

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 7850, 2016

A Bylaw regarding the licencing and regulation of food trucks

The Council of the Corporation of the City of New Westminster in open meeting assembled HEREBY ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited for all purposes as “Mobile Food Vending Licence Bylaw No. 7850, 2016.”

Definitions

2. In this Bylaw,

“**business**” means the carrying on of a commercial or industrial activity or undertaking of any kind, and the providing of professional, personal or other services for the purpose of gain or profit;

“**cuisine**” means style of cooking or food that is cooked in a particular way;

“**Development Services Fees Bylaw**” means Development Services Fees Bylaw No. 7683, 2014, as amended or replaced from time to time;

“**Food Cart**” means a non-motorized mobile cart with a maximum area of 4.65m², from which food and/or beverages are dispensed, and where the entire stock of goods offered for sale is carried and contained in the cart;

“**Food Truck**” means a motorized, mobile, self-contained vehicle or a portable, self-contained trailer that is equipped to cook, prepare, and/or serve food and/or beverages, and excludes Food Carts and craft services vehicles associated with a City-issued film permit;

“**Licence Inspector**” means a person appointed by Council as Manager of Licensing, Licence Inspector, Business Licence Coordinator, or Bylaw Officer;

“**Mobile Food Vending**” means the operation of a food service business from a Food Truck;

“**Mobile Food Vending Licence**” means a licence to carry on Mobile Food Vending from a Food Truck pursuant to this Bylaw; and

“**person**” includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law.

Mobile Food Vending Licences

3. No person shall carry on Mobile Food Vending within the City of New Westminster without having first obtained a valid Mobile Food Vending Licence issued by the Licence Inspector.
4. The Licence Inspector is hereby authorized to:
 - (a) issue a Mobile Food Vending Licence;
 - (b) refuse an application for a Mobile Food Vending Licence in any specific case, provided that a Mobile Food Vending Licence shall not be unreasonably refused and, upon request, the Licence Inspector must provide written reasons for the refusal; and
 - (c) suspend, for reasonable cause, any Mobile Food Vending Licence for such period of time as the Licence Inspector may determine.

Application for Mobile Food Vending Licence

5. An application for a Mobile Food Vending Licence shall be made in the form prescribed for that purpose from time to time by the Licence Inspector.
6. The application form shall be signed by the owner or the operator of the Mobile Food Vending business, or a duly authorized agent and, in the case of multiple owners or operators of a business, one owner or operator may make the application on behalf of all of them.
7. An applicant for a Mobile Food Vending Licence shall pay the application fee and the applicable licence fee set out in the Development Services Fees Bylaw and no Mobile Food Vending Licence shall be issued until those fees are paid.
8. A separate Mobile Food Vending Licence is required for each Food Truck.
9. Prior to the issuance of a Mobile Food Vending Licence, the applicant must provide sufficient proof of the following:
 - (a) a local Health Authority permit;
 - (b) a product approval sticker and an operating permit from the BC Safety Authority, allowing for the use of propane;
 - (c) valid driver's licence and motor vehicle insurance;
 - (d) comprehensive liability insurance that meets the following minimum requirements:
 - (i) inclusive limit of \$5,000,000 with coverage for public liability and property damage;

- (ii) the City of New Westminster named as additional insured under the policy;
 - (iii) endorsed to provide the City with 30 day's advance notice in writing of cancellation or material change;
- (e) a satisfactory plan for garbage collection and disposal;
 - (f) a satisfactory plan for the discharge and disposal of fats, oils and grease; and
 - (g) a certificate of incorporation, if the applicant is a company.
10. Mobile Food Vending Licences are issued for a calendar year and will expire on the 31st day of December in each year unless otherwise indicated on the licence.
11. It shall be incumbent upon the holder of a Mobile Food Vending Licence to renew the Mobile Food Vending Licence and pay the licence fee set out in the Development Services Fees Bylaw prior to the beginning of each calendar year.
12. The completion and submission of an application form and payment of the application fee set out in the Development Services Fees Bylaw are not required for the renewal of a Mobile Food Vending Licence provided that the Mobile Food Vending Licence is renewed before it has expired and there have been no changes in the nature of the business or the persons operating the business, and no changes to the Food Truck for which the licence was issued.
13. No person to whom a Mobile Food Vending Licence has been issued under this Bylaw to carry on a Mobile Food Vending business from a Food Truck specified in the licence shall conduct that Mobile Food Vending business from another Food Truck without having first:
- (a) applied to the Licence Inspector, in the form provided, to have the Mobile Food Vending Licence amended in respect of the Food Truck specified in the licence; and
 - (b) received an amended licence to conduct the Mobile Food Vending business from the new Food Truck,
- and the powers, conditions, requirements, and procedures relating to the granting and refusal of licenses and appeals under this Bylaw shall apply to all such applications.
14. A Mobile Food Vending Licence is not transferable under any circumstances. The completion and submission of an application form is required where the assets of an existing Mobile Food Vending business are sold or where a majority of shares in that business are transferred.

Single-Event Mobile Food Vending Licences

15. The Licence Inspector may issue a single-event Mobile Food Vending Licence, allowing an applicant to carry on Mobile Food Vending during an event at a single location for up to 3

consecutive days. An applicant for a single-event Mobile Food Vending Licence shall pay the applicable licence fee set out in the Development Services Fees Bylaw, but shall not be required to pay the application fee.

16. The holder of a single-event Mobile Food Vending Licence shall have priority of location over the holder of an annual Mobile Food Vending Licence, and the holder of an annual Mobile Food Vending Licence shall remove its Food Truck from such specified location upon request.

Mobile Food Vending on Public Property

17. No person shall carry on Mobile Food Vending on public property other than in a location specified in Schedule "A", which locations are available daily on a first come, first served basis, except as per section 16.

Mobile Food Vending on Private Property

18. No person shall carry on Mobile Food Vending on private property unless:
 - (a) the activity is permitted under Zoning Bylaw No. 6680, 2001, as amended or replaced from time to time, and any other applicable bylaws; and
 - (b) that person has the written consent of the property owner or occupier, which must be produced at the request of the Licence Inspector.

Mobile Food Vending Regulations

19. Every person applying for a Mobile Food Vending Licence to carry on Mobile Food Vending shall comply with all federal, provincial, and municipal laws, bylaws, regulations, and rules applicable to a food service business.
20. The holder of a Mobile Food Vending Licence shall:
 - (a) maintain the Food Truck specified in the licence in a good, clean and sanitary condition;
 - (b) ensure that any generator used to provide power to the Food Truck does not create a nuisance to residents and other business operators in the vicinity;
 - (c) not use or allow the use of any form of music or voice amplifying device in connection with the Food Truck;
 - (d) be responsible for collecting all garbage and recycling resulting from the Mobile Food Service business and provide proper waste and recycling receptacles, adequate to ensure the cleanliness of the surrounding area, and clean up the surrounding area within a 10 metre radius after service at a location;

- (e) not dispose of any fats, oils, grease, or wastewater into any City storm or sanitary sewer system;
- (f) not place any furniture associated with the Food Truck (including any tables, chairs, benches, or counters) on public property;
- (g) ensure that clearance on all sides of any Food Truck located on public property is maintained, such that pedestrians are able to easily and safely pass by without hindrance;
- (h) ensure that the location and operation of the Food Truck does not restrict or interfere with the ingress or egress of any adjacent property owner or occupier, or constitute an obstruction to adequate access by fire, police, ambulance, or sanitation vehicles;
- (i) not erect or place any signage associated with the Food Truck, other than one portable sign that must be placed against the Food Truck to avoid any obstructions to vehicles or pedestrians;
- (j) ensure that the Food Truck is open for business at all times when parked in a designated on-street location and attend or ensure that at least one staff person attends the Food Truck at all times;
- (k) not store the Food Truck on public property overnight;
- (l) only operate Mobile Food Vending on designated public property during the following hours:
 - (i) park locations: during park opening hours;
 - (ii) 300 block of East Columbia Street: 24-hours per day; and
 - (iii) other public property locations: between 6:00 a.m. and 1:00 a.m. the following day;
- (m) ensure the Food Truck from which it operates Mobile Food Vending does not exceed 2.5 metres in width and 8 metres in length;
- (n) ensure that all service windows on a Food Truck are oriented towards the sidewalk and do not face the street;
- (o) operate Food Trucks on designated streets only in legal parking spaces;
- (p) not operate a Food Truck in an angle or nose-in parking stall unless in a designated location in a park;
- (q) notwithstanding sections 17 and 18, not operate a Food Truck within:

- (i) 100 metres of any existing food service establishment serving a similar cuisine;
 - (ii) 150 metres of a City-sanctioned special event, farmers market, or festival, unless written permission has been obtained from the event organizer;
 - (iii) 10 metres of any intersection, crosswalk, or bus stop;
 - (iv) any residentially zoned areas; and
- (r) maintain a location log that tracks the time and duration of the Food Truck at each location, which log must be made available to the Licence Inspector upon request.
21. Food Trucks are exempted from hourly parking limits and the requirement to pay an hourly meter on City roadways where applicable.
22. On-street parking spaces will not be reserved for Food Trucks and will be open for public use when a Food Truck is not present, unless the operator has obtained a street occupancy permit under Street Traffic Bylaw No. 6027, 1991, as amended or replaced from time to time.
23. The holder of a Mobile Food Vending Licence shall maintain the insurance required pursuant to section 9(c) and (d) in full force and effect at all times during the term of the Mobile Food Vending Licence, and shall provide proof of such insurance to the Licence Inspector upon demand from time to time.

Exemption from Business Licence Bylaw 5640, 1986

24. A person that has received a Mobile Food Vending Licence from the Licence Inspector under this Bylaw is not required to obtain a business licence under Business Licence Bylaw 5640, 1986, as amended or replaced from time to time, for that person's Mobile Food Vending business.

Offences

25. Every owner or operator of a Mobile Food Vending business who by this Bylaw is required to hold a valid and subsisting licence and who:
- (a) violates any provision of this Bylaw;
 - (b) permits a violation of any provision of this Bylaw; or
 - (c) refuses or fails to do anything required to be done by him by any provision of this Bylaw,

is guilty of an offence and is liable upon summary conviction to a fine of not less than fifty dollars (\$50.00) and, where conviction is for failure to pay the required licence fee, the unpaid licence fee shall be added to the penalty and shall form part of the fine.

Severance

26. If any part of this Bylaw is for any reason held invalid by any Court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder of this Bylaw.

Adopted July 4, 2016

SCHEDULE "A"

PERMITTED PUBLIC LOCATIONS

1. Downtown (Columbia Street, Front Street and Carnarvon Street)

The permitted areas are:

- Carnarvon Street, between Sixth Street and Tenth Street
- Columbia Street, between Elliot Street and the junction at Stewardson Way
- Front Street, between Begbie Street and Fourth Street

2. Queensborough (Ewen Avenue)

The permitted areas are:

- the south side of Ewen Avenue, between Jardine Street and Hampton Street

3. Sapperton (E. Columbia Street)

The permitted areas are:

- East Columbia Street, between Sherbrooke Street and Braid Street
- East Columbia Street, between Keary Street and Hospital Street

4. Upper Twelfth Street

The permitted areas are:

- Twelfth Street, between Tenth Avenue and Sixth Avenue

5. Uptown (Sixth Avenue and Sixth Street)

The permitted areas are:

- Sixth Street, between Eighth Avenue and Fourth Avenue
- Belmont Street, between Sixth Street and Seventh Street

6. 1319 Third Avenue (outside of Steel and Oak Brewing Company)

The permitted areas are:

- one parking space located outside of 1319 Third Avenue

7. Tipperary Park Parking Lot

The permitted areas are:

- the parking lot at Tipperary