



The Food Truck Licensing and Regulation Act: A Primer

The Food Truck Licensing and Regulation Act ([Utah Code Title 11, Chapter 56](#)) was implemented in 2017 with SB 250, and amended via SB 167 during the 2018 General Session. SB 167 modified the act by clarifying, among other things, that cities may not require a food truck operator to go through a land use application process to get a business license. However, SB 167 was not intended to allow food truck operators to operate anywhere in a city without restrictions.

As you evaluate your existing food truck ordinance or explore enacting a new ordinance, it may be helpful to analogize food trucks to other businesses that operate in your city on a transitory or temporary basis as opposed to a restaurant. For example – caterers, realtors, contractors, and landscapers all operate in your city on an occasional basis.

Ideas on food truck “best practices”

- ***Cities should require food trucks to comply with local land use and zoning regulations.***
 - Most cities want food trucks to operate, at least occasionally, in public parks and on other public property. This may be different from how food trucks operate on private property. Determine if/when food trucks should also be able to operate in the public right-of-way and with what restrictions.
 - While cities must allow food trucks to operate in all zones that permit food establishments, cities will likely want to allow them to operate in residential zones on private property, as well as public parks, churches, and schools for special events (i.e. neighborhood block parties, movies in the park, etc.).
 - Consider that most food trucks come in for a short period of time to serve and don't have a large impact on infrastructure. If any individual food truck serves in the same location more than 10 hours a week, then the city may want to require an extra level of scrutiny for the impact on the area.
 - A city is not required to find a good spot for a food truck to operate, but may want to help forge partnerships with private property owners if food trucks would be a draw for tourists, residents, or neighborhoods that aren't well-served by other food establishments.
- ***Cities should promulgate clear regulations on where and when a food truck can operate, and make those regulations easy for food truck operators to find.***
 - Cities can set regulations on such things as signage, waste collection, and (if permitted in the public ROW), what roads are permissible to operate on.
 - Consider exempting vendors from compliance from certain regulations when they are operating at a special event if the special event permit holder satisfies all city requirements for conducting the event.

- Think about how much regulation you really need for operation on private property in addition to already existing laws. For example, if a caterer comes into your city and parks on private property for an event, do you require that caterer to account for parking or show permission from the property owner to be there? In South Jordan, a private property owner gives the food truck permission to operate and is responsible for setting any restrictions on the vendor's location, hours, and public sales.
- Centralize the process, and think about designating space on your city's website with information on whether truck operators need to come in for a reciprocal license and where and how they can operate. Possibly include a map with public property and private property differentiated. Keep it simple by not repeating generally applicable laws that food trucks (along with all other vehicles) are required to follow.
- *Evaluate your fees for licenses and reciprocal licenses, if you require them, and ensure that they are reasonably related to the administrative cost.*

What cities may not do under the Act:

1. Require a fee for each food truck employee.
2. Require background checks for food truck employees.
3. Prohibit food trucks in a zone where other food establishments are allowed.
4. Restrict the number of days per year a food truck can operate.
5. Require a different permit or site plan for each location the food truck operates in the public right of way.
6. Require a site plan for private property where trucks operate for less than 10 hours per week.

National League of Cities recommendations for implementing a new ordinance:

- Hold town hall forums/meetings with core stakeholders.
- Encourage dialogue and building relationships b/t stakeholders.
- Implement pilot programs to determine what regulations to adopt.
- Use targeted practices as a way to address underserved areas of the city.
- Identify private vacant lots and create partnerships for mobile food vendors to gather and vend in the same location.

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