

## APPENDIX 'B'

### SCHEDULE "K"

#### Mobile Food Vending Regulations

##### 1.0 Purpose

To provide a set of regulations allowing Vendors operating Mobile Food Vending Units to do business from road rights-of-way and the City Square Plaza in the City of Regina.

##### 2.0 Discussion

These Regulations will provide assistance to businesses wishing to apply for a permit to operate a Mobile Food Vending Unit in Regina. The Regulations also detail conditions that must be met during the operations of Mobile Food Vending Units on City of Regina road rights-of-way and the City Square Plaza. The Regulations are not meant to govern vending on private property, or lands managed by The Wascana Centre Authority, The University of Regina, EVRAZ Place, or in any park area, with the exception of the City Square Plaza.

##### 3.0 Definitions:

- 3.1 **Downtown** – means the area of the City bounded by 13<sup>th</sup> Avenue to the south, Albert Street to the west, Saskatchewan Drive to the north and Broad Street to the east, including the sidewalks and boulevards on both sides of those streets shown within the area outlined in purple on Map A.
- 3.2 **Regulations** – mean these Mobile Food Vending Regulations.
- 3.3 **Loading Zone** - means the zone used for loading and unloading of people or goods, which is the parking stall located nearest to the Loading Zone Parking Meter, or which zone is defined by appropriate signs.
- 3.4 **Loading Zone Parking Meter** - means the parking meter located closest to a Loading Zone.
- 3.5 **Mobile Food Vending Unit** – means a self-contained, self-propelled (motorized or muscle powered) vehicle (truck or trailer) containing appropriate equipment for the type and method of Prepared Food served, that operates from the Parking Lane, vending onto a Public Sidewalk.
- 3.6 **Parking** – means the standing of a vehicle, whether occupied or not, on a public highway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading or in obedience to traffic regulations, signs or signals.
- 3.7 **Parking Lane** - means that portion of longitudinal division of a highway of sufficient width to accommodate the storage of a single line of vehicles adjacent to the curb and where parking is permitted.
- 3.8 **Prepared Food** – means food or drink sold by Vendors intended for immediate consumption without further preparation / cooking.
- 3.9 **Public Sidewalk** - means any sidewalks included on public property.
- 3.10 **Stop** - means:
  - (a) when required, a complete cessation from movement. And,
  - (b) when prohibited, any stopping, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic.

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- 3.11 **Temporary Street Use Permit** - means a permit issued by the City of Regina allowing the permit holder the right to occupy public property for the purpose prescribed in these Regulations.
- 3.12 **Vendor** – means any person who offers food for sale from an approved Mobile Food Vending Unit while conducting business from the public right-of-way or on the City Square Plaza.
- 3.13 **City Square:** Means the area of the City of Regina which includes the City Square Plaza, Victoria Park, the F.W. Hill Mall, and the 1900 blocks of Scarth and Lorne Streets. (See Map B)
- 3.14 **City Square Plaza:** Means the hard-surface portion of the City Square on the north side of Victoria Park between Lorne Street and the lane between Scarth and Hamilton Streets.
- 3.15 **City Square Special Event Permit:** Means a permit issued by the City of Regina for the temporary use of some portion of the City Square to host a festival or event in accordance with the City Square Special Events Policy.

#### 4.0 **Application:**

Permits expire December 31st, and must be renewed annually.

Applications for Temporary Street Use Permits for Mobile Food Vending Units shall contain the following information:

- 4.1 Written confirmation from The Regina Qu'Appelle Health Region (RQHR) that the Mobile Food Vending Unit complies with Province of Saskatchewan Food Safety Regulations and the RQHR's Mobile Food Guidelines;
- 4.2 A copy of the Vendor's City of Regina Business License, if the Vendor is required by *The Licensing Bylaw, 2007* to have such a license;
- 4.3 Photographs or detailed drawings and dimensions of the exterior of the Mobile Food Vending Unit.
- 4.4 A copy of the Vendor's Fire Safety Compliance Certificate, from the City of Regina's Office of the Fire Marshall
- 4.5 Proof of \$2,000,000 general liability insurance and \$1,000,000 automobile liability insurance.
- 4.6 Proof that the vehicle and/or trailer is properly licensed and registered with SGI
- 4.7 Certification from SaskPower Gas Inspections indicating that the installation of any gas equipment and appliances meets minimum code requirements.

#### 5.0 **Application Review:**

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- 5.1 After receipt of all necessary information, City staff will review the application and either approve or deny the request. Applicants should submit their request well in advance of their desired date for commencement of operation.
- 5.2 Temporary Street Use Permits for Mobile Food Vending are issued under the authority of *The Traffic Bylaw* and are subject to the conditions outlined in this document.

#### 6.0 Permit Conditions:

Vendors may operate Mobile Food Vending Units at locations that meet the following requirements:

##### 6.1 General

- No minimum distance is required between two or more Mobile Food Vending Units.
- Vendors are free to relocate their Mobile Food Vending Unit at any time in accordance with these regulations.

##### 6.2 Acceptable Locations

- Parking Lanes on streets classified as local streets throughout the City, including the downtown
- 11<sup>th</sup> Avenue from Lorne Street to McIntyre Street
- 11<sup>th</sup> Avenue from Broad Street to Winnipeg Street
- 12<sup>th</sup> Avenue from Scarth Street to Broad Street
- Victoria Avenue from Rose Street to Smith Street on the north side and Rose Street to Lorne Street on the south side
- 13<sup>th</sup> Avenue from Albert Street to Elphinstone Street.
- Other locations as determined acceptable by the Planning Department.

##### 6.3 Prohibited Locations

- A Mobile Food Vending Unit may not be located or operated in areas designated as "No Parking" or "No Stopping".
- A Mobile Food Vending Unit may not be located or operated in such a way as would restrict or interfere with the ingress or egress of adjacent property owners;
- A Mobile Food Vending Unit may not be operated within 20 metres of a permanent business selling prepared food while that permanent business is open to customers unless the business owner / manager agrees.
- A Mobile Food Vending Unit may not be operated within 20 metres of a licensed sidewalk vendor while the sidewalk vendor is open to customers unless the sidewalk vendor's owner / manager agrees.
- A Mobile Food Vending Unit shall not be operated within 10 metres of an intersection or crosswalk.
- A Mobile Food Vending Unit shall not be operated on any street abutting school property on a school day between 08:00 and 18:00 hours.

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- Vending on any portion of a block that is primarily residential for more than 20 minutes per day.

#### 7.0 Required Signage for Mobile Food Vending Units

- 7.1 A message indicating, "This unit makes frequent stops" shall be prominently displayed at the rear of the Mobile Food Vending Unit. The lettering of the message shall be at least five (5) centimeters high and the entire message located fifteen (15) to sixty (60) centimeters above the rear bumper of the vehicle.
- 7.2 A slow moving vehicle warning device in accordance with *The Vehicle Equipment Regulations, 1987* shall be affixed to the rear of the vehicle.

#### 8.0 Hours of Operation

- 8.1 Hours of operation in the Downtown, Warehouse District Industrial Zones are limited to 7:00am – 2:00am daily.
- 8.2 Hours of operation in all other areas are limited to dawn – dusk daily.
- 8.3 These Regulations apply to a mobile operation and therefore require all stops for the purpose of operating the Mobile Food Vending Unit outside of the Downtown to be limited by adjacent parking signage restrictions. In the Downtown (Map A), Vendors may choose to remain at a single location from 7:00am to 2:00am daily.

#### 9.0 Mobile Vending Unit Requirements

- 9.1 Mobile Food Vending Units may not exceed 7.6 metres (25') in length and 2.4 metres (8') in width.
- 9.2 Music or any device used to attract business to the Mobile Food Vending Unit shall not exceed sixty-five (65) decibels measured at any property line.
- 9.3 Electrical generators may not exceed sixty-five (65) decibels measured at any property line.
- 9.4 The Mobile Food Vending Unit must be configured to allow customers to safely access the service window from a sidewalk.
- 9.5 All Mobile Food Vending Units must be equipped with a garbage receptacle and business practices must adhere to *The Clean Property Bylaw No. 9881*.
- 9.6 Food vending units should be of good quality and aesthetically pleasing in appearance. Vendors shall maintain their units in a professional manner. Vehicles / vending units deemed by City staff to be in a poor state of maintenance or repair will result in immediate suspension of the vending permit.
- 9.7 Vendors are encouraged to make professional use of colour and graphic design when designing the exteriors of their units, canopies, and umbrellas are encouraged.
- 9.8 When not in use Mobile Vending Units must be stored in accordance with *The Traffic Bylaw No. 9900*.

#### 10.0 Parking Meter Bags

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- 10.1 An approved vendor will be issued a parking meter bag which will allow the vendor to bag any available meter that meets the criteria set out in these Regulations and operate a Mobile Food Vending Unit from that location.
  - 10.2 Meter bags must be affixed to the meter once the Vendor is in place with a zip-tie and must remain in place at all times while the Vendor is in attendance.
  - 10.3 Bags must be removed at the end of each business day.
  - 10.4 The City or its agents may remove bags found left in place while the Mobile Food Vending Unit is not in attendance.
  - 10.5 The applicable vendor will be charged a replacement fee if the meter bag is lost. The City accepts no responsibility for any loss of the meter bag.
  - 10.6 Mobile Food Vending Units may not be left unattended at a bagged parking meter for more than 15 minutes.
- 11.0 **City Square Plaza Food Vending:**
- 11.1 **Food Trucks / Trailers**

Seven (7) food vending sites intended for use by food trucks / trailers on the City Square Plaza are identified on Map B. Access to these spots will be determined as follows:

    - Daily access to individual spots will be on a first-come-first-served basis. Mobile Food Vending Units must be removed by 23:00 hours daily.
    - Vendors are encouraged to cooperate to organize schedules and locations to share the available vending sites.
    - The City will not manage scheduling, designate particular vending sites on an individual, or endorse any specific organization aiming to do so.
    - Hours of operation on the City Square Plaza are 7:00am – 11:00pm daily
    - Vendors operating on the City Square Plaza must ensure that fluids from their vehicles are not discharged onto the Plaza surface. Evidence of fluid leaks, or the improper disposal of cooking liquids will result in immediate suspension of the vending permit. Costs related to the clean-up of fluid leaks will be charged to the vendor.
    - Additional spots on the plaza for vendors not requiring electrical access will be determined at the discretion of the Planning Department.
  - 11.2 **Vending During Special Events:**
    - 11.2.1 Vendors must seek permission to vend on the Plaza from holders of City Square Special Event Permits, whose permits include use of the City Square Plaza.
    - 11.2.2 Event participation fees are set by the permit holder and may vary between events. It is the vendor's responsibility to contact event organizers to participate.
    - 11.2.3 City Square Special Event Permit holders are under no obligation to provide space for Vendors during their events.

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11.2.4 City Square Special Event Permit holders may, at their sole discretion, relocate / redistribute Vendors throughout their entire permit area for the duration of their event.

#### 11.3 Furnishings

- Vendors operating on the City Square Plaza may provide commercial quality bistro-type chairs, tables and umbrellas adjacent to their vending unit for the use of their clientele.
- Furnishings must be removed along with the vending unit at the end of each day.

#### 11.4 Support Vehicles:

- Support vehicles, including trucks required to transport Mobile Food Vending Units, are not allowed on the City Square Plaza except for the purposes of dropping off or picking up food carts / trailers. Support vehicles are not permitted on the Plaza between 10:00am and 2:00pm.

#### 11.5 Electrical Access:

- Vendors are not permitted to operate generators on the City Square Plaza except in the case of a power outage. Access to electrical services for food trucks / trailers will be provided by the City. Electrical service is provided on a first-come-first-served basis.

#### 12.0 Vending Other Goods:

12.1 Alongside or in lieu of prepared food, at the discretion of the Planning Department, vendors may sell:

12.1.1 Fresh Produce. Or,

12.1.2 Live or fresh cut flowers.

12.2 At the discretion of the Planning Department, vendors may sell promotional items related to their Mobile Food Vending Operation alongside prepared food, produce, or flowers.

#### 13.0 Maintenance of Vending Sites

The area in the immediate vicinity of the vending unit shall be kept clear of all garbage and litter in accordance with *The Clean Property Bylaw No. 9881*. The vendor shall be responsible for the removal and proper disposal of all garbage collected at the site over the course of time that the vendor is in that location.

#### 14.0 Compliance

The City reserves the right to revoke the Vendor's permit for failure to meet one or more of the regulations outlined in *The Clean Property Bylaw No. 9881*, *The Traffic Bylaw No. 9900* or these Regulations. Vendors found to be in contravention of these Regulations will be subject to enforcement procedures as detailed in *The Traffic Bylaw No. 9900*.

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##### 15.0 Indemnification

The Vendor shall indemnify and save the City, its employees and agents from and against any and all claims, demands, actions and costs arising from the Vendor's activities under the Temporary Street Use Permit.

##### 16.0 Insurance

The Vendor shall at all times carry and maintain comprehensive general liability insurance in the amount of \$2,000,000 and automobile liability insurance in the amount of \$1,000,000 for each approved permit. The Vendor shall provide the City with proof of the insurance in a form satisfactory to the City's Risk Manager.

##### 17.0 Legislation

The Vendor will comply with all applicable legislation and Bylaws and shall keep a copy of these Regulations with their Mobile Food Vending Unit, along with a City map at all times.

##### 18.0 Fees, Payments and Permit Cancellations

18.1 All permit fees and parking fees are established by *The Traffic Bylaw No. 9900, Schedule J*.

18.2 Mobile Food Vending Permits are in effect from the date of issue until December 31<sup>st</sup> annually.

18.3 Payment of permits fees can be made in a lump sum or in two equal installments the first of which is due upon issuance of the permit and the second due June 1<sup>st</sup>.

18.4 Permits issued after June 1<sup>st</sup> must be paid in full upon issuance of the permit

18.5 Vendors wishing to cancel their permits before June 1<sup>st</sup> will be refunded 50% the total value of their permit. No refunds will be issued for cancelled permits on or after June 1<sup>st</sup>.

18.6 The cost of a permit issued on or after August 1<sup>st</sup> shall be reduced by 50%

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