



CITY OF MONCTON MOBILE VENDING PROGRAM

PURPOSE:

The City of Moncton is continuing to offer a mobile vending program throughout the City. The program will run from May to October. Through this program, the City hopes to create added vibrancy in the Downtown and drive pedestrian traffic to several of our parks by providing opportunities for mobile vending in select locations.

The type of vending considered under this program includes edible and non-edible products that are sold from mobile trucks and sidewalk vending units in the City. The City of Moncton encourages mobile food vendors to offer a variety of healthy choices and welcomes menu options that reflect the ethnic and cultural diversity of the community.

The program hours are from dawn until dusk, seven days a week. All sites are subject to pre-arranged blackout periods in order to accommodate special Events, many of which offer a vendor program under a separate process (See item 3b).

In order to participate in the program, an application must be made to and approved by the City of Moncton. Street vending licenses issued through this program are subject to a number of conditions, and the payment of a licensing fee. Failure to adhere to the conditions of the license may result in the license being revoked.

This document outlines the application process and terms and conditions under which street vendors are expected to operate when participating in the City of Moncton's Street Vending Program. For further information, please email streetvending@moncton.ca

PROGRAM TERMS & CONDITIONS

1.0 DEFINITIONS:

Designated Site: Site which has been approved and assigned by City of Moncton to a street vendor issued a license for vending.

Vendor: Means any person who has received a license from the City of Moncton to offer goods (edible and nonedible) for sale from a designated site.

Road Vending Unit: means any motor vehicle used for the displaying, storing, transportation or sale of food or merchandise by a vendor from a designated road site.

Sidewalk Vending Unit: means a vending unit used to display and sell food or merchandise from an approved designated sidewalk site, but does not include a road vending unit.

2.0 APPLICATION PROCESS & REQUIRED INFORMATION

- a) Applicants must complete and submit an application form to request a vending permit for the season. Forms are available on-line or at City Hall. Applications will be processed on a first-come, first-served basis. Submissions are to be made to Street Vending Program, c/o By-Law Enforcement Services, City Hall, 655 Main Street, Moncton, New Brunswick or at streetvending@moncton.ca

- b) Applications must be complete in order to be considered, including:
 - i. A completed and signed application form;
 - ii. A description of all goods to be sold. *Please note: If granted a license, the sale of any product other than those listed in the original application may result in termination of the vendor's license and possible forfeiture of all fees and deposits paid.*
 - iii. A description of the applicant's proposed days and hours of operation. *Please note: hours of operation are permitted from dawn until dusk only.*
 - iv. Full details regarding the proposed vending unit, including pictures and details regarding proposed operations. Applicants selling food require approval by the Provincial Department of Health. Vending units shall be clean and properly maintained and must be visually observed by appropriate City staff.
 - v. The applicant must provide Government Issued photo identification.

3.0 TERM OF LICENSE

- a) Operation period for Vendors shall be from May to October.

- b) The vending license is not applicable for usage during major events and festivals. The vendor may not operate during major events and festivals without being issued a special event license from the event organizer. Organizers select vendors and grant

them permission to operate within the event site for the hours and day(s) during which the event will be held. Fees are determined by each event organizer. The City of Moncton will advise pilot program license holders of these restricted dates and locations with 30 days' notice prior to event execution, or on a best effort basis, and advise them of the special event application process.

- c) A vending license shall not be transferable to any other person and shall be valid only for the locations at which the program operates.

4.0 TERMS AND CONDITIONS

➤ License and other fees

- a) Licensing fees for vending shall be as follows:

- \$400 +HST for the entire season for each sidewalk vending unit. Parking is not provided.
- \$750 +HST for the entire season for each truck vending unit. No additional parking fees will be levied.
- Student fees: Consideration will be given to pro-rating the license fees for mobile vending operations being managed and operated by students, should the business operate for only a portion of the pilot period.

- b) Successful Applicants must provide the City of Moncton with a refundable performance deposit or bond per site being \$1000 for mobile truck / \$500 for sidewalk vending unit.

➤ Permits and Approvals

- a) Prior to the issuance of a license and for the duration of the licensed term applicants must obtain and maintain the following:
 - Department of Health License (must provide a copy to the City)
 - Both applicants and employees must obtain the necessary food handling certificate from the Department of Health and provide proof of same.

➤ Insurance Requirements

- a) Prior to the issuance of a license and throughout the licensed term, a successful applicant must provide proof of General Liability Insurance Coverage in the principal sum of Two Million Dollars (\$2,000,000.00) designating the City of Moncton as an additional insured party. The applicant must provide the City of Moncton with notice if the insurance is cancelled or coverage revised in any manner.
- b) The vendor shall indemnify and save the City harmless from and against all costs, losses, claims, actions or causes of action arising from the vendor's activities under the license.

➤ **Acknowledgement**

- a) All applicants must sign an acknowledgement outlining that they understand the terms and conditions of their municipal mobile vending license.
- b) The City of Moncton has the right to revoke a license in the event that the vendor has not complied with the terms and conditions outlined in their license.

➤ **Site Operations**

- a) The licensee must strictly adhere to prescribed site distances and dimensions assigned to their specific area. Vending operations shall not occupy more than 10 square metres in the case of road vending and 4 square metres in the case of sidewalk vending.
- b) It is the responsibility of the vendor to:
 - i. maintain the vending site and equipment in a clean and orderly condition;
 - ii. provide waste receptacles outside their vending units for public use;
 - iii. ensure waste receptacles are removed from City property during non-operating hours and that the site is properly cleaned (free of food, debris and paper, wraps, etc.) prior to closing hours;
 - iv. where applicable, place traffic cones to restrict customer parking in non-designated areas;
 - v. place mats underneath vending units that do not have catchers, to protect the area from grease and other pollutants; and
 - vi. remove vending units from the site after closing hours.
- c) All power and energy associated with street vending must be provided by the licensee. Utilization of municipal energy sources, outlets, standards, etc. at any of the vending sites is prohibited.
- d) All vending units must be equipped with a minimum of a 10 lb. (A-B-C) Fire Extinguisher, (food trucks/trailers minimum of 10 lbs. (K) clearly accessible to the vending staff.
- e) Municipal Vending Licence must be located on the side of the vending unit. The licence must be prominently displayed at all times and must be viewable by the public during hours of operation.
- f) The vendor business name must be visible to the serving side of the vending unit with letters a minimum of three inches high.

➤ **Noise**

- a) Noise from vending units shall not be so loud as to be a nuisance to nearby businesses or homes.

➤ **Safety and Traffic Implications**

- a) The City of Moncton reserves the right to relocate or remove a site:
 - i. should there be safety concerns and other logistical problems with a site from a safety and traffic perspective; and
 - ii. In order to accommodate repairs or maintenance of any pavement, walk, street light, signal light and underground facility.
- b) The Vendor shall not conduct business in such a way as to impede pedestrian or vehicular traffic flow.
- c) Street vending units shall serve customers from the sidewalk side of the unit.
- d) No vending unit shall be left unattended during operation.
- e) All advertising must be attached to the vending unit and shall advertise only goods, wares or merchandise being sold. Advertising signs shall not extend beyond the overall width or height of the vending unit.

5.0 REVOCATION, SUSPENSION

- a) The City of Moncton may revoke or suspend any mobile vending license if the vendor has:
 - i. Knowingly made any false, misleading or fraudulent statement of material fact in its application for a vending permit;
 - ii. Violated any of the terms and conditions set forth in this document;
 - iii. Failed to comply with any order to cease and desist from any violation; and
 - iv. In any other way endangered the public health, safety and welfare in the conduct of vending activities.