

**The Draft of this Bylaw was adopted at the Council meeting held on January 27, 2025.**

**BYLAW 2025-001**

**RESPECTING FOOD TRUCKS**

**WHEREAS** this bylaw governs the operation of food trucks on public and private property throughout the territory of the Municipality of Grosse-Île in accordance with the enabling provisions set out, notably, in sections 4 to 7, 10, 85 and 86 of the *Municipal Powers Act (CQLR, c C-47.1)*;

**WHEREAS** this bylaw may establish standards relating to signage, advertising and noise, or interact with any other existing bylaw, including those pertaining to nuisances and zoning;

**WHEREAS** this bylaw may prescribe standards for the locations designated for the operation of food trucks, operating periods, operations, specifications of vehicles and their accessories and equipment, maintenance, sanitation and safety;

**WHEREAS** this bylaw may include provisions for inspection powers and sanctions in case of non-compliance;

**WHEREAS** notice of motion of the present bylaw was given and that the draft bylaw was tabled at the regular meeting of January 27, 2025 ;

**WHEREAS** a copy of the present bylaw was also delivered to all members of Council at least seventy-two (72) hours prior to the present session;

**WHEREAS** the members of the Council declare that they have read it;

**WHEREAS** during the meeting, the Clerk-Treasurer explains the content and scope of the bylaw;

**THEREFORE**

Based on a proposal by Nancy Clark

Second by Marlene Boudreau

It is unanimously resolved by the councillor’s present

**THAT** Bylaw No. 2025-001 entitled “**Bylaw Relating to Food Trucks**” be adopted.

**BYLAW 2025-001**

**RESPECTING FOOD TRUCKS**

**CHAPTER 1**

**DECLARATORY PROVISIONS**

**Section 1.1 BYLAW TITLE AND NUMBER**

Bylaw No. 2025-001 shall be known as “Bylaw respecting food trucks”.

**Section 1.2 PREAMBLE AND ANNEXES**

 The preamble and appendices to this bylaw form an integral part thereof.

**Section 1.3 PURPOSE OF THESE RULES**

The purpose of this bylaw is to establish the terms and conditions for authorizing the presence of food trucks on the territory of the Municipality of Grosse-Île.

 For example, it prescribes standards relating to locations for food truck operations, operating periods, vehicle specifications and accessories. It also establishes standards for signage, advertising and noise. It also provides inspection powers and penalties in the event of a breach of the bylaw.

**Section 1.4 PERSONS SUBJECT TO THIS BYLAW**

Any individual or legal entity, association or company is subject to the present regulations.

**Section 1.5 THIS BYLAW AND THE LAW**

Nothing in the present bylaw shall have the effect of exempting any person from the application of any law of Canada or of the Province of Quebec.

**Section 1.6 TERMINOLOGY**

 In this bylaw, unless the context indicates otherwise, the following words or expressions have the meaning or significance attributed to them in this section.

Food truck (Camion-restaurant)

Registered motor vehicle or registered trailer in which food products are processed or assembled for sale or distribution to a passing clientele. A food truck does not include a vehicle or trailer in which food products that have already been processed, assembled or cooked (such as a mobile canteen) are primarily sold or distributed.

Mobile canteen (Cantine mobile)

A small, specially equipped truck that travels a distribution circuit to provide a fast-food service.

Production kitchen (Cuisine de production)

A commercial establishment with a food production area used by the operator to prepare food for a food truck.

Public domain (Domaine public)

Streets, public squares, parking lots, including parks under municipal ownership or management.

Private domain (Domaine privé)

Everything not under municipal ownership or management.

Location (Emplacement)

A space within a site where a food truck is to be installed.

Operator (Exploitant)

A natural or legal person or its representative who operates a food truck license.

MAPAQ (MAPAQ)

The Quebec Ministry of Agriculture, Fisheries and Food.

Menu (Menu)

A list of food and beverages offered by the operator.

Period of occupancy (Période d’occupation)

When a food truck is parked on a site during authorized hours.

Site (Site)

A fixed location on public or private land for food trucks.

**CHAPTER 2**

**APPLICATION**

**Section 2.1 TERRITORY OF APPLICATION**

This bylaw applies to the entire territory under the jurisdiction of the Municipality of Grosse Île.

**Section 2.2 APPOINTMENT OF DESIGNATED OFFICIAL**

The issuance of permits and certificates is entrusted to a civil servant appointed by the Council and designated as an inspector. The inspector is responsible for enforcing this bylaw.

**Section 2.3 DUTIES AND POWERS OF THE DESIGNATED OFFICIAL**

The municipal inspector enforces the present bylaw.

The municipal inspector is responsible for receiving applications for permits or certificates under this bylaw. After reviewing the application, if it complies with the bylaw's provisions, the inspector issues the permit; if not, the permit is denied. The issuance of permits is recorded in a dedicated register. The inspector also maintains copies of all documents related to the administration of this bylaw and ensures that a copy of the permit is sent to the municipal clerk's office simultaneously with its delivery to the applicant.

Upon receipt of an application, the office must issue the permit within thirty (30) days, provided the application complies with the current bylaw. The thirty-day period will only begin once the application is complete, including all required plans and documents.

The municipal inspector may request certification confirming that the work complies with the applicable laws and regulations of the relevant provincial and federal authorities.

The municipal inspector may issue a written notice to the owner, requiring the correction of any violation of this bylaw. Additionally, the inspector may issue a statement of offence.

The municipal inspector maintains copies of all records related to applications under his jurisdiction, including inspections and tests conducted or required, as well as the issuance of all permits. Additionally, he keeps copies of all documents pertaining to the administration of this bylaw.

**Section 2.4 VISITING RIGHTS**

In the performance of his duties, the municipal inspector may visit and examine, at any reasonable time, any food truck to ascertain whether the provisions of the present bylaw are being complied with, to verify any information or to ascertain any fact necessary for the exercise by the Municipality of the power to issue a permit, to issue a notice of compliance of an application, to give an authorization or any other form of permission conferred upon it by law or regulation to oblige the owner or occupant of a food truck to allow the Municipality's officers or employees to enter.

**Section 2.5 STATEMENT OF OFFENCE**

When a violation of this bylaw is detected, the inspector draws up a statement of

offence and forwards a copy to the offender.

**CHAPTER 3**

**CONDITIONS FOR OPERATING A FOOD TRUCK**

**Section 3.1 GENERAL PROVISIONS**

**3.1.1** The presence of a food truck on the territory of the municipality is authorized by council resolution.

**3.1.2** The days and hours must be between 7 a.m. and 10 p.m., Monday to Sunday, including the time required for installation and dismantling. Exceptionally, the presence of a food truck may exceed 10 p.m. when it is present on public or private property as part of a specific event, provided that written authorization has been obtained from the organizer and the municipality.

**3.1.3** The food truck must be relocated immediately upon receiving a verbal notice from the competent authority in an emergency or to protect public safety. Failure to comply with the notice may result in the food truck being towed at the operator's expense.

The operator must relocate the food truck within 48 hours of receiving written notice from the competent authority.

**3.1.4** Where applicable, the operator must adhere to the schedule established by the competent authority for the rotation of food trucks at the different designated sites.

**3.1.5** During the occupancy period, only the authorized food truck may be used. However, in the event of unforeseen circumstances, the operator may replace the food truck with a similar one, provided they notify the competent authority in writing and obtain its approval.

**Section 3.2 FOOD SALES**

**3.2.1** All food sales and distribution must take place from inside the food truck.

**3.2.2** The sale and distribution of alcoholic beverages are prohibited, except during events on public property authorized by the Municipality and on private property. When the sale and distribution of alcoholic beverages are permitted, the operator must hold a permit from the Régie des alcools, des courses et des jeux;

**3.2.3** The sale, distribution, or use of Styrofoam containers for serving and packaging food, as well as processed and prepackaged products, including beverages, is prohibited.

**Section 3.3 LOCATION AND PARKING**

 **3.3.1** A food truck can operate in the following locations:

1. On the following public sites and in the area designated by the Municipality:
* Old Harry Beach, 7 and 9 Head Road
* Intergenerational Park, 0 Park Road
* City hall, 6 Jerry Lane
1. On a private commercial site located in an Nv, Rb, Rc or Pa zone, provided that written authorization has been obtained from the owner.
2. On public or private property as part of a specific public event, provided that written authorization has been obtained from the event organizer.
3. On private residential property as part of a private event, provided it complies with the provisions of Bylaw 2014-004 Concerning Nuisances.

**3.3.2** When the event takes place at a public site where food trucks are permitted, the operation of the food truck is always dependent on approval from the event organizer.

**3.3.3** In all cases, a minimum distance of three (3) meters must be maintained between each food truck when multiple trucks are located on the same site. Additionally, there must be a minimum distance of two (2) meters between a food truck and property lines, and three (3) meters from the street right-of-way.

**Section 3.4 ACCESSORIES AND EQUIPMENT**

**3.4.1** The equipment installed in the food truck must be self-sufficient in terms of drinking water, electricity and propane gas. When the food truck is on private property, it may, with the agreement of the owner or person in charge of the premises, be supplied with drinking water by means of an extension cord.

**3.4.2** When a food truck includes an integrated awning, its height must not exceed the height of the food truck.

**3.4.3** A food truck may include a step, but when it does, the step must be safe.

**3.4.4** Any furniture, accessory, or equipment, such as standalone structures including shelters, awnings, umbrellas, tables, chairs, stools, or auxiliary lighting devices, is permitted provided they are removable.

Additionally, a detailed plan must be submitted to the municipality, specifying the planned installations and their locations. This plan must be tailored to the site and the event where the activities will take place and must receive prior approval from the municipality.

**3.4.5** The installations must not obstruct traffic or impede the visibility of signage under any circumstances.

Lighting on the food truck must not cause confusions to road signs, and all light beams should be directed downward to avoid causing disruption to the surrounding neighbors.

No accessories, equipment or objects used during the occupancy of a food truck may be left on the site after the food truck has left and outside the occupancy period.

**3.4.6** No accessory, equipment, or object used during the operation of a food truck may be left on-site after the food truck's departure or outside the period of operation.

**Section 3.5 MAINTENANCE AND SANITATION**

**3.5.1** The operator must keep his restaurant truck in good condition, both inside and out, so that the vehicle's appearance remains the same as when the permit was issued.

**3.5.2** During the period of occupancy, the operator must keep the site and its perimeter clean at all times, up to a distance of 10 metres from the food truck.

At the end of the occupancy period, the operator must return the site to the condition it was in at the start of occupancy.

**3.5.3** The operator must provide customers with 3 bins (one green, one black and one brown) placed at a maximum distance of five meters from the restaurant truck.

Residual waste collected during the occupancy period must be disposed of in a designated area. These materials may not be placed in containers or facilities on public property or used as urban furnishings.

**3.5.4** The food truck must be equipped with sufficient reservoirs for the discharge of wastewater and grease.

The discharge of wastewater and grease from the restaurant truck onto the public domain or into the municipal sewer system is prohibited.

**Section 3.6 SAFETY**

**3.6.1** The food truck must not give customers access to the interior of the vehicle.

**3.6.2** The food truck may not be left open and unattended during the period of use.

Regardless, if the food truck is to be left unattended, the person in charge of the vehicle must ensure that it is securely closed and locked.

**3.6.3** The food truck may not be raised or lowered using any mobile object or equipment during the period of occupancy.

**3.6.4** No elements, equipment or sharp objects may protrude from the restaurant truck. All shelves used to serve customers must be removable/retractable.

**3.6.5** The food truck must be equipped with a functional ventilation fan to operate when cooking generates greasy fumes or vapors.

Hoods, filters and ducts must be inspected at intervals of not more than seven days and cleaned if there is a build-up of combustible deposits.

No exhaust or discharge of smoke, steam or other substances from the food truck may be directed towards the customer service area.

No items or equipment without adequate protection that produce or give off heat and present a burn hazard should be located within reach of the public.

**3.6.6** The generator and propane gas containers must be mechanically and permanently secured to the food truck by an approved support that complies with standards for the transportation of this type of equipment. This equipment must not be accessible to the public and must not be installed inside the food truck.

**3.6.7** The food truck must be equipped with at least one safe means of evacuation, which must be maintained in good condition and unobstructed at all times.

**3.6.8** The food truck must be equipped with at least one portable fire extinguisher.

In addition, a portable fire extinguisher and any fixed extinguishing system must be accessible at all times and maintained in good working order.

**3.6.9** Smoking is prohibited at a minimum distance of three metres from the restaurant truck's propane gas containers.

**Section 3.7 DISPLAY AND ADVERTISING**

**3.7.1** Authorization to occupy a site with a food truck must be posted in the food truck and in full view of the public.

**3.7.2** The exterior of the food truck must be equipped with the following notices:

1. Clear, visible menu and pricing;
2. Inscriptions indicating the name and address of the operator. These must be legible, permanent and visible on both sides of the restaurant truck at all times.

**3.7.3** In addition, the food truck may be equipped with the following vehicle signage:

1. The company name and logo of the food truck;
2. The telephone number and website of the company name of the food truck;
3. Social network contact details associated with the restaurant truck's corporate name;
4. Labels or markings “Order here” and “Receive here”.

**3.7.4** Any display or advertising on the food truck not authorized under the present section is prohibited.

**3.7.5** Only one sandwich board per restaurant truck is permitted.

**Section 3.8 SOUNDS**

**3.8.1** The use of sound equipment to broadcast sounds outside the food truck is prohibited.

**Section 3.9 INSPECTION**

**3.9.1** The appropriate authority may, at any reasonable time, carry out an inspection of the food truck and require the owner to provide all information and documents relevant to the application of this bylaw.

It is forbidden to prevent, hinder or interfere in any way with an inspection or to refuse or neglect to comply with a request made pursuant to this bylaw.

**CHAPTER 4**

**SELECTION PROCESS**

**Section 4.1 QUALIFICATIONS**

**4.1.1** The issuance by the designated person of a permit for a food truck is subject to a selection process based on the criteria set out in Annex I of this bylaw. Based on the results of this analysis, the municipal administration forwards a recommendation to Council.

**4.1.2** To be eligible for the selection process, the applicant must submit the following to the competent authority:

1. Paper copy as well as an electronic version of the application file comprising the documents mentioned in section 4.2;
2. Payment of $150 to review eligibility application.

**Section 4.2 APPLICATION FORM**

**4.2.1** The application must include the following information and documents:

1. A general description of the project and a presentation of the proposed food truck concept;
2. An eco-responsible management plan that specifies:
* the sorting of residual waste;
* the choice of containers and cutlery used to serve customers;
* how the various residual waste are disposed of;
* the energy sources used to power the restaurant truck and its equipment.
1. The curriculum vitae of one of the people responsible for running the food truck;
2. Printed color photos showing all exterior faces of the restaurant truck.

**4.2.2** The application fee is non-refundable, and documents provided by the applicant are retained by the competent authority.

**CHAPTER 5**

**PERMITS**

**Section 5.1 SUBMITTING A PERMIT APPLICATION**

**5.1.1** Once a favourable recommendation has been made on an application and endorsed by the Board, the applicant may submit a permit application to the designated person.

**5.1.2** This application must be made on the permit application form provided for this purpose, duly completed and signed. The application must be accompanied by:

1. a copy of the document certifying that the applicant holds a commercial general liability insurance policy providing coverage for bodily injury and property damage in an amount of at least $2,000,000. This insurance policy must state that it cannot be cancelled or its coverage reduced unless 30 days' notice has been given to the competent authority;
2. a copy of the incorporation documents of the company operating the food truck;
3. a copy of valid authorizations issued by MAPAQ;
4. payment of the $1500 annual permit;
5. a copy of the current registration certificate for the restaurant truck.

**5.1.3** The permit is issued to the applicant if all conditions are met.

**Section 5.2 VALIDITY AND EXPIRY OF A PERMIT**

**5.2.1** A single permit is issued to the applicant, valid from January 1 to December 31 of the same year, and is specific to one food truck, as designated following the approval of the application

The permit may be renewed annually at a cost of $1500, contingent upon meeting the criteria outlined in the current bylaw.

**5.2.2** The issuance of a permit does not guarantee exclusive rights to the menu type offered.

**5.2.3** Permits may not be sold, leased or transferred.

**5.2.4** After notifying the applicant in writing, the competent authority may suspend or revoke a permit in any of the following situations:

1. one of the conditions under which the permit was issued is not met;
2. The permit was granted in error or on the basis of inaccurate information;
3. the operator has ceased its food truck activities;
4. the suspension or revocation of a permit does not entitle the holder to a refund of the permit fee or of the right to occupy the public domain;
5. the food truck permit is suspended for an operator found guilty of 3 violations of the present bylaw;
6. the holder of a revoked or non-renewed permit must return it to the competent authority within 10 days of such revocation or non-renewal.

**CHAPTER 6**

**FINAL PROVISIONS**

**Section 6.1 FINE**

**6.1.1** Any person who is in violation of, or who allows the violation of, any of the provisions of the present bylaw commits an offence and is liable to a fine, with or without costs

**6.1.2** The amount of this fine being established as follows:

1. In the case of an individual:
* for a first offence, a minimum fine of $300 and a maximum fine of $1,000.
* for a repeat offence within a one-year period, a minimum fine of $500 and a maximum fine of $2,000.
1. In the case of a legal entity:
* for a first offence, a minimum fine of $600 and a maximum fine of $2,000.
* for a repeat offence within a one-year period, a minimum fine of $1,000 and a maximum fine of $4,000.

Continuous violations of any of the provisions of this bylaw constitute a separate and distinct offence, day by day.

**Section 6.2 LEGAL ACTION**

The Municipality may take legal action against anyone who violates this bylaw.

**Section 6.3 INITIATING LEGAL PROCEEDINGS**

If the Municipality submits a request to this effect and gives reasons, the appointed public prosecutor may initiate the appropriate criminal proceedings.

The Council alone is empowered to authorize civil proceedings.

**Section 6.4 CIVIL OR CRIMINAL PROCEEDINGS**

In order to enforce compliance with the provisions of this bylaw, the Municipality may exercise the recourses provided in this bylaw cumulatively or alternatively, as well as any other appropriate civil or criminal law recourse.

**Section 6.5 COMING INTO EFFECT**

Le présent règlement entrera en vigueur conformément à la Loi.

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Gordon Burke Carole Lemieux

Mayor Director General

NOTICE OF MOTION: January 27, 2025

ADOPTION: February 24, 2025

PUBLICATION: February 25, 2025

ANNEX I

|  |  |
| --- | --- |
| **Criteria** | **Rating** |
| Criteria #1 - Business plan : * Company description, including human resources
* Structure, cost and financing
* Market analysis (customers)
* Project timeline
 | /15 pts |
| Criteria # 2 - Professional experience and knowledge of food services issued: * Origin and training of the team
* Restauration experience
* Expertise in cooking and serving
 | /20 pts |
| Criteria # 3 - Eco-friendly management : * Waste and recycling management
* Choice of containers, packaging, etc.
 | /25 pts |
| Criteria # 4 - General appearance of the food truck :* Careful attention to the exterior appearance, with a focus on the detailed integration of accessories visible from the outside.
* Professional, distinctive signage and graphics to easily identify the restaurant owner
 | /35 pts |
| Criteria # 6 - Overall quality of the application :* Quality of presentation
* Content quality (clarity and relevance to requirements)
 | /5 pts |
| Total | /100 pts |

**Note:** The overall pass mark is set at 75%.