

**5.04.110 Fee Schedule**

- A. [no change]
- B. [no change]
- C. [no change]
- D. [no change]
- E. [no change]
- F. A mobile food vendor business license shall be required for each mobile food truck, concession cart, concession trailer, or other mobile vending unit. The fee shall be

one hundred twenty dollars (\$120.00) per year. A mobile food vendor license is subject to the following criteria:

1. The nature, location, and manner of operation of the activity or event may not be in or on public rights-of-way and does not constitute a health or safety hazard to the public.
  2. The mobile food vendor has permission from the property owner where the foods are to be sold.
  3. Workers preparing food for immediate consumption, whether on premises, or "to go" must have a valid food handlers permit issued by the Utah County Health Department.
  4. The sales must be located in a commercial, industrial, or public facilities zoning district. Home deliveries are also allowed in any residential zone.
  5. The use does not interfere with pedestrian access-ways, fire lanes, driveways, or traffic visibility.
  6. Parking on the property is adequate to serve any existing permanent uses and the proposed mobile food vendor use.
  7. No mobile food vendor license shall be issued or valid during the period of the Fiesta Days celebration.
- G. Concession and booth permits for the Fiesta Days celebration shall be limited to the number established by the City Council. The cost of concession and booth permits shall be in the amounts set by the City Council. No person shall operate concessions or booths during the Fiesta Days celebration without a permit issued by the City. Any person violating the provisions of this paragraph is guilty of a class C misdemeanor.

### III.

This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 19th day of February, 2013.



STEVE LEIFSON, Mayor Pro Tem

Attest:



Kent R. Clark, City Recorder

