

TEMPORARY AMENDMENT

Salt Lake County Health Department
Health Regulation #5

I. Purpose, Reasons and Justification

1.1 This temporary regulation is adopted to clarify the provisions for a food truck permit holder in Health Regulation #5 “Food Sanitation Regulation” pursuant to the 2017 Senate Bill 250 and Utah Code Ann. §11-55-101 et seq., “Food Truck Licensing and Regulation Act.”

1.2 Pursuant to Health Regulation #31, Subsection 4.4.2(ii) “Standards and Procedures for Adoption of Health Regulations,” the circumstances require a temporary amendment to clarify the requirements for a food truck to obtain a permit in Salt Lake County when the majority of the business is in Salt Lake County and to obtain a permit in Salt Lake County when the food truck has a permit from another local health department in the State of Utah, pending a formal substantive amendment of Health Regulation #5, as provided for in Health Regulation #31, Section 4.1, and following public notice and hearing.

II. Jurisdiction of the Department

2.1 The Salt Lake County Board of Health has authority to promulgate regulations as authorized by Section 26A-1-121(1), Utah Code Ann., and Chapter 9.04, Salt Lake County Code of Ordinances.

2.2 This temporary regulation is promulgated by the Salt Lake County Board of Health pursuant to Health Regulation #31, Section 4.4.

III. Substantive Provisions

The requirements for a food truck operator in Health Regulation #5, “Food Sanitation Regulation,” are hereby added by amendment as follows:

References to “Mobile Food Unit” in Health Regulation #5 shall mean “Food Trucks” as defined in this temporary amendment.

2. DEFINITIONS

2. “Food Truck”

2.XX.1 Shall mean fully encased food service establishment:

- (i) On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
- (ii) 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.

2.XX.2 Food truck does not include a food cart or an ice cream truck.

4.1.1 Permits Required

(iii) Exceptions

f. **Primary Food Truck Permit.** A Primary Food Truck Permit is required to operate a food truck when the majority of the food truck's operations take place within Salt Lake County.

g. **Secondary Food Truck Permit.** A Secondary Food Truck Permit is required to operate a food truck in Salt Lake County when the food truck has a current operating permit issued by another local health department existing under the laws of the State of Utah, and when the majority of the food truck's operations take place outside of Salt Lake County.

A food truck operator with a primary food truck permit, issued by Salt Lake County Health Department, shall comply with requirements in Regulation 5 and the following requirements in section 4.9:

4.9.2 **Sewage Disposal Plan.** Each operator of a food cart, food truck, or shaved ice stand shall submit a written sewage disposal plan to the Department that indicates where and how liquid wastes are to be disposed. The plan shall be followed at all times and shall be available at the food cart, food truck, or shaved ice stand for inspection by the Department. Changes to the plan shall be submitted to the Department prior to the changes being implemented.

4.9.3 **Commissary Agreement.** Each operator of a food cart, food truck, or shaved ice stand shall submit to the Department a signed commissary agreement from the commissary operator outlining services that shall be performed at the commissary. This agreement shall be available for inspection by the Department. Changes to this agreement shall be submitted to the Department prior to the changes being implemented.

4.9.5 **Business Name.** The business name shall be plainly indicated and easily readable on the exterior customer service side of a food cart, on both sides of a food truck, and on the exterior of a shaved ice stand. Lettering shall be a minimum of 4 inches in height.

4.9.6 **Water Supply Tank-Size.** ⁱⁱ

(i) Except as specified in (ii) of this section, a potable water supply tank shall be a minimum of 10 gallons and shall be large enough to supply an adequate amount of water when a food cart, food truck, or shaved ice stand is in operation.

- (ii) A potable water supply tank shall be a minimum of 30 gallons and shall be large enough to supply an adequate amount of water when a food cart or food truck is equipped with a 3-compartment sink.

4.9.7 **Accommodate Storage.** A food cart, food truck, or shaved ice stand shall be designed to accommodate the storage of ice chests, food equipment, and food at least six inches above the ground.

4.9.9 **Self-Contained and Readily Moveable.**

- (i) A food cart or food truck, shall be self-contained and readily moveable at all times.
- (ii) A food cart or food truck, shall not set up equipment beyond items contained on the food cart or food truck, or any other expansion or extension of the food cart, or food truck. Exceptions are permanently attached canopies, and coolers for cold holding foods.

4.9.10 **Single-Use Articles-For Consumers.** A food cart, food truck, or shaved ice stand shall only provide single-use articles for use by the consumer.

4.9.11 **Transportation Protection.** In transit, a food cart, food truck, or shaved ice stand shall protect all food and food-contact surfaces from contamination.

4.9.12 **Food Prepared at an Approved Commissary.**¹ All food service operations shall be conducted from an approved commissary or on the food cart, in the food truck, or shaved ice stand.

4.9.13 **Storage When not in Operation.**

- (i) Except as specified in section (ii) of this section, a food cart or food truck, or shaved ice stand shall be stored at the commissary or other location approved by the Department.
- (ii) A food cart or food truck may not require storage at a commissary during non-operational hours if:
 1. It has water and equipment capacity to operate for longer than a single day;
 2. Outer openings are protected as specified in 4.6.15(i)(a)-(c); and
 3. It is secured to prevent public entry.
- (iii) Storage of food, equipment, and single-service articles is prohibited in private vehicles when a food cart, food truck, or shaved ice stand is not in operation.
- (iv) The premises of a private residence are not an approved storage facility for food carts or food trucks.

- 4.9.14 **Commissary Use.** A food cart, food truck, or shaved ice stand shall return to the commissary on a daily basis for the purposes of cleaning, storing, stocking and water tanks maintenance. The Department may approve less frequent returns to a commissary depending on the capacities of the food facility, menus and volumes of food being served. A commissary operator shall maintain an attendance log for operators at a commissary which shall be made available at the Department's request.
- 4.9.15 **Food, utensils, equipment and single-use item storage.** Supplies of food, utensil, equipment and single-use items that are not contained in the food cart, food truck, or shaved ice stand during transportation and operation must be stored and protected in food grade containers.

5. Permits.

- 5.1.4 **Food Establishment Plan Review Fee.** The fee for a Food Establishment Plan Review required under 4.8.1 of this Regulation shall be remitted to the Department at the time that plans are submitted for review in the amount as provided for or as approved by the Director in the Department's fee schedule, upon application. If the applicant for a Food Establishment Plan Review had an ownership change inspection in the last year at the same location, then the ownership change inspection fee shall be deducted from the Food Establishment Plan Review Fee. A food truck operator that applies for a Secondary Food Truck Permit shall not be required to pay a Food Establishment Plan Review Fee.
- 5.1.12 **Primary Food Truck Permit Fee.** Any applicant who applies for a Primary Food Truck Permit as required by 4.1.1(iii)(f) of this regulation shall remit to the Department a permit fee in the amount as provided for or as approved by the Director in the Department's fee schedule, upon application and at time of renewal.
- 5.1.13 **Secondary Food Truck Permit Fee.** Any applicant who applies for a Secondary Food Truck Permit as required by 4.1.1(iii)(g) of this regulation shall remit to the Department a permit fee in the amount as provided for or as approved by the Director in the Department's fee schedule, upon application and at time of renewal. A Secondary Food Truck Permit shall expire on the same date as the Primary Food Truck Permit.

A Primary Food Truck Permit Fee shall be assessed based on a two tier risk assessment as follows:

- (i) Tier One Food Trucks are food trucks that have two or fewer potentially hazardous food (time/temperature control for safety food). A Tier One Food Truck Permit applicant shall remit to the Department a fee in the amount of \$200.
- (ii) Tier Two Food Trucks have more than two potentially hazardous food (time/temperature control for safety food). A

Tier Two Food Truck Permit applicant shall remit to the Department a fee in the amount of \$350.

A Secondary Food Truck Permit Fee shall be \$100. A Secondary Food Truck Permit shall expire on the same date as the expiration date of the truck’s current operating permit issued by another local health department existing under the laws of the State of Utah. A secondary food truck risk assessment will be the assessment made by the local health department that issued the Primary Food Truck Permit.

IV. Effective Date and Duration

4.1 This temporary regulation shall become effective and enforceable on May 9, 2017 as it is filed with the Board of Health upon delivery to the Chairperson of the Board by the Director.

4.2 No comment period or public hearing shall be required and this temporary regulation shall expire 120 days after the regulation’s effective date, unless the Director specifies an earlier expiration date.

4.3 The Board of Health may review this temporary regulation at any time after the effective date and ratify, modify or repeal this temporary regulation.

4.4 Notice of the adoption of this temporary regulation shall be published in a newspaper of general circulation in Salt Lake County and posted on the Utah Public Notice Website within 72 hours after the temporary regulation is filed with the Board of Health as provided for in Section 4.1 hereinabove.

APPROVED AND ADOPTED this _____ day of May, 2017.

SALT LAKE COUNTY BOARD OF HEALTH

By _____
Brooke Hashimoto, Chair

ATTEST:

By _____
Gary L. Edwards, M.S.,
Executive Director

APPROVED AS TO FORM:

By _____
Mitchell F. Park
Deputy District Attorney