

1.0 PURPOSE

- 1.1 The purpose of this policy is to provide a framework for the City's Mobile Food and Beverage Vendor Program, including the requirements Mobile Food and Beverage Vendors must follow in order to receive and maintain a Mobile Food and Beverage Vending (MFBV) Permit.

2.0 SCOPE

- 2.1 This policy applies to all Mobile Food and Beverage Vendors who intend to operate their business on public property – City streets or parks – and all City staff responsible for administering the program.
- 2.2 This policy does not apply to Mobile Food and Beverage Vendors operating their business on private property.

3.0 DEFINITIONS

"City" means the City of Delta.

"Delta Business Licence" means a valid and subsisting business licence to carry on a business, trade, profession or other occupation issued and approved pursuant to the Delta Business Licence Bylaw.

"Mobile Food and Beverage Vending (MFBV) Permit" means a permit issued by the City of Delta that allows a Mobile Food and Beverage Vendor to prepare and sell certain foods and/or beverages from approved public locations during approved times to the general public for immediate consumption from their Mobile Food and Beverage Vending Unit, all in accordance with the Mobile Food and Beverage Vendor Policy.

"Mobile Food and Beverage Vending Unit" means a truck, trailer, cart, other conveyance, or thing that is permitted to be used for selling certain foods and/or beverages to the general public for immediate consumption, all in accordance with the Mobile Food and Beverage Vendor Policy.

"Mobile Food and Beverage Vendor" means a person who sells certain foods and/or beverages to the general public for immediate consumption from a Mobile Food and Beverage Vending Unit.

"Vending Area" means the total area used by the Mobile Food and Beverage Vendor.

4.0 POLICY

General

- 4.1 All Mobile Food and Beverage Vendors must adhere to all applicable laws and regulations including the Delta Business Licence Bylaw and other applicable bylaws.
- 4.2 A MFBV Permit is required to operate any Mobile Food and Beverage Vending Unit in City parks or on City streets.

- Mobile Food and Beverage Vendors intending to operate their business during special events hosted in City parks will be required to obtain a Parks Permit.
- 4.3 Mobile Food and Beverage Vendors are responsible for all costs associated with operating their Mobile Food and Beverage Vending Units under this policy.
- 4.4 City staff will conduct periodic inspections of the Mobile Food and Beverage Vending Unit to ensure compliance with City bylaws, this policy, and the Mobile Food and Beverage Vendor's business licence.

Applications

- 4.5 Application forms are available on the City of Delta website at www.delta.ca/mobilevendor or can be picked up in the Bylaw Office at City Hall West.
- 4.6 Mobile Food and Beverage Vendors must ensure their applications include:
- Confirmation of Mobile Food and Beverage Vending Unit licence and approvals for use;
 - Copy of current Delta Business Licence;
 - Requested hours of operation and days of the week, and any other relevant details, including preferred approved vending location (see Appendices A and B);
 - A recent photo of the Mobile Food and Beverage Vending Unit;
 - A site plan in accordance with this policy;
 - A discharge management plan that includes a description of how and where fats, oils, grease, and grey water will be disposed;
 - A waste diversion plan in accordance with this policy; and
 - A description of electrical requirements and servicing.
- 4.7 Mobile Food and Beverage Vendors must submit their applications to the Bylaw Office.
- 4.8 The Bylaw Office will review and approve applications.
- 4.9 Upon approving an application, the Bylaw Office will issue a Mobile Food and Beverage Vendor Permit to the applicant.

Permit Terms and Requirements

- 4.10 MFBV Permits will be issued for a period of one year following application approval. Mobile Food and Beverage Vendors are responsible for renewing their permits on time.
- 4.11 Mobile Food and Beverage Vendors must comply with all permit conditions.

- 4.12 Generators are not permitted, unless special permission has been granted by the City as part of an approved permit.

Licence and Insurance Requirements

- 4.13 All Mobile Food and Beverage Vending Units must be fully licensed, insured, and properly inspected before use in the Vending Area.
- 4.14 Mobile Food and Beverage Vendors must obtain and maintain all necessary licensing from the City and all regulatory authorities (e.g., Delta Fire, WorkSafeBC, etc.) including all applicable provincial health regulations for the specific activities in which they are proposing to engage.
- Note: Once an application has been submitted to the City, the applicable regulatory bodies will be advised an application has been received. Pending the regulatory body's approval, a MFBV Permit may be issued.
- 4.15 All Mobile Food and Beverage Vendors must have liability insurance coverage for \$5 million. The City of Delta must be named as an additional insured. The City of Delta must be indemnified and saved harmless against any and all damages, injuries, or claims arising from the Mobile Vendor's use of public property. The insurance must include a cancellation clause making it explicit that it is understood and agreed that the coverage provided by the policy will not be changed or amended in any way or cancelled until 30 days after written notice of such change or cancellation is given or sent by registered mail to all named insured.

Revisions, Revocations, and Refusals

- 4.16 The City retains the right to revise and enforce additional terms, including the right to revise terms after the issuance of a MFBV Permit.
- 4.17 The City retains the right to revoke a MFBV Permit at any time. If the City decides to revoke a MFBV Permit, no money will be refunded to the applicant, the City may refuse to issue a MFBV Permit in the future, and bylaw tickets may be issued.
- 4.18 The City retains the right to refuse access to, or require a Mobile Food and Beverage Vending Unit to be removed from, a pre-approved location at any time without notice, due to foreseen or unforeseen circumstances such as a special event, construction, infrastructure repairs, or other circumstances requiring the closure of a portion of the right-of-way or land.

Location Requirements

- 4.19 Mobile Food and Beverage Vendors must only park and operate at specified locations as established by the City (see approved park locations in Appendix A and approved street locations in Appendix B). Alternate locations may be provided by the City to support City managed events and activities.
- If operating in a park location, Mobile Food and Beverage Vendors must park their Mobile Food and Beverage Vending Unit in a designated parking lot, unless otherwise approved by the City.

- 4.20 The City Manager may approve new locations or remove existing locations from the approved location list based on feedback from residents, local businesses, and Mobile Food and Beverage Vendors.
- 4.21 Locations are offered on a first-come, first-served basis and are not reserved for Mobile Food and Beverage Vendors. Therefore, the City cannot guarantee Mobile Food and Beverage Vendors will receive their first choice of vending location.
- 4.22 Mobile Food and Beverage Vending Units must not be located within 45 metres of any other business serving the same type of food or beverages, unless the location has been pre-approved by the City.
- 4.23 Mobile Food and Beverage Vending Units must be situated within the specified vending location in such a way that vending/sales can be accessed safely (e.g., not from the travelled portion of the street or parking area).
- 4.24 The Vending Area must not extend onto the sidewalk in front of an adjacent business without the agreement of the adjacent business provided to the City in writing. If permission is granted the vendor may set up chairs and signage within five metres of the Vending Unit on the condition that a sidewalk clearance of at least 1.5 metres is maintained for pedestrian flow.
- 4.25 In no event shall the Mobile Food and Beverage Vending Unit impede the free movement of automobiles or pedestrians or pose safety risks to the public (e.g., extension cords across sidewalks, sign placements, etc.).
- 4.26 Except as permitted, the Mobile Food and Beverage Vending Unit may not be stored on public streets or parks and must vacate the assigned space when not in operation unless permission is granted by the City.

Hours of Operation

- 4.27 If operating in a park location, Mobile Food and Beverage Vendors must operate only during park hours, unless otherwise approved by the City.
- 4.28 If operating on a street location, unless otherwise approved by the City, Mobile Food and beverage Vendors must only operate from:
- 9:00am to 9:00pm Sunday to Wednesday, and
 - 9:00am to 10:00pm Thursday to Saturday.

Operating Requirements

- 4.29 To the satisfaction of the Manager of Property Use and Compliance, Mobile Food and Beverage Vendors must:
- ensure their Mobile Food and Beverage Vending Units are clean and aesthetically pleasing at all times;
 - not create any disturbance, distraction, or nuisance in terms of noise, vibration, smoke, dust, odour, air pollution, heat, glare, bright light, hazardous or unacceptable waste;

- make arrangements to provide adequate access to public washroom facilities for on-site staff;
- tend to the Mobile Food and Beverage Vending Unit at all times while operating; and
- post their MFBV Permit in a location that is visible at all times on, or within, the Mobile Food and Beverage Vending Unit.

Fees

- 4.30 The City will charge Mobile Food and Beverage Vendors fees in accordance with this policy and applicable bylaws, including an annual application fee, any location specific rates, and electricity charges if applicable.

5.0 EXCEPTIONS

- 5.1 The City Manager has the authority to approve exceptions to this policy.

6.0 DELEGATION

- 6.1 The City Manager is delegated authority to develop procedures to further implement this policy.

7.0 INTERPRETATION

- 7.1 The City Manager will provide the definitive interpretation of this policy.

Appendix A: Approved Park Locations

All locations subject to community events under permit (e.g., Easter Egg Hunt at Diefenbaker Park) unless approved by the City.

City Park Locations		
Ladner <ul style="list-style-type: none"> • Cromie Park • 4918 Parking Lot • Chisholm Street Wharf • Dugald Morrison Park • Holly Park • Ladner Harbour Park • Ladner Lions Park • Memorial Park 	North Delta <ul style="list-style-type: none"> • Annieville Lions Park • Chalmers Park • Delview Park • John Oliver Park • McKittrick Park • Mackie Park • North Delta Community Park • Sunbury Park • Sunstone Park 	Tsawwassen <ul style="list-style-type: none"> • Brandrith Park • Dennison Park • Winskill Park • Diefenbaker Park

Appendix B: Approved Street Locations

City Street Locations			
Ladner <ul style="list-style-type: none"> Chisholm Street Wharf (Chisholm Street) Delta Hospital / Delta City Hall (Clarence Taylor Cres.) Bridge Street Pop-Up Park (west end of park) Stokes and Cullis Plaza Parking Lot Elliot Street (between Bridge Street and 48 Ave) 	Tilbury Island <ul style="list-style-type: none"> 7400 block Vantage Way 7500 block Progress Way 7400 block Macdonald Road 	Annacis Island <ul style="list-style-type: none"> 550 block Annance Court 650 block Derwent Way 1400 block Lindsay Place 	North Delta <ul style="list-style-type: none"> 11300 block of 84 Ave (in front of North Delta Community Park)