



Town of Greater Napanee Mobile Vendor Policy/Regulations

1. Policy Statement

The Mobile Vendor Policy identifies the need for a variety of vendors in parks and gives priority to unique and individual vendors who provide, locally made or sourced products, healthy and/or certified organic food options; use sustainable business practices and follow accessibility standards.

2. Purpose

The purpose of this policy is to provide a process for Mobile Vendors to operate in municipal parks and locations. It establishes a fair and transparent process for awarding seasonal park permits for this purpose. This policy also promotes and gives priority to mobile vendors who provide, locally made or sourced products, healthy and/or certified organic food options; use sustainable business practices and follow accessibility standards. This policy supports the Town of Greater Napanee's strategic priorities by putting a focus on promoting a healthy and safe community, fostering economic growth, and facilitating a green & sustainable environment.

3. Definitions

Mobile Vendor : Mobile vending is a business that is carried out entirely from a mobile unit, whereby, the entire stock of goods, wares, merchandise, or foodstuffs offered for sale is actually carried and contained within a unit that is designed to be or is mobile at the time the items are offered for sale within a fixed period of time (i.e. Food trucks and trailers, bicycles, carts, etc.).

Food Location: means a location that is designated by the Town for the purposes of operating a Refreshment Vehicle in a park, in a location as approved as part of this policy.

Local Food: means the food originated within a 100-kilometre radius of the place where it was sold by the operator.

Operator: means a person who, alone or with others, operates, manages, supervises, runs or controls the Mobile vendor Unit or prepares, offers, sells or otherwise makes available food for consumption.

Park: means any land owned, leased or controlled by the Town, designated or used as parkland or as a trail, including gardens, playgrounds, sports fields or other areas.

Permit Holder: means any person or organization that holds a permit of any kind, for use of parks with the Town.

Seasonal Refreshment Vehicle Permit: means a seasonal permit issued by the Town for the purposes of operating a Refreshment Vehicle in a designated park in a location as approved by the municipality.

Special Event: means but is not limited to a festival, procession, march, drill, parade or other organized event.

Town: means the Corporation of the Town of Greater Napanee

4. Persons Affected

This policy applies to Mobile Vendor Operators.

5. Policy Applications

5.1 The Town may authorize, by permit, the use of all or a portion of a park or park building subject to such terms and conditions as the Town may consider reasonable for any person to sell, or offer for sale, expose, or advertise for sale any food or drink or other goods deemed appropriate by the Town.

5.2 The Town will designate and make available specific locations in its parks for the operation of Mobile Vendors from January 1st to December 31st annually.

5.3 The Town will issue seasonal park permits for the operation of Mobile Vendors.

6. Process for Approving Applications

6.1 Applicants must apply to be considered for seasonal Mobile Vendor Vehicle Permits. Monthly permit applicants may apply at any time to be considered for any remaining or available locations.

6.2 The Town will approve completed Mobile Vendor applications using a scoring system that will be based on the following criteria:

- Locally made or sourced options

- Sustainable business practices and/or environmental contributions

- Accessibility considerations

- Health benefits

6.3 The Town reserves the right to manage the types of Mobile Vendors located in each park to ensure variety and that priority is given to operators who most closely meet the criteria.

6.4 The Town shall notify Seasonal Mobile Vendors Permit applicants regarding the status of their application.

6.5 Mobile Vendor Operators will sign and submit an agreement satisfactory to the Town before a Park permit will be issued.

7. Fees and Payment

7.1 All user fees, equipment and service fees are subject to the provisions of the Town's Fee or Charges for Services By-law Number 2023-0027, as amended.

8. Insurance

8.1 The Permit Holder must maintain a certificate of Commercial General Liability and Automobile Liability Insurance of no less than \$5,000,000 each. The Commercial General Liability coverage must indicate that the Town has been added as an additional insured on the policy. Evidence of this insurance must be provided to the Town.

8.2 The Permit Holder must agree to indemnify and hold the Corporation of the Town of Greater Napanee harmless from and against any liability, loss, claims, costs and expenses, including legal fees, occasioned wholly or in part by negligence or acts of omissions during the use of the park or facility.

8.3 The Town reserves the right solely, at its discretion, to set higher insurance limits and/or require additional coverage.

9. Additional Information Required

9.1 Before the final permit will be issued the following information must be submitted:

- a. Contact name, including phone number and email (if available) of Permit Holder(s)
- b. Insurance Certificate
- c. Payment of Applicable Fee(s)
- d. The full amount of any outstanding amounts owed to the Town as a result of a previous permit.
- e. Copies of valid applicable Federal, Provincial, and Municipal licenses, inspection certificates and reports.
- f. If applicable, Food vendor license from KFL&A Public Health required on an annual basis.

- g. For operators with heating elements, a Fire inspection required on an annual basis.
- h. For operators with gas/propane tanks, proof of compliance with Technical Standards and Safety Authority (TSSA) on an annual basis.
- i. For all operators, a site plan showing the location of the vendor, seating, garbage disposal, other buildings on the site, anticipated customer flow, and number of parking spaces being occupied.

10. Permits

10.1 The Town may attach such terms and conditions to a permit as deemed necessary to ensure public safety, protect Town property or maintain the enjoyment of the park for the public, which shall include identification of:

- a. Permit Holder whether an individual, individuals, or corporation.
- b. Permitted use.
- c. Applicable fee.
- d. Confirmation of payment of applicable insurance.
- e. Time and date of permitted use.
- f. Place of permitted use.

10.2 No permit shall be issued without the payment of the applicable fee as well as compliance with all the requirements of any applicable bylaw and/or policies of the Town.

10.3 Permits or designated locations are not transferable and cannot be subleased.

10.4 The exact location of each site will be determined by staff with the Operator before the permit will be issued.

11. Special Events

11.1 The Town may approve the relocation or expand the number of Mobile Vendors in order to accommodate those in attendance or any other need the Town deems necessary.

11.2 The Town may suspend or cancel a permit during a Special Event. The Town reserves the right to relocate and/or remove the Mobile Vendor without being in contravention of this policy and to accommodate a Special Event.

11.3 The Town will provide notice to the Permit Holder if a permit must be suspended or cancelled or if the Mobile Vendor must be relocated as a result of a Special Event.

11.4 The Town reserves the right to establish-Mobile Vendor locations in all parks or recreation facilities during special events or for any other reason it deems necessary.

Mobile Vendors would continue to be permitted for one-day fundraiser events with the consent of the property owner and event organiser. At this time, no license is proposed for this category, but this may be adjusted in the future based on community feedback. Event organizers would be responsible for ensuring any food trucks brought in are compliant with all applicable provincial health and safety standards. For events held on municipal property, an acknowledgement of this responsibility would be included in the standard rental agreement.

12. Cancellation and Refunds

12.1 The Town reserves the right to cancel or revoke any permit:

- a. When a park or facility is needed for an event of municipal significance.
- b. In order to ensure public safety.
- c. If, in the sole opinion of the Town, the Permit Holder fails to comply with the requirements of the permit or for any other reason that the Town deems appropriate.
- d. If, in the sole opinion of the Town, the Permit Holder does not operate at their location during what the Town deems to be appropriate and acceptable hours.
- e. Right to cancel for any other reason the Town should determine.

12.2 Refunds will be considered and pro-rated, if applicable, when relocation is not possible.

13. Other Requirements

13.1 All signage must meet the provisions of the Town's Sign Bylaw 2011-0042.

13.2 The exterior appearance of the Mobile Vendor must in accordance with the application as approved.

13.3 Permit Holders must provide their own garbage, recycling and organic bins and all waste must be removed by the Operator at least daily and throughout the day if required.

13.4 Mobile vendors are not permitted to sell from more than the approved designated location.

13.5 Portable generators shall be permitted with approval by the Town.

13.6 Repair to any grassed area that is required as the result of the sales at Mobile Vendors will be the responsibility of the Permit Holder.

13.7 Physical constraints in a park may not accommodate all types of Mobile Vendors.

13.8 Where the Town of Greater Napanee provides or facilitates concession services in a park or recreation facilities additional conditions may apply.

Location:

- Food trucks would be permitted in all zones where restaurants are a permitted use, subject to a site plan which meets the following conditions:
 - The food truck and eating area must be contained within the lot (i.e. not encroaching onto a road, sidewalk, or other owner's property);
 - The food truck must be a minimum of 3 meters away from any buildings and lot lines;
 - Any food truck on or adjacent to a lot that houses propane or fuel distribution tanks will need the site plan and proposed location approved by the Fire Department;
 - Food trucks cannot block entrances or exits to buildings or lots;
 - If, on review of the site plan, the loss of parking space is deemed to bring the lot substantially out of compliance with the zoning by-law, the application may be denied.
- This would allow food trucks into the Business Park zone and other commercial zones. It would also allow them in the downtown area, however there are very few sites that would have the required space to accommodate this type of use.
- A license class would be created for mobile frozen dessert trucks to operate in residential areas. No other food truck types are proposed to be permitted in residential areas.
- A food truck would be able to move between multiple commercial sites within the municipality under a single license, but a site plan would be required for each proposed location.
- Except for special events, food trucks are not to be within 30m of another food truck or restaurant (this requirement may be waived with written consent of the nearby restaurant or food truck owner).