

MOBILE VENDING OPERATING GUIDELINES

PROGRAM OBJECTIVE

To activate and co-create vibrant city places and spaces with cultural and creative activities.

PROGRAM OUTCOMES

- The City of Castlegar encourages the use of the public realm for outdoor mobile food and retail vending to activate underutilized City streets and public spaces to create places for creative and social activities.
- The City of Castlegar encourages entrepreneurs to activate the public realm with unique and creative food and retail vending activities at various times of the day including less active times.
- The City of Castlegar supports mobile food and retail vending when vendors consider the needs of all users of the street, including the safety of pedestrians.
- The City of Castlegar supports mobile food and retail vending to provide choice and complement food and retail offerings offered elsewhere within the City.

DEFINITION

Mobile food and retail vending is defined as the temporary use of public or private spaces for the preparation and dispensing of food and drink products or for the sale of goods.

ASSESSMENT OF APPLICATIONS

Mobile food and retail vending applications will be considered on their individual merits and assessed against the Mobile Vending Operating Guidelines and the considerations listed below, among others.

Preference will be given to:

- ✓ renewing vendors who utilize their license regularly;
- ✓ applicants offering a unique experience or product to customers;
- ✓ applicants presenting a well-designed, creative, artistic setup;
- ✓ applicants using sustainable packaging and processes, including the use of locally grown or produced products where possible;
- ✓ innovative and creative start-up businesses.

PERMIT CANCELLATION

A Mobile Food or Retail Vending License may be cancelled or amended if:

- the license holder fails to comply with the license conditions;
- there are changed conditions affecting the mobile food or retail vending area, such as increased risk to health or safety.

HOW TO APPLY

City of Castlegar
Development Services
460 Columbia Avenue
Castlegar BC V1N 1G7
250.365.7227/ www.castlegar.ca

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Submit an application.

- Ensure that the property you are proposing to locate is appropriately zoned.
- Complete the business license application form.
- Include a detailed site plan (and images where possible) showing your mobile food or retail vehicle/stall and proposed layout, including dimensions, service window, counter, power source, etc.
- If applying for a licensing agreement to sell product on city road right of way or in city parks provide the city with comprehensive general liability insurance (city as added insured) in the amount of \$2,000,000 per accident or occurrence.
- Provide a copy of *Interior Health Permit to Operate* where applicable.
- Provide a letter of permission from the owner of the property where you plan to set up.
- Provide the distance from your proposed location to the nearest eating or retail establishment. A mobile vendor must be at least 50 meters (165'-0") from an existing like establishment.
- Applications and fees can be submitted in person or electronically to Development Services at devserv@castlegar.ca. Business licence fees can be paid in person at City Hall or virtually through the City's on-line payment system or through your banking institution.

OPERATING GUIDELINES FOR MOBILE FOOD AND RETAIL VENDING

- The City's parks are public property and must always be respected and treated as such. Mobile vending shall not occur on any public road right of way or public place until a license has been issued by the City.
- The City can place conditions, modify or revoke a mobile vending license as it sees fit.
- A limited number of licenses will be approved as appropriate. The number of mobile vendors shall not exceed 20% of the number of permanently established food or retail establishments in the City.
- Successful applicants will be granted one license only.
- Licenses are non-transferable unless written permission is granted by the City.
- The license is to be carried at all times while vending and produced upon request by an authorized City Official.
- The erection of seating or tables for patrons, setup of fixed infrastructures, and the use of amplified sound are not permitted.

Amenity and appearance

- A mobile vending area should relate to its surroundings, to protect and enhance the urban, heritage and streetscape appearance and character.
- Trees and other significant streetscape elements, such as public art, benches, rubbish bins and bus shelters, shall not be obstructed, covered, removed, damaged, relocated or modified as a result of a mobile vending operation.

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- All advertising must be fixed to the mobile vending vehicle/stall and not encroach on city road right of way. One sandwich board sign will be permitted on the property where the vendor is located.

Location

Mobile vending will be considered on City parks where there is adequate footpath space to accommodate, while not compromising pedestrian access, safety or other street activities. Mobile vending may also be permitted on public streets, parking lots and private property that is zoned for commercial purposes.

Location considerations include:

- the safety of the public must be the primary consideration;
- not obstructing pedestrian flow vehicular traffic, bicycle lanes, queueing and other waiting areas;
- ensure wheelchair access to pedestrian ramps and footpaths are not compromised;
- maintain access to parking, taxis, loading zones and bus zones;
- ensure the safety of adjoining buildings is not compromised by restricting access or adding unreasonably to fire potential;
- ensure access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins and post boxes is not compromised;
- set up within 50 meters (165 ft.) from a non-mobile like establishment in any direction is not permitted: except where the mobile vendor has the written agreement of the non-mobile vendor. A non-mobile vendor can revoke their written agreement at any time;
- exclusive use of an area is not permitted and areas are not able to be reserved;
- in the interests of building relationships, collaborating and attracting consumers to the City, mobile vendors are encouraged to engage with adjacent businesses to notify of a proposed location and seek acceptance of a mobile vending operation.
- mobile vending licenses are not required at public events, when they have received the approval of the event organizers.

Maintenance, Cleaning and Waste

The license holder is required to comply with all maintenance aspects of the mobile food or retail vending operation.

Specific requirements are:

- ✓ Mobile vending vehicle/stall and fixtures must be kept in a safe and well maintained condition at all times.
- ✓ The mobile vending area must be maintained at a high level of cleanliness. No trade waste or litter may be disposed of in City rubbish bins. Mobile vendors must provide bins for use by their customers and ensure the area around their position is kept clear of rubbish and refuse at all times. Refuse shall be removed by the operator at the completion of the business day.

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- ✓ Where the City has to undertake cleaning and/or tidying of the area, the license holder will be liable to reimburse the City for all costs incurred by the City in relation to the cleaning and/or tidying of the area.
- ✓ Liquid waste (including waste water and waste oil) must be contained and removed or disposed of appropriately at the end of the day. No waste or other material is to be deposited into the storm water system. No hosing down of areas is to take place. Vendors must contact the City to determine appropriate disposal of trade waste for their business.
- ✓ Where practical, mobile vendors should choose power sources which generate low or no noise and air pollution.

Management

The mobile food or retail vending license holder is to take full responsibility for the care, appearance, maintenance and operation of their activity area and vehicle and the effect on other street life. The license holder is also responsible for abiding by all legislative requirements relating to business operations, occupational health and safety, employment conditions and any other relevant requirements.

It must be understood that the mobile food vending area remains public space. This means operators and patrons do not have exclusive occupancy of the area. The following principles apply.

- Permanent fixtures and elements are not permitted.
- The mobile vending set up should be sturdy and windproof, made of quality materials and be well designed and constructed to be safe to use, without sharp edges or other features likely to cause injury.
- Fixtures must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street or curbside usage by motorists.
- Must be positioned to allow reasonable access to service covers and existing services.
- All items positioned within the permitted boundaries for mobile food vending are the license holder's responsibility.
- The license holder assumes responsibility for any liability issues which arise and that are associated with the mobile food vending area.

Safety

Safety measures may be required at mobile vending locations and are assessed on a case-by-case basis. If safety cannot be reasonably addressed, approval will not be issued.

- All license holders are required to comply with all health and food safety aspects of the entire operation.
- BBQs, grills and heat sources must be protected to prevent public access and accidental burning.
- Gas bottles, gas lines and firefighting equipment must comply with safety requirements recommended by the Castlegar Fire Department.
- Firefighting equipment to be provided by operators where cooking and heating appliances are used.