



ORDINANCE NO. 18-010

AN ORDINANCE AMENDING TITLE 3, BUSINESS LICENSE REGULATIONS, CHAPTER 2A.21.1 STREET AND MOBILE FOOD VENDORS, OF THE BRIAN HEAD TOWN CODE, REGULATING BUSSINESS WITHIN THE TOWN OF BRIAN HEAD.

WHEREAS, Brian Head Town has identified a need to amend the Brian Head Business License in order to regulate businesses within the Town limits of Brian Head, Utah; and,

WHEREAS, the Council determined the business license code needed clarification as it pertains to mobile vendors and special events. and

WHEREAS, it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance:

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF BRIAN HEAD, UTAH, COUNTY OF IRON, STATE OF UTAH, AS FOLLOWS:

Section 1. The Brian Head Business License Code, chapter 2A.21.1, licensing in General, Mobile Food Vendor. is hereby adopted and incorporated as Title 3, Chapter 2A.21.1 of the Brian Head Town Code, Attachment "A", to regulate Mobile Vendors business within the Town of Brian Head, Utah. All businesses within the Town of Brian Head shall comply with the Brian Head Business License Code; and

Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council. Upon this Ordinance being adopted by the Brian Head Town Council, all provisions of this Ordinance shall be incorporated into Title 3 of the Brian Head Town Code.

Section 3. Conflict. To the extent of any conflict between other Town, County, State, or Federal laws, ordinances or regulations and this Ordinance, the more restrictive is deemed to be controlling.

Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

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Section 5. Repealer. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance and all prior Business License Codes previously adopted shall be repealed.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL this 10th day of September 2018 with the following vote.

Mayor Clayton Calloway	Aye
Council Member Lynn Mulder	Aye
Council Member Kelly Marshall	Aye
Council Member Larry Freeberg	Aye
Council Member Shad Hunter	Aye

BRIAN HEAD TOWN COUNCIL

By: 
Clayton Calloway, Mayor

ATTEST:


Nancy Leigh, Town Clerk



CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the 10th day of September 2018, and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.


Nancy Leigh, Town Clerk

ATTACHMENT A
Business License Code, Title 3

3-2A-21-2: ~~STREET VENDORS AND~~ MOBILE ~~FOOD~~ VENDORS:

It shall be unlawful to sell food, flowers, agricultural products, ice cream, candy, popcorn or other goods or merchandise from ~~tents/canopies~~, push carts, mobile wagons, ~~trailers~~ or motor vehicles (collectively "Mobile Vendors") on private or public property, except as authorized and licensed under this article. ~~This section shall in no way govern temporary commercial structures, which are instead regulated under the Land Management Code and the International Building Code. Consistent with Utah Code §10-1-203(5), a license is not required for a business that is only operated occasionally and operated by an individual under the age of 18 (such as a lemonade stand).~~

A. Sales At Construction Sites:

1. A business license may be obtained for a mobile ~~food~~ vendor to ~~sell food from motor vehicles located~~ ~~conduct business~~ on private property as a service to construction sites. Licensees must list the construction sites they intend to serve on the license application, and update the list as needed throughout the year.

2. Licensees shall have written permission from the owner of the private property to ~~sell food from~~ ~~conduct business on~~ that property and shall not remain at any one site for more than a two (2) hour period per day.

B. Sales Within Public Rights Of Way: ~~In order to control vending within any public right of way in the town, except at construction sites, only those mobile food vendors who have obtained the grant of a franchise from the town may obtain business licenses to operate such businesses within the public right of way. Absent such a franchise, vending.~~ Vending within any public right of way is strictly prohibited (except as allowed under the terms of a special event permit).

B.C. Special Events: Mobile vendors may operate on private land under a special event permit and with the permission of the property owner according to conditions of the special event permit. If the special event permit allows for the event to operate within a specific public right of way, mobile vendors associated with that special event may operate within the public right of way according to the conditions of the special event permit.

C.D. Terms And Conditions: ~~Licensed street~~ Mobile vendors ~~shall be~~ may obtain a license subject to the following terms and conditions:

1. License Fee: The license fee for a ~~street~~ mobile vendor business license shall be as set forth by the consolidated fee schedule.

1 2. Health Department Approval: All **mobile** vendors serving food or garden produce for
2 human consumption ~~from any cart, wagon or motor vehicle~~ must have the means of preparing,
3 keeping and serving the foods approved by the health department. This approval, in writing, must
4 be submitted as part of the license application. Withdrawal of health department approval for
5 sanitary or health violations is grounds for revocation of the town license.

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7 2.3. Fire Inspection Approval. All mobile vendors which meet Utah State guidelines for a
8 "food truck" serving food for human consumption must submit proof of inspection when applying
9 for a business license.

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11 3.4. Limitation On Locations: ~~Vending of food from motor vehicles, which shall include any~~
12 ~~motorized means of conveyance that is required to be licensed by the state department of motor~~
13 ~~vehicles. Mobile vendors~~ shall be restricted to ~~the sale of food at~~ construction sites or special
14 events. Street vending on town rights of way during construction or other situations creating a
15 public health or safety concern may be prohibited by the building department or public safety
16 department. ~~The town will inform any franchise holder of these limitations and the duration of~~
17 ~~their effect.~~

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19 4.5. ~~Street~~ .Mobile Vendors Required To Move Location: It shall be unlawful for any **street**
20 **mobile** vendor to obstruct pedestrian or vehicular traffic on streets or sidewalks. ~~It shall also be~~
21 ~~unlawful for any street vendor to remain in a fixed location for more than two (2) hours at a time.~~
22 **Mobile** Vendors shall move a distance of at least two hundred fifty feet (250') from their prior
23 location every two (2) hours during which they are conducting business, ~~except as allowed under~~
24 ~~the conditions of a special event permit.~~ It shall be unlawful for any **street mobile** vendor to
25 conduct business in a location that impairs reasonable pedestrian or vehicular access to any
26 adjoining building, alley, yard or other property.

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28 5.6. ~~Franchise Agreement: The town, in its sole discretion, may determine the number of~~
29 ~~franchises to award based upon public necessity, demand of service, pedestrian and vehicular~~
30 ~~traffic compatibility, competition and public safety. Any violation of the franchise agreement is~~
31 ~~grounds for business license revocation, in addition to any other remedy at law. (Ord. 08-017, 8-~~
32 ~~26-2008).~~