



City of — Ville de
MIRAMICHI

<i>Policy Number</i>	103
<i>Name of Policy</i>	FOOD TRUCK PROGRAM (Trial)
<i>Effective Date</i>	April, 2018
<i>Originating Department</i>	Manager
<i>Policy Statement</i>	Food trucks can create added vibrancy in public spaces and provide a food service to a public location where none is available. The City will designate four (4) public locations where food trucks will have the opportunity to operate in the summer of 2018, to be followed by an assessment of the program.
<i>Scope – Who it affects</i>	Municipal Staff, Owners & Operators of Food Trucks/Trailers

OVERVIEW

The City of Miramichi proposes to put in place a pilot project allowing the use of Food Trucks. The program will run from May to October. Through this program, the City hopes to create added vibrancy in the Downtowns.

The type of vending considered under this program is for edible products that are sold from mobile trucks or trailers in the City. An applicant with only tables, kiosks or bicycles does not constitute a food truck. The City of Miramichi encourages food truck 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 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 Miramichi. Food Truck 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 food trucks are expected to operate when participating in the City of Miramichi's Food Truck Program. For further information, please email clerk@miramichi.org. The project will be analyzed at the end of the season for a recommendation to Council to update by-laws and policies.

PROGRAM TERMS & CONDITIONS

1.0 DEFINITIONS:

Designated Site: Site which has been approved and assigned by the City of Miramichi to a vendor issued a license for a food truck.

Vendor: Means any person who has received a license from the City of Miramichi to offer edible goods for sale from a designated area.

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

2.0 APPLICATION PROCESS & REQUIRED INFORMATION:

- a) Applicants must complete and submit an application form to request a food truck permit for the season and to reserve a designated site for specific dates. 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 City Clerk, 141 Henry Street, Miramichi, New Brunswick or at clerk@miramichi.org.
- b) Applications must be completed 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 all 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 propose 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 may not be applicable for usage during major events and festivals where the designated site is within a festival boundary. 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 hours and day(s) during which the event will be held. Fees are determined by each event organizer. The City of Miramichi will advise pilot program license holders of these restricted dates and locations with thirty (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:
 - \$100 + 15% HST = \$115.00 for a one (1) time registration fee per season for each truck vending unit, with additional parking fees of \$25 + 15% HST = \$28.75 per day for each day the vendor occupies a designated site.

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 Miramichi as an additional insured party. The applicant must provide the City of Miramichi with notice if the issuance 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 Miramichi has the right to revoke a license in the event that the vendor has not complied with the terms and conditions outlined in their licenses.

Site Operations:

- a) The license must strictly adhere to prescribed site distances and dimensions assigned to their specific area. Vending operations shall not occupy more than ten (10) square meters.
- 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 customers 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, energy and water use 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 License must be located on the side of the vending unit. The license 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 Miramichi 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 or other municipal infrastructure.
- b) The Vendor shall not conduct business in such a way as to impede pedestrian or vehicular traffic flow.
- c) No vending unit shall be left unattended during operation.
- d) 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 Miramichi may revoke or suspend any 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;
 - iv. In any other way endangered the public health, safety and welfare in the conduct of vending activities.

6.0 DESIGNATED SITES

- a) Food trucks may apply to operate at any of the following locations:
 - i. Ledden Street Parking Lot (2)
 - ii. Between Loggie Drive & Water Street, adjacent to the Bank of Nova Scotia (2)

- iii. Eco-Center/French Fort Cove – Lower level parking lot in front of Eco-Center (1)
 - iv. Lord Beaverbrook Arena (2)
- b) The City may more particularly designate the areas within the Designated Sites through traffic paint or some other form of identifications.

Approved by City Manager	Signature:
Approved by City Council	Signature:
Date	



CITY OF MIRAMICHI FOOD TRUCK PROGRAM APPLICATION FORM

Name of Business: _____

Address: _____

City: _____ Province: _____ Postal Code: _____

Contact Person: _____

Telephone: Home: _____

Work: _____

Cell: _____

Email Address: _____

Description of goods to be sold & experience:

Type of vending:

Mobile Truck

Number of Units: _____ Space allotment required: _____

Trailer

Number of Units: _____ Space allotment required: _____

Preferred locations: (Please indicate your anticipated site preferences to help avoid conflicts – see attached map)

Date	Proposed Hours of Operation	Site Location

ACKNOWLEDGEMENT

The applicant acknowledges that he/she has read the conditions, as outlined, in the City of Miramichi's Food Truck Program Policy Number 103, in their entirety and agrees to abide by them.

Dated: _____

At: _____

Applicant

Witness

For Internal Use Only

SUCCESSFUL APPLICANTS

CHECKLIST FOR SUCCESSFUL APPLICANTS

Upon approval from the City of Miramichi Clerk's Department, the following information is required:

- Copy of General Liability Insurance in the amount of \$2,000,000 designating the City of Miramichi as an additional insured.
- Copy of the Department of Health Certificate, if applicable.
- Copy of Food Handling Certificate from the Department of Health, if applicable.
- Copy of Government issued photo identification.

Submission of Licensing Fees:

- \$100.00 + 15 %HST = \$115.00 per season.
- \$25.00 + 15% HST = \$28.75 per day for each day the vendor occupies a designated site.
- Proof of General Observation by City of Miramichi Fire Prevention Services

Once all of the above has been completed satisfactorily, your license will be issued by the Clerk's Department (506) 623-2212.

Depending on the nature of your business, the Clerk's Department or representative may wish to see your setup and/or seek the opinion of a Fire Prevention Officer to ensure the safe operation of your business within the public realm.