

MEMORANDUM

To: New Castle Planning & Zoning Commission

From: Garfield & Hecht, P.C.

Date: December 3, 2025

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

Recently, interest in food trucks has increased in New Castle, which is on-trend with the rest of the state. As such, 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 statewide reciprocity standard for certain permits and licenses 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. This is a topic that would benefit from further discussion and guidance from the Commission.

We have prepared a resolution proposing certain amendments to Title 17 to address the feedback received from Council discussed above. If there are other Code changes regarding food trucks the Commission feels would be beneficial, we can amend the resolution at the meeting to include them. We look forward to discussing the resolution and additional food truck topics on December 10th.