

BYLAW NO. 25/014

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO PROVIDE FOR A FOOD TRUCK AND STREET VENDING

WHEREAS Section 7 of the *Municipal Government Act* provides that a Council may pass bylaws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public;
- (c) businesses, business activities and persons engaged in business; and
- (d) the enforcement of bylaws.

WHEREAS Section 8 of the *Municipal Government Act* provides that a Council may in a bylaw:

- (a) regulate or prohibit;
- (b) deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways; and
- (c) provide for a system of licences, permits or approvals.

WHEREAS the Council of the Regional Municipality of Wood Buffalo wishes to provide for the control and regulation of food vendors within the Regional Municipality of Wood Buffalo in order to provide good government, foster the economic development of the municipality, allow for the provision of services that, in the opinion of council, are desirable for the municipality and to development, and maintain a safe and viable community.

NOW THEREFORE, the Council of the Regional Municipality of Wood Buffalo, duly assembled, enacts as follows:

PART 1. DEFINITIONS AND INTERPRETATION

Short Title

1. This Bylaw may be cited as the “Food Truck and Street Vending Bylaw”.

Definitions

2. In this Bylaw, unless the context otherwise requires:

- (a) “Accessory Building” means accessory structure as defined in the RMWB’s Land Use Bylaw.
- (b) “Applicant” means a person who makes an application for Food Vending Approval;
- (c) “Basement Suite” means basement suite as defined in the RMWB’s Land Use Bylaw.
- (d) “Bed and Breakfast Establishment” means bed and breakfast establishment as defined in the RMWB’s Land Use Bylaw.
- (e) “Boarding House” means boarding house as defined in the RMWB’s Land Use Bylaw.
- (f) “Business License” means a license issued under Bylaw No. 01/031 of the Regional Municipality of Wood Buffalo, as amended or replaced from time to time;
- (g) “Bylaw Enforcement Officer” means a Peace Officer as defined in the *Provincial Offences Procedure Act*;
- (h) “CAO” means the individual appointed by the Council as its chief administrative officer from time to time or their designate;
- (i) “Child Care Facility” means childcare facility as defined in the RMWB’s Land Use Bylaw.
- (j) “Council” means the Council of the RMWB;
- (k) “Development Permit” means a development permit issued by the RMWB pursuant to its Land Use Bylaw;
- (l) “Dwelling” means dwelling as defined in the RMWB’s Land Use Bylaw.
- (m) “Dwelling Unit” means dwelling unit as defined in the RMWB’s Land Use Bylaw.
- (n) “Family Care Dwelling” means family care dwelling as defined in the RMWB’s Land Use Bylaw.

- (o) “Food Vending Approval” means an approval issued by the RMWB under this Bylaw for the purpose of allowing the operation of a Food Vending Unit within the RMWB;
- (p) “Food Vending Unit” means a motor vehicle, trailer, temporary structure or display, or stand that is not permanently affixed to real property and is used for the sale of food and/or beverages;
- (q) “Food Vending Rules and Regulations” or “Rules and Regulations” means all policies, rules, regulations, and terms and conditions established by the CAO with respect to Food Vendors and the operation of Food Vending Units within the RMWB from time to time;
- (r) “Food Vendor” means any person selling food and/or beverages from a Food Vending Unit;
- (s) “Group Home” means group home as defined in the RMWB’s Land Use Bylaw.
- (t) “Home Business” means home business as defined in the RMWB’s Land Use Bylaw.
- (u) “Land Use Bylaw” means the RMWB’s Land Use Bylaw No. 99/059 and upon its repeal, the RMWB’s Land Use Bylaw No. 26/001, as amended or replaced from time to time;
- (v) “*Municipal Government Act*” or “MGA” means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time;
- (w) “Municipal Tag” means a document issued by the RMWB alleging a contravention of a bylaw and providing that, if a person pays an amount established by the bylaw, the person will not be prosecuted for the contravention;
- (x) “Principal Building” means principal building as defined in the RMWB’s Land Use Bylaw.
- (y) “*Provincial Offences Procedure Act*” means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended or replaced from time to time.
- (z) “Municipal Land” means land owned or under the direction, control and management of the RMWB; ^[OBJ]

- (aa) “RMWB” means the municipal corporation of the Regional RMWB of Wood Buffalo; and
- (bb) “Secondary Suite” means secondary suite as defined in the RMWB’s Land Use Bylaw.
- (cc) “Special Event” means an event for which a special event permit is required by the RMWB.

PART 2. VENDING LICENSING AND APPROVAL

Business License Required

- 3. No person shall operate a Food Vending Unit or permit the operation of a Food Vending Unit owned by or in the possession of that person within the RMWB unless a valid Business License has been issued for the Food Vending Unit.

Food Vending Approval

- 4. An Applicant for a Food Vending Approval must pay any applicable fee established by the Council from time to time, and provide the following to the satisfaction of the CAO:
 - (a) a completed application form in a form and with supporting information established by the CAO, which identifies whether the Food Vending Unit proposes to operate on Municipal Land or private property or both;
 - (b) proof that the Applicant holds a valid Business License;
 - (c) for Food Vending Units proposing to operate on Municipal Land, a Certificate of Insurance, in a form and on terms and conditions satisfactory to the CAO, for:
 - i) commercial general liability coverage of not less than two million (\$2,000,000) dollars against bodily injury, personal injury, products and completed operations, and property damage, which lists the RMWB as an additional insured and is endorsed to provide the RMWB with thirty (30) days advance written notice of cancellation, and
 - ii) automobile and/or non-owned automobile liability insurance on all vehicles used in the operation of the Food Vending Unit in an amount of not less than two million (\$2,000,000) dollars;
 - (d) for Food Vending Units proposing to operate on private property, a Certificate of Insurance, in a form and on terms and conditions satisfactory

to the CAO, for commercial general liability coverage of not less than two million (\$2,000,000) dollars against bodily injury, personal injury, products and completed operations, and property damage, and automobile and/or non-owned automobile liability insurance on all vehicles used in the operation of the Food Vending Unit in an amount of not less than two million (\$2,000,000) dollars.

- (e) colour photographs of the Food Vending Unit including combined or separate pictures of any vehicles used in the operation of the Food Vending Unit as applicable;
- (f) a detailed description of any signage proposed to be used in relation to the operation of the Food Vending Unit including dimensions, materials and photographs or drawings;
- (g) a parking and storage plan for the Food Vending Unit when not in operation;
- (h) valid commercial vehicle registrations, if applicable;
- (i) a food handling permit issued by Alberta Health Services, if applicable;
- (j) a declaration of compliance with all applicable requirements under the *Safety Codes Act*, RSA 2000, c S-1, as amended or replaced from time to time, including but not limited to any STANDATA applicable to the Food Vendor or Food Vending Unit, and;
- (k) any other information required in the opinion of the CAO.

5. The parking and storage plan for a Food Vending Unit:

- (a) must include written authorization of the owner or occupant of any private property where the Food Vending Unit will be parked or stored;
- (b) for a Food Vending Unit proposed to be parked or stored on a residential property, the parking and storage plan must demonstrate that adequate parking is available for the parking or storage of a Food Vending Unit, the Principal Dwelling and if applicable, the Home Business, Basement Suite, Secondary Suite, Boarding House, Bed and Breakfast Establishment, Child Care Facility, Family Care Dwelling or Group Home as defined in the Land Use Bylaw;
- (c) must not provide for the parking of the Food Vending Unit on a boulevard or front yard of a residential property.

6. An Applicant shall not provide false, misleading, or incomplete information in an application for a Food Vending Approval.

Issuance, Suspension and Revocation of Food Vending Approvals

7. The CAO may consult with any department of the RMWB, any authority, any external agency, or any other person, prior to issuing a Food Vending Approval or in relation to the suspension or revocation of a Food Vending Approval.
8. The CAO may suspend or revoke any Food Vending Approval issued in error or based on false, misleading, or incomplete information provided by or on behalf of an Applicant.
9. The CAO may suspend or revoke any Food Vending Approval issued under this Bylaw if any approval, permit, license, certification, or other requirement imposed by this Bylaw or any other applicable legislation, regulation, or bylaw is suspended, cancelled, terminated, or expires.
10. The CAO may refuse to issue a Food Vending Approval where, in the CAO's opinion, the issuance of the Food Vending Approval could impact the safety, health, or welfare of the public or is otherwise not in the public interest.
11. Without limitation to any other provision of this Bylaw, the CAO may refuse to issue a Food Vending Approval, suspend, or revoke a Food Vending Approval or impose conditions on a Food Vending Approval for any one or more of the following reasons:
 - (a) the CAO is not satisfied that the application complies with the requirements of this Bylaw;
 - (b) the Food Vendor has in the CAO's opinion contravened or failed to comply with any provision of this Bylaw, whether or not the contravention has been the subject of prosecution or other enforcement proceedings;
 - (c) the Food Vendor fails to comply with the terms or conditions of a Food Vending Approval or the Food Vending Rules;
 - (d) the Food Vendor has outstanding fees, charges, or other amounts payable to the RMWB in relation to the operation of any Food Vending Unit, including any fine or penalty imposed in relation to a contravention of this Bylaw;
 - (e) the Food Vendor fails to allow the CAO to enter and inspect a Food Vending Unit for the purpose of determining compliance with this Bylaw; or
 - (f) in the CAO's opinion, the issuance or continuation of the Food Vending Approval could impact the safety, health, or welfare of the public or is otherwise not in the public interest.

The conditions that may be imposed by the CAO on a Food Vending Approval include but are not limited to conditions with respect to the duration of the approval, hours of operation of the Food Vending Unit, and areas of the RMWB within which the Food Vending Unit may be located.

12. The CAO may provide a Food Vendor with notice of the suspension or revocation of a Food Vending Approval by:
 - (a) regular or registered mail to any address provided on the application for the Food Vending Approval, which shall be deemed received within five (5) days of the date on which the mail was sent;
 - (b) e-mail to any e-mail address provided on the application for the Food Vending Approval, which shall be deemed received effective immediately;
 - (c) delivery to any person operating the Food Vending Unit or posting to the Food Vending Unit, which shall be deemed received effective immediately; or
 - (d) delivery to the Food Vendor, which shall be effective immediately.
13. A Food Vendor, and any other person involved in the operation of a Food Vending Unit, shall terminate the operation of the Food Vending Unit immediately upon receipt of notice of suspension or cancellation of a Food Vending Approval.

PART 3. FOOD VENDORS AND OPERATION OF FOOD VENDING UNITS

Parking and Storage of Food Vending Units

14. Food Vending Units which are not in operation in accordance with the requirements of this Bylaw shall be parked or stored in accordance with the following requirements:
 - (a) A maximum of one Food Vending Unit may be parked or stored on premises owned or occupied by the Food Vendor in any residential district in the RMWB provided that any vehicle used in the operation of the Food Vending Unit does not exceed a gross vehicle weight of 7000 kilograms.
 - (b) Any vehicle used in the operation of a Food Vending Unit which exceeds a gross vehicle weight of 7000 kilograms requires designated parking or storage in a commercial or industrial district in the RMWB and the written consent of the owner or the occupier of the premises.
 - (c) Street parking of any vehicle used in the operation of a Food Vending Unit is prohibited unless:

- (i) the vehicle does not exceed a gross vehicle weight of 7000 kilograms;
 - (ii) the vehicle is used as a personal vehicle for purposes independent of the operation of the Food Vending Unit, and;
 - (iii) street parking of the vehicle is otherwise permitted by and complies with all applicable bylaws of the RMWB.
- (d) No more than one Food Vending Unit shall be associated with or parked at a Dwelling or Dwelling Unit.

Storage of Goods and Materials

- 15. All storage of goods and materials related to the Food Vendor must be located in the Food Vending Unit or entirely within the Principal Building or Accessory Building on the premises.
- 16. The area occupied by the goods and materials shall not exceed:
 - (a) 30% of the total interior floor area of a Dwelling or Dwelling Unit; or
 - (b) 30% of the total interior floor area of an Accessory Building; or
 - (c) Any combination of the above to a maximum of 30% of the floor area.

Restrictions on Operations

- 17. A Food Vendor must not carry on business and no person shall cause or permit the operation of a Food Vending Unit in any area identified as a “Prohibited Area” by the RMWB, as amended or replaced from time to time.
- 18. The RMWB will provide Food Vendors with a list of Prohibited Areas at the time of issuance of a Food Vending Approval. In the event of a change to the list of Prohibited Areas following the issuance of a Food Vending Approval, the RMWB will provide written notice of the change to the Food Vendor by regular mail or e-mail to the mailing address or e-mail address included on the application for the Food Vending Approval.
- 19. Without limitation to Section 14 of this Bylaw, a Food Vendor must not carry on business and no person shall cause or permit the operation of a Food Vending Unit in any location in the RMWB where signage has been posted on or behalf of the RMWB indicating that vending is prohibited on a permanent or temporary basis.
- 20. A Food Vendor must not carry on business on private property, and no person shall cause or permit the operation of a Food Vending Unit on private property,

without obtaining the prior written authorization of the property owner or occupant of the property. This written consent must be provided to the CAO or any person responsible for the enforcement of this Bylaw immediately upon request.

21. A Food Vendor must not carry on business at a Special Event, and no person shall cause or permit the operation of a Food Vending Unit at a Special Event, without obtaining the prior written authorization of the person responsible for the Special Event. This written consent must be provided to the CAO or any person responsible for the enforcement of the Bylaw immediately upon request.
22. A Food Vendor must not carry on business in any location in the RMWB between the hours of 3:00 am and 7:00 am on any given day.
23. A Food Vendor shall not be operated from premises in a residential district. All sales of food or beverages must occur off-premises.
24. A Food Vendor shall not prepare food outside the Food Vending Unit in separate premises unless the Food Vendor possesses a Development Permit authorizing such use of the premises.

Nuisance

25. No person shall cause or permit the operation of a Food Vending Unit in a manner which causes or constitutes a nuisance. For the purposes of this Bylaw a nuisance includes but is not limited to:
 - (a) failing to maintain a Food Vending Unit in good working order;
 - (b) cause or allowing a Food Vending Unit to be in unsightly condition;
 - (c) the production of excessive smoke;
 - (d) the production of offensive odours;
 - (e) obstructing a sidewalk, impairing the visibility of street signage or interfering with safe traffic flow;
 - (f) loose litter, garbage or debris; and
 - (g) the production of any noise that is likely to disturb the peace.

Signage

26. All signage used in relation to the operation of a Food Vending Unit shall comply with all applicable municipal bylaws and shall be in the form submitted to the CAO at the time of application for the Food Vending Approval.

Operation of Food Vending Unit on Municipal Land

27. A Food Vendor shall not cause or permit the operation of a Food Vending Unit on Municipal Land in a manner which interferes with the use of or access to the Municipal Land by members of the public.
28. No exterior storage of any goods, food, beverages, equipment, furniture or materials associated with a Food Vending Unit is permitted on Municipal Land.

Compliance with Applicable Legislation, Regulations and Bylaws

29. All Food Vendors and Food Vending Units must comply with all applicable legislation, regulations and municipal bylaws including but not limited to the *Traffic Safety Act*, RSA 2000 c T-6, *Public Health Act*, RSA 2000 c P-37, Roads and Transportation Bylaw No. 21/010, the Parks and Recreation Bylaw No. 00/078 and the Community Standards Bylaw No. 21/010, all as amended or replaced from time to time.
30. Notwithstanding any provision of the RMWB's Roads and Transportation Bylaw No. 02/079:
 - (a) where a traffic control device restricts the parking of vehicles to a specific time limit a Food Vending Unit for which a Food Vending Approval has been issued may be parked in excess of the time posted, and;
 - (b) a trailer forming part of a Food Vending Unit for which a Food Vending Approved has been issued may be parked on a highway within the RMWB without being attached to a vehicle by which it may be propelled or drawn,for such period of time as the Food Vending Unit is engaged in the sale of food and/or beverages, unless otherwise identified in the Food Vending Rules and Regulations or Food Vending Approval or the parking is in a Prohibited Area.

Responsibilities of Food Vendors, Contractors, Employees, and Agents

31. A Food Vendor shall provide any information required to be provided to the CAO promptly when required, or upon request, and shall ensure that all information provided to the CAO under this Bylaw is accurate and up to date.
32. A Food Vendor shall continually and on an ongoing basis comply with all requirements required to obtain a Food Vending Approval, and any legislation, regulation, or bylaw applicable to the Food Vendor or operation of a Food Vending Unit.
33. A Food Vendor shall provide a copy of their Food Vending Approval to the CAO or any other designated officer or employee of the RMWB acting in the course of the performance of their duties immediately upon request.

PART 4. FOOD VENDING RULES AND REGULATIONS

34. All Food Vendors and Food Vending Units shall comply with the Food Vending Rules and Regulations, as established, amended, or replaced from time to time.
35. Failure to comply with the Food Vending Rules and Regulations, or any part thereof:
 - (a) is a contravention of this Bylaw; and
 - (b) are grounds for the immediate suspension or revocation of any Food Vending Approval in relation to the Food Vendor or Food Vending Unit.
36. The CAO is authorized to establish, amend, and replace Food Vending Rules and Regulations from time to time.

PART 5. CAO'S AUTHORITY

37. The CAO is authorized to delegate or assign any of the powers, duties, functions, or responsibilities given to the CAO under this Bylaw to any designated officer or employee of the RMWB.
38. Without limitation to any other provision of this Bylaw the CAO is authorized to:
 - (a) enter on to or access any land or Food Vending Unit for the purpose of inspecting for compliance with the requirements of this Bylaw;
 - (b) request any document or other thing relating to compliance with the requirements of this Bylaw to be produced; and
 - (c) make copies of any document or other thing related to compliance with this Bylaw.
39. No person shall attempt to prevent, obstruct, or hinder the CAO from making an inspection authorized by this Bylaw, refuse to provide access to any document or other thing relating to compliance with the requirements of this Bylaw, or otherwise interfere with the CAO's exercise of its authority in accordance with Part 4 of this Bylaw or under the *Municipal Government Act*.

PART 6. OFFENCES AND ENFORCEMENT

Offence

40. Any person who contravenes any provision of this Bylaw, any term or condition of a Food Vending Approval issued under this Bylaw, or the Food Vending Rules and Regulations or any part thereof is guilty of an offence.

41. In the case of an offence that is of a continuing nature, each contravention constitutes a separate offence in respect to each day or part of a day on which the offence continues, and a person is guilty of such offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

Enforcement

42. A Bylaw Enforcement Officer may issue a Municipal Tag to any person the Bylaw Enforcement Officer believes has contravened any provision of this Bylaw. Notwithstanding the foregoing, a Bylaw Enforcement Officer may proceed directly to the issuance of a violation ticket in accordance with Section 35 of this Bylaw and the *Provincial Offences Procedure Act* if, in the opinion of the Bylaw Enforcement Officer, it is appropriate to do so.
43. A Bylaw Enforcement Officer may issue a violation ticket as set out in the *Provincial Offences Procedure Act* to any person the Bylaw Enforcement Officer believes has contravened any provision of this Bylaw.

Fines and Penalties

44. A person who is guilty of an offence is liable upon conviction to a fine of not less than one hundred and twenty-five (\$125.00) dollars and not more than ten thousand (\$10,000.00) dollars and, in default of payment of any fine, to imprisonment for up to six (6) months.
45. Without restricting the generality of Section 36, the following amounts are established as specified penalties for use on Municipal Tags and violation tickets if a voluntary payment option is offered:
 - (a) one hundred and twenty-five (\$125.00) dollars for a first offence;
 - (b) two hundred and fifty (\$250.00) dollars for a second offence; and
 - (c) Five hundred (\$500.00) dollars for a third or subsequent offence.

PART 7. GENERAL

Severability

46. If any portion of this Bylaw is found by a court of competent jurisdiction to be invalid, such portion shall be severed from the Bylaw, and the remainder is to remain valid.

Coming Into Force

47. This Bylaw comes into effect on the day it is passed.

Read a first time this 10th day of June, 2025.

Read a second time this 24th day of June, 2025.

Read a third and final time this 24th day of June, 2025.

Signed and Passed this 24th day of June 2025