



DISTRICT OF COLDSTREAM COUNCIL POLICY

No. PLD36

Title:	MOBILE BUSINESSES AND FARMERS' MARKETS ON DISTRICT PROPERTY			
Purpose:	To establish appropriate procedures and standards for the use of District property for mobile vendors and farmers' market associations.			
Date Approved by Council:	May 8, 2017	Section:	Planning & Development	
Amendment Date(s):	June 27, 2022			

1) Scope

- 1.1 This policy sets out the procedures and requirements for the use of District property for mobile vendors and farmers' markets through a Licence of Occupation agreement between the District and the business or organization. This policy is intended to be used in cooperation with the District's Zoning Bylaw, Business Licence Bylaw and Fees and Charges Bylaw.
- 1.2 The objectives of this policy are to: create opportunities for the business community; enhance public access to local food and agricultural products; ensure appropriate siting and pleasing aesthetics of mobile vendors and farmers' markets; mitigate liability to the District; and help ensure public safety.
- 1.3 The use of District Public Space may be permitted for mobile vendors and farmers' markets in the following locations, as shown in Schedule A:
 - a. Kal Beach (a specific location has not yet been determined);
 - b. Creekside Park;
 - c. Lavington Park;
 - d. Sovereign Park;
 - e. Coldstream Station
- 1.4 This policy does not apply to the use and enjoyment of parks and recreation facilities consistent with the designed purpose of such parks and facilities for which other forms of authorization (under bylaw or policy) may or may not be required.

2) Definitions

- 2.1 *Farmers' Market* Means a facility providing for the retail sale of locally produced agricultural and craft products. The facility may be operated within a building or outdoors, and on a temporary or permanent basis. Non-local products may be sold at a farmers market but the predominant feature of the market should be a selection of locally produced goods. A farmers market may be governed by separate local, provincial or federal agencies that have restrictions greater than those outlined in this bylaw
- 2.2 *Licence Area* Means the physical space rented through a Rental Agreement.

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| 2.3 | <i>Mobile Food Business</i> | Means a business that sells or offers for sale any food and/or beverage from a Mobile unit. |
| 2.4 | <i>Mobile Business</i> | Means any business operated from a cart, a tent, or a motor vehicle, trailer or cycle as defined and licensed under the <i>Motor Vehicle Act</i> , this includes a Mobile Food Business. |
| 2.5 | <i>Mobile Business Unit</i> | Means the cart, tent, motor vehicle, trailer or cycle from which the Mobile Business is operated |
| 2.6 | <i>Parking Space</i> | An area defined as measuring 6 metres in length and 2.8 metres in width which may or may not be marked as a street parking stall, used as a benchmark to establish the sizing of a License Area. |
| 2.7 | <i>Rental Agreement</i> | An agreement entered into between the District and a Mobile Food Business for temporary occupation and use of a District Public space, under the terms of the agreement. |
| 2.8 | <i>Staff</i> | The District of Coldstream's Director of Infrastructure Services, Director of Development Services or designate. |

3) Application Procedure

- 3.1 The applicant shall provide all of the following prior to an application being accepted and considered by Staff:
- a. A completed Licence application form;
 - b. Proof of a valid and current District Business Licence. A mobile business operating solely under the collective activity of a Farmers' Market organization is not required to hold a Business Licence;
 - c. Photograph of the mobile business unit to be used;
 - d. Licence Area site plan showing specifications on the location of the mobile business unit and any accessories (signs if permitted, tables, chairs, flower baskets, umbrellas, awnings, garbage and recycle receptacles, etc.);
 - e. Payment of the Licence fees in accordance with the District's Fees and Charges Bylaw.

Insurance and Third-Party Approvals

- 3.2 Applicants must provide proof of liability insurance coverage which meets the minimum following requirements:
- a. Inclusive limit of \$2,000,000 and Comprehensive General Liability Coverage;
 - b. Cross Liability Clause;
 - c. District of Coldstream shown as an additional insured under the liability component of coverage;
 - d. Regional District of North Okanagan shown as an additional insured under the liability component of coverage (if necessary);
 - e. Proof that the coverage cannot be cancelled or any provisions changed or deleted unless thirty days' prior written notice is given to the District by the Insurer.

- 3.3 Applicants must obtain all the necessary applicable approvals and permits from the District, Interior Health and other relevant or applicable licensing or regulatory agencies for the specific Licence Area in which they are proposing to engage. Proof of this may be required as part of the Licence approval process.

Review and Acceptance

- 3.4 Applications will be reviewed by Staff to ensure they are complete and meet policy intent. Staff may conduct a site visit as part of the review process. Applications not meeting the requirements of this policy or viewed by Staff as inappropriate may be rejected.
- 3.5 Once approval in principle is granted by Staff, the applicant must enter into a Rental Agreement with the District.
- 3.6 Rentals will not be approved for any applicant requiring but not in possession of a valid and current District Business Licence or having outstanding accounts with the District.
- 3.7 The District retains the right to revoke any permission granted under this policy at any time where it is found that the Licencee or permission is creating difficulties deemed unacceptable to the District.
- 3.8 If an application is refused by Staff, applicants may request that Council reconsideration of the application.

4) Conduct of Licence Areas

- 4.1 Mobile business shall not operate from or on any Public Space unless provided for under an agreement under this policy, a specific authorization by the District, or are stopped for a period of time not exceeding 15 minutes.
- 4.2 Mobile businesses are permitted to operate between the hours of 7:00 am and dusk and must be removed from the Licence Area when not in use.
- 4.3 Mobile business units and Licence Areas shall be maintained at all times in good, tidy and sanitary condition and the standard of appearance must always be aesthetically pleasing.
- 4.4 Mobile business unit operators shall provide proper waste and recycling receptacles and be responsible for removal of all garbage to ensure the cleanliness of the Licence Area and adjacent area.
- 4.5 Mobile business units operators shall provide their own power and water source, except at the Coldstream Station site, where power and water are provided. Generators used to provide power are only permitted if they do not create a disturbance.
- 4.6 A Licence Area shall not use any music or voice amplifying device and shall not disturb the quiet enjoyment of persons in the neighbourhood or vicinity.
- 4.7 All sidewalks and rights of way adjacent to the Licence Area must be kept free and clear of obstruction and open to pedestrian access at all times. Placement of any furnishings within the Licence Area associated with the mobile vending shall not impede pedestrian access and through traffic (such as table, chairs, flower baskets, umbrellas, etc.).

- 4.8 A Licence Area and operation of a mobile vending unit shall not restrict or interfere with the ingress or egress of adjacent property owners or with adequate access by fire, police, ambulance or District personnel vehicles.
- 4.9 Licencees shall exercise the greatest care in the use and occupation of Licence Areas and adjacent areas and shall provide a competent and trustworthy adult who will be responsible for observing the rules and regulations governing the use of the Licence Area.
- 4.10 Mobile business units must be staffed and open for business at all times when parked in a Licence Area.
- 4.11 Overnight storage of a mobile vending unit and/or associated furnishings is prohibited.
- 4.12 No third-party signage is permitted, except upon pre-printed umbrellas.

5) Siting

- 5.1 Parking Space for a Licenced mobile business shall not exceed two (2) parallel parking stalls (or portion thereof) or three (3) angled parking stalls (or portions thereof) if such Parking Space is required on a street.
- 5.2 A Licence Area may not be permitted where, in the opinion of Staff, it may interfere with safe vehicle and pedestrian movements or in a location where visibility or safety is deemed an issue, unless appropriate traffic control measures and third party approvals are in place.
- 5.3 Mobile businesses shall not be permitted to operate:
 - a. adjacent to or upon Highway 6 or 97;
 - b. within 25 metres of an existing permanent food establishment (measured from the primary entrance to the establishment to the mobile business unit), unless written agreement from the food establishment is provided to the District;
 - c. within 150 metres of a special event or festival, unless written agreement from the event coordinator is provided to the District;
 - d. within 10 metres from any intersection, crosswalk or bus stop and residentially zoned areas.
- 5.4 Service windows of mobile business units shall be oriented towards the sidewalk; service windows that face the street are not permitted.
- 5.5 On-street parking spaces will not be reserved for mobile vending units and will be open for public use when a mobile business unit is not present.
- 5.6 Mobile business units are exempt from hourly parking limits on District highways (where applicable).

6) Term and Renewal

- 6.1 Licences granted are effective between the dates of April and November 1st each year unless otherwise specified, excepting at the Coldstream Station site, where new licenses will be granted every year.
- 6.2 Licences may be issued for a maximum of three years, renewable and payable annually, and pending applicability.
- 6.3 To annually renew, an applicant must submit before April 1st:
 - a. Payment of the established fee;
 - b. Proof of a current and valid Business Licence or Business Licenses in the case of a Farmers' Market organization;
 - c. Proof of current and valid liability insurance coverage as outlined in section 6;
 - d. A declaration that the terms of the Licence will remain strictly adhered to.
- 6.4 An annual renewal may be granted provided that:
 - a. The design, location, and intent of the Licence Area remain the same as the previous year;
 - b. Any structures, vehicles, accessories, apparatus' and signs associated with the Licence are maintained and in good repair;
 - c. The District has received no justifiable complaints.
- 6.5 The District shall withhold the issuance of a renewal Licence if the Licence Area is not maintained in attractive and safe condition.

7) Fees

- 7.1 All Licensees are required to pay an established Licence application fee as set by Council in the Fees and Charges Bylaw.
- 7.2 All Licensees are required to pay an established monthly rental fee for the use of the Public Space as set by Council in the Fees and Charges Bylaw.
- 7.3 All Licence fees are in addition to required Business Licence Fees (if applicable) per the District's Business Licence Bylaw.

SCHEDULE A Mobile Food Vending Locations



Map 1: Creekside Park MFV Parking Area



Photo 1: Creekside Park MFV Parking Area



Map 2: Lavington Park MFV Parking Area



Photo 2: Lavington Park MFV Parking Area along School Road (MFV parking area 1)



Photo 3: Lavington Park MFV Parking Area along Lavington Way (MFV parking area 2)



Map 3: Sovereign Park MFV Parking Area



Photo 4: Sovereign Park MFV Parking Area

Map 4: Women's Institute Hall MFV Parking Area

Photo 5: Women's Institute Hall MFV Parking Area north side of Kalamalka Road

Map 4: Coldstream Station Parking Area:

