



Policy Name:	Park Refreshment Vehicle Policy
Administrator:	Director, Recreation and Leisure Services
Approval Date:	January 6, 2015
Effective Date:	January 1, 2016
Next Review Date:	January 1, 2017
Approval Authority:	City Council

1. Policy Statement

The Park Refreshment Vehicle Policy identifies the need for a variety of food vendors in parks and gives priority to vendors who provide healthy, local and/or certified organic food options, use sustainable business practices and follow accessibility standards.

2. Purpose

The purpose of this policy is to provide a process for Refreshment Vehicles to operate in municipal parks. It establishes a fair and transparent process for awarding annual and monthly park permits for this purpose. This policy promotes and gives priority to food vendors who provide healthy, local and/or certified organic food options, use sustainable business practices and follow accessibility standards. This policy supports the Kingston Sustainability Plan theme S03 Food and Nutrition to "improve access to healthy food choices" and to "promote the consumption of locally grown food through food markets".

3. Definitions

Annual Refreshment Vehicle Permit: means an annual permit issued by the City for the purposes of operating a Refreshment Vehicle in a designated park from January 1 to December 31, in a location as approved by this policy. The annual permit will be offered to the same Operator for three consecutive years, at which time it will be available to other Operators through the process of this policy.

Certified Organic Food: means products must be certified by a Certification Body accredited under the Canada Organic Regime.

City: means the Corporation of the City of Kingston

Food Location: means a location that is designated by the City for the purposes of operating a Refreshment Vehicle in a park, in a location as approved as part of this policy.

Healthy Food Location: means a location that is designated by the City for the purpose of operating a Refreshment Vehicle in a park, in a location as approved, and is reserved for Refreshment Vehicles that most closely meet the healthy food criteria as part of the application process.

Local Food: means the food originated within a 100 kilometre radius of the place where it was sold by the operator.

Monthly Refreshment Vehicle Permit: means a monthly permit issued by the City for the purposes of operating a Refreshment Vehicle in a designated park in a location as approved.

Operator: means a person who, alone or with others, operates, manages, supervises, runs or controls the Refreshment Vehicle or prepares, offers, sells or otherwise makes available food for consumption.

Park: means any land owned, leased or controlled by the City, designated or used as parkland or as a trail, including gardens, playgrounds, sports fields or beach areas.

Permit Holder: means any person or organization that holds a permit of any kind for use of parks with the City.

Refreshment Vehicle: means the same as defined in schedule R-1 of Licensing By-Law Number 2006-213, as amended.

Special Event: means but is not limited to a festival, procession, march, drill, parade or other organized event.

4. Persons Affected

This policy applies to Refreshment Vehicle Operators.

5. Policy Applications

5.1. In accordance with section 1 of By-Law Number 2009-76, as amended, the City may authorize, by permit, the use of all or a portion of a park or park building subject to such terms and conditions as the City may consider reasonable for any person to sell, or offer for sale, or expose or advertise for sale any food or drink, newspaper, magazine or publication, goods, wares or merchandise, art, skill or service.

5.2. The City will designate and make available specific locations in its parks for the operation of Refreshment Vehicles from January 1st to December 31st annually.

5.3. The City will issue annual and monthly park permits for the operation of Refreshment Vehicles.

5.4. The City will make available designated Healthy Food Locations.

5.5. The City will advertise these locations to the public as they become available 45 days prior to the application due date.

6. Process for Approving Applications

6.1. Applicants must apply to be considered for annual Refreshment Vehicle Permits. Monthly permit applicants may apply at any time to be considered for any remaining or available locations.

6.2. The City will approve completed applications using a scoring system that will be based on the following criteria:

- i. Healthy food options
- ii. Local food options
- iii. Certified Organic food options
- iv. Sustainable business practices and/or environmental contributions
- v. Accessibility considerations

6.3. The City reserves the right to manage the types of Refreshment Vehicles located in each park to ensure food variety and that priority is given to Operators who most closely meet the criteria.

6.4. Designated Healthy Food Locations are reserved for Refreshment Vehicles that most closely meet the criteria of the healthy food options, as outlined in the application.

6.5. The City shall notify Annual Refreshment Vehicle Permit applicants regarding the status of their application.

6.6. The City shall notify Monthly Refreshment Vehicle Permit applicants regarding the status of their application within 2 weeks of receipt of application.

6.7. Refreshment Vehicle Operators will sign and submit an agreement satisfactory to the City before a Park permit will be issued.

7. Fees and Payment

7.1. All user fees, equipment and service fees are subject to the provisions of the City's Fees and Charges By-Law Number 2005-10, as amended.

7.2. A deposit must be submitted at the time of application.

7.3. An administration charge will be levied for any payments returned as non-sufficient funds.

7.4. A fee will be charged for use of utilities at any location that offers this service.

8. Insurance

8.1. The Permit Holder must maintain a certificate of Commercial General Liability and Automobile Liability insurance of no less than \$5,000,000 each. The Commercial General Liability coverage must indicate that the City has been added as an additional insured on the policy. Evidence of this insurance must be provided to the City.

8.2. The Permit Holder must agree to indemnify and hold the Corporation of the City of Kingston harmless from and against any liability, loss, claims, costs and expenses, including legal fees, occasioned wholly or in part by negligence or acts of omissions during the use of the park or facility.

8.3. The City reserves the right solely, at its discretion, to set higher insurance limits and/or require additional coverage.

9. Additional Information Required

9.1. Before the final permit will be issued the following information must be submitted :

- i. - Contact name, including phone number and email (if available) of Permit Holder(s).
- ii. Insurance Certificate.
- iii. Payment of applicable fee(s).
- iv. The full amount of any outstanding amounts owed to the City as a result of a previous permit.
- v. Copies of valid applicable Federal, Provincial and Municipal licenses, inspection certificates and reports.

9.2. The permit must be posted and in view at all times during operating hours.

10. Permits

10.1. In accordance with section 17 of By-Law Number 2009-76, as amended, the City may attach such terms and conditions to a permit as deemed necessary to ensure public safety, protect City property or maintain the enjoyment of the Park for the public, which shall include identification of:

- i. Permit Holder whether an individual, individuals or corporation.
- ii. Permitted use.
- iii. Applicable fee.
- iv. Confirmation of payment of applicable insurance.
- v. Time and date of permitted use.
- vi. Place of permitted use.

10.2. No permit shall be issued without the payment of the applicable fee as well as compliance with -all the requirements of By-Law Number 2009-76 and all applicable By-Laws and policies of the City.

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- 10.3. Permits or designated locations are not transferable and cannot be subleased.
 - 10.4. The exact location of each site will be determined by staff with the Operator before the permit will be issued.

11. Special Events

- 11.1. Park permits for Refreshment Vehicle operations during a Special Event shall be administered through the City's Special Events Policy.
- 11.2. A Special Event Permit Holder has the authority to charge a fee to the Refreshment Vehicle Operator.
- 11.3. A Special Event Permit Holder may receive approval by the City to relocate or expand the number of Refreshment Vehicles in order to accommodate those in attendance or any other need the City deems necessary.
- 11.4. In the event that a Special Event is relocated or expanded, the Refreshment Vehicle Permit Holder of the current location will have first right of refusal of any subsequent locations for the same dates and Special Event. Any remaining spots will be offered to all other Refreshment Vehicle Permit applicants and will be awarded based on the nature of the event, and any other criteria that is established by the event organizer in conjunction with the City.
- 11.5. The City may suspend or cancel a permit during a Special Event. The City reserves the right to relocate and/or remove the Refreshment Vehicle without being in contravention of this policy and to accommodate a Special Event.
- 11.6. The City will provide notice to the Permit Holder if a permit must be suspended or cancelled or if the Refreshment Vehicle must be relocated as a result of a Special Event.
- 11.7. The City reserves the right to establish-Refreshment Vehicle locations in all parks or recreation facilities during special events or for any other reason it deems necessary.

12. Cancellation and Refunds

- 12.1. The City reserves the right to cancel or revoke any permit:
 - i. When a park or facility is needed for an event of municipal significance.
 - ii. In order to ensure public safety.

- iii. If, in the sole opinion of the City, the Permit Holder fails to comply with the requirements of the permit or any other provision of By-Law Number 2009-76 or for any other reason that the City deems appropriate.
- iv. If, in the sole opinion of the City, the Permit Holder does not operate at their location during what the City deems to be appropriate and acceptable hours.
- v. Right to cancel for any other reason the City should determine.

12.2. Refunds will be considered and pro-rated, if applicable, when relocation is not possible.

13. Other Requirements

13.1. All signage must meet the provisions of the City's Sign By-Law 2009-140. All signage must be professionally printed. Hand written signs are not permitted.

13.2. The exterior appearance of the Refreshment Vehicle must in accordance with the application as approved. Its size and appearance must be approved by the City .

13.3. Permit Holders must provide their own garbage, recycling and organics bins and all waste must be removed by the Operator at least daily and throughout the day if required.

13.4. Refreshment Vehicles or equipment are not permitted to sell from more than the approved designated location.

13.5. Portable generators shall be permitted with approval by the City.

13.6. Refreshment Vehicles shall not remain on location before or after approved business hours or overnight.

13.7. Repair to any grassed area that is required as the result of the sales at Refreshment Vehicles will be the responsibility of the Permit Holder.

13.8. Physical constraints in a Park may not accommodate all types of Refreshment Vehicles.

13.9. Where the City of Kingston provides or facilitates concession services in a park or recreation facilities additional conditions may apply.