

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2847

A bylaw to amend Business Licence Bylaw No. 2523, 2008

WHEREAS Council may, pursuant to Section 8(6) of the *Community Charter*, regulate in relation to business;

AND WHEREAS pursuant to Section 15(1) of the *Community Charter*, Council may provide terms and conditions that may be imposed for obtaining, continuing to hold or renewing a licence, permit or approval and specify the nature of the terms and conditions and who may impose them;

AND WHEREAS Council has given notice of its intention to adopt this bylaw and has provided an opportunity for persons who consider they are affected by this bylaw to make representations to Council pursuant to Section 59 of the *Community Charter*,

NOW THEREFORE the Council of the City of Courtenay in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "**Business Licence Amendment Bylaw No. 2847, 2016**".

2. "Business Licence Bylaw No. 2523, 2008 is hereby amended as follows:

(a) By deleting the following definitions from Section 1.2 DEFINITIONS:

"Mobile Stores and Restaurants" means a vehicle registered to operate on a highway, which is used in carrying on a business as a mobile store or a mobile restaurant.

"Mobile Vending Push Cart" means a vehicle not registered to operate on a highway, which is designed for use as a food and beverage vending outlet.

(b) By adding the following definitions to Section 1.2 DEFINITIONS:

"Food Cart" means a non-motorized mobile cart with a maximum area of 4.65m², from which food and/or drink is dispensed, and where the entire stock of goods offered for sale is carried and contained in the cart and which may change locations from time to time, and which is not located in a permanent building or structure, and is removed from public access when not in use.

"Food Truck" means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare and/or serve food or beverages but does not include food trailers or food carts.

"Food Trailer" means a portable, self-contained trailer that is equipped to cook, prepare and/or serve food or beverages but does not include food carts.

"**Mobile Food Vending**" means the operation of a food service business from a food cart, food trailer or food truck.

(c) **SECTION 10 MOBILE STORE, MOBILE RESTAURANTS AND MOBILE VENDING PUSH CARTS** is deleted in its entirety and replaced with the following:

10. MOBILE FOOD VENDING

- 10.1 No person shall operate mobile food vending within the City of Courtenay without first obtaining and maintaining a valid Mobile Food Vending licence for each mobile food vending unit in operation. Licences will be issued on a first come first served basis. Depending on demand for Mobile Food Vending on Public Property, time limits on the duration of stay may be imposed by the licence inspector.
- 10.2 No person shall operate mobile food vending without providing proof satisfactory to the City that the following permissions have been obtained, and regulations met:
- (a) Island Health Approval;
 - (b) BC Safety Authority Approval;
 - (c) Proof of Motor Vehicle Insurance (Food Trucks and Food Trailers);
 - (d) Proof of Liability Insurance coverage which meets the following minimum requirements:
 - i. Inclusive limit of \$2,000,000 and Public Liability & Property Damage;
 - ii. Cross Liability Clause
 - iii. City of Courtenay named as joint insured under the policy
 - iv. Provide that the coverage under the policy cannot be cancelled or any provisions changed or deleted unless thirty days' prior written notice is given to the City by the Insurer.
 - (e) A Discharge Management Plan satisfactory to the City of Courtenay that describes how and where fats, oils and grease will be disposed.
- 10.4 No person shall sell goods other than food and beverages from mobile food vending.
- 10.5 No person shall operate mobile food vending in locations other than the following:

- (a) Private Property zoned for Restaurant Use with the Mobile Food Business being at least a distance of 30 metres from an existing permanent food service establishment.
 - (b) City property and park locations as specified in Schedule 'B' attached hereto and forming part of this bylaw.
- 10.6 No person shall operate mobile food vending on private property, without first supplying the Licence Inspector with a written letter of permission from the owner of the property on which the vendor will be locating.
- 10.7 No person shall carry on a Mobile Food Vending business on public property unless located in a location specified in Schedule 'B' attached hereto and forming part of this bylaw, or under a permit issued by the City for Special Events.
- 10.8 No person shall operate or provide mobile food vending that is not maintained at all times in good sanitary and aesthetically pleasing condition.
- 10.9 No person shall operate or provide mobile food vending without its own power and water source. No person shall operate generators used to provide power if they, in the opinion of the City, create a disturbance.
- 10.10 No person shall operate or provide mobile food vending without providing proper waste and recycling receptacles adequate to ensure the cleanliness of the adjacent area. No person shall operate a mobile vending unit without a cleanup within a 10 metre radius after service at a location, and removing of all collected garbage from the location.
- 10.11 No person shall operate mobile vending without maintaining clearance on all sides of the mobile food vending unit such that pedestrians are able to easily and safely pass by without congestion.
- 10.12 No person shall operate mobile food vending in a manner that restricts or interferes with the ingress or egress of the adjacent property owner or constitute an obstruction to adequate access by emergency services, City services, or sanitation vehicles.
- 10.13 No person shall leave mobile food vending unattended.
- 10.14 No person shall store mobile food vending on public property overnight.
- 10.15 No person shall operate mobile food vending without maintaining a location log that tracks the time and duration of the food truck/trailer at each location and making the log available to the Licence Inspector upon request.

10.16 No person who is providing or operating mobile food vending shall use or allow to be used any polystyrene (Styrofoam), non-recyclable or non-biodegradable materials in relation to the sale or delivery of food.

10.17 No person shall operate mobile food vending in public locations outside the following hours where applicable:

Public Property: 7:00 a.m. to 10:00 p.m.; or
Park opening hours.

10.18 No person shall operate mobile food vending within:

- (a) 30 metres of an existing permanent food service establishment;
- (b) 100 metres of any elementary school;
- (c) 150 metres of a special event or festival (except where permission from the event coordinator has been obtained); and
- (d) Residentially zoned areas unless approved by the Licence Inspector for a special event such as a Block Party.

2. FOOD TRUCKS & FOOD TRAILERS

Size and Configuration:

2.1 No person shall provide or operate a food truck or trailer more than:

- (a) 2.5 metres in width; and
- (b) 8 metres in length.

(d) By adding the following to Schedule 'A':

22.	Mobile Food Vendor on private property.....	\$150.00
	(fees will not be prorated)	
23.	Mobile Food Vendor on Public Property.....	\$450.00
	(fees will not be prorated)	

3. If any section, paragraph or phrase in this Bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this Bylaw shall continue in full force and effect.

4. This Bylaw shall come into full force and effect on adoption.

Read a first time this day of May, 2016

Read a second time this day of May, 2016

Read a third time this day of May, 2016

Finally passed and adopted this day of , 2016

Mayor

Director of Legislative Services

SCHEDULE 'B'

Mobile Restaurant Locations on Public Property

Mobile Restaurants may operate on Public Property only in the following locations:

Location	Total Food Truck spots	Details
Lewis Park	4	<ul style="list-style-type: none">• west of playing field near river and washrooms• north of playing field to the right of the park entrance <p><i>(On selected dates, food truck spots would be unavailable due to special events in the park)</i></p>
Airpark	2	Grassy median off Mansfield Drive, south of Rotary Skypark
Standard Park	1	Gravel parking area

Specific locations are shown on the following maps.



Food Truck Location: Airpark near Rotary Skypark (two spots)



Food Truck Location: Lewis Park (four spots)



Food Truck Location: Standard Park (one site)

