	<h2 style="text-align: center;">Municipality of Crowsnest Pass Procedures</h2>
<p>Procedure Category:          Worksite:          Approval Date:          Revision Date:          Department:</p>	<p>Mobile Vending Procedure          Office          August 23, 2022          NA          Development, Engineering and Operations</p>

### 1.0 Definitions

**“A-Board Sign”** – means a self-supporting A-shaped sign or sandwich board which is set upon the ground and has no external supporting structure.

**“Land Use Bylaw”** – the bylaw that has been adopted by the Municipality for the purpose of prohibiting or regulating and controlling the use and development of land and buildings within the Municipality of Crowsnest Pass.

**“Mobile Vending Unit”** means a mobile motor vehicle, pushcart, trailer, or similar structure exceeding 3.3 m<sup>2</sup>, designed for preparing or offering the sale of food or merchandise, which does not contain customer seating.

**“Mobile Vendor”** means a person who sells or offers the sale of food or other merchandise from a Mobile Vending Unit.

**“Municipality”** – the municipal corporation of the Municipality of Crowsnest Pass, or the area contained within the Municipality boundaries, as the context requires.

### 2.0 Procedure

#### 2.1 Responsibilities

The responsibility for standards and maintenance of public parks and/or public sports facilities and fields falls under the Community Services Department, and the responsibility for standards and maintenance of public sidewalks and public streets falls under the Transportation Department. The Mobile Vending Policy recognizes these different components and as a result, the Development Officer will consult with the relevant department as may be applicable.

The Development Officer (Development and Trades Department) will function as the point of contact to receive inquiries and applications and will consult with the Transportation Department relative to Mobile Vending Permits on public sidewalks and

public streets, and with the Community Services Department relative to Mobile Vending Permits on public parks and/or public sports facilities and fields. The Development Officer will refer applications for comments to other departments as deemed applicable (e.g. the Protective Services Department relative to fire safety). When referral comments from all departments have been received, the Development Officer will decide upon, issue, administer and enforce Mobile Vending permits.

The procedure for review and approval of Mobile Vendor applications are as follows:

## **2.2 Pre-Application Meeting**

The first time a business applies for a Mobile Vending Permit, the Development Officer may schedule a pre-application meeting with the applicant and all other departments deemed required. This step will include a preliminary review of proposed mobile vending locations for the proposed Mobile Vendor, adjacent land uses, separation distances (from existing businesses with similar offerings), and additional approvals that may be required (see 2.5), etc.

## **2.3 Application Submission**

Applicants must apply for a Mobile Vending Permit on an annual basis. The application must include the following:

- a. Photos of the Mobile Vending Unit.
- b. Documentation of generator type, operational times, and noise volumes generated.
- c. Description of services and products to be supplied by the vendor.
- d. Description and address of location where the Mobile Vending Unit will be stored when not in operation.
- e. Consent letter from all affected occupants of fixed premises who offer similar food, beverage, wares, merchandise, or services as the Mobile Vendor, where the fixed location is within 50 m of proposed mobile vending location.

## **2.4 Application Review**

The Development Officer will review the application and the referral comments received from other departments to ensure that the Mobile Vending Unit and the proposed locations are in adherence with the various applicable department standards, operational procedures, and conditions, as well as the Operating Conditions of this policy (see 2.7).

## **2.5 Permit Issuance and Fee Payment**

Where approved, a Mobile Vending Permit will be issued for the Mobile Vending Locations that the applicant applied for. The permit will not be valid until the permit fee

is paid. The standard permit fee will be an annual fee stated in the Fees, Rates and Charges Bylaw. Permits will not be automatically renewed; re-application will be required on an annual basis.

## 2.6 Additional Approvals

A Development Permit may be required for operation of the Mobile Vending Unit at its 'base location' (e.g. the location where mobile unit is stored or the location where food preparation is undertaken) prior to an application for a Mobile Vending Unit being accepted or a Mobile Vending Permit issued. The Mobile vendor is also required to obtain a Business License.

The applicant is responsible to confirm other regulatory requirements (e.g. at provincial level), including confirmation with **Alberta Health Services (AHS)** that the proposed food service meets regulations, particularly if they are planning to prepare food outside.

Prior to issuing a Mobile Vending Permit, applicants will be required to demonstrate that they have adequate insurance coverage for the Mobile Vending Unit in which the Municipality is named as additional co-insured. It is recommended that the applicant confirms with their insurance provider that this insurance will be available to them and that the cost of insurance is acceptable prior to applying for the Mobile Vending Permit.

## 2.7 Operating Conditions

The following Operating Conditions are considered requirements and applicable to any Mobile Vending Permit issued under this policy. These Operating Conditions will be included as conditions of approval on each Mobile Vending Permit unless a specific variance for the individual operating condition is granted by the responsible Department. These Operating Conditions may be varied only by written consent of the responsible department and where explicitly stated on the permit issued.


- a. **First Come – First Served:** Locations are non-exclusive. More than one Mobile Vendor may be approved for the same location. Occupation of a given location on a given day is on a first-come first-served basis.
- b. **Tables and Chairs:** Vendors are not authorized to provide tables or chairs for patrons to use at a vending location unless an exemption is provided in the Mobile Vending Permit.
- c. **Signage:** Vendors are permitted to place one A-Board Sign that is positioned such that motor vehicle and pedestrian visibility is not impeded. A-board Signs must be removed when the unit is not at the vending location.

- d. **Insurance:** The applicant shall procure and maintain, at their own cost, comprehensive general liability insurance, in an amount not less than \$5,000,000.00, indemnifying the Municipality of Crowsnest Pass against any and all damages, injuries or claims. The insurance policy will name the Municipality of Crowsnest Pass as an additional or co-insured and shall be maintained continuously as long as the permit is in effect.
  
- e. **Documentation:** The following valid documentation must be retained within the Mobile Vending Unit and readily accessible for presentation to a Licensing Inspector and/or Bylaw Enforcement Officer upon request:
  - i. Alberta Health Services Authorization (if applicable, i.e. when selling items intended for human consumption).
  - ii. Registration for Mobile Vending Units as required under provincial legislation.
  - iii. Proof of valid liability insurance.
  - iv. Mobile Vending Permit.
  - v. Business License and/or Southwest Regional License Tag.
  - vi. Alberta Transportation roadside development permit [if applicable – see ia.a.i].
  - vii. A consent letter from the occupants of fixed commercial premises within 50 m from the Mobile Vending location [if applicable – see ia.a.v].
  
- f. **Liquor and Cannabis:** Mobile vendors will not be permitted to sell or distribute alcoholic or cannabis products.
  
- g. **Noise:** Mobile Vendors are not permitted to provide any form of music or voice amplified device. Any and all soliciting is required to be done at a level speaking voice. The use of generators required in the operation of the Mobile Vending Unit and/or its associated appliances require specific approval as part of the Mobile Vending Permit.
  
- h. **Cleanliness:** All vendors are required to maintain a clean and tidy vending location. Measures must be taken to ensure that debris does not accumulate and staining of the sidewalk or street surface does not occur. Vendors must provide garbage and recycling receptacles for customers' use and must dispose of garbage at the end of each day. Vendors may also be required to:
  - i. Place mats underneath the vending unit to protect the area from grease, paint, and other pollutants.
  - ii. Secure wrappers or other items which may be blown in the wind.
  - iii. Clean the ground surface around the vending unit before leaving the area to ensure that no grease, garbage, or other pollutants are left behind.

- i. **Location:** A Mobile Vendor must specify the location(s) intended to be occupied for their permits as part of the permit application. Locations will be approved on a case-by-case basis. Applicants will be required to provide civic addresses and maps of proposed locations. Mobile Vending Permits will specify the approved locations and specify variances for hours of operation (if applicable). The following guidelines will be used in approving locations:
  - i. Mobile Vending locations within the development control zone of Alberta Transportation (i.e. within 300 m from a provincial highway right-of-way and 800 m of the centreline of a provincial highway and another public road intersection) shall not be considered as viable Mobile Vending locations unless the applicant holds a roadside development permit from Alberta Transportation.
  - ii. Locations are non-exclusive. More than one Mobile Vendor may be approved for the same location. Occupation of a given location on a given day is on a first-come first-served basis.
  - iii. Locations should be sited with parallel parking. Mobile Vendor locations will not be approved in areas of angle parking.
  - iv. Locations must be a minimum of 50 m from a fixed premises that offers similar food, beverage, wares, merchandise, or services as the Mobile Vendor, unless the Mobile Vendor holds a letter of consent from the occupant of the fixed premises.
  - v. Locations proposed outside of Commercial Land Use Districts, will be evaluated on a case-by-case basis, based on the surrounding land use districts, and may be subject to further restrictions on days and time of operation.
  - vi. Locations are not required to be specified for push carts, ice-cream trucks or similar operations which are stationary for no more than 15 min at a given location and generally operate in a continuously mobile manner (e.g., ice-cream carts).
- j. **Hours of Operation:** Approved vendors are not permitted to operate on public sidewalks and/or streets and in public parks and/or public sports facilities and fields between the hours of 11:00 pm and 7:00 am. Hours of operation may be restricted for specific locations at the discretion of the Development Officer.
- k. **Relocation:** A Mobile Vendor must relocate or remove their Mobile Vending Unit at the direction of the Bylaw Enforcement Officer and/or Licensing Inspector to accommodate special events, maintenance, construction, or repairs, or where the Mobile Vending Unit is in violation of this Bylaw.

**3.0 Approval**

Department Manager: Johan van der Bank Date: September 21, 2022  
(print name)

  
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(signature)

**4.0 End**