

## Mobile Food Vendor Policy

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| <b>Reference Number:</b>         | Section 10 No. 05          |
| <b>Responsible Department:</b>   | Strategy & Development     |
| <b>Related Policy/Procedure:</b> |                            |
| <b>Date of Adoption:</b>         | 27 February 2018           |
| <b>Current Review Date:</b>      | 25 May 2021                |
| <b>Minute Reference:</b>         | STR9.3.4/2021              |
| <b>Version Number:</b>           | Amendment No. 3            |
| <b>Applicable Legislation:</b>   | Local Government Act, 1999 |
| <b>Next Review Date:</b>         | May 2024                   |
| <b>Review Frequency:</b>         | Triennially                |

### 1. Purpose

This document sets out the requirements for Mobile Food Vendors seeking a permit to operate within the Light Regional Council area.

### 2. Scope

A mobile food vending business requires a permit under section 222 of the *Local Government Act 1999* to operate a business on a public road in the Council area and is subject to any conditions on its permit.

The Council has adopted location requirements for mobile food vending as set out in this Policy.

### 3. Definitions

**Event Area:** is a section of public road set aside by Council from time to time for an event, which may or may not be specifically closed for a duration for that purpose and may or may not include the full extent of the road carriageway.

**Food business:** means a business the primary purpose of which is the retail sale of food or beverages.

**Mobile food vending business:** means a business involving the sale of food or beverages from a vehicle.

**Site:** means the area of land (in this instance a part of a public road) on which a mobile food vending business is proposed to be located.

**Vehicle:** includes a motor vehicle and trailer as well as a tram, bicycle, animal being ridden or drawing a vehicle and motorised wheelchair that can travel at over 10 kilometres per hour, or as defined in the *Road Traffic Act 1961*.

### 4. Location

A mobile food vending business:

1. must be located on a public road with a speed limit of 50 km/h or less;
2. must be located a minimum of 50 metres from any food business during the operating hours of the food business, unless written permission is obtained from the food business;
3. must select a site for operation that does not unduly interfere with:

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- a) vehicles driven on roads;
  - b) vehicles parking or standing on roads;
  - c) the requirements relating to, and availability of, parking spaces;
  - d) parking areas for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules);
  - e) public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
  - f) other road related infrastructure;
  - g) infrastructure designed to give access to roads (driveways), footpaths and buildings;
  - h) pedestrian traffic and use of footpaths; and
  - i) residents and businesses.
4. must keep its site clean, safe and well maintained; and
5. may display one (1) 'A' frame sign to advertise their business within 5 metres of the vehicle and in accordance with Council's Moveable Sign By-Law No.2.

## 5. Compliance with legislative requirements

A mobile food vending business must select a site for operation which does not breach any relevant requirements under:

- (a) the Food Act 2001;
- (b) the South Australian Public Health Act 2011;
- (c) the Environment Protection Act 1993;
- (d) the Local Nuisance and Litter Control Act 2016;
- (e) the Motor Vehicle Act 1959 and the Road Traffic Act 1961;
- (f) legislation relating to electrical or gas installations or appliances; and
- (g) relevant legislation relating to health, safety or the environment.

## 6. Special Circumstances for Events

Where there is an event affecting a public road, a mobile food vending business wishing to locate within the designated Event Area must:

- a) Have a valid permit from Council; and
- b) Have separate approval from the recognised event organiser for the duration of the event.

At its discretion, Council may allow a permit for a mobile food vending business within 50 metres of a Food Business for the duration of the associated event.

**7. History**

1. Interim Policy adopted by Council on 27 February 2018, Minute Reference 2018/559 (Item 13.3.1)
2. Final Policy adopted by Council on 22 May 2018, Minute Reference 2018/180 (item 13.3.2).
3. Amended Policy adopted by Council on 25 May 2021, Minute Reference STR9.3.4/2021, Page Reference 114