



# 2018 DEVELOPMENT PERMIT

## APPLICATION PACKAGE

### Mobile Food Vendors on Downtown Public Land

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#### Contact Information

Any questions, concerns or requests for further clarification regarding the application process may be directed to:

*For permitting and licensing enquiries:*

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*For application and policy enquiries:*

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# 1 INTRODUCTION

In efforts to encourage and promote mobile food vending Downtown, the City and Yukon Government have designated nine (9) sites based on their high profile locations and suitability for food vending. Sites are allocated to vendors on an annual basis. Vendors are not permitted to operate anywhere on public property other than a site that has been allocated to them.

The City and Yukon Government review the program annually and determine which sites to make available. We reserve the right not to make a site available, even if a vendor has used the site the previous year and wishes to use it again.

Available sites are distributed via a lottery process, held in the spring of each year. Six (6) sites were available in the 2018 lottery (three (3) sites have been claimed by vendors who used the same site in 2017). Sites not allocated during the lottery process are available over the counter on a first-come, first-served basis.

Vendors who are not interested in this process may locate on private property, with the consent of the property owner and with all other applicable approvals, permits and licenses. No other public vendor sites will be available in 2018, unless otherwise authorized by the City of Whitehorse.

## 2 “STREET EATS” MOBILE FOOD VENDOR EVENT

The City of Whitehorse may repeat its annual Street Eats Mobile Food Vendor Event in 2018. This week-long street festival event gathers together all mobile food vendors into a “food-court”. The 2016 and 2017 events were very successful and helps to promote and bring awareness to the food vendor season and contribute to the overall vibrancy of the downtown core. The City will decide whether to repeat this event in the near future and will update the food vendor page at [www.whitehorse.ca/foodvendors](http://www.whitehorse.ca/foodvendors).

## 3 VENDOR TERMS OF REFERENCE

### 3.1 PERMITTING AND LICENSING

1. All vendors who secure a site on public property are required to obtain a Development Permit from the City of Whitehorse. Vendors securing a site at the Waterfront Wharf must also enter into a Use Agreement with Yukon Government.
2. Applicants must submit all documents listed in section 4 of the Application Form.

### 3.2 GENERAL FOOD VENDOR RULES

#### 3.2.1 Regulations for all Vendor Stalls

1. The program is limited to vendors serving prepared food and/or beverages intended for immediate consumption.
2. Vending units shall not block doorways, display windows, or impede pedestrian or vehicular access.
3. All permit areas utilizing a sidewalk must leave a minimum 1.2 meters of sidewalk free and clear from obstructions for pedestrian use.
4. The vendor permit areas must be kept in a good, neat, and tidy condition and order. Except on pre-printed umbrellas, third party signage shall be kept to a minimum.

5. Vending units shall be of good quality and aesthetically pleasing in appearance. They shall not have any lights, sounds, or actions, which could be a distraction for motorists and/or pedestrians.
6. Unless authorized by the City in writing (including email), the vendor must operate at their site at least once per week. Failure to do so will result in the forfeiture of the site and it shall be made available to another vendor.
7. If a vendor ceases operations during a season, they shall notify the City and their site shall be made available to another vendor.
8. Where electricity is provided, vendors shall ensure that their vending unit does not exceed the available supply. Vendors are responsible for providing the necessary equipment to safely reach the power supply. This may include cable covers in areas with pedestrian or vehicle traffic. Details on the power supply and receptacle location at each site are provided in Appendix "B".
9. Vendors are required to provide garbage bins for their customers.
10. Vendors are encouraged to provide compost bins for their customers.
11. Effective June 1, 2015, the City's Waste Management Bylaw 2012-30 identifies compostable waste from commercial food service establishments as a controlled waste which cannot be placed in the garbage. Options for managing compostable waste include:
  - a. Place it in your curbside composting cart for regular residential pick-up, provided the amount of compost does not impede full closure of the lid and does not exceed the maximum cart weight as specified by the manufacturer;
  - b. Subscribe to the City's commercial organics collection program for weekly or biweekly pickup at your residence (available in most areas of the City), or arrange to share the service with a business that already subscribes; or
  - c. Take the compostable waste to the City's Waste Management Facility.
12. Vendors are not permitted to use public garbage receptacles to dispose of waste. Options for managing garbage include:
  - a. Place it in your curbside garbage cart for regular residential pickup, provided the amount of garbage does not impede full closure of the lid and does not exceed the maximum cart weight as specified by the manufacturer;
  - b. Arrange to share a dumpster service with a business that already subscribes to such service; or
  - c. Take the garbage to the City's Waste Management Facility.
13. There shall be no permanent modifications made to the permit area. Vendors shall not insert any objects into the ground.
14. A mobile food vendor may operate at other temporary locations including festivals and special events, subject to proper permitting.

15. A vendor who secures a vendor stall in 2018, and uses it in accordance with these Terms of Reference, has the right to use the site for the 2019 summer season, provided the City elects to make the site available for 2019. For the purposes of this provision, the vendor must use the site until at least September 3, 2018 (Labour Day) in order to claim the site for 2019.
16. The vendor must indicate in writing their desire to use the stall for the 2019 summer season by February 28, 2019. If they fail to do so, that vendor stall will be put back into the lottery process. The vendor must obtain a Development Permit by June 1, 2019, otherwise the site will be forfeited.

### **3.2.2 City of Whitehorse Vendor Stalls**

The following vendor rules apply only to the vendor stalls on City land (this means all stalls except those at the Waterfront Wharf). The City's Lease, Encroachment and Property Use Policy outlines the requirements for mobile food vendors operating at these locations. All vendors operating at these locations shall adhere to the following rules. Failure to follow these rules could result in site forfeiture.

1. The mobile food vendor term is from April 15, 2018 to October 31, 2018. The vendors shall not operate at these locations outside of these dates.
2. Mobile food vendors shall cease operating and remove their vending units and equipment from the approved vendor sites by 11:00 p.m. There shall be no overnight parking of vending units.
3. Where electrical service is provided to a mobile food vendor, that vendor shall be responsible for paying a rate of \$50 per month or portion thereof to the City of Whitehorse. Once the vendor obtains a permit, one bill will be issued to the food vendor at \$50 per month times the number of remaining months in the vendor season (e.g. until October 31). For example, if a vendor is operating from May 1 to October 31, they will be charged \$300 for use of electricity when they obtain their permit. If the vendor provides written notice to the City that they have ceased vending for the season at that stall, they will be reimbursed a prorated amount for any full months they did not operate.
4. A vendor shall not assign or sublease their site to any other party without the express written consent from the City, whose consent may be arbitrarily and unreasonably withheld. At no time shall the vendor charge or rent their stall to another vendor for a fee.

### **3.2.3 Yukon Government Waterfront Wharf Vendor Stalls**

The 3 vendor stalls located at the Waterfront Wharf are on land owned by Yukon Government (YG). The City and YG have agreed to place the Waterfront Wharf vendor stalls in the 2018 lottery. In addition to obtaining a Development Permit and adhering to the general regulations in section 3.23.2.1, vendors who have secured a Waterfront Wharf stall will enter into a Use Agreement with YG regarding the use of the stall. Please refer to Appendix "C" for a draft copy of the Use Agreement. There are some differences from the City vendor stall conditions which include (but are not limited to):

1. The vendor term is from April 15, 2018 to October 31, 2018.
2. The rental fee for the use of the stall is \$50.00 per month which includes the use of electricity. The fee is collected by YG.
3. The vendors shall cease operating and remove their equipment by 10:00 pm each night.

### **3.2.4 Applicant Signature**

I have read the Terms of Reference and will conduct my business in accordance with said terms.

Signature of Applicant: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

# APPENDIX “A” – MOBILE FOOD VENDOR APPLICATION FORM

<p><b>Application For City of Whitehorse Mobile Food Vendor Site</b>                  Please complete all sections.</p> <ul style="list-style-type: none"> <li>- Vendors who have been allocated a site in the 2018 lottery may skip sections 2 and 3.</li> <li>- Vendors who claimed the same site from 2016 may skip section 3.</li> </ul>			
<b>1. Applicant Information</b>			
Name		Vendor Business Name	
Address		Postal Code	Phone Number
Email			
<p>In an effort to encourage a more vibrant downtown, the City would like to share your contact information for promotional purposes (e.g. post on the City website, other City advertising, etc.). Please indicate what information we can share:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Email address</li> <li><input type="checkbox"/> Phone number</li> <li><input type="checkbox"/> Website</li> <li><input type="checkbox"/> Don't share any contact information</li> </ul>			
<b>2. Business Description</b>			
<b>Type of vending apparatus:</b>		<input type="checkbox"/> Truck <input type="checkbox"/> Trailer <input type="checkbox"/> Push-cart <input type="checkbox"/> Other (please describe):	
<b>Dimensions of apparatus:</b>		Length: Width:	
<b>Description of menu:</b>			
<b>Description of the operations plan including day-to-day operations:</b> (i.e. hours and days of operation; your employment team, etc.)			

### 3. Site Selection

- List only vendor sites that you are willing to use. Prior to selecting the sites, please note the individual site constraints in Appendix “B”.
- Use the vendor site # detailed in Appendix “B” to select your preferred site.

My preferred site # is: \_\_\_\_\_

(Optional) My second choice is: \_\_\_\_\_

(Optional) My third choice is: \_\_\_\_\_

### 4. Checklist

**Please include the following in your application:**

- This completed application form;
- The permit fee of \$275;
- A letter of intent that includes the hours and days of operation;
- A photograph of the vending unit;
- A sketch plan showing:
  - The location and dimensions of the proposed permit area;
  - The location and dimension of passageway free and clear of any obstruction;
  - The location and relative distance of any permanent fixtures placed by the City; and
  - Any proposed amenities or accessories such as heaters, flower baskets, umbrellas and awnings.
- Terms of Reference with each page initialed and signed at end;
- Proof of a current and valid Business License;
- Proof of minimum \$2,000,000 liability insurance as required in the Lease, Encroachment and Property Use Policy. The City must be named as an additional insured; and
- Proof of any third party permitting or licensing.

**Please check all items below:**

- I have completed a site visit, am familiar with the site constraints, and confirm that my vending apparatus can safely fit within the vendor site dimensions with reasonable access to and from the site.
- I confirm that it is my intention to obtain a mobile food vendor site for the purpose of selling food and beverages to the public.

### 5. Signature

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## APPENDIX “B” – VENDOR SITE PROFILES

Please call 668-8334 for up-to-date site availability. Some sites indicated in the maps below may already be allocated to other vendors.



Site #	Length	Width	Electricity	Other
Site S1	8 m	4 m	120V, 15A (can install 120V, 30A service on request)	Vendors cannot drive or insert any objects into the ground
Site S2	8 m	4 m	120V, 30A (L5-30 twist-lock receptacle)	
Site S3	8 m	4 m	120V, 15A (can install 120V, 30A service on request)	
Site S4	8 m	4 m	120V, 15A (can install 120V, 30A service on request)	

## Rotary Park



Site #	Length	Width	Electricity	Other
Site R1	8 m	4 m	240V, 30A and 120V, 20A	Vendors cannot drive or insert any objects into the ground
Site R2	8 m	4 m	240V, 30A and 120V, 15A	

## Waterfront Wharf



Site #	Length	Width	Electricity	Other
Site W1	8 m	4 m	240V, single phase, four prong, 30A, and 120V, single phase, three prong, 20A	Vendors cannot drive or insert any objects into the ground
Site W2	8 m	4 m	240V, single phase, four prong, 30A, and 120V, single phase, three prong, 20A	
Site W3	8 m	4 m	240V, single phase, four prong, 30A, and 120V, single phase, three prong, 20A	

# APPENDIX "C" – DRAFT GOVERNMENT OF YUKON USE AGREEMENT

## USE AGREEMENT

**LESSOR:** Government of Yukon  
Highways and Public Works  
Box 2703  
Whitehorse, Yukon  
Y1A 2C6

**LESSEE:** XXXXXXXX

### 1. DESCRIPTION OF LEASED PROPERTY

Vendor stall # \_\_\_\_ located north of the wharf on the waterfront as indicated on attached drawing.

### 2. RENTAL FEE

During the term, hereof the Lessee shall pay to the Lessor the sum of \$50.00 per month. This monthly amount includes the use of electricity.

### 3. TERM

The mobile food vendor lease shall be on a month to month basis commencing April 15, 2018 and ending no later than October 31, 2018. The vendor shall not operate at this location outside of these dates.

### 4. OTHER CHARGES

The Lessee shall be responsible for all costs pertaining to the operation of its business.

### 5. CONDITIONS - USE OF THE LEASED PREMISES

1. The vendor shall cease operating and remove their vending units and equipment from their site by 10:00 pm each night. There shall be no overnight parking of vending units.
2. If the vendor ceases operations during a season, they shall notify Realty Capital Asset Planning, Property Management 456-3875 and their site shall be made available to other vendors.
3. The vendor shall not use amplified music after 9:00 pm, and shall not at any time disturb the peace, rest, enjoyment, and comfort of persons within the vicinity.
4. The vending units shall be of good quality and aesthetically pleasing in appearance. They shall not have any lights, sounds, or actions, which could be a distraction for motorists and/or pedestrians.
5. The vending unit shall not impede pedestrians or vehicular traffic.
6. The vendor permit area must be kept in a good, neat, and tidy condition and order. Third party signage shall be kept to a minimum.
7. In addition to garbage bins, vendors are encouraged to provide compost and recycling bins for their customers.
8. There shall be no modifications made to the vendor permit area. Government of Yukon shall

repair any damage to any public structures or infrastructure resulting from the vending activities and the vendor will pay all costs of the repair.

9. The vendor shall not insert any objects into the ground.
10. The vendor shall not operate at vending sites which are allocated to other vendors.
11. The vendor shall be required to maintain a valid Business License, Environmental Health approval, general liability insurance, and any third party approvals for the duration of the vendor term.
12. If the applicant is unable to obtain the required permits and/or licenses to secure a vendor site by June 1, 2017, that site shall be forfeited and be made available over the counter on a first-come, first serve basis. OR to stand by list.

## **6. INDEMNIFICATION**

The vendor shall indemnify the Government of Yukon and save it harmless from and against any and all liabilities, damages, losses and expenses, including all legal fees, in connection with any personal injury, loss of life or damage to property arising out of the occupancy or use of the vendor site, except where such injury, loss of life, or damage to the property has been caused by the negligence or other act or omission of the Government of Yukon.

## **7. INSURANCE**

The Lessee shall carry liability insurance covering its occupancy and use of the Lease Premises in the amount of no less than \$2,000,000 per occurrence and will present the Lessor with a copy of the insurance policy upon request.

## **8. ASSIGNMENT OR SUBLEASE**

The Lessee shall not assign the Lease or sublease the Lease Premises or any portion thereof to any other party.

## **9. TERMINATION**

The Government of Yukon reserves the right to terminate this permit without notice if in its sole opinion it has determined that the lessee has failed to comply with the terms and conditions of the agreement

## **GOVERNMENT OF YUKON**

\_\_\_\_\_

**DATE:**

\_\_\_\_\_

## **“VENDOR NAME”**

\_\_\_\_\_

**DATE:**

\_\_\_\_\_

**Phone #:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_