

**Town of Nipawin
Bylaw No. 1137/22**

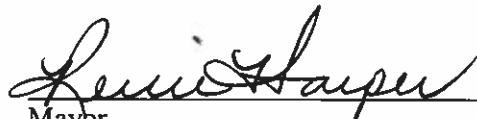
**A BYLAW OF THE TOWN OF NIPAWIN TO AUTHORIZE AN
AMENDMENT TO BYLAW NO. 1104/20 CITED AS THE BUSINESS
LICENSING BYLAW**

The Council of the Town of Nipawin, in the Province of Saskatchewan, enacts:

1. That Bylaw No. 1104/20 cited as the Business Licensing Bylaw be amended as follows:
 - a) THAT Schedule '4' be removed and replaced with Schedule '4' attached to and forming part of this Bylaw.

2. This Bylaw shall come into force and take effect on the date of final approval by Council.




Mayor



Chief Administrative Officer

Read a third time and
Finally adopted this
24 day of January A.D., 2022.

Certified a true copy of
Bylaw 1137/22 adopted by
resolution of Council this
_____ day of _____, 2022.

Chief Administrative Officer

Schedule '4'
Bylaw 1137/22

Town of Nipawin
Mobile Food Vending Regulations

1) Purpose

To provide a set of regulations for the operation of mobile food trucks, trailers, or carts on private property, Town of Nipawin property and road rights-of-way.

2) Definitions

Mobile food vending unit means a mobile truck, trailer, cart, or other vehicle containing appropriate equipment for the type and method of prepared food served.

Prepared Food means food sold by Mobile Food Vendors intended for immediate consumption without further preparation/ cooking.

Non-prepared Food means food sold by Mobile Vendors not intended for immediate consumption and typically requiring further preparation /cooking. Non-prepared foods are typically in a fresh or frozen state. These businesses are classified under Transient Trader.

Regulations means these Mobile Food Vending Regulations

3) Applications

Applications for a Mobile Food Vending Permit are subject to approval of the Chief Administration Officer or delegate. Proof that the following permissions have been obtained, and regulations met, must be provided prior to the issuance of a permit.

- a) Saskatchewan Health Authority Approval (renewed annually);
- b) Fire Inspection Approval (renewed annually);
- c) Proof of motor vehicle insurance, or applicable insurance;
- d) Proof of liability insurance with a minimum liability limit of \$2,000,000. The Town of Nipawin must be named as an additional insured;
- e) Discharge management plan that includes a description of how and where FOG (Fats, Oils, Greases) and grey water will be disposed;
- f) If the applicant wishes to locate on private property, written approval of the private property owner(s) where the Mobile Food Vender desires to operate.
- g) Saskpower/Saskenergy Inspections indicating the Mobile Food Vending Unit meets minimum code requirements.
- h) Outside dimensions of the unit and photographs of the exterior.
- i) If the applicant wishes to operate on public sidewalk, pictures or diagrams of the location(s).

4) Application Review

After receipt of all necessary information and applicable fees, municipal staff will review and either approve or deny the request. If a request is denied, the application can be taken to Council for final decision.

5) Permit Conditions

a) General

- i. No minimum distance is required between two or more Mobile Food Vending Units or Mobile Vendors
- ii. Vendors are free to relocate their Mobile Food Vending Unit at any time in accordance with these regulations.
- iii. The Mobile Food Vending Unit must be clean, well lit, and aesthetically pleasing in appearance;
- iv. Generators are allowed provided that the noise does not exceed 65 decibels measured at any property line;
- v. Music or devices used to attract business shall not exceed 60 decibels measured at any property line;
- vi. Mobile Food Vendors shall provide trash and recycling receptacles and clean up the property when operations are complete;
- vii. Overhead canopies or doors shall not obstruct or hinder pedestrian or vehicular traffic;
- viii. No Alcohol is permitted to be sold from Mobile Food Vending Units.
- ix. Large Mobile Vending Units shall provide, at a minimum, four chairs and two tables of professional quality for patrons/public use.

b) Private Property Conditions

- i. Mobile Food Vending Units are only allowed on commercially zoned private property with written permission from the owner. Proof must be provided when requested by an agent of the Town.
- ii. Operations on private property shall not interfere with traffic ingress or egress of the adjacent property or constitute an obstruction to adequate access by emergency vehicles.
- iii. Washrooms shall be provided by means of:
 1. Washroom provided by the Mobile Food Vendor; or
 2. Written approval by the property owner, or adjacent property owner, allowing use of their washroom facilities. Proof must be provided when requested by an agent of the Town.

c) Public Property Conditions

- i. Acceptable Locations
 1. Parallel parking stalls immediately adjacent to the "Town Square" on a first come first served basis.

2. Mobile Food Vendors wishing to locate downtown or on the public sidewalk shall submit a location request for review by administration and approval or refusal by Council. The request must clearly indicate:
 - a) Rationale for each location
 - b) Image of the proposed locations
 - c) Distance from Intersection(s)
 - d) Distance from existing prepared food establishment(s)
3. Along the roads abutting public parks but not within parks.
4. Within Central Park but not during Large Events unless provided written permission to do so from event organizer.

ii. Prohibited Locations

1. Areas with “No Parking” or “No Stopping” signage;
2. Operation within 20m (5 parking stalls) of the property line of a permanent business selling prepared food between the hours of 9:00am – 11:00pm, unless the business owner/manager agrees in writing.
3. Operation within 10m (3 parking stalls) of an intersection;
4. Operation within 100m of an Elementary or High School;
5. Operation on any portion of a block that is primarily residential for more than 30 minutes per day.

6) Required Signage for Mobile Food Vending Units

A slow-moving vehicle warning device in accordance with *The Vehicle Equipment Regulations, 1987* shall be affixed to the rear of the vehicle.

7) Hours of Operation

- a) In the Commercial Zoned areas: 7:00am – 2:00am daily
- b) In all other zones, from dawn to dusk daily.

8) Mobile Food Vending Unit Requirements

- a) Mobile Food Vending Units may not exceed 24’ in length and 8’ in width
- b) Serving window or area shall be on the passenger side.
- c) Mobile Food Vending Units shall be equipped with a garbage receptacle.
- d) Mobile Food Vending Units shall comply with Town of Nipawin 48hr parking.
- e) While operating, Mobile Food Vending Units shall not be left unattended for more than 15 minutes.
- f) Mobile Food Vending Units shall be in good condition and aesthetically pleasing in appearance. Vending units in a poor state of maintenance or repair will result in suspension of the permit.
- g) Vendors are encouraged to professionally decorate their units, umbrellas, canopies, etc.
- h) When not in use, Mobile Food Vending Units shall be stored on private property in relation to *The Traffic Bylaw*.

9) Exemptions

- a) All Mobile Food Vending Units related to non-profit/charity events do not require a license.
- b) Any person set up at Farmers Market or Exhibition.
- c) Town of Nipawin organized events.

10) Merchandise Vending

In addition to food, Mobile Food Vendors may sell promotional items linked to their Mobile Food Vending Operation on a limited basis at the discretion of the planning department.

11) Maintenance at Vending sites

The area immediately around the vending unit shall be kept clear of all garbage and litter. The Mobile Food Vendor shall be responsible to the removal and proper disposal of all garbage collected at the site during operation.

12) Compliance

The Town of Nipawin reserves the right to revoke or suspend the Mobile Food Vendor's permit for failure to meet one or more of the regulations outlined in the *Business Licensing Bylaw* or these Regulations.

13) Indemnification

The Mobile Food Vendor shall indemnify and save the Town, its employees and agents from and against any and all claims, demands, actions, and costs arising from the Mobile Food Vendor's activities under these Regulations.

14) Insurance

Mobile Food Vendors shall always carry and maintain comprehensive general liability insurance in the amount of \$2,000,000 and automobile liability insurance, where applicable, in the amount of \$1,000,000 for each approved permit. The Mobile Food Vendor shall provide the Town of Nipawin with proof of the insurance.

15) Legislation

The Mobile Food Vendor shall comply with all applicable legislation and Bylaws and shall keep a copy of the Regulations with their Mobile Food Vending Unit, along with a Town Zoning Map at all times.

16) Fees

All fees for the operation of a Mobile Food Vending Unit shall be found within Schedule '1' of *The Business Licensing Bylaw*.

