



## ADMINISTRATIVE REPORT

Report Date: January 17, 2014  
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Meeting Date: February 19, 2014

TO: Standing Committee on Planning, Transportation and Environment  
FROM: Peter Judd, General Manager of Engineering Services  
SUBJECT: Vancouver Street Vending By-law and Policy Changes

### **RECOMMENDATION**

- A. THAT Council repeal the existing Street Vending By-law No. 4781 and replace it with a new Street Vending By-law.
- B. THAT the Director of Legal Services be directed to bring forward the By-law generally set out in Appendix D.
- C. THAT Council instruct staff to continue the trial of extended hours of operation for large patios for the summer period of 2014 (April - October) and report back prior to summer 2015.

### **REPORT SUMMARY**

The City of Vancouver's (the City) existing Street Vending By-law (By-law) No. 4781 was written in the 1970's. It is responsible for regulating all forms of vending on the street. Permits issued under the By-law fall into one of the following three categories:

- Vending Units (Food Vending and Non-Food Vending);
- Vending as Part of a Special Event (Farmers' Markets and Special Event Markets)
- Extension of Business onto City Street (Display Units and Patios)

In the years since the By-law was written the growth in demand for these programs and the ways in which the City prioritizes street space has changed significantly. Street vending programs are now a key element in the activation of the streetscape by creating a vibrant and

interesting urban streetscape, which encourages social interaction and walkability while supporting the business community.

While the By-law has been updated since the 1970's to accommodate and support some changes in the use of the public realm, the many piecemeal changes over the years have resulted in a By-law that is unwieldy and lacks consistency across all programs.

In this context, staff are recommending that Council adopt a new By-law which makes a number of changes re governing the use of the public realm for street vending activities as well as updates to the regulation of patios. Proposed changes can be summarized as either general in nature or specific to a program. Highlights of the proposed By-law changes include:

i. General Conditions:

- Consistency across the By-law: Inconsistencies in the regulatory framework between different programs have been addressed in the recommended changes, providing fairness and transparency for all permit holders (e.g. all permit holders are now required to hold a valid business licence and must be owner operated). The By-law changes incorporate current policy, conditions and guidelines and revise the structure to improve clarity for the public, permit holders and staff (e.g. the prohibition of rental of permits).
- Enforcement mechanisms: Enforcement is currently divided between both Council and the General Manager of Engineering Services. With the proposed changes to the By-law enforcement will reside solely under the authority of the General Manager of Engineering Services (e.g. authority to issue, suspend and revoke a permit). This approach is consistent with enforcement authorities of the Chief License Inspector when issuing Business Licenses or the General Manager of Engineering Services when issuing Street Use Permits (which allow private development sites or filming activities to use the street). This will allow staff to manage the program with more efficiency.

- ii. Specific Program Amendments: Some of the proposed changes to the By-law that are specific to particular programs include: limits on the number of vending unit permits held per person in order to provide opportunities to a variety of vendors and prevent monopolies from forming; a clear fee schedule for "small patios"; and consideration for a broader range of merchandise that can participate in the display unit program to activate the public realm.

The most significant change proposed in the By-law is with respect to the food vending program. The City expanded the program in 2010/2011 to provide new and diverse food options throughout the city, and the food vending industry has evolved considerably over this time. Program rules have varied slightly between those who participated in the program prior to the expansion (pre-2010) and those who are new to the program (post-2010). The proposed By-law changes will create consistency for all participants in the food vending program with respect to waste management, permitted locations, clarity around the transfer of control (prohibition of the rental) of permits and the number of permits held per person. The menu is the one item that will continue to be grandfathered as the proposed By-law allows vendors in the program prior to 2010 to continue to sell products that do not meet current program

guidelines for local and healthy food, thereby enabling existing hot dog vendors to continue their operations.

A transition plan for the implementation of the proposed by-law changes has been developed, in consultation with the food cart industry.

While the patio program is also experiencing an evolution, the recent pilot projects directed by Council in July 2013 require more time to properly evaluate the results. Staff will report back with a more comprehensive summary in 2015.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

On March 13, 2008, Council directed staff to work with the Vancouver Food Policy Council to:

- Expand the variety of food sold through street vendors in the City of Vancouver with a focus on foods that are nutritious and represent the cultural diversity of Vancouver;
- Expand the geographical area in which street vendors selling food can operate in the City of Vancouver; and
- Increase access to affordable, nutritious food in low-income communities through the Street Vendor program.

On January 20 2011, Council approved a permanent expansion to the street food vending program, allowing for:

- 60 additional Food Vending (Stationary) permits, (30 within the downtown core and 30 for outside of the downtown core); and
- Roaming permits with expanded food options.

The program continues to grow annually with both stationary permitted locations and roaming permits increasing annually.

On July 23, 2013, Council directed staff to review longer-term policy changes to improve the patio program and to pilot projects to extend hours for larger patios.

### ***CITY MANAGER'S/GENERAL MANAGER'S COMMENTS***

The General Manager of Engineering Services recommends approval of the foregoing.

### ***REPORT***

#### ***Background/Context***

A wide variety of programs are regulated under the existing Street Vending By-law. As outlined, there are three distinct categories (Vending Units, Vending as Part of a Special Event, Extension of Business on City Street (Patios and Display Units). While the patio programs are the most popular by quantity of permits issued, it is the street vending unit programs which are the most complex.

### Vending Units (Food Vending and Non-Food Vending)

There are currently 201 vending unit permits issued by the City. The categories are broken down as follows.

- 47 Food Vending (Roaming: unassigned location outside the downtown)
- 110 Food Vending (Stationary: fixed location primarily located within the downtown)
- 34 Non-Food Vending (Stationary)
- 10 Mobile Special Event Vending (10 annual permits and 1 daily permit)\*

\* The Mobile Special Event program includes those who wish to participate outside of a special event zone, but within a two-block radius.

Some existing permit holders have not been activating their locations and thus, 17 of these stationary locations are currently vacant.

The food vending program experienced a significant growth during its expansion pilot in 2010, approved by Council as a permanent expansion in 2011. Local and international media coverage has brought the spotlight on Vancouver, particularly in relation to our street food vending successes, making it one of most recognized programs in North America. The City continues to strive to be a street food vending leader by encouraging vendors to offer a wide range of healthy menu options that support the local food economy, enliven the public realm, and reflect the diversity of our city.

The current By-law was not designed to regulate a diverse and rapidly growing street food vending program and so the program has experienced some growing pains since the expansion in 2010.

In 2013, staff received a number of comments from street food vending stakeholders regarding the inconsistencies in program related policies. A common concern surrounded the rental of permits. A number of operators rent (or sublease) their permits from the primary permit holder. Some have been in this situation for many years and are established within the program and have been for many years. In these cases the renter of the permit is often paying more than the annual permit fee charged by the City. The review of the program is in part designed to continue to provide a diversity of healthy food choices but also provide fairness in the treatment of all program participants.

Due to the scope of changes required in the By-law to support the continued success of the City's street food vending program, staff identified that it would be beneficial to repeal and replace the existing By-law.

Staff understand that creating a strong partnership with stakeholders will benefit the street food program and help to create a positive environment that nurtures the growth of small businesses and matches the goals of the program moving forward. Thus the By-law review involved engagement of permit holders and other key stakeholders.

An initial consultation meeting with vending permit holders and operators was held on October 10, 2013 to discuss the program and seek feedback on what is working well and on

how the program could be improved. Approximately 90 street food vendors were in attendance.

Feedback was generally very positive and the four key messages heard were:

- The current program supports new business and creates a great street food experience;
- The renting of permits for profit generates unfairness across the program;
- Some permit locations are more desirable and visible than others; and,
- The downtown area is saturated with street food vendors.

A second meeting with vendors and operators was held on November 25, 2013, with approximately 60 street food vendors in attendance. A compilation of the vendor feedback is included in Appendix A. Further outreach was also targeted to additional stakeholders including Business Improvement Associations and the BC Food and Restaurant Association.

In consideration of all of the vendor feedback a series of proposed By-law changes were drafted. The key proposed changes are outlined in the Strategic Analysis section of this report. Review of other suggested changes will be explored throughout the 2014 and 2015 permit years.

#### Vending as Part of a Special Event

These programs are for those who wish to sell merchandise and/or food within a special event. Farmers' markets which are currently held on City streets follow the same regulatory framework as those located on private lands under the Zoning and Development By-law, however the street farmers' markets have not been included in the current by-law.

There are currently 42 vending permits issued by the City with respect to special events. The categories are broken down as follows.

- 7 Farmers' Market
- 35 Special Event Market

Proposed changes are limited to adding regulatory language to allow farmers' markets on City street that is consistent with how they are regulated on non-street property under the Zoning and Development By-law.

#### Extension of Business on City Street

The current By-law regulates display units and patios, which are two distinct programs that allow businesses to occupy a portion of the street as an extension of an existing business address.

There are currently 794 permits issued by the City for extension of businesses onto the street. The categories are broken down as follows.

- 156 Display Units: the display and offering for sale of produce, plants and cut flowers.
- 277 Small Patio: a removable structure for the purpose of providing seating for a food vending establishment

- 316 Large Patio\*\*: a semi-permanent structure for the purpose of providing seating for a food vending establishment

\*\* The Large Patio program is not currently regulated by the existing By-law but is managed by a licence agreement; however it is proposed to be included under the proposed By-law.

The City's patio program supports large and small street level businesses, through permitting the extension of business on City streets, traditionally abutting the building itself. This is beneficial to both the business community and the public, by providing vibrant public spaces, commerce and community.

Regulations for the patio program also align with provincial rules and noise regulations. At the direction of Council in July 2013, staff are currently reviewing existing regulations through two pilot projects:

- Extension of patio hours; and
- Separation of patio from a business.

Given the short duration of the existing pilots (August to October, 2013) staff are recommending extending the pilot project through the 2014 summer patio program to allow for a more complete analysis of the pilots.

### ***Strategic Analysis***

The purpose of this section is to present highlights of the key changes between the existing By-law and present the solutions proposed in the new By-law. A full list of the changes can be found in Appendix C. These solutions will provide for easier management of the programs, streamlined enforcement, and a more consistent and fair process in the issuing of permits, while providing increased clarity for staff, permit holders and the public.

### **General Conditions**

#### *Consistency across the By-law*

##### Existing By-law

- Program conditions are not provided in the By-law, but rather listed on a printed permit or in a guideline.
- The By-law does not regulate against the sale or renting of permits issued for any program.
- The fee schedule is not consistent with the body of the By-law, e.g. some fees are not defined.

##### Proposed By-law

- All key terms are defined.
- A general section applicable to all permits is provided. This contains information on topics such as: the application process, rules, conditions on permits and information regarding the suspension and revocation of a permit.

- New sections which contain conditions specific to particular types of street vending, including the addition of guidelines currently listed on the permits.
- Language has been added to prohibit the sale or rental of a permit.\*

\*This proposed change will have the greatest effect on stationary vending unit permit holders and operators. A transition plan to address the changes is outlined Appendix B.

### *Enforcement Mechanisms*

#### Existing By-law

- The authority to issue, suspend and revoke a permit is divided between Council and the General Manager of Engineering Services (i.e. the General Manager of Engineering Services may issue a permit but the authority to revoke a permit resides with Council).
- Fines were inconsistent across all programs.

#### Proposed By-law

- Authority to issue, suspend and revoke a permit for either non-compliance or due to conflicting street uses is given to the General Manager of Engineering Services, as is consistent with other regulatory authorities of the General Manager of Engineering Services, such as Street Use Permits under the Street and Traffic By-law.
- Fines and/or charges are updated for all programs.

### **Specific Program Amendments**

#### *Vending Units*

##### Existing By-law

- There are no limits in place regarding the number of permits a person may hold.
- There is no ability to transfer a permit with the sale of a business.
- There is no regulated distance for stationary vending units from existing bricks and mortar establishments selling the same category of product.

##### Proposed By-law

- There are limits placed on the number of permits held by any permit holder in order to provide opportunities to a variety of vendors and prevent monopolies from forming. They may hold up to three permits, in each of the following categories: Food Vending (Roaming), Food Vending (Stationary) and Non-Food Vending (Stationary). A maximum of four permits for food vending, combined between Roaming and Stationary.
- The transfer of a permit may be permitted with sale of business with City approval.
- New stationary locations must be 100m from existing bricks and mortar establishments selling the same category of product.

#### *Extension of Business on City Street*

##### Existing By-law

- The display units were limited to produce, plants and cut flowers.
- While the City permits “large” and “small” patios, only small patios are included in the By-law, “large” patios are regulated through a licence agreement.

#### Proposed By-law

- Merchandise has been included under ‘display units’ to accommodate other businesses (e.g. book stores).
- A general ‘Patio’ section has been added to include both “small” and “large” patios. This “large” patio section references the licence agreement, which will contain site specific approvals, but the general By-law regulations will also apply.

#### *Vending as Part of a Special Event*

##### Existing By-law

- Farmers’ Market Permits: an application fee is included, however program parameters are not included.

##### Proposed By-law

- Regulations have been added for a farmers’ market program on City streets that is consistent with the recent farmers’ market regulations under the Zoning & Development By-law.

The complete list of program changes with rationale and vendor feedback is included in Appendix A. Outreach was also targeted to additional stakeholders including Business Improvement Associations and the BC Food and Restaurant Association. The attached By-law, which is recommended for enactment, addresses these program changes.

#### **Transition Plan**

While the proposed changes create consistency and fairness across the programs, a small number of street food vendors, particularly those with well established businesses but who are not currently permit holders, may experience an adjustment with respect to the new regulations. Staff will work closely with those individuals through the transition period. The transition plan, attached as Appendix B, creates opportunity to place these businesses at or as close as possible to their current location by restricting growth of the program in 2014 and by utilizing currently vacant and to-be vacated permit locations. Until staff know which permit holders choose not to operate under the new By-law we do not know which additional vacant locations will be available for placement, however every effort will be made to assign them with a stationary location as close as possible to their leased location.

#### ***Financial***

There are no financial implications.

#### ***Human Resources/Labour Relations***

There are no staff implications except that the By-law will create clarity for staff and vendors so we would expect to see reduced time and frustration dealing with permit issues and more time allocated to support success for the street vending programs.

***Environmental***

By ensuring that all operators in the City's Street Vending Program are the permit holders, the City can better ensure that program guidelines such as those around waste reduction and management are followed.

***Legal***

The report requires the repeal of Street Vending By-law No 4781 and replacing it with a new Street Vending By-law.

***CONCLUSION***

The recommendations put forward in this report, if enacted, will result in repealing the existing Street Vending By-law No. 4781 and replacing it with a new Street Vending By-law. The new By-law will support the City of Vancouver's Patio, Display Units, Street Vending Programs and Special Event Vending. It will also provide better clarity and fairness of opportunity to those building a street vending business.

\* \* \* \* \*

**Vendor Feedback**

**A. SUMMARY OF CONSULTATIONS:**

**1. MEETING #1 (OCTOBER 10, 2013)**

- Approximately 90 vendors in attendance
- Vendors were asked to identify what is currently working well with the street vending program and raise issues they think need to be addressed

WHAT'S WORKING	ISSUES TO BE ADDRESSED
<p><b>FOOD QUALITY, DIVERSITY &amp; VARIETY</b></p> <ul style="list-style-type: none"> <li>•Creates a lively street food experience</li> </ul> <p><b>PERMITS</b></p> <ul style="list-style-type: none"> <li>•Fees are reasonable</li> <li>•Annual renewal with deposit option</li> </ul> <p><b>SMALL BUSINESS</b></p> <ul style="list-style-type: none"> <li>•Well-supported</li> <li>•No monopolies from larger companies</li> <li>•Good way to get into the food business</li> </ul> <p><b>DOWNTOWN PERMITS</b></p> <ul style="list-style-type: none"> <li>•Good, stable locations that are well distributed</li> <li>•Limiting the number of permits issued</li> </ul> <p><b>SUPPORT FROM THE CITY</b></p> <ul style="list-style-type: none"> <li>•Incorporating food trucks into events</li> <li>•Vending in Parks has improved</li> <li>•Strong communication with vendors</li> <li>•Communication between the City and BIA's</li> <li>•Promotion of vendors</li> <li>•Advertising &amp; media coverage</li> <li>•Better integration with VCH</li> </ul>	<p><b>PERMITS</b></p> <ul style="list-style-type: none"> <li>• Rental</li> <li>• Transfer &amp; selling</li> <li>• Number of permits held &amp; vacant locations</li> <li>• Owner-operated permits</li> <li>• Locations &amp; relocation of permits</li> <li>• Rotation of locations</li> <li>• Saturation</li> </ul> <p><b>LOGISTICS</b></p> <ul style="list-style-type: none"> <li>• Business licences and permits</li> <li>• Application and criteria</li> <li>• Parking</li> <li>• Catering/special events</li> </ul> <p><b>ROAMING PERMITS</b></p> <ul style="list-style-type: none"> <li>• Application criteria</li> <li>• Process for brick and mortar conflicts</li> <li>• Parking availability</li> <li>• Hours of operation</li> <li>• Allow trailers</li> </ul> <p><b>ADDITIONAL</b></p> <ul style="list-style-type: none"> <li>• Allocate resources to support vending on private property and in parks</li> <li>• Infrastructure (e.g. shared kitchens, zoning, etc)</li> </ul> <p>-VCH requirements for vending unit types</p> <ul style="list-style-type: none"> <li>• Pods</li> <li>• Vendor Association</li> </ul>

**2. MEETING #2 (NOVEMBER 25, 2013)**

- Approximately 60 vendors in attendance
- Targeted feedback from vendors was collected on the following three 'Action Areas' based on recommendations to address issues raised at the first meeting:
  1. Permit Guidelines
  2. Permit Rental
  3. Transfer & Selling of Permits
- Vendor feedback was collected through the completion of feedback forms and notes collected from smaller break-out groups. While there was a high attendance and response rate at these meetings, the feedback collected only serves as an indicator of vendor support and does not reflect the views of all vendors in the program.

**B. Summary of Key Action Areas**

<b>ACTION AREA #1: PERMIT GUIDELINES</b>		
<b>1A. 2014 Program Expansion</b>		
<b>What Does this Mean?</b>	<b>Reasons</b>	<b>Vendor Response</b>
No additional Stationary permits issued for 2014 <ul style="list-style-type: none"> <li>▪ Roaming permits are currently issued on a rolling application; this program would align with Stationary permit application requirements and a cap would be placed on the number of Roaming permits for 2014</li> </ul>	<ul style="list-style-type: none"> <li>▪ Saturation of vendors.</li> <li>▪ Allow existing businesses to develop and stabilize the program overall.</li> <li>▪ Establish formalized guidelines and consistent regulations.</li> <li>▪ Enable the implementation of the Transition Plan.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Strong agreement.</li> <li>▪ Stops new vendors from entering program.</li> </ul>
<b>1B. Minimum Operational Time</b>		
<b>What Does this Mean?</b>	<b>Reasons</b>	<b>Vendor Response</b>
<ul style="list-style-type: none"> <li>▪ Vendors will need to prove they have operated for a minimum period of time over a year.</li> <li>▪ Reviewed annually; if not achieving minimum requirement, permit will be cancelled</li> </ul>	<ul style="list-style-type: none"> <li>▪ Activates street by ensuring permits are being used for their purpose and locations are not left vacant.</li> <li>▪ Permits will not be 'sat' on without operating businesses.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Strong agreement.</li> <li>▪ Three months was proposed; response for 30-90 days.</li> <li>▪ Need mechanism for exceptional circumstances and proof of operation.</li> </ul>

1C. Owner-Operated Permits		
What Does this Mean?	Reasons	Vendor Response
<ul style="list-style-type: none"> <li>▪ All permits are operated by the permit holder/business and not rented to another operator for financial exchange.</li> <li>▪ Business partners and structure will be listed on the permit.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Eliminates 3rd party operators and ensures actively operated permits</li> <li>▪ Prevents monopoly and franchising</li> <li>▪ All vendors are approved by the Street Vending process and documented by the Engineering Department</li> </ul>	<ul style="list-style-type: none"> <li>▪ Strong agreement</li> <li>▪ May be challenging to enforce</li> <li>▪ Black market deals of 'partnership' addressed by revoking permits that holders are charging for</li> </ul>
1D. Permit Allocation		
What Does this Mean?	Reasons	Vendor Response
<ul style="list-style-type: none"> <li>▪ Limit the number of permits held by any business to three in any one category, or a total of four permits if holding both roaming and stationary food permits.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Prevents monopoly yet encourages growth of individual businesses.</li> <li>▪ Emphasizes goal of small entrepreneur support in local food.</li> <li>▪ May open up new locations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Strong agreement.</li> <li>▪ Will affect some vendors who currently operate or hold more than three permits.</li> <li>▪ Fewer numbers of permits per business was suggested and a possible grandfather clause for existing businesses.</li> </ul>

ACTION AREA #2: PERMIT RENTAL		
2A. Prohibit the Rental of City Permits		
What Does this Mean?	Reasons	Vendor Response
<p>Based on <i>Transition Plan</i> addressing permit rental:</p> <ul style="list-style-type: none"> <li>▪ Permit holders may operate their permit or choose to give it up.</li> <li>▪ All renting vendors are guaranteed a location within the program.</li> <li>▪ If the permit is rented and the original permit holder chooses not to operate, the renter can apply for that location.</li> <li>▪ All vendors have to meet application criteria (i.e. food concept, diversity, sustainability and waste).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Prevent permit holders from profiting from permit rental, which in some cases is significant.</li> <li>▪ Ensure a level playing field among vendors.</li> <li>▪ Permits are controlled by the City and all vendors operate within the program guidelines.</li> <li>▪ Revenue goes to develop businesses that are actively operating.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mid to Strong agreement.</li> <li>▪ Needs clear guidelines and requirements.</li> <li>▪ Strong agreement to prohibit rental; however resistance from some original vendors.</li> <li>▪ Renting vendors may not be able to continue operating the same location which will impact businesses success.</li> <li>▪ Spots may open up in the overall program for vendors to change locations.</li> </ul>

ACTION AREA #3: TRANSFER/SALE OF PERMITS		
3A. Sale of Permits		
What Does this Mean?	Reasons	Vendor Response
<ul style="list-style-type: none"> <li>▪ Sale of business is allowed but permit location is not guaranteed with the sale.</li> <li>▪ Sale of permit and attached stationary location is prohibited.</li> <li>▪ Transfer of permit only upon Engineering approval (see diagram below).</li> </ul>	<ul style="list-style-type: none"> <li>▪ City property should not be sold and privately managed; City operates as a landlord.</li> <li>▪ Allows vendors to sell their business, which recognizes and benefits their investment.</li> <li>▪ Builds upon established businesses and existing business infrastructure is maintained.</li> <li>▪ Helps to mitigate high sale price for premium locations.</li> <li>▪ Responds to the need to transfer permits due to actual permit use such as multiple partners, change in structure, etc.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mid to Strong agreement.</li> <li>▪ New vendor applicants will be reduced.</li> <li>▪ Need to ensure against the possibility of flipping businesses (i.e. how to stop business from going to the highest bidder).</li> <li>▪ Other existing businesses should be allowed to apply for the permit as they may want to get a better location.</li> </ul>
<pre> graph LR     A[Business is listed 'For Sale'] --&gt; B[Buyer and concept are pre-approved by City]     B --&gt; C[Sale is completed]     C --&gt; D[Permit is Transferred]     D --&gt; E[Business is reviewed annually]             </pre>		
3B. Transfer of Permits		
What Does this Mean?	Reasons	Vendor Response
<ul style="list-style-type: none"> <li>▪ Transfer of permit is possible with assessment of proposal—but is not automatically possible through sale of business.</li> <li>▪ City needs to pre-approve buyer based on program criteria.</li> <li>▪ Based upon annual permit review for any changes to business and compliance with criteria.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Responds to situations already occurring within the program.</li> <li>▪ Maintains goals and quality of the program by ensuring application criteria is fulfilled.</li> <li>▪ Business should not be valued according to permit location.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Strong agreement.</li> <li>▪ Difficult to ensure consistent decisions for transfer and may make buyers hesitant.</li> <li>▪ Possible minimum time before consecutive sale of business is allowed to mitigate ‘flipping’ of businesses.</li> <li>▪ Permits should not necessarily be for the exact location as changes in business model may make it impossible to operate at that location.</li> </ul>

***Proposed Transition Plan***

- All permit holders and operators have received correspondence informing them of the staff recommendations to Council regarding proposed policy changes. Further correspondence articulating Council's decision and their options regarding permit renewal will be completed. This will give permit holders sufficient time to make decisions necessitated by the policy changes and to plan accordingly for the 2014 permit year;
- A key goal through the transition plan is to have a fair business environment while providing an appropriate time period for current permit holders and operators to adjust to the new changes. Each rental situation presents a different set of variables including the amount of time spent at location by the renter, the length of time a permit has been held, number of permits held by the individual, and the physical location of the site;
- The right of first refusal will be granted to the current permit holder, over the existing renter, should the permit holder choose to activate the location for their use;
- Vacant permit locations will be allocated to vendors who are currently renting permit locations. Operators that have been renting permit locations have not been required to meet vendor guidelines in the past. Vendors that transition from rented locations to become permit holders will be required to meet the criteria under the By-law, such as food offerings, business concept, length of operations, waste and sustainability requirements, and a history of compliance with the City; and
- Prohibiting and enforcing against permit location rental will begin upon the permit renewal period in April 2014.

Category		Type of Permit	Current By-law	Proposed By-law	Rationale	Stakeholders
General Conditions	Structure and Consistency	All	- The By-law structure is outdated as it does not include all of the programs within the street vending purview.	- The By-law is restructured.	- Improves clarity for stakeholders, the public and staff	Vendors and Operators, BC Restaurant & Foodservices Association (BCFRA), BIA's
			- Program conditions are not provided in the By-law, but rather listed on a printed permit or in a guideline.	- A general section applicable to all permits is provided. This contains information on topics such as; the application process, rules, conditions on permit and information regarding the suspension and revocation of a permit.  - Dedicated sections which contain conditions specific to particular types of street vending have been created, including the addition of guidelines currently listed on the permits.		
			- Inconsistencies across the programs for a permit holder to acquire a valid Business Licence.	- All permit holders require a valid Business Licence	- Provides equality and consistency across the By-law	
			- The By-law does not regulate against the sale or renting of permits issued for any program.	- Language has been added to prohibit the sale or rental of a permit.	- Provides quality in the program  - Improve management of staff by program.	
			- The fee schedule is not consistent with the body of the By-law, i.e. some fees are not defined.	- All key terms are defined	- Provides clarity	
			- The By-law does not encourage activation of the street	- The By-law provides authority for permits to prescribe minimum activation times	Ensures desirable locations do not lay dormant	
	Enforcement Mechanisms	All	- The authority to issue, suspend and revoke a permit is divided between Council and the General Manager of Engineering Services.  -The General Manager of Engineering Services may issue a permit but the authority to revoke a permit falls to Council.  - The General Manager of Engineering Services has limited powers to suspend.	- Authority to issue, suspend and revoke a permit for either non-compliance or due to conflicting street uses is given to the General Manager of Engineering Services.  -This approach is consistent with enforcement authorities of the Chief License Inspector when issuing Business Licenses or the General Manager of Engineering Services when issuing Street Use Permits (which allow private development sites or filming activities to use the street).	- Allow for faster reaction times for enforcement on permit holders in violation of this By-law.  - Allow the City to adapt quickly to changes in street space requirements.  - Ensure the free flow of transit traffic, traffic flow, and vehicle and pedestrian safety.	

Category		Type of Permit	Current By-law	Proposed By-law	Rationale	Stakeholders
Specific Program Amendments	Vending Unit Permit	Food Vending (Stationary) Unit & Non-Food Vending (Stationary) Unit	- No limits placed on number of permits a person may hold or the minimum amount of time the person must operate.	- Limit of three permits per person or business, applicable to all permit holders, with a minimum operating condition.  - Limit of four permits for food vending in total.	- Ensure diversity of foods.  - Provide opportunities to a variety of vendors and prevent monopolies forming.	Vendors and Operators, BCFRA, BIA's
		Food Vending (Stationary) Unit	- Existing By-law does not regulate the minimum distance a stationary vending unit has to be from brick and mortar business selling the same or similar, however current guidelines state 60m.	- Minimum distance set at 100m	- Support of Brick and Mortar	
		Food Vending (Roaming) Unit	- Existing By-law does not regulate on the number of permits a person may hold.	- Maximum three permits per person or business, applicable to all permit holders.  - Limit of four permits for food vending in total	- Ensure diversity of foods  - Prevent monopolies forming	
		Food Vending (Roaming) Unit	- Existing By-law states a minimum distance of 50m to nearest brick and mortar selling the same or similar.	- Minimum distance revised to 100m	- Support of Brick and Mortar businesses	
		Mobile Special Event Permit	- Food and Non-Food permitted	- Limited to Non-Food Vending  - Food vendors who wished to participate at an event will be encouraged to join the Special Event.	- Conflicts with Food Vending (Stationary) Program  - Supports existing Food Vending (Stationary) Program and SEMP holders.	
		Mobile Special Event Permit	- Annual and daily permits available, which has created a problem with vendors operating when there isn't a special event	- Only daily permits will be available	- Ensures that permit holder activity is aligned with special events.  - Enable staff to better manage the program	

Category		Type of Permit	Current By-law	Proposed By-law	Rationale	Stakeholders	
Specific Program Amendments	Extension of Business on City Street	Small Patio	<ul style="list-style-type: none"> <li>- One permit allows for up to 3 tables and 6 chairs</li> <li>- Businesses can hold multiple permits</li> </ul>	<ul style="list-style-type: none"> <li>- One permit issued to a business but fees are subject to how many tables &amp; chairs are approved</li> </ul>	<ul style="list-style-type: none"> <li>- Equality of fees to reflect street space used.</li> </ul>	Vendors and Operators, BCFRA, BIA's	
		Large Patio	<ul style="list-style-type: none"> <li>- Not regulated by the existing By-law, regulated by a separate Licence Agreement</li> </ul>	<ul style="list-style-type: none"> <li>- Included in the By-law. General By-law regulations apply in addition to a Large Patio Licence Agreement</li> </ul>	<ul style="list-style-type: none"> <li>- Greater clarity for the public</li> <li>- Provide more consistency</li> <li>- Allow for better enforcement mechanisms</li> </ul>		
		Display Units	<ul style="list-style-type: none"> <li>- Limited to flowers, produce and herbs.</li> </ul>	<ul style="list-style-type: none"> <li>- Merchandise has been included under 'display units' to accommodate other businesses (e.g. books, toys).</li> </ul>	<ul style="list-style-type: none"> <li>- Increase activation of sidewalk space</li> <li>- Allow opportunity to permit and regulate illegal sidewalk use.</li> </ul>		
	Event Type Permits	Special Event Market	No changes required.				None
		Farmers' Markets on Public Streets	<ul style="list-style-type: none"> <li>- No program regulation or parameters included.</li> </ul>	<ul style="list-style-type: none"> <li>- Regulation added consistent with Zoning and Development By-law for Farmers' Markets on streets</li> </ul>	<ul style="list-style-type: none"> <li>- Provide Regulation for Farmers' Market occurring on city streets.</li> <li>- Provides consistency across by-laws</li> </ul>	Vancouver Farmers Markets Association	

**BY-LAW NO. \_\_\_\_\_**

**A By-law to repeal  
Street Vending By-law No. 4781  
And to enact a new Street Vending By-law**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

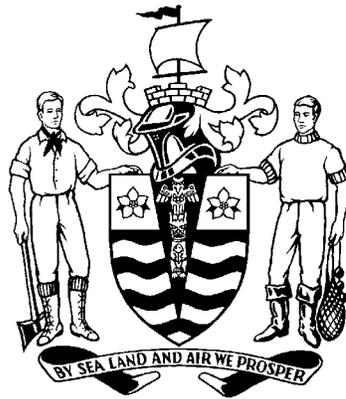
1. Council repeals Street Vending By-law No. 4781, and enacts the By-law attached as Schedule A to this By-law.
2. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
3. This By-law is to come into force and take effect on \_\_\_\_\_, 2014.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# CITY OF VANCOUVER BRITISH COLUMBIA



**STREET VENDING BY-LAW NO. \_\_\_\_\_**

## **STREET VENDING BY-LAW**

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**BY-LAW NO. \_\_\_\_\_**

**A By-law regarding the use and occupancy of streets for vending**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

**SECTION 1  
INTERPRETATION**

**Name of By-law**

1.1 The name of this By-law, for citation, is the “Street Vending By-law”.

**Definitions**

1.2 In this By-law:

“display unit” means a rack, cart, bin or other structure, used to display merchandise or to display fresh produce, plants, flowers and herbs, as an extension of and adjacent to an existing business address;

“farmers’ market” means an open air or fully or partly covered market located on a street, for the sale directly by the producers, or their representatives who are involved in the production, of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, local prepared and ready to eat foods and local artisan crafts;

“food vending unit” includes food vending (roaming) unit and food vending (stationary) unit;

“food vending (roaming) unit” means a vehicle, trailer, cart, bicycle, or other conveyance used to sell food and beverages at multiple locations on city streets;

“food vending (stationary) unit” means a vehicle, trailer, cart, bicycle, or other conveyance or structure used to sell food and beverages at a designated street location;

“large patio” means a semi-permanent structure constructed or placed on a street, which supports or accommodates business activity or customer seating as an extension of and immediately adjacent to the business address of an existing food vending establishment and which is the subject of a licence agreement with the city;

“non-food vending unit” includes non-food vending (stationary) unit and mobile special event unit;

“mobile special event unit” means a cart, bicycle, or other method of conveyance used to sell items other than food and beverages on certain streets during a special event market;

“non-food vending (stationary) unit” means a vehicle, trailer, cart, bicycle, or other conveyance or structure used to sell items other than food and beverages at a designated street location;

“patio” means “small patio” and “large patio”;

“vending unit” means a food vending unit and a non-food vending unit;

“small patio” means moveable furniture placed on a street, which supports or accommodates business activity or customer seating as an extension of and adjacent to the business address of an existing food vending establishment;

“special event market” means an open air or fully or partly covered market located on a street, which may include the sale of food, beverages and merchandise and is not a farmers market;

### **Table of contents**

1.3 The table of contents for this By-law is for convenient reference only, and is not for assistance in interpreting or enforcing this By-law.

### **Schedules**

1.4 The schedules attached to this By-law form part of this By-law.

### **Severability**

1.5 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law and is not to affect the balance of this By-law.

## **SECTION 2 GENERAL REGULATIONS**

### **Sales on city streets**

2.1 Except as provided in this By-law, a person must not:

- (a) construct, erect or place structures, signs, objects, vending units, mobile special event units, patios, display units, farmers’ markets, or special event markets on a street, or
- (b) sell, display, expose or offer for sale, any food, beverages, goods or merchandise on a street.

### **Public bike share station**

2.2 Despite anything to the contrary in this By-law, a person operating a public bike share station on city streets does not require a permit or written permission under this By-law, if the public bike share station:

- (a) does not include any enclosed structures;
- (b) provides short term rentals of bikes and related equipment through an automated system intended to be accessible 24 hours a day;
- (c) is part of a network comprised of no fewer than 50 public bike share stations located on separate sites in the city; and
- (d) does not interfere with any public works, facilities or amenities.

### **Sales at farmers' market**

2.3 Despite anything to the contrary in this By-law, an individual vendor who participates in a farmers' market located on a street does not require a permit or written permission under this By-law if the operator of the farmers' market has obtained a permit in accordance with this By-law.

### **Sales at special event market**

2.4 Despite anything to the contrary in this By-law, an individual vendor who participates in a special event market located on a street does not require a permit or written permission under this By-law if the operator of the special event market has obtained a permit in accordance with this By-law.

## **SECTION 3 PERMITS**

### **Application for permission**

3.1 A person who wishes to use or occupy any street to:

- (a) offer or expose for sale, or sell, any merchandise or thing;
- (b) offer or expose for sale, or sell, any food or beverage;
- (c) display or offer for sale any merchandise, produce, plants, cut flowers or herbs;
- (d) construct or place a patio;
- (e) operate a vending unit or mobile special event unit; or
- (f) operate a farmers' market or a special event market,

must apply to the General Manager, Engineering Services, for permission to do so.

## Permission

3.2 A person must not:

- (a) place or display any merchandise or thing;
- (b) offer or expose for sale, or sell, any merchandise or thing;
- (c) offer or expose for sale, or sell, any food or beverage;
- (d) display and offer for sale, any merchandise, produce, plants, cut flowers or herbs;
- (e) construct or place a patio;
- (f) operate a vending unit or mobile special event unit; or
- (g) operate a farmers' market or a special event market,

on a street unless permission has been granted by the General Manager, Engineering Services.

## General rules

3.3 The General Manager, Engineering Services, may grant permission under section 3.2, except that the General Manager, Engineering Services must not grant permission to any person for any structure, sign, object, vending unit, mobile special event unit, patio, display unit, farmers' market or special event market, if:

- (a) it obstructs or interferes with vehicle, bicycle or pedestrian traffic or with vehicle, bicycle or pedestrian safety;
- (b) it obstructs or interferes with doorways, entrances, fire doors or emergency exits adjacent to the street;
- (c) it obstructs or interferes with any utility, postal or similar installation;
- (d) it obstructs or interferes with any other structure, sign, object, vending unit, patio or display unit, which occupies the street pursuant to a permit;
- (e) it obstructs or interferes with fire lanes established by the Vancouver Fire Department;
- (f) it obstructs or interferes with city works or operations, on or adjacent to the street;
- (g) it contravenes any provision of this By-law; or
- (h) the applicant is already the holder of the maximum number of permits allowed pursuant to this By-law.

## Conditions on permits

3.4 The General Manager, Engineering Services, may grant permission to use or occupy the street in accordance with this By-law, subject to such conditions as he considers appropriate, including but not limited to conditions regarding:

- (a) the length of time a structure, sign, object, vending unit, mobile special event unit, patio or display unit may remain on the street;
- (b) the length of time a structure, sign, object, vending unit, mobile special event unit patio or display unit may remain at a specific location on the street;
- (c) the hours of the day a permit holder or the employee of a permit holder must attend at a structure, vending unit, mobile special event unit, patio or display unit;
- (d) the hours of the day a permit holder may use or occupy the street;
- (e) the minimum hours or days during which a permit holder must carry on business;
- (f) the type of merchandise offered for sale;
- (g) the specific location of a structure, sign, object, vending unit, mobile special event unit, patio or display unit;
- (h) the daily schedule for setup and removal;
- (i) a fire safety plan;
- (j) a traffic management plan;
- (k) a security plan;
- (l) a waste reduction and removal plan;
- (m) proof of commercial general liability insurance, to the satisfaction of the Director of Risk Management, naming the city as an additional named insured;
- (n) a plan for provision of public toilets;
- (o) the use of electric or gas lighting, green energy, generators or appliances;
- (p) the use of extension cords;
- (q) the use of open flames, propane tanks, gas or electric heaters, or barbeques;
- (r) the use of loudspeakers, megaphones, sound systems or other amplification equipment; and
- (s) a release and indemnity of the city, to the satisfaction of the Director of Legal Services.

### **Considerations regarding time limits**

3.5 Subject to the provisions of this By-law, the General Manager, Engineering Services may determine the length of time that a structure, display, sign, object, vending unit, mobile special event unit, patio, display unit, farmers' market or special event market is permitted to remain on the street, and, in making that determination, must consider:

- (a) other applications for permission to use the street;

#### Appendix D - Street Vending By-law

- (b) if the application is in relation to a special event, the area, number and location of other vendors;
- (c) the dates and number of times the applicant has used the particular location on the street or other streets;
- (d) the impact on local businesses or residences;
- (e) the impact on transit traffic, traffic flow, and vehicle and pedestrian safety;
- (f) the impact on city works or operations;
- (g) the existing land uses in the vicinity;
- (h) maintenance and repair requirements for the street;
- (i) any applicable Council policies and guidelines; and
- (j) any other matters related to safety, nuisance or allocation of city resources.

#### Application process

3.6 A person who wishes to obtain permission to use or occupy the street in accordance with this By-law must submit all documentation required by the General Manager, Engineering Services, which may include:

- (a) a completed application in the form prescribed by the General Manager, Engineering Services;
- (b) proof the applicant is the holder of a business licence issued by the city;
- (c) drawings indicating the construction methods, materials, dimensions and location of any proposed structure, vending unit, patio or display unit;
- (d) for an application to operate a food vending unit, proof that the food vending unit and food vending arrangements have been approved by the appropriate health authority;
- (e) for an application to operate a food vending (roaming) unit, proof that the holder of or applicant for the permit and all employees have completed an application for a criminal record check and have consented to the disclosure of the results of the criminal record check to the General Manager, Engineering Services;
- (f) proof of commercial general liability insurance in the amount stipulated by the General Manager, Engineering Services, naming the city as an additional named insured for the term of the permit;
- (g) the application fee in accordance with Schedule A; and
- (h) such other documentation as the General Manager, Engineering Services, determines is necessary.

### **Refusal of permit or renewal permit**

3.7 The General Manager, Engineering Services, may refuse to issue or to renew a permit if, in the opinion of the General Manager, Engineering Services, the applicant or the permit holder or an employee:

- (a) has submitted an application which does not comply with the requirements of this By-law;
- (b) has failed to comply with a provision in this By-law;
- (c) has failed to comply with municipal, provincial or federal legislation related to a business;
- (d) in the case of an application for a food vending (roaming) unit, has a criminal history which, in the opinion of the General Manager, Engineering Services, indicates a potential risk to public safety if the permit is issued;
- (e) has sold a permit issued pursuant to this By-law;
- (f) has transferred a permit or transferred control over a permit, in contravention of this By-law;
- (g) has outstanding impoundment or permit fees related to a business regulated under this By-law;
- (h) has failed to comply with the conditions of a permit issued pursuant to this By-law; or
- (i) has a history of poor management of a business.

### **Appeal from permit refusal**

3.8 An appeal lies to Council from the refusal of the General Manager, Engineering Services, to issue a permit to an applicant or permit holder and Council may uphold the refusal, or may overturn the refusal and may impose conditions on the issuance of a permit.

### **Responsibilities of vendors on city streets**

3.9 The holder of a permit issued under this By-law and the employees of the permit holder must:

- (a) comply with all conditions on the permit;
- (b) display the permit at all times;
- (c) ensure that the permit holder, or an employee, remains at the structure, vending unit, mobile special event unit, farmers' market or special event market, during the hours listed on the permit;
- (d) keep the structure, vending unit, mobile special event unit, patio, display unit, farmers' market or special event market safe and in good repair at all times;

Appendix D - Street Vending By-law

- (e) comply with any safety or sanitary requirements of federal, provincial or municipal authorities; and
- (f) produce the permit for inspection when requested to do so by the General Manager, Engineering Services, his authorized representative, or a police officer.

**Street vending permits**

3.10 A permit issued in accordance with this By-law:

- (a) is only valid for the period for which it has been issued;
- (b) relates only to the location and to the vending unit, mobile special event unit, patio, display unit, farmers' market or special event market for which it has been issued;
- (c) is subject to suspension by the General Manager, Engineering Services in accordance with this By-law, at any time; and
- (d) is subject to cancellation by Council at any time.

**Renewal of permit**

3.11 The holder of a permit issued pursuant to this By-law who wishes to obtain a permit for a subsequent year must apply for any subsequent permit by paying the permit fees in accordance with Schedule A of this By-law.

**Sale of permit prohibited**

3.12 A person who has been granted a permit under this By-law must not sell that permit.

**Use of vending unit permit by person other than permit holder prohibited**

3.13 A person must not operate a vending unit or mobile special event unit unless that person is the holder of a permit for that vending unit or mobile special event unit.

**Transfer of street vending permits prohibited**

3.14 A person who has been granted a permit under this By-law must not transfer that permit to another person, or transfer control of that permit to another person unless the General Manager, Engineering Services has first consented in writing to the transfer.

**Refusal to consent to permit transfer**

3.15 The General Manager, Engineering Services, may refuse to consent to the transfer of a permit pursuant to section 3.14 if, in the opinion of the General Manager, Engineering Services:

Appendix D - Street Vending By-law

- (a) the applicant or the permit holder has submitted an application which does not comply with the requirements of this By-law;
- (b) the applicant or the permit holder has failed to comply with a provision in this By-law;
- (c) the applicant or the permit holder has failed to comply with municipal, provincial or federal legislation related to a street vending business;
- (d) the applicant or the permit holder has sold a permit issued pursuant to this By-law;
- (e) the applicant or the permit holder has transferred a permit or transferred control over a permit issued pursuant to this By-law without first obtaining the requisite consent;
- (f) the applicant or the permit holder has outstanding impoundment or permit fees related to a business regulated under this By-law;
- (g) the applicant or the permit holder has failed to comply with the conditions of a permit issued pursuant to this By-law; or
- (h) the applicant or the permit holder has a history of poor management of a business.

**Suspension or revocation of permit for non compliance**

3.16 The General Manager, Engineering Services, may suspend or revoke a permit issued under this By-law and may order the relocation or removal of any structure, sign, object, vending unit, mobile special event unit, patio, display unit, farmers' market or special event market if, in the opinion of the General Manager, Engineering Services, the holder of the permit, or their employee, agent or authorized representative, has failed to comply with the provisions of this By-law.

**Suspension or revocation of permit due to conflicting street uses**

3.17 The General Manager, Engineering Services, may suspend or revoke a permit issued under this By-law and may order the relocation or removal of any structure, sign, object, vending unit, mobile special event unit, patio, display unit, farmers' market or special event market, if, in the opinion of the General Manager, Engineering Services, its placement, use, repair, maintenance or operation:

- (a) obstructs or interferes with the use of the street by permit holders or other persons occupying the street with permission;
- (b) obstructs or interferes with a special event which is scheduled to take place on the street with permission;
- (c) obstructs or interferes with city works, structures, operations or projects, on or adjacent to the street; or

Appendix D - Street Vending By-law

- (d) obstructs or interferes with changes in street use, including but not limited to changes in street design, installation of street furniture, construction, or redevelopment.

**Service of order**

3.18 Notices and orders issued in accordance with this By-law are deemed to have been received:

- (a) four days after mailing, if sent by ordinary prepaid mail to the mailing address of the permit holder as set out in the application for permission;
- (b) 24 hours after sending, if sent by electronic mail to the electronic mail address of the permit holder as set out in the application for permission; and
- (c) immediately upon receipt, if delivered verbally or by hand, to a representative of the permit holder or to the person operating the business.

**Removal of structure or unit by permit holder**

3.19 A person who has received an order or notice under this By-law to remove a structure, vending unit, mobile special event unit, patio, display unit, farmers' market or special event market must remove it from the street, by the date specified in the notice or order.

**Immediate removal without notice**

3.20 The General Manager, Engineering Services, may relocate, or remove and impound, any goods, merchandise, structure, vending unit, mobile special event unit, patio, display unit, farmers' market or special event market, immediately and without notice, if:

- (a) in the opinion of the General Manager, Engineering Services, its placement, use, repair, maintenance or operation is hazardous or dangerous to persons or property;
- (b) in the opinion of the General Manager, Engineering Services, it obstructs or interferes with vehicle, bicycle or pedestrian traffic or safety;
- (c) a person fails to comply with an order issued pursuant to this By-law within 24 hours of receipt of the order;
- (d) the permit has been revoked by the General Manager, Engineering Services;
- (e) it is not permitted by the General Manager, Engineering Services; or
- (f) it is otherwise in breach of the provisions of this By-law.

### **Suspension or revocation of permit for lapsed insurance**

3.21 If the insurance of the permit holder is void or is cancelled by the insurer or the applicant, and the permit holder does not provide new proof of insurance to the satisfaction of the General Manager, Engineering Services forthwith, the General Manager, Engineering Services may suspend or revoke any permission granted to the permit holder without further notice.

### **Impoundment**

3.22 The provisions of the Impounding By-law apply to structures, vending units, mobile special event unit, patios, display units, farmers' markets or special event markets removed and impounded pursuant to this By-law.

### **Emergencies**

3.23 In the case of an emergency, the General Manager, Engineering Services may temporarily remove structures, vending units, mobile special event units, patios, display units, farmers' markets or special event markets that are permitted on the street, immediately and without notice.

## **SECTION 4 VENDING UNITS**

### **Term of permit**

4.1 Subject to the provisions of this By-law, a permit granted by the General Manager, Engineering Services authorizing the use and occupancy of a street by a vending unit is valid for a one year period.

### **Limits on operation of food vending (roaming) unit**

4.2 The operator of a food vending (roaming) unit must not carry on business:

- (a) on or within the boundaries of any public park, parking lot serving a park, public beach, elementary school, secondary school, private property, or other real property except for permitted streets;
- (b) on any street located in the Downtown Peninsula Area as outlined on the map attached to this By-law as Schedule B;
- (c) on any street adjacent to, or within one city block of, any boundary of any school property between the hours of 8:00 a.m. and 5:00 p.m. on any day when school is in session; or
- (d) within 100 metres of any business that sells any products that are the same as or similar to any products the operator is selling from the food vending (roaming) unit.

**Responsibilities of operator of food vending (roaming) unit**

4.3 The operator of a food vending (roaming) unit must comply with the provisions of Section 3 of this By-law and must:

- (a) only stop on a street if the unit is lawfully parked;
- (b) remain in attendance at the unit at all times while the unit is operating on a street; and
- (c) maintain all work and storage areas within and outside of the unit in a tidy and sanitary condition.

**Responsibilities of operator of food vending (stationary) unit or non-food vending (stationary) unit**

4.4 The operator of a food vending (stationary) unit or a non-food vending (stationary) unit must comply with the provisions of Section 3 of this By-law and must:

- (a) ensure that the unit is lawfully parked;
- (b) ensure that the unit is placed at the designated location and during the hours designated in the permit;
- (c) remain in attendance at the unit at all times while the unit is operating on a street; and
- (d) maintain all work and storage areas within the unit in a tidy and sanitary condition.

**Limit on number of permits for vending units**

4.5 Subject to the provisions of section 4.6, no person must hold or control more than:

- (a) three permits for food vending (stationary) units at the same time;
- (b) three permits for food vending (roaming) units at the same time; or
- (c) three permits for non- food vending (stationary) units at the same time.

**Limit on total number of food vending permits**

4.6 Despite the provisions of section 4.5, any person who holds permits for both food vending (stationary) units and food vending (roaming) units must hold or control no more than four permits in total at the same time.

## SECTION 5 PATIOS

### Conditions of small patio permit

5.1 The holder of a permit for a small patio must comply with the provisions of section 3 of this By-law and must ensure that:

- (a) where there is a curb separating the paved sidewalk from the roadway, there is at least 2.4 unobstructed metres between the space occupied by the small patio as designated in the permit and the edge of the curb separating the paved sidewalk from the roadway; or
- (b) where there is a boulevard separating the paved sidewalk from the curb or roadway, there is at least 2.4 unobstructed metres between the space occupied by the small patio as designated in the permit and the edge of the boulevard closest to the paved sidewalk.

### Variance of required sidewalk clearance for small patio

5.2 Despite the provisions of section 5.1, the General Manager, Engineering Services, may accept a lesser distance, or require a greater distance, between the front of the business premises and the curb, if in the opinion of the General Manager, Engineering Services, existing obstructions on the street or anticipated pedestrian traffic volumes warrant such change.

### Large patio

5.3 The holder of a permit for a large patio must comply with the provisions of section 3 of this By-law and the conditions of the licence agreement applicable to the large patio.

## SECTION 6 DISPLAY UNIT

### Conditions of permit

6.1 The holder of a permit for a display unit must comply with the provisions of section 3 of this By-law and must:

- (a) only display merchandise, produce, plants flowers and herbs in accordance with the conditions of the permit;
- (b) not sell any items in the display area designated by the permit;
- (c) not use the display area to prepare food or cut flowers;
- (d) not use the display area to display fresh or frozen fish, meat or poultry, dairy products, eggs or baked goods;

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- (e) not use the display area for storage;
- (f) only erect display units which are temporary, moveable and have locking wheels;
- (g) remove all display units at the end of each business day;
- (h) remove all items from the display area at the end of each business day;
- (i) maintain the display area and display units in a clean and sanitary condition;
- (j) immediately remove all debris and garbage from the display area and display units;
- (k) not alter the surface or subsurface of any portion of the display area designated by the permit unless authorized to do so by the General Manager, Engineering Services;
- (l) only use the display area and display units during the hours that the business premises are open for business;
- (m) only occupy a display area which abuts the business premises owned or operated by the permit holder;
- (n) ensure that an aisle measuring at least 1.8 metres in width is provided from the street to all entrances and fire doors in the business premises;
- (o) where there is a curb separating the paved sidewalk from the roadway, ensure that there is at least 2.4 unobstructed metres between the space occupied by the display area as designated in the permit and the edge of the curb separating the paved sidewalk from the roadway, unless otherwise authorized by the General Manager, Engineering Services in accordance with this By-law;
- (p) where there is a boulevard separating the paved sidewalk from the curb or roadway, ensure that there is at least 2.4 unobstructed metres between the space occupied by the display unit as designated in the permit and the edge of the boulevard closest to the paved sidewalk, unless otherwise authorized by the General Manager, Engineering Services in accordance with this By-law; and
- (q) immediately notify the General Manager, Engineering Services of any change in the business name or in the ownership of the business.

**Variance of required sidewalk clearance for display unit**

6.2 Despite the provisions of section 6.1, the General Manager, Engineering Services, may accept a lesser distance, or require a greater distance, between the display area designated by the permit and the curb, if in the opinion of the General Manager, Engineering Services, existing obstructions on the street or anticipated pedestrian traffic volumes warrant such change.

## **SECTION 7 FARMERS' MARKET**

### **Conditions of permit**

7.1 The operator of a Farmers' Market on a street must comply with the provisions of Section 3 of this By-law and must ensure that the Farmers' Market:

- (a) consists only of open air stalls or booths or stalls, or booths partially or totally covered by tents or similar temporary structures;
- (b) has at least 11 stalls or booths;
- (c) does not occupy more than 2 323 m<sup>2</sup> of the street;
- (d) only sells local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, local prepared and ready-to-eat foods and local artisan crafts; and
- (e) has no more than 40% of the total number of stalls or booths used for the sale of local prepared and ready-to-eat foods and local artisan crafts.

### **Permission to expand area**

7.2 Despite the provisions of subsection 7.1(c), the General Manager, Engineering Services may permit a Farmers' Market to occupy a greater area of the street, if in the opinion of the General Manager, Engineering Services, the expanded area is compatible with anticipated pedestrian and vehicular traffic.

## **SECTION 8 SPECIAL EVENT MARKET**

### **Conditions of permit**

8.1 The operator of a Special Event Market must comply with the provisions of section 3 of this By-law and must ensure that all vendors in the Special Event Market remain within the designated boundaries of the Special Event Market as determined by the General Manager, Engineering Services.

### **Mobile special event unit**

8.2 The operator of a mobile special event unit must comply with the provisions of section 3 of this By-law and must:

- (a) only hold one permit for one mobile special event unit;

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- (b) only carry on business outside the boundaries of the Special Event Market as designated by the General Manager, Engineering Services; and
- (c) only carry on business within a two block radius of the boundaries of the Special Event Market as designated by the General Manager, Engineering Services.

**SECTION 9  
OFFENCES AND PENALTIES**

**Offences under By-law**

9.1 A person who:

- (a) violates any provision of this By-law, or does any act or thing which violates any provision of this By-law, or suffers or allows any other person to do any act or thing which violates any provision of this By-law;
- (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
- (c) fails to comply with an order, direction, or notice given under any provision of this By-law, or suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law,

is guilty of an offence against this By-law, and liable to the penalties imposed under this section.

**Fine for street vending**

- 9.2
- (a) Every person who commits an offence under the provisions of section 3.2(a) of this By-law is punishable on conviction by a fine of not more than \$2,000.00 for each offence; and
  - (b) Every person who commits an offence of a continuing nature under the provisions of section 3.2(a) is liable to a fine not exceeding \$50.00 for each day that the offence continues.

**Fine for offence under sections 3, 4, 5, 6, 7 and 8**

- 9.3
- (a) Every person who commits an offence under the provisions of section 3, except for section 3.2(a), or under sections 4, 5, 6, 7 or 8 of this By-law is liable to a fine not less than \$500.00, and not more than \$10,000.00 for each offence; and
  - (b) Every person who commits an offence of a continuing nature under this By-law is liable to a fine not less than \$500.00 and not more than \$10,000.00 for each day that the offence continues.



**Schedule A**

**FEES**

Application Fees

The following fees must be paid upon application for a permit, exclusive of sales tax:

- (a) street vendor ..... \$50.00
- (b) display unit (including application by new owner)..... \$50.00
- (c) small patio (including application by new owner) ..... \$50.00
- (d) large patio ..... \$200.00

Permit Fees

The following fees must be paid prior to issuance of a permit, exclusive of sales tax:

- (a) street vendor
  - (i) food vending (stationary) unit.....\$1,084.02 per year
  - (ii) non-food vending (stationary) unit.....\$812.71 per year
  - (iii) mobile special event unit ..... \$35.23 per day
- (b) food vending (roaming) unit
  - (i) with motorized unit ..... \$292.44 per year
  - (ii) without motorized unit ..... \$146.80 per year
- (c) display unit
  - for each square meter of display area.....\$47.36 per year
  - subject to a minimum fee of..... \$123.32 per year
- (d) small patio
  - for one table and two chairs.....\$113.14 per year
  - subject to a minimum fee of.....\$339.43 per year
- (e) large patio Downtown (see Schedule B)

Summer Term (April 1 - October 31)= \$78.36/ m<sup>2</sup>  
 Winter Term (November 1 - March 31) = \$55.76/m<sup>2</sup>

Outside of Downtown

Summer Term (April 1 - October 31) = \$55.54/ m<sup>2</sup>

Winter Term (November 1 - March 31) = \$39.61/ m<sup>2</sup>

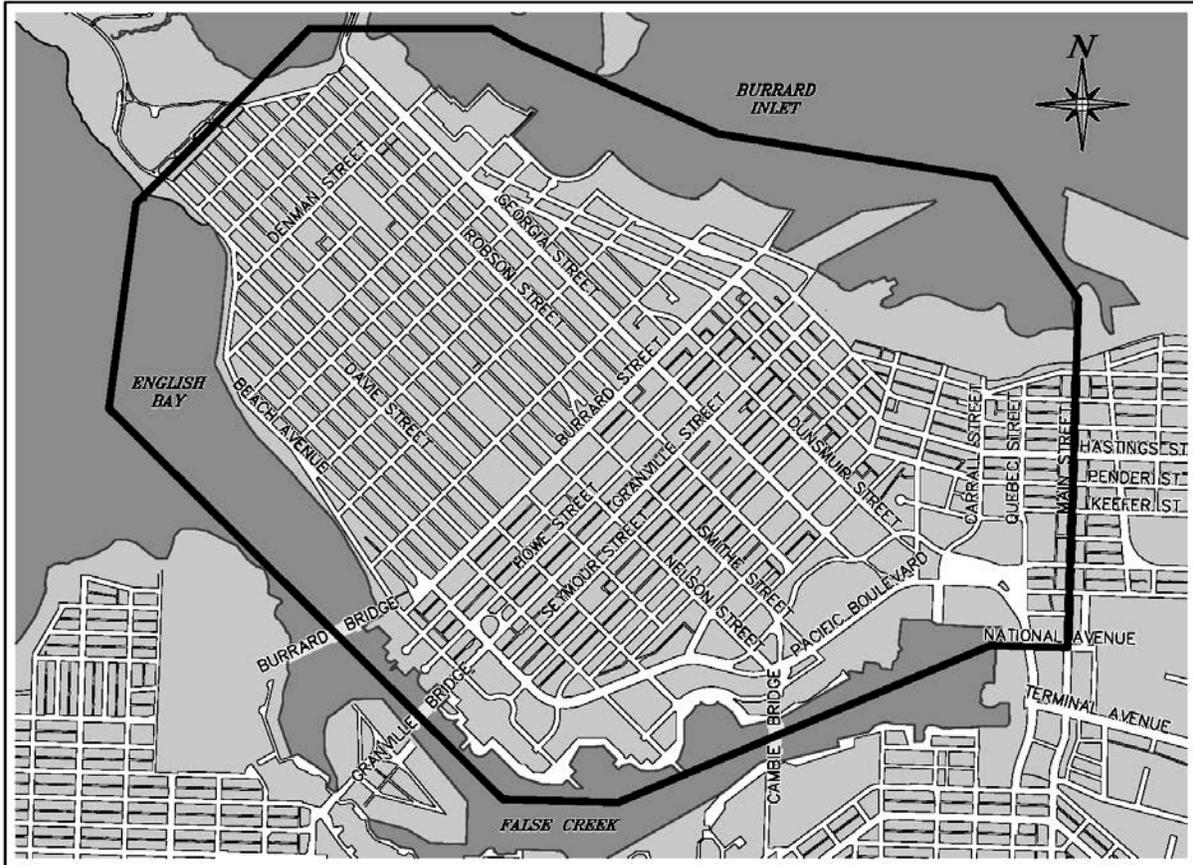
- (f) farmers' market permit ..... \$534.67 per year
  
- (g) special event market permit ..... \$110.40 per block per day to a maximum fee of \$435.74 per day
  
- (h) daily mobile vendor (outside special event permit zone) ..... \$ 35.23 per day

Permit Renewal Fee

Renewal fees will be the same as the annual permit fees in this schedule and must be paid prior to issuance of a renewal permit, except for the following renewal fees which must be paid in accordance with the following payment schedule:

- (a) street vendor
  - (i) food vending (stationary) unit.....\$1,084.02 per year, of which 25% must be paid by a non-refundable deposit on or before the last business day of January and the remaining 75% must be paid on or before the last business day of April of the year in which the renewal permit is issued.
  
  - (ii) non-food vending unit .....\$812.71 per year of which 25% must be paid by a non-refundable deposit on or before the last business day of January and the remaining 75% must be paid on or before the last business day of April of the year in which the renewal permit is issued.

Schedule B  
DOWNTOWN PENINSULA AREA MAP



**STREET VENDING BOUNDARIES FOR FOOD VENDING (ROAMING)**  
**PROHIBITED IN THE DOWNTOWN PENINSULA WEST OF MAIN STREET  
AND NORTH OF FALSE CREEK**