



CITY OF MOOSE JAW

Policy: Mobile Concessions	Effective Date: March 25, 2013
Department: Engineering	Approved by: City Council
<p>1. <u>PURPOSE:</u></p> <p>1.1 The purpose of this policy is to establish guidelines for the operation of Outdoor Food Carts.</p> <p>2. <u>DEFINITIONS:</u></p> <p>2.1 Legally Parked – means the standing of a vehicle, whether occupied or not, according to The Traffic Bylaw.</p> <p>2.2 Mobile Concession – 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.</p> <p>2.3 Outdoor Recreation Area – means any public park or sports field under the control of the City of Moose Jaw or any area under the control of Wakamow Valley Authority.</p> <p>2.4 Prepared Food – means food sold by Vendors intended for immediate consumption without further preparation / cooking.</p> <p>2.5 Public Roadway – means that part of a public street designated or intended for use by vehicular traffic.</p> <p>2.6 Public Sidewalk – means any sidewalks included on public property.</p> <p>2.7 Vendor – means any person who offers food for sale from a Mobile Concession approved by the Five Hills Health Region.</p> <p>3. <u>GENERAL POLICY:</u></p> <p>3.1 No person shall operate a mobile concession on a public roadway, outdoor recreation area, sidewalk or boulevard except:</p> <ul style="list-style-type: none">(i) in accordance with the terms and conditions of this policy; or(ii) in the event special authorization is granted by City Council, in accordance with such terms and conditions as may be imposed in granting such authorization.	

- 3.2 Where any mobile concession is parked or operated within the F.W. Floodway Zone, as shown on any zoning map of the City of Moose Jaw and flooding is imminent, the owner or operator thereof shall remove the mobile concession from the F.W. Floodway Zone immediately upon the request of the Director of Engineering Services or his/her designate.
- 3.3 No person shall operate a mobile concession from a public sidewalk unless the following requirements are met:
- (a) A minimum of 1.5m (5 feet) of free sidewalk shall be maintained for public use between the concession and the curb or any other physical obstructions such as utility poles, light standards, fire hydrants or garbage receptacles. The use of the sidewalk for business purposes shall not exceed 50% of the sidewalk width.
 - (b) The use of the sidewalk shall not impede access to or egress from the entrance or exit of any building.
 - (c) No permanent alterations or attachments to the sidewalk or boulevard shall be permitted.
 - (d) Waste receptacles shall be provided and the area shall be left in a state of cleanliness. All storage and refuse containers shall be kept adjacent to the concession and the owner or operator of the business, as the case may be, shall be responsible for maintaining and keeping the adjacent sidewalk, boulevard and street clean at all times.
 - (e) Any other terms or conditions that may be imposed by the Director of Engineering Services or his/her designate.
- 3.4 All conditions of this policy are also applicable in order to become a licensed sidewalk vendor. Mobile Concessions operating from a Public Sidewalk must apply for specific locations by February 28 each year. In the case there is more than one application for a specific location, a draw will be made by the Business License Inspector by March 15 to award the location. Sites of operation for applications received after February 28 will be granted on a first come – first served basis.
- 3.5 Mobile concessions can operate from a public roadway providing they are more than 10 m from an intersection, legally parked and are in compliance with all applicable bylaws.
- 3.6 The use of the public sidewalk or public roadways by the owner or operator of a mobile concession shall not:
- (a) interfere with the free and unrestricted movement of pedestrian traffic on public sidewalks;
 - (b) interfere with or restrict sight lines at intersections; or
 - (c) otherwise represent a danger to public safety.

- 3.7 The hours of operation of a mobile concession are limited to 7:00 AM to 2:00 AM daily.
- 3.8 There are no fixed locations for mobile concessions operating on Public Property. Locations for mobile concessions are determined on a first come, first served basis daily. The vehicle(s) may not be parked at a vending location overnight unless as part of a public event.

4. **PROHIBITED LOCATIONS:**

- 4.1 Mobile concession operators shall not operate at the following:
- (a) within 20m of an existing eating establishment or concession unless the owner/business manager agrees
 - (b) within 20m of another licensed mobile concession unless the owner/business manager agrees
 - (c) on any block of a street abutting school property on a school day between 8:00 AM and 6:00 PM
 - (d) on any portion of a block that is primarily residential for more than 20 minutes per day.

5. **ADDITIONAL REQUIREMENTS:**

- 5.1 Every person making application for a business license to operate a mobile concession shall provide evidence as outlined below at the time of application:
- (a) Any person using a public sidewalk or boulevard under the provisions of this policy shall carry a minimum of \$2,000,000.00 commercial general liability insurance (with a deductible acceptable to the City of Moose Jaw) and shall indemnify the City of Moose Jaw from any and all claims of injury to persons or damage to property attributable, in whole or in part, to that person's use of the City's sidewalk or any other portion of a City street.
 - (b) Any person using a public roadway under the provision of this policy shall carry a minimum of \$2,000,000 auto liability insurance (with a deductible acceptable to the City of Moose Jaw) on each owned or non-owned vehicle associated with the business.
 - (c) The City of Moose Jaw must be provided 30 days notice of cancellation or change to insurance policies.
 - (d) The City of Moose Jaw must be listed as Additional Insured on all insurance policies.

6. **APPLICATION PROCEDURE:**

- 6.1 Vendors must apply each year they wish to operate a Mobile Concession.
- 6.2 Applications for Mobile Concession Business Licenses must contain:
- (a) A completed Business License application form and applicable fees according to the Licensing Bylaw; and
 - (b) Photographs or detailed drawings of the Mobile Concession; and
 - (c) Proposed menu for the Mobile Concession; and
 - (d) The written approval of the public authority having jurisdiction over any outdoor recreation area proposed as a location of operation. In the case of a public event, the vendor must first obtain permission from the event organizer to take part in an event on public property; and
 - (e) The written approval of the private property owner if operating on private property or on a sidewalk adjacent to private property; and
 - (f) The written approval of the Five Hills Health Region Public Health Inspector.

7. **APPROVAL PROCEDURE:**

- 7.1 After receipt of all necessary information, the Business License Inspector will review the application and either approve or deny it. Applicants should submit their application at least two weeks in advance of the desired date for commencement of operation of the Mobile Concession.