

ORDINANCE NO. 01-03-2024

AN ORDINANCE CREATING PROVISIONS FOR FOOD TRUCKS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City of Santaquin is a fourth-class city of the state of Utah; and

WHEREAS, the City Council has specific authority pursuant to Title 10, Chapter 9a Utah Code Ann. (1953 as amended) 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 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, and welfare; and

WHEREAS, the City Council desires to support local businesses that have food trucks and desires to provide limited opportunity for food trucks to conduct business on City-owned property; and

WHEREAS, the Planning Commission held a public hearing on October 10, 2023, which hearing was preceded by the posting of public notice on the City's website (www.santaquin.org), on the State of Utah's Public Notice Website, and in at least three public places within the City limits of Santaquin City in accordance with Section 10-3-711 of the Utah State Code; and

WHEREAS, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council; and

WHEREAS, the City Council desires that this ordinance shall expire on January 17, 2025, in order to evaluate the positive and negative effects of these regulations and then determine whether and under what conditions such businesses should continue on City-owned property.

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

Section I. Amendments

Title 10, Chapter 16, Section 315 is created as follows: (underlined text is added, stricken text is deleted)

10.16.315 FOOD TRUCKS

For purposes of this section, Food Truck means a fully encased food service establishment:

- A. On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
- B. From which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.

Before conducting business on City-owned property, all food trucks shall conform to State law and the owner or operator shall meet with the Community Development Department to receive orientation regarding the following local regulations:

A. Food Trucks may be operated on City-owned property in the City, only in that designated area at the northeast corner of Centennial Park.

B. Food trucks must be parked in the designated areas and be oriented with customer lines queuing towards the interior of the park. Neither Food Trucks nor their business activities shall impede traffic in any way. Parking spots for the Food Trucks are available on a first-come, first-served basis unless otherwise determined by the City for a special event or purpose.

C. Food Trucks will only be allowed to do business in the City designated area. Hours for permitted operation are Monday through Friday 8:00 am to 9:00 pm. Food Trucks shall not be parked or stored on City property or in the associated right-of-way overnight.

D. The City, at its discretion, may require that a Food Truck leave the premises due to the following:

1. The Food Truck does not meet the requirements described in this section.

E. The Centennial Park pavilion is available for customers to use as long as the pavilion is not already reserved for a private event. No additional sitting areas, umbrellas, tables, chairs, etc. are not allowed.

F. Food Trucks shall not provide any additional signage than what is already on the Food Truck.

G. Electrical power will not be available to Food Trucks at Centennial Park. Extension cords cannot be run to power sources. If power is needed, Food Trucks may bring their own generators.

H. During winter months, food truck operators are responsible for any snow removal at the designated food truck areas of Centennial Park that is necessary for the operation and convenience of the business activity.

Section II. Severability

If any part of this ordinance or the application thereof to any persons 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 to 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 III. Contrary Provisions Repealed

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

Section IV. Codification, Inclusion in the Code, and Scrivener’s Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

Section V. Posting and Effective Date

This ordinance shall become effective at 5:00 p.m. on Wednesday, January 17, 2024, and expire on January 17, 2025, unless otherwise extended by the City Council. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 16th day of January, 2024

Daniel M. Olson, Mayor

Councilmember Art Adcock	Voted	___
Councilmember Brian Del Rosario	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jeff Siddoway	Voted	___
Councilmember Travis Keel	Voted	___

ATTEST:

Amalie R. Ottley, City Recorder

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 16th day of January 2024, entitled

“AN ORDINANCE CREATING PROVISIONS FOR FOOD TRUCKS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 16th day of January 2024.

Amalie R. Ottley
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Amalie R. Ottley, City Recorder of Santaquin City, Utah, do hereby certify and declare that prior to the ordinance taking effect, I posted a short summary of the ordinance on the Utah Public Notice Website as required by Utah State Code 10-3-711(1)(b) as a Class A Notice.

I further certify that copies of the ordinance were posted online at www.santaquin.org, in three physical locations (Santaquin City Public Safety Building, Zions Bank, Santaquin Post Office), and on the State of Utah's Public Notice Website, <https://www.utah.gov/pmn/index.html>. A copy of the notice may also be requested by calling (801)754-1904.

Amalie R. Ottley
Santaquin City Recorder

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by AMALIE R.OTTLEY.

My Commission Expires:

Notary Public

Residing at Utah County