



Mobile Vendor Policy

POLICY NUMBER: 205-AD-18

Approval Date: May 8, 2018

Revise Date: October 26, 2018

Motion Number: CM20180508.1006

Repeal Date:

Supersedes:

Review Date:

1.0 Policy Intent

The City of Cold Lake wishes regulate the operation of Mobile Vendors on Private Lands and Public Lands within the City.

2.0 Purpose

The purpose of the Mobile Vendor Policy is to establish a standardized permit application and review procedure for mobile vendors operating within the City and provide conditions of operation to minimize risks associated mobile vendor operation.

3.0 Policy Statement

- 3.1 In order to ensure transparency and consistent administration, the City of Cold Lake shall establish standardized regulations, a permit application and review procedure for Mobile Vendors operating within the City.
- 3.2 Mobile Vendor regulations shall balance encouraging the development of the mobile vending industry with managing the potential of risks and nuisances.

4.0 Managerial Guidelines

- 4.1 For the purposes of this Policy, the following definitions shall apply:
 - 4.1.1 “Applicant” means any person(s) or organization applying to obtain a Mobile Vendor Permit.
 - 4.1.2 “Arts and Crafts Vendor” means a Merchandise Vendor exclusively selling their own handicrafts/handmade items for sale.
 - 4.1.3 “CAO” means the Chief Administrative Officer of the City of Cold Lake.

- 4.1.4 “City” means the municipal corporation of the City of Cold Lake.
- 4.1.5 “Development Officer” means a Development Officer of the City.
- 4.1.6 “Food Vendor”, means any Mobile Vendor offering prepared food/meals and beverages for sale. This does not include vendors selling produce or fresh or frozen meats and fish.
- 4.1.7 “Ice Cream Vendor” means any Mobile Vendor exclusively offering ice cream and frozen desserts for sale from a mobile vehicle or cart.
- 4.1.8 “Mat”, means any device with an impermeable surface that can be placed beneath a Vending Unit to prevent the deposit of any liquids such as fats, oils, grease, or other pollutants onto the ground.
- 4.1.9 “Merchandise Vendor”, means any Mobile Vendor offering goods, services or merchandise, other than prepared food/meals and beverages, for sale and includes vendors selling produce or fresh or frozen meats and fish.
- 4.1.10 “Mobile Vendor” means any person(s) offering food and beverages, goods, services or merchandise for sale, other than from a permanent business location.
- 4.1.11 “Mobile Vendor Permit” means a permit issued by the Development Officer pursuant to this policy, which authorizes a Vendor to operate only in those locations as specified on the Permit.
- 4.1.12 “Private Property” means lands within the jurisdiction of the City owned by a person or organization other than the City.
- 4.1.13 “Public Lands” means any highway, parkland, public bridge, roadway, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and includes any open space to which the public have or are permitted to have access, whether by payment or otherwise owned or controlled by the City.
- 4.1.14 “Vendor(s)” means any person(s) operating a Vending Unit and may include the owner of the Vending Unit.
- 4.1.15 “Vendor Event Organizer” means any person(s) or group(s) who organize an event where multiple vendors will be in attendance.
- 4.1.16 “Vending Unit” means any vehicle(s), trailer(s), tent(s), table(s), display(s) or a combination thereof, from which food or other

merchandise is sold.

Requirement for Mobile Vendor Permit

- 4.2 No person shall operate a Mobile Vendor within the City unless s/he holds a valid City Business License and a valid Mobile Vendor Permit, with the exception of:
- 4.2.1 Not-for-profit organizations engaged in outreach or fundraising activities.

Application and Review Process

- 4.3 Any person who wishes to operate as a Mobile Vendor in the City must apply to the Development Officer for either a
- 4.3.1 Arts and Crafts Mobile Vendor Permit;
- 4.3.2 Merchandise Mobile Vendor Permit;
- 4.3.3 Food Mobile Vendor Permit;
- 4.3.4 Vendor Event Organizer Permit.
- 4.4 The permit applicant must specify the term of the requested permit:
- 4.4.1 Annual – valid for one (1) year from the date of issuance;
- 4.4.2 Temporary – valid for three (3) consecutive days;
- 4.4.3 Special Event – valid for three (3) consecutive days;
- 4.4.4 Vendor Event Organizer– valid for up to seven (7) consecutive days.
- 4.5 Applications for a Mobile Vendor Permit must include:
- 4.5.1 Completed application form;
- 4.5.2 Application fee as per Schedule “A”;
- 4.5.3 Site Plan(s) of property showing the proposed location of the Vending Unit and all setback distances;
- 4.5.4 Property Owner Authorization Form;
- 4.5.5 Set of photos and/or detailed drawings of the Vending Unit.
- 4.6 If applicable, the Development Officer may require any, or all, of the following, additional documentation to accompany a Mobile Vendor Permit application:
- 4.6.1 Weekly schedule with operation locations and times, if operating in more than one location;
- 4.6.1 Proof of valid Alberta Health Services Food Handling Permit, if serving food or drinks;
- 4.6.3 Proof of vehicle registration and insurance, if operating out of a motor vehicle;
- 4.6.4 Proof of at least \$2,000,000.00 general liability insurance, if operating on Public Lands;
- 4.6.5 Waste disposal plan detailing how and where solid waste, grey water and fats, oils and grease, paint or other pollutants will be disposed of;
- 4.6.6 Copies of the letters of non-objection from affected businesses.
- 4.6.7 Documentation verifying that the vending unit has passed a safety codes

inspection and fire inspection within the last year.

- 4.7 The Development Officer shall review the Mobile Vendor application once all required documentation is received, and either:
 - 4.7.1 Issue the permit if the application complies with this policy;
 - 4.7.2 Not issue the permit if the application does not comply with this policy.
- 4.8 If after being issued a Mobile Vendor Permit, a Vendor wishes to operate in a different location or schedule than listed on the Permit, the Vendor must submit an application to amend the permit to the Development Officer for consideration. The Vendor must follow all conditions of the Mobile Vendor Permit as issued, until the application to amend is approved.

Conditions of Operation – All Mobile Vendors

- 4.9 Unless specifically authorized to do so, a Mobile Vendor shall not operate on Public Lands.
- 4.10 Mobile Vendors shall not operate:
 - 4.10.1 Within 50 meters from the service window/sales area of the Vending Unit to the door of any business where, in the opinion of the Development Authority, the same or similar goods, services or merchandise are sold, subject to the exception of:
 - 4.10.1.1 A Vendor who has obtained a letter of non-objection from all businesses within the 50-meter setback selling the same or similar goods, services or merchandise;
 - 4.10.1.2 A special event term permit.
 - 4.10.1.2 A Vendor Event Organizer permit
 - 4.10.2 Within any residential zoning district, excepting the RMX-Residential Mixed-Use district, subject to the exception of:
 - 4.10.1.3 Ice Cream Vendors provided that they stop only when hailed by a customer and resume moving once customers have been served;
 - 4.10.3 Within 50 meters of any school unless operating on school property with the permission of the school principal.
- 4.11 Mobile Vendors must ensure:
 - 4.11.1 No smoking occurs inside or within five (5) meters of the Vending Unit;
 - 4.11.2 The immediate area around the Vending Unit is maintained in a clean state, free of any litter, grease, paint or debris;
 - 4.11.3 No Fats, Oils, Grease, paint or other pollutants are discharged into the sanitary sewer or storm drainage system;
 - 4.11.4 Litter and recycling receptacles are provided within three (3) meters of the Vending Unit for the use of patrons;
 - 4.11.5 They have made an arrangement with a nearby business to permit employees of the Vending Unit to use the washroom if needed.

- 4.12 Issuance of a Mobile Vendor Permit allows the Vendor to place one (1) Sandwich Board Sign during the hours the Vending Unit is in operation, provided the sign is in compliance with the City Land Use Bylaw No. 382-LU-10.
- 4.13 A maximum of two (2) Special Event term permits may be issued within one calendar year, for a particular parcel of Private Property.

Additional Conditions for Operation on Public Lands

- 4.14 Mobile Vendors authorized to operate on Public Lands, shall not operate:
 - 4.14.1 Within five (5) meters from adjacent newspaper boxes, doorways, utilities and loading zones;
 - 4.14.2 Within ten (10) meters of an intersection, crosswalk, bus stop, alleyway or fire hydrant;
 - 4.14.3 Before 7:00 a.m. or after 12:00 a.m.
- 4.15 Mobile Vendors authorized to operate on Public Lands must ensure:
 - 4.15.1 A Vendor is present in the Vending Unit at all times during the hours of operation unless the unit is locked and secure;
 - 4.15.2 All litter is cleaned within a ten (10) meter radius around the Vending Unit during and after service hours;
 - 4.15.3 No tables or chairs are placed on Public Lands unless authorized in writing by the City of Cold Lake;
 - 4.15.4 Its service window is oriented towards the sidewalk, if it is operating in a parallel parking stall;
 - 4.15.5 It is located at the end of a row where there is no stall adjacent to the service window, if operating in an angled parking stall;
 - 4.15.6 A mat is placed under the Vending Unit during service hours to prevent any liquid from being deposited beneath the Vending Unit, if applicable;
 - 4.15.7 That the Vending Unit does not:
 - 4.15.7.1 interfere with pedestrians the regular use of a sidewalk, including any overhead canopies or obstructive doors;
 - 4.15.7.2 create a distracting noise, vibration, smoke, dust, odor, pollution, heat, bright lights, sounds or other distractions;
 - 4.15.7.3 occupy more than two (2) parallel parking spaces;
 - 4.15.7.4 remain parked on Public Lands overnight.
- 4.16 Any Mobile Vendor operating on Public Lands must carry General Liability Insurance in the amount of \$2,000,000 and must save harmless the City from any loss or injury resulting from the operation of the Vending Unit.

Vendor Event Organizer Permits

- 4.17 Any person who applies for a Vendor Event Organizer permit shall, as part of their application, provide a list of all Vendors that will be operating at the

specified event.

- 4.18 The Vendor Event Organizer shall, as part of their application, be responsible for compiling and submitting the required documentation specified by sections 4.5 and 4.6 (as necessary) on behalf of all Vendors that will be operating at the specified event.
 - 4.18.1 The Development Officer shall not issue a Vendor Event Organizer Permit until the required documentation has been received, and deemed to be acceptable, for all Vendors that will be operating at the specified event.
 - 4.18.2 The Development Officer shall append to the permit, a list of Vendors approved to operate at the specified event.
 - 4.18.3 If, subsequent to the issuance of the permit, the Vendor Event Organizer wishes to add Vendors to the specified event, the Development Officer shall, upon receipt of the required documentation for any additional Vendor(s) and confirmation that the additional Vendor(s) are compliant with this policy, amend the list of approved Vendors appended to the permit.
 - 4.18.4 If, subsequent to the issuance of the permit, the Vendor Event Organizer wishes to remove any Vendor(s) from the specified event, the Development Officer shall amend the list of approved Vendors appended to the permit upon notification from the Vendor Event Organizer.
- 4.19 The Vendor Event Organizer must provide General Liability Insurance in the amount of \$2,000,000 and must save harmless the City from any loss or injury resulting from the operation of the event, if the event is being held on City property.
- 4.20 The Vendor Event Organizer shall obtain a City of Cold Lake Business Licence for the specified event in accordance with the City's Business Licence Bylaw. All Vendors operating at the specified event shall be deemed to be covered by the Business Licence.
- 4.21 The Vendor Event Organizer shall assume responsibility for the operation of the specified event and shall be responsible for ensuring that all Vendors operating at the event comply with the requirements of this policy.
- 4.22 Vendors approved to operate at a specified event under a Vendor Event Organizer Permit shall not operate elsewhere within the City, without first obtaining an individual Mobile Vendor Permit and Business Licence.

Non-compliance and Penalties

- 4.23 Where a Vendor is found to be in non-compliance with this Policy, or any other applicable federal, provincial or City Bylaw, the Development Officer shall

revoke the Mobile Vendor Permit.

- 4.24 Revocation of the Mobile Vendor Permit will also result in the suspension or revocation of the Business License in accordance with the provisions of the City Bylaw No. 196-Pl-05, Business License Bylaw.

Appeal

- 4.25 In the event that an application for a Mobile Vendor Permit is refused by the Development Officer, the applicant may request City Council review the decision by submitting a written request for review in person or by registered mail to City Hall within fourteen (14) days following receipt of the decision. The request to review must include the reason for the request.
- 4.26 After receiving the request, Council shall review the decision within thirty (30) days and may decide in its sole discretion to
- 4.20.1 Uphold the decision of the Development Officer;
- 4.20.2 Quash the decision of the Development Officer, and issue the permit on any conditions that Council deems necessary.
- 4.27 Council's decision on the appeal shall be final and binding.

5.0 References

6.0 Persons Affected

7.0 Revision/Review History

- Managerial Guidelines amended October 26, 2018 by CAO

Date

Chief Administrative Officer

Date

Mayor

Schedule A – Permit Fees

Permit Type	Annual*	Temporary**	Special Event**
Arts and Crafts Vendor	No Charge	No Charge	No Charge
Merchandise Vendor	\$250	\$75	\$75
Food Vendor	\$500	\$150	\$150
Vendor Event Organizer	n/a	n/a	\$200****

*Annual permits are valid for one year from the date of issuance.

** Temporary and Special Event permits are valid for three (3) consecutive days.

*** Vendors operating at City of Cold Lake-organized events shall be exempt from payment of the Special Event Permit Fee but must be issued a Permit in accordance with this policy.

**** Vendor Event Organizer Permits are valid for up to seven (7) consecutive days.