

ORDINANCE #17-30

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE), 2008, BY REPEALING AND REPLACING CHAPTER 11, SECTION 19, "MOBILE FOOD & STREET VENDOR BUSINESSES"; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 15A of the Revised Ordinances of Sandy City (the Land Development Code), 2008, by repealing and replacing Chapter 11, Section 19, "Mobile Food & Street Vendor Businesses" to modify some of the regulations for Mobile Food Businesses to align our code with recent changes to the State Code; and

WHEREAS, the Planning Commission held a public hearing on October 19, 2017 which meeting was preceded by notice by publication in the Salt Lake Tribune on October 5, 2017, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on October 2, 2017; and

WHEREAS, following the public hearing before the Planning Commission, the Commission recommended the amendment to the City Council; and

WHEREAS, a public meeting was held by the Sandy City Council on November 14, 2017 to consider adoption of the proposed amendment, which meeting was preceded by publication in the Salt Lake Tribune, on October 31, 2017, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov>, on October 12, 2017; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt a zoning plan, including an ordinance and map which divide the municipality into districts or zones, and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

WHEREAS, the State legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the foregoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. whereby appeals can be heard and decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

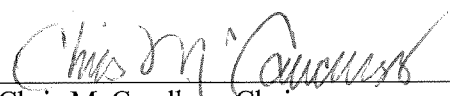
NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 15A is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this 21st day of December, 2017.

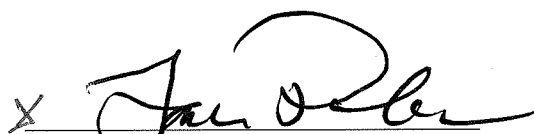

Chris McCandless, Chairman
Sandy City Council

ATTEST:


City Recorder

PRESENTED to the Mayor of Sandy City for his approval this 27th day of November, 2017.

APPROVED this 27th day of November, 2017.


Thomas M. Dolan, Mayor

ATTEST:


City Recorder

PUBLISHED this 1st day of December, 2017.

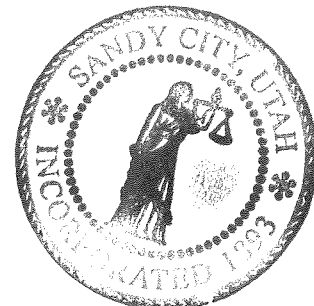


Exhibit "A"

15A-11-19 Mobile Food & Street Vendor Businesses

- A. **Purpose.** This section is established to provide regulation and design standards for mobile food businesses, mobile food courts, and street vendors in commercial or industrial land use areas, except as otherwise allowed herein. These regulations are designed to expand the opportunity of various types of temporary mobile vendors in the city, while guiding them to appropriate locations, and ensuring they are conducted safely and in harmony with the surrounding land uses.
- B. **General Requirements.** The following requirements must be met for all mobile food businesses, street vendors, and mobile food courts. Provisions found in this section shall not apply to other uses identified as "temporary use" that are specifically regulated by this Title.
1. **License Required.** No person shall operate a mobile food or street vendor, business without first having obtained a business license from Sandy City in accordance with Title 5 Sandy City Revised Ordinances. Licenses will expire on the earliest date of expiration of the required health or safety inspections, or one (1) year from the date of issuance.
 2. **Prohibited Sales.** No alcohol shall be provided/sold from a mobile food business.
 3. **Use of Public or Private Property (Excluding Public Right of Way).** Mobile food businesses and street vendors shall be allowed to operate on property within all commercial or industrial land use areas, in accordance with the provisions of this section. Each business shall abide by the following:
 - a. **Property Owner Approval.** Prior written consent from the property owner is required for every location a business desires to operate. Said letter must include information about where the vendor is permitted on the site that complies with the location requirements herein. Upon inspection, the business must provide proof of permission to operate in any given location.
 - b. **Parking and Circulation.** Acceptable space shall be available for any off-street parking and traffic circulation generated by the uses. The location and use of a site may not interfere with the existing parking demand and circulation of the surrounding development.
 - c. **Vacant Lots.** Prior to operating a mobile food business on a vacant lot (where there is no current licensed business with a permanent structure on-site) the improvements outlined within this Title for Temporary Uses are required for each site prior to operating business.
 4. **Use of Public Right-of-Way.** Mobile food businesses and street vendors may be allowed to operate in the public right-of-way only in appropriate locations as determined by the City in accordance with the provisions in this section (such as Centennial Parkway). Each business seeking to operate within the public right-of-way shall abide by the following conditions and requirements.
 - a. **City Approval.** Written permission from the City to operate a business in the right-of-way is required. Said permission may be granted if an applicant can demonstrate compliance with the regulations in this section.

- b. **Parking and Traffic Regulations.** Mobile food businesses shall obey all on-street parking and traffic regulations as stated in State statute and/or City ordinances.
- c. **Prohibited Parking Areas.** Parking on a sidewalk, park strip, or otherwise landscaped area is not allowed. Street Vendors are exempt from this prohibition if they are set up on a paved surface, do no harm to landscaped areas, and comply with all other provisions of this section.
- d. **Parallel Parking Spaces.** Mobile food businesses utilizing parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food businesses must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
- e. **Orientation of Vending Window.** The operator shall locate the vending window facing the sidewalk or on private property unless the roadway has been closed to vehicular traffic for a public event.
- f. **Parking for Primary Use.** No mobile food business shall create a parking issue for the surrounding primary uses.
- g. **No Sales in Roadway.** No sales shall be made to any person standing in a roadway unless the roadway has been closed to vehicular traffic for a public event.
- h. **Locations.** Mobile food businesses shall not operate on public streets where the speed limit exceeds thirty-five (35) miles per hour, unless the roadway has been closed to vehicular traffic for a public event, nor locations that are otherwise deemed hazardous by the Sandy City Transportation Engineer.
- i. **Certificate of Insurance.** When locating on public property, each applicant for a license or renewal under this Chapter shall submit, with the application, a certificate of insurance executed by an insurance company or association authorized to transact business in this state, showing that there is in full force and effect, for the full term of the license, general liability insurance in the amount not less than two hundred thousand dollars (\$200,000) for personal injury to each person, five hundred thousand dollars (\$500,000) for each occurrence, and five hundred thousand (\$500,000) for each occurrence involving property damage; or a single limit policy of not less than five hundred thousand dollars (\$500,000) covering all claims per occurrence. Such policy or policies shall also include coverage of all motor vehicles used in connection with applicant's business and the coverage shall be primary. A current certificate of insurance shall be kept on file with the Business License Administrator at all times that applicant is licensed by the City verifying such continuing coverage and naming Sandy City, its officers, officials, and employees as additional insureds. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspensions or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination. In the case of a mobile food court, a certificate of insurance would be required for each vehicle.
- j. **Indemnity Clause.** A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising

from any activity carried on under the terms of the license.

5. **Open Space Zones.** It shall be unlawful for any mobile food business to operate adjacent to or in a public park, or in an OS Zone, without the prior written consent of the Community Development Director. Authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.
6. **Pedestrian Flow.** The business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage. Vendor must maintain clear, continuous sidewalk width of no less than four (4) feet.
7. **Location Restrictions.** Must not be located within:
 - a. Ten (10) feet of any fire hydrant;
 - b. Ten (10) feet of any bus or transit stop;
 - c. Ten (10) feet or one stall away from any handicap parking space or access ramp;
 - d. Ten (10) feet from any curb cut;
 - e. Ten (10) feet from any other mobile food business or street vendor;
 - f. Ten (10) feet from any manhole or storm drain inlet;
 - g. Sixty (60) feet from any intersection or driveway; and
 - h. One thousand (1000) feet from any private/public school k-12 between the hours of 7:00 am to 4:00 pm, Monday through Friday, unless permission is given from an authorized representative from the school to locate on school property. School authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.
8. **Restrooms.** Access to restroom facilities shall be made available.
9. **Display of License, Inspections, and Registration.** The business license, fire inspection certificate, and health department inspection must be displayed in a visible location on the vehicle, trailer, or cart. The vehicle, trailer, or cart must also have the license plate, proof of insurance coverage, safety inspection, and vehicular registration.
10. **Multiple Locations.** The business may operate from several locations (both public and private) within the city under the same business license.
11. **Business Activity to be Temporary.** All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within any twenty-four (24) hour period at any one location, unless the Director approves a longer time on either public or private property. All vehicles, trailers, or carts must be removed from the public right-of-way or private property at the close of each business day. The hours of operation shall be restricted to 7 am to 10 pm, unless approved by the Director if one or more of the following conditions are met:
 - a. The extended hours are part of an approved special event.
 - b. The location is a site that contains a business that has been approved for extended hours.
12. **Noise Ordinance.** Live music will not be performed nor loudspeakers played from a mobile food business or in a mobile food court area unless the decibel level is in conformance with the Salt Lake Valley Health Department noise ordinance.

13. **Drive-Thru Prohibited.** The business shall not have or operate as a drive-thru.
 14. **Appearance.** The mobile food vehicle, trailer, or cart shall be kept in a good operating condition and no peeling paint or rust shall be visible.
 15. **Auxiliary Power.** Any auxiliary power required for the operation of the mobile food business shall be self-contained. The use of power or water located in private property is not allowed, unless the property owner grants permission.
 16. **Illegal to Discharge in Storm Drain.** It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
 17. **Garbage.** All garbage or other refuse generated from a mobile food business shall be disposed of properly. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition. Trash containers shall be provided for use of the business patrons. If a mobile food business has operated on or adjacent to a public right-of-way, that vendor shall be responsible for cleaning up litter dropped or discarded onto the public right-of-way prior to leaving the location.
 18. **Signage.** Signage shall be allowed as part of the design of the vehicle, trailer, or cart itself or upon the canopy or umbrella. One menu board A-frame sign may be used with a maximum size of 3' x 4'. Signs shall not block or impede pedestrian traffic.
 19. **Professional and Personal Services Prohibited.** Professional or personal services shall not be provided from a mobile food business or street vendor.
 20. **Compliance Responsibility.** All vendors are subject to Sandy City Sales Tax for goods sold within the boundaries of Sandy City. Vendors shall be required to keep accurate records of daily sales that occur within the Sandy City limits. Sandy City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Sandy City business license.
- C. Additional Design and Operation Standards for Mobile Food Businesses.** Mobile food businesses shall comply with the following design and operation requirements:
1. **Canopy Regulations.** Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven (7) feet measured from the lowest portion of the canopy to the sidewalk or ground surface. Walled enclosures, whether hard or soft, are not authorized. Chairs and tables are not allowed in the public right-of-way.
 2. **Comply with Motor Vehicle Regulations.** Licensees/owners will ensure their business vehicles are at all times in compliance with all applicable laws or ordinances regulating motor vehicles.
- D. Additional Design Standards for Street Vendors.** Street vendor carts shall comply with the following design standards:
1. **Canopy Clearance.** Umbrellas or canopies shall be a minimum of seven (7) feet and a maximum of ten (10) feet above the sidewalk if they extend beyond the edge of the cart.

2. **Canopy Size.** Umbrellas or canopies shall not exceed one hundred (100) square feet in area.
3. **Cart Size.** The cart shall not exceed three and one-half (3.5) feet in width and eight (8) feet in length, including the hitch. The height of the mobile device or push cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five (5) feet.
4. **Non-motorized Carts.** The cart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without auxiliary power. The device or cart shall not be motorized so as to move on its own power.

E. Additional Design and Operation Standards for Mobile Food Courts. A mobile food court, which consists of three (3) or more mobile food businesses or street vendors that congregate at a site or street at the same time on a temporary or permanent basis. Temporary mobile food courts are located on sites that are typically set up in an existing parking lot as an accessory use or street and operate on a weekly, seasonal, or other temporary basis. A permanent mobile food court is a site constructed as a primary use on private property specifically designed for hosting various vendors and intended to operate year-round on a consistent basis. Permanent mobile food courts will be allowed in certain zone districts as determined in the Land Use Tables of the Sandy City Land Use Development Code. A mobile food court shall only be approved if it complies with the following design and operation requirements:

1. **Administrative Permit.** Temporary mobile food courts are allowed by administrative special use permit, in accordance with the provisions of this section and other applicable provisions in the Sandy City Land Use Development Code. Permanent mobile food courts will be required to adhere to the provisions of this section and all applicable commercial site plan review requirements in the Sandy City Land Use Development Code.
2. **Parcel Size.** A mobile food court is required to be on a parcel that is at least 2,000 square feet in size.
3. **Number of Food Vendors.** No more than ten (10) individual mobile food businesses or other authorized vendors are allowed in a mobile food court.
4. **Business License.** A promoter, mobile food court operator, or property owner must obtain a mobile food court license. Any participating vendor operating at a mobile food court location must have a participation license or their own business license. If individual vendors seek to operate in other locations in the city, they must obtain their own business license.
5. **Landscape Requirements.** All landscaping requirements shall be met prior to issuing a permit.
6. **Comply with Site Approvals.** The proposed mobile food court complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for the property.
7. **Health Department Approval.** All activities associated with a mobile food court must comply with all Salt Lake Valley Health Department Requirements.
8. **Site Plan.** A site plan demonstrating the following is required:
 - a. The location and orientation of each vendor pad.

- b. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the International Building Code, or Health Department.
 - c. The location of all existing and proposed activities on site.
 - d. The circulation of all pedestrian and vehicle traffic on the site.
 - e. The location of restroom facilities to be used for the mobile food court.
 - f. The location of any permanent structures or facilities (such as restrooms, ancillary food preparation facility, etc.)
9. **Parking.** Parking for a mobile food court is required at a ratio of two (2) stalls per mobile food business. This requirement may be modified or waived by the Director if there is sufficient and available on-street parking or the applicant can demonstrate that their use will not generate as much parking demand. Hard surface paving at the vehicular entrance to the mobile food court and for each individual mobile food business pad is required. Alternatives to asphalt and concrete may be approved as part of the special use review if the applicant is able to demonstrate that the alternative will not result in the accumulation of mud or debris on the City right-of-way.
- F. Special Events.** The restrictions of this Chapter notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City may deem appropriate, during special events. The special event vendors shall still be governed by this section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of-way remains open to the general public, such authorization or special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location of a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.
- G. Grounds for Denial, Suspension or Revocation.** Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license as described in Title 5 Sandy City Revised Ordinances. Failure to comply may result in the suspension or revocation of a business license, and is a class B misdemeanor.