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## STAFF REPORT

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**TO:** CHIEF ADMINISTRATIVE OFFICER  
**FROM:** BRIGID REYNOLDS, CONSULTING TOWN PLANNER  
**SUBJECT:** FOOD TRUCKS AND MOBILE VENDING  
**MEETING DATE:** MAY 12, 2026

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### PURPOSE

To seek Council direction related to the proposed use of food trucks and mobile vending on both private and public property in the Town.

### BACKGROUND

Mobile vending operators are regulated in part by Council policy the 'Street Vending Regulations Policy' adopted by Resolution R.00100/11-2 on June 28, 2011, Attachment 1. Section 7 and Schedule D of Business License Bylaw 777-2003 establish regulations for 'Street Vendors,' Attachment 2. Council policy R. 0122/13(1) provides guidance for the private use of parks and public spaces, Attachment 3.

There is no specific reference to food trucks, however the definition of 'street vendor' in Bylaw No. 777 appears to include 'food truck'. The bylaw defines street vendor *as a business utilizing a motor vehicle or unit for the purpose of vending food, books, newspapers, flowers and non-alcoholic beverages.*

The Street Vending policy governs the use of 'street vending' which includes special event vending, and mobile vending on public lands. The special event vending permit policy is clear and allows applicants to apply for a permit to sell their goods at events like Lake Days. The mobile vending permit establishes a process by which the Town invites vendors to submit applications to establish street vending operations at 'pre-approved' public locations in Town. However, the policy doesn't identify when these invitations might be made and doesn't identify the possible 'pre-approved' locations. Some of the other requirements for liability insurance,

The Business License Bylaw establishes regulations associated with issuing the business license for street vending and requires all vendors to have a business license.

The Zoning Bylaw has no references to mobile vending or food trucks but the definition for restaurant is quite broad. Restaurant means *an establishment for the sale of prepared food to the public, and may have a Food-Primary License under the BC Liquor Control and Licensing Act.*

## **DISCUSSION**

### **Inquiries/Activities**

Staff have received numerous inquiries for mobile vending. Some of the proposals are to operate on public property while others are to operate on private property. According to Administrative staff, the Town typically issues 10 to 12 Park Use Permits annually. These include activities like Easter hunts where they bring in their own vendors and trucks, Lake Days in June, a beer fest in Saywell Park. and for various types of vendors including ice-cream trucks, hot-dog stands, swim wear pop-up shop to sell their goods on public property, namely in town parks. Staff have also received inquiries from existing businesses wanting to use public parks to expand their existing business activities.

The Town has seen people set up their mobile vending businesses over weekends with no license. These businesses include fruit sales, ice cream trucks, hot dog carts, and one restaurant has brought in a food truck and located it on their property.

In 2026, thus far the Town has received between 4 to 6 inquiries including a popup bathing suit retail outlet, ice cream vendor, food trucks on private property, and a proposal by one resident to offer tubers and others rides on a tuk tuk vehicle. The Fire Department has applied for a permit for an event in one of the parks.

Staff have received numerous inquiries from proponents who would like to locate self contained food trucks on commercially zoned private property. Staff have talked with another potential business who would like to install a food truck on a commercially zoned property; the food truck would act as a kitchen, and food sales would take place from another building on the property. Staff proposed that a Temporary Use Permit may be suitable for this proposal.

Staff recently heard from a food service business owner who stated they don't support the idea of food trucks on being permitted to locate on commercially zoned land for extended periods. They said that the tourism season is their most lucrative time and food trucks have an unfair advantage because they don't pay commercial taxes, don't pay the ongoing costs associated with a bricks and mortar business and they don't have to pay staff year-round.

### **Other Jurisdictions**

Staff did a brief review of four other local governments (City of Duncan, Municipality of North Cowichan, Town of Ladysmith and Town of Comox) policies and regulations related to this use and these jurisdictions have taken a variety of approaches. Most appear to regulate the use in both the zoning and the business license bylaws. Some have additional policies. Most jurisdictions have

undertaken some form of community consultation to hear business owners and residents' opinions on this matter. Due to time constraints, the contract planner was unable to complete a fulsome review.

### **Policy Refinement**

The policy for mobile vending on public property is unclear because there is no invitation process and there are no pre-identified public property locations where mobile vendors can locate. The list of items that can be sold is also limited in scope. Staff recommend that the policy be amended to remove reference to the invitation process, work with the APC to identify recommended locations and expand the definition of mobile vending.

As noted above, the existing policy does not permit mobile vending on commercially zoned private property. Nor does the Zoning Bylaw specifically permit this use. A draft policy has been prepared in Attachment 4. The draft policy identifies the application requirements and includes the operations guidelines from the existing policy for hours of operation, noise,

This issue potentially impacts business owners, residents and visitors. As a result, staff recommend that these questions on the existing policy and the draft policy in Attachment 4 be referred to the APC for discussion. Staff also recommend that some form of public consultation be held to receive input from residents and business owners on this matter and report back to Council.

### **IMPLICATIONS**

- a. Financial:**  
A revised policy needs to include a reasonable fee structure.
  
- b. Policy/Legislation:**  
The policy and regulations associated with mobile vending on both private and public property needs more clarity.
  
- c. Strategic Priority:**  
N/A
  
- d. Sustainability:**  
N/A
  
- e. Communication:**  
Initial referral to the APC and some community consultation on this matter would assist Council to understand the opinions of community members.
  
- f. Staffing Implication:**

Clarifying the associated regulations, policy and process would speed up the approval process and reduce the uncertainty in responding to inquiries and applications.

**Recommendation**

The contract planner recommends 1) the existing policy (Attachment 1) and draft policy (Attachment 4) be referred to the APC for its review and 2) a community consultation event or survey be prepared to gather the community's input on the matter.

Signed:

***Brigid Reynolds***

Brigid Reynolds RPP MCIP  
Contract Planner

Concurrence:

***John T***

John Thomas  
Chief Administrative Officer

**ATTACHMENT 1**  
**Council Policy - Street Vending Regulations**  
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**TOWN OF LAKE COWICHAN**  
**COUNCIL POLICY**



**DATE APPROVED: June 28<sup>th</sup>, 2011**

**APPROVED BY: R.00100/11 - 2**

**SUBJECT: Street Vending Regulations Policy**

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**PURPOSE**

Street vending is seen as a convenience and opportunity for the public to have access to street level products. It may have the added benefit of enhancing the liveliness to areas that would otherwise not bring people together. In addition, it is seen as an opportunity to encourage the development of economic opportunity that otherwise would not or could not occur.

**SCOPE**

The policy is an extension of the bylaw regulating business licenses and provides access to existing businesses or potential new business to operate on public lands by permit. The vending permit is to be restricted to selected locations on public lands.

**POLICY GUIDELINES**

1. Street vending is generally associated with food vending but is not limited to this. A review of regulations affecting street vending could result in 3 separate categories being defined:

- Special Event Vending Permit

Special event organizers can apply for a special event vending permit which gives the organizers exclusive control within the confines of an area approved for the events/s. This form of permit would be issued to organizers such as the Lake Days Society, Mushroom Festival, etc.

- Mobile Vending Permit

Mobile Event Vending Permits can be issued to individuals who want to vend food or novelties at pre-approved locations. The applicants must come in person to Municipal Hall with valid Photo Identification, and fill out the appropriate application forms. The applicant must also purchase insurance that meets the Town of Lake Cowichan requirements.



**2. Street Vending Selection Process**

An invitation will be issued for interested parties to submit applications to establish street vending kiosks at selected locations. The selection of the successful proponents will be based on one or more of the following criteria:

- existing town businesses with related experience will be given preference;
- other businesses not involved in the proposed vending business will be considered;
- in the absence of interest from existing businesses, residents of the Town will be considered;
- non-residents will be considered failing interest from local businesses or residents;
- The applicant must be legally entitled to work in Canada;
- The applicant must attend in person and produce valid photo identification;
- A valid business license must be obtained after issuance of permit;
- The Mobile Vending Permit is non-transferable and invalid if sold;
- The applicant must pay the permit fee and have all the required documents and insurance before the permit will be issued;
- Permit holder MUST co-operate fully with any Town of Lake Cowichan official or member of the Royal Canadian Mounted Police;
- Mobile Vending Permit remains the property of the Town of Lake Cowichan and must be surrendered immediately on the request of any Town of Lake Cowichan official or member of the Royal Canadian Mounted Police;
- The permit holder must be able to produce the original permit when requested by a Town Official or member of the Royal Canadian Mounted Police;
- No photocopies will be permitted;
- The Permit is only valid at the designated areas;
- The permit expires on December 31<sup>st</sup> of each year;
- Except as expressly permitted, the vendor shall not carry on the business anywhere else in Town;
- Any application for food vending must be accompanied by appropriate approvals from the Ministry of Health and the Fire Department where the use of fuel may be required to prepare food;
- The vendor must carry all merchandise being offered for sale. No tables, extra furniture or additional carts or signage are to be used;
- No additional advertising on signs are permitted;
- Vending unit must be removed at the close of business;
- Units left unattended shall be impounded and the permit revoked;
- The vendor shall supply garbage containers and will be responsible for clean-up of refuse deposited by patrons in the area of operation;
- Each vendor must carry public liability insurance satisfactory to the Town of Lake Cowichan; and
- The Superintendent, Public Works and Engineering Services, or authorized designate, if of the opinion that the circumstances warrant, may suspend a permit for up to 28 days.

**3. Guidelines for Vending Unit**

- Vending Units must maintain high standards of appearance at all times;
- All new Vending Units must undergo a Health/Engineering inspection;
- No changes may be made to Vending Unit without prior approval. Display boards that are considered to be part of the Vending Unit must also be approved;
- An operator must attend to the Vending Unit at all times when in operation;
- The operator may use one small folding chair, and have two coolers for drinks. No additional furniture or structures are permissible;
- The rear of a Dry Goods Vending Unit must be neatly draped to conceal the storage area;
- Operating hours are specified on the permit and the Vending Unit must be removed from Town property during non operating hours;
- Failure to comply requirements listed may result in confiscation of goods, suspension and/or cancellation of Street Vending Permit;
- with food vending a minimum of a two compartment sink with hot and cold running water;
- mechanical refrigeration for the storage of perishable products;
- adequate lighting; and
- adequate rubbish disposal facilities.

**4. Kiosk Location**

- The Vending Unit may only be operated in the exact location specified on the Street Vending Permit. The location must be kept free of rubbish and/or debris that is generated by the vendor or the customer.

**5. Food Safety**

- Food: Applicants will need to contact their local Health Authority for information on conditions particular to each category of food;
- Proof of Food Safe certification must be provided; and
- Previous experience in food vending would an asset.

**6. Other Requirements**

**Applicants must attend in person to complete the application and produce valid photo identification.**

**Faxed applications will not be accepted, nor will applications by any person other than the named applicant.**

As a condition of being granted a Mobile Vending Permit, the vendor is required to provide "Proof of Liability Insurance" coverage which meets the following minimum requirements:

- Inclusive limit of \$2,000,000 P.L. and P.D., (Public Liability & Property Damage);
- Cross Liability Clause; and
- Town of Lake Cowichan named as an additional named insured.



Street Vending Regulations

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Vendors must determine for themselves whether a particular insurance policy offers adequate protection for their needs; the Town makes no representation and assumes no liability in that regard. The vendor may arrange suitable insurance coverage through any broker of its choosing.

In the event that a special event organizer has use of the designated location for an event, the approved vendor will be required to work with the organizer for alternate space allocation within the event area.

**7. Fees**

<b>Special Event Fees:</b>	
Special Event Market Permit, payable by Organizer.	\$100.00 + GST *
* No business license is required of the special event Organizer.	

<b>Mobile Vending Permit Fees:</b>	
Food and non-alcoholic beverages	\$900.00 + GST **
Other	\$700.00 + GST **
All Replacement Permits	\$20.00

**8. Noncompliance with this Policy**

Appropriate action will be taken for failure to comply with this policy, which may include revocation of the Vending Permit.

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Joseph A. Fernandez  
Chief Administrative Officer  
Town of Lake Cowichan



**ATTACHMENT 2**  
**Excerpts from Business License Bylaw 777-2003**

**Section 7**

**7. Street Vendors**

- 7.1 A business entity carrying on a business as a Street Vendor must first obtain a business licence for each Street Vendor cart or unit.
- 7.2 Council may establish areas within the Town of Lake Cowichan in which licensed mobile vendors may operate and may make such regulations for mobile vending, as it deems appropriate.
- 7.3 Despite Section 7.2 before commencing operations in any Town owned or operated park, a business entity must first obtain permission from the Town of Lake Cowichan.
- 7.4 Before commencing operations on private property, a business entity must first supply the license inspector with a written letter of permission from the owner of the property, on which the vendor will be locating.
- 7.5 A business entity carry on business as a Street Vendor must comply with the regulations set out in Schedule "D" of this Bylaw.

**Schedule D**

## **SCHEDULE "D"**

Attached to and forming part of Bylaw No. 777-2003

### ***Street Vendors***

1. Permitted units are: push carts, carts, and other mobile units.
2. Push carts must be propelled or may be delivered to their site by vehicle.
3. No form of music or voice amplifying device will be permitted. All soliciting will be done at a level speaking voice with no shouting.
4. The operator of a push cart, cart or other mobile unit shall be responsible for cleaning up of litter generated within twenty-five (25) metres of their location and shall be responsible for removal of all collected garbage from the location.
5. The goods sold from a push cart are to be limited to food, beverages, and flowers.
6. The operator of a push cart, cart or other mobile unit must obtain and display at all times an approved identification tag.
7. A maximum of one (1) additional employee will be permitted to assist the operator of a vending cart or mobile unit at any time.
8. At no time will it be permitted for a vending cart or mobile unit or its customers to obstruct the free flow of pedestrian traffic on any sidewalk within the Town.
9. Vending will be permitted seven (7) days per week commencing at 9:00 a.m. and must cease at 10:00 p.m. Exception: Street Vendors at cabaret locations are permitted to operate until 3:00 a.m., subject to review from time to time by the License Inspector.
10. Advertisements will be placed in local newspapers in January of every year soliciting applicants for vending licenses for the fixed locations and special zones. The successful applicant from a previous year is not guaranteed a renewal, but will be given consideration based on his/her previous year's performance.
11. A street vending unit or cart must be removed daily.
12.
  - (a) The number of vending carts approved will be limited to a maximum of two (2) for any applicant operating an existing licensed food or flower business in a vending cart business.
  - (b) The total number of business licenses approved for street vendors is subject to review by the License Inspector at any time.

**ATTACHMENT 3**  
**Council Policy - Private Use of Parks and Public Spaces**

**TOWN OF LAKE COWICHAN**

**COUNCIL POLICY**



**DATE APPROVED:** July 23<sup>rd</sup>, 2013  
**APPROVED BY:** R. 0122/13 (1)  
**SUBJECT:** Private Use of Parks and Public Spaces

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Private use of Parks and Public Spaces may be made where the use does not unreasonably monopolize or disrupt the operation of any other public use. A Park and Public Use Permit is required where a person(s), group or organization requires exclusive use of a park or public space in part or whole.

A Park and Public Space Use Permit is required where the following applies:

- ✓ Closing of an area or the holding of an event which may affect the use of that portion of park or public space by the public at large;
- ✓ Power, additional parking requirements, emergency services or public washroom use may be affected; and
- ✓ The use is for non-profit purposes or if the intention is to make financial gain for a commercial activity that is part of a community event authorized by the Town.

A Park and Public Space Permit application is required to:

- ✓ Ensure that the Town and public have knowledge of the exclusive use of any part of a park or public facility;
- ✓ Allow the event organizer to temporarily close any portion of a public space or facility;
- ✓ Avoid a duplication or overlap of events; and
- ✓ Ensure that the event has insurance coverage; exemptions for charitable groups may apply subject to provision of a "safe harmless commitment" .

An application (on the approved form) for a Park and Public Space Permit must be made a minimum of 2 weeks prior to the date of the event.

The permit fees only apply to the following public spaces managed by the Town:

- Saywell Park;
- Central Park; and
- Renfrew Town Square.

The following permit fees are applicable:

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Private Use of Parks and Public Spaces

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• <b>Charitable Group or Community Fund-Raising</b>	No charge	for each event
• <b>Community Event only</b>	No charge	for each event
• <b>Community Event with commercial activity</b>	\$ 100	*for each event
• <b>Community Events, series of, with commercial activity in a calendar year</b>	\$ 150	**
• <b>Security deposits, if applicable, a minimum of</b>	\$ 300	

Permits under this policy would be issued at no charge where the fund raising is for a charity or for a not-for-profit organization or society.

\* No license fee is required of businesses or event organizer for applications made under this policy and this fee is only applicable where an event organizer permits personal or private gain by individuals or businesses at the event.

\*\* Total fee payable where an organizer has multiple events in a calendar year.

Refunds of the applicable fees will only be permitted for cancellations if made not less than 7 days before the event. There will be no refunds due to inclement weather.

The event organizer will be responsible for policing the site or facility allocated for its use by the Town and ensure that clean-up of the site occurs and that no damages are incurred to public property. The Town has the right to require that additional amenities or services be provided or arranged, if the Town does not, as part of its normal operations, have the ability to provide those resources at the time of the event.

In the event, however, that a group abuses any or of the terms and conditions herein outlined or Terms and Conditions stipulated on the Park and Public Space Permit application, Council, may by resolution prohibit that group from future use of any Park or Public Space. In the event that clean-up does not occur as required, future permit issuance will be subject to a security deposit equal to the higher of \$300 or the costs of prior clean-up or damage remediation.

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Joseph A. Fernandez  
Chief Administrative Officer

**ATTACHMENT 4**  
**Park and Public Spaces Permit Application**



Town of Lake Cowichan  
Food Truck Operations DRAFT Policy

Food Truck operators are regulated by Council Policy R.00100/11-2 (June 28, 2011) and Business License Bylaw 777-2003, Schedule D.

A valid business license is required for mobile vending and shall be displayed so it's visible.

A valid business license is required for the property owner upon which the mobile vending is occurring.

Permit fees are as follows

- Food and non-alcoholic beverages \$900.00 + GST
- Other \$700.00 + GST
- All Replacement Permits \$20.00

The following summarizes the requirements for operating a food truck in the Town of Lake Cowichan on commercially zoned private property.

Business License and Mobile Vending Applications shall include:

- a) Approval from Island Health,
- b) Approval from BC Safety Authority for equipment operated by propane in the vapour state,
- c) Proof of Food Safe certification,
- d) Motor vehicle insurance for the mobile food service, as applicable,
- e) Liability insurance coverage that
  - i. Includes an inclusive limit of at least \$2 million,
  - ii. Includes public liability, property damage, and cross liability clauses, and
  - iii. Names the Town of Lake Cowichan as an additional insured.
- f) A discharge management plan, approved by the Business Licence Officer that describes how and where fats, oils and grease will be disposed of.
- g) Written and signed permission from the property owner including contact details, if necessary.

A person operating a mobile food service business must comply with the following requirements:

- a) Must not sell goods other than food and beverages from a food cart, food truck, or food trailer.
- b) Must not operate a mobile food service on property that is not commercially zoned.

- c) Must not operate a mobile food service on private property, without first providing the business licence officer with a written letter of permission from the property owner to operate on that property.
- d) Must not operate a mobile food service on a road, street, sidewalk, or public property.
- e) Must carry all merchandise being offered for sale. No tables, extra furniture or additional carts or signage are to be used;
- f) No additional advertising using signs is permitted;
- g) The operator may use one small folding chair and have two coolers for drinks. No additional furniture or structures are permissible;
- h) Operate between the hours 9:00 a.m. To 10:00 p.m.
- i) Ensure an independent power and water source is in place;
- j) If a generator is required, only operate an inverter generator, or a generator that does not exceed a noise level of 60 decibels;
- k) Provide adequate waste and recycling receptacles for customers; remove all litter and garbage from within a 10 m radius of the mobile food service location;
- l) Solicit business at a level speaking voice with no shouting;
- m) Not play music or use a voice amplifying device;
- n) Not leave a food cart, food truck, or food trailer unattended;
- o) Not store a food cart, food truck or food trailer on public property overnight.

A person must not operate a mobile food service business in a manner that

- a) restricts or interferes with the ingress or egress of an adjacent property owner, or
- b) obstructs access by emergency or Municipal service vehicles, or
- c) impedes pedestrians