

MEMORANDUM

To: New Castle Council

From: Garfield & Hecht, P.C.

Date: December 11, 2025

RE: HB25-1295 and Town of New Castle's food truck regulations

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As Town Council will recall, on August 5, 2025, Town Council conducted a work session to review policies and regulations other jurisdictions typically impose on food trucks to evaluate if there was a need for New Castle to adjust its regulations. Council also discussed House Bill 25-1295 ("HB25-1295"). In this bill, the legislature found that requiring food trucks to obtain separate permits and licenses to operate in multiple jurisdictions imposed a significant burden on those businesses, so it created a statewide reciprocity standard for certain permits and licenses that all food trucks are required to obtain.

There were three take-aways from Council's work session. First, Council thought it was important to differentiate between temporary food trucks and those that are semi-permanent. That is, temporary food trucks should not have to go through the CUP process, but the Code isn't clear on that point. Second, while HB25-1295 does not require the Town to make any changes to the Code, it does provide a definition and terminology for "food trucks" and a clear source of permitting requirements that would be helpful to incorporate into the Code. Finally, while Council discussed several policies and topics surrounding food truck regulation (e.g., setbacks, operating hours, noise/trash standards, etc.), the consensus was not to put these regulations into the Code but, rather, to either develop a set of guidelines or continue to address these issues on a case-by-case basis through the CUP process.

We have prepared certain amendments to Title 17 to address the feedback discussed above. Those amendments are reflected in Ordinance TC 2025-4 and were brought to the Planning & Zoning Commission at its December 10th meeting. The Commission recommended approval of the amendments. After discussion, the Commission also came to the consensus that it was best, at least for now, to continue to evaluate food truck conditional use permit applications on a case-by-case basis instead of developing a set of food truck guidelines. Doing so will allow the Commission and Council to consider the unique circumstances of each property where a food truck proposes to locate, which is consistent with the purpose the conditional use process aims to serve.

We look forward to discussing the Ordinance with Council on December 16<sup>th</sup>.