

TOWN OF MAPLE CREEK

BYLAW NO. 2020-MC-18

A BYLAW OF THE TOWN OF MAPLE CREEK TO CONTROL AND REGULATE MOBILE FOOD VENDORS

WHEREAS, pursuant to subsection 8(1) of *The Municipalities Act*, a municipality is authorized to make bylaws respecting peace, order and good government of the municipality and the safety, health and welfare of people and the protection of people and property; and

WHEREAS it is necessary and advisable to control and regulate the use of food trucks, trailers and carts;

NOW THEREFORE the Council of the Town of Maple Creek, in the Province of Saskatchewan, enacts as follows:

1. This bylaw shall be called the “Mobile Food Vendors Bylaw”.

2. INTERPRETATION:

- a. **Discharge Management Plan** – means a plan that includes the description of how and where FOG (fats, oils and grease), grey water and garbage used in the mobile food vendor operations will be disposed of;
- b. **Mobile Food Truck** – means a registered, motorized, mobile, self-contained vehicle that is equipped to cook, prepare and/or serve food, from entirely within the vehicle and does not include trailers or carts;
- c. **Mobile Food Trailer** – means a registered, towable trailer unit that is equipped to cook, prepare and/or serve food, from entirely within the trailer to the public;
- d. **Mobile Food Cart** – means a non-motorized, mobile kitchen that is maneuvered by the operator while in use; restricted to serving foods requiring very limited preparation; deep fryers prohibited;
- e. **Mobile Food Bicycle** – means a modified, self-propelled, bicycle or tricycle, with a cargo area mounted over one or more wheels that is heated or refrigerated where confectionary, beverage and/or food items are sold from to the public;
- f. **Mobile Food Vendor** – any person(s) who owns and/or operates a mobile food truck, trailer, cart or bicycle.
- g. **Operate** – any activity associated with mobile food truck, trailer, cart or bicycle business including set-up, clean-up and take-down time;

3. LICENSING REQUIREMENTS

- a. Mobile Food Vendors shall be required to pay an application fee of \$20.00 and obtain a business license under the Town of Maple Creek’s *Business License Bylaw*;
- b. The business license shall be displayed and be visible to the public at all times;
- c. Applications for a Mobile Food Vendor are subject to approval of the Chief Administrative Officer. Proof of the following permissions have been obtained, and regulations met, must be provided prior to the issuance of the Business License:

- i. Saskatchewan Health Authority Approval (renewed annually);
- ii. Fire Inspection Approval (renewed annually);
- iii. Proof of motor vehicle insurance, or applicable insurance;
- iv. Proof of liability insurance with a minimum liability of limit of \$2,000,000. The Town of Maple Creek must be named as an additional insured.
- v. Discharge management plan that includes a description of how and where FOG (Fats, Oils, Grease), grey water and garbage will be disposed;
- vi. The height, length, width and weight of the Mobile Food Unit
- vii. Photos of their unit in operation for identification purposes;
- viii. Written approval of the private property owner where the Mobile Food Vendor plans to operate;

4. CONDITIONS OF OPERATION

- a. Mobile Food Trucks, Mobile Food Trailers and Mobile Food Carts are prohibited in residential zoning districts;
- b. Mobile Food Vendors must obtain written permission of the property owner;
- c. Mobile Food Bicycles are permitted in residential zoning districts;
- d. Mobile Food Vendors are not allowed on Town of Maple Creek property without written approval;
- e. No more than two Mobile Food Vendors shall operate on a block face at any given time;
- f. Mobile Food Truck, Mobile Food Trailer, Mobile Food Cart, Mobile Food Bicycles shall be kept clean, be well lit and be aesthetically pleasing in appearance;
- g. Mobile Food Vendors shall be equipped with their own power and water sources. Generators may be permitted providing they do not create a disturbance;
- h. Mobile Food Vendors shall not create any disturbance or nuisance in terms of noise, vibration, smoke, dust, air pollution, heat, glare, bright light, hazardous or unacceptable waste. Lights, sounds, or actions which may be a distraction for motorists and/or pedestrians are not permitted;
- i. Overhead canopies or doors shall not obstruct or hinder pedestrian traffic;
- j. Mobile Food Vendors shall provide proper trash and recycling receptacles for customers. Mobile Food Vendors shall clean up the area within a 6 metre radius after service at a location;
- k. Operations of a Mobile Food Truck, Mobile Food Trailer or Mobile Food Cart, Mobile Food Bicycle shall be conducted in a manner that does not restrict or interfere with the ingress or egress of an adjacent property or constitute an obstruction to adequate access by emergency vehicles;
- l. Mobile Food Vendors shall arrange for providing proper access to public washroom facilities for employees and customers;
- m. Mobile Food Vendors shall attend the Mobile Food Truck, Mobile Food Trailer, Mobile Food Cart or Mobile Food Bicycle at all times well operating;
- n. Service windows shall be oriented towards the sidewalk. Service windows that face the street are not permitted;
- o. Placement of tables and seating associated with Mobile Food Vendor operation is not permitted;

- p. Mobile Food Truck, Mobile Food Trailer, Mobile Food Cart or Mobile Food Bicycle shall be stored at an approved location when not in operation. On street storage is prohibited;
- q. All operations of Mobile Food Vendor must comply with *the Traffic Bylaw* and *the Sidewalk Obstruction Bylaw*;

5. **MOBILE FOOD VENDOR LOCATION**

a. General Location Criteria

- i. Mobile Food Vendors shall be located at least 20 metres away from an existing permanent food service establishment in all permitted locations;
- ii. Mobile Food Vendors shall be located at least 30 metres away from any school;
- iii. Mobile Food Vendors shall be located at least 150 metres away from a special event or festival (except where written permission from the event organizer has been obtained and submitted to the Town prior to commencement of the special event or festival)
- iv. Mobile Food Vendors shall be located at least 10 metres away from any intersection or crosswalk;
- v. Mobile Food Vendors shall not inhibit or block any intersection, crosswalk, access to any right-of-way, alleyway, driveway, loading zone, fire lane, fire hydrants or similar in accordance with *the Traffic Bylaw*;
- vi. Locations are available on a daily first-come, first-served basis. Specific locations are not reserved or assigned;

b. Mobile Food Bicycle

Subject to regulations contained in Section 4 and 5.a, Mobile Food Bicycles may be allowed to operate in the following zoning districts:

- i. Residential Zoning Districts;
- ii. Commercial Zoning Districts;
- iii. Community Service Zoning Districts;
- iv. Industrial Zoning Districts;

c. Mobile Food Cart

Subject to regulations contained in Section 4 and 5.a, Mobile Food Cart may be allowed to operate in the following zoning districts:

- i. Commercial Zoning Districts;
- ii. Community Service Zoning Districts;
- iii. Industrial Zoning Districts;

d. Mobile Food Trailer

Subject to regulations contained in Section 4 and 5.a, Mobile Food Trailer may be allowed to operate in the following zoning districts:

- i. Commercial Zoning Districts;
- ii. Community Service Zoning Districts;
- iii. Industrial Zoning Districts;

e. Mobile Food Truck

Subject to regulations contained in Section 4 and 5.a, Mobile Food Truck may be allowed to operate in the following zoning districts:

- i. Commercial Zoning Districts;
- ii. Community Service Zoning Districts;
- iii. Industrial Zoning Districts;

6. **CONTRAVENTIONS**

Suspension or revocation of the Mobile Food Vendor Business License may result if the vendor fails to meet one or more of the requirements outlined in this bylaw, or any other laws, regulations or bylaws; Penalties shall be in compliance with *the Business License Bylaw*;

7. This bylaw shall come into force and effect upon the third and final reading of the Town of Maple Creek.

SEAL

Michelle McKenzie, Mayor

Kerrie Chabot, Acting CAO