



REPORT

Report Date: November 10, 2020
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Meeting Date: November 24, 2020
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TO: Vancouver City Council
FROM: General Manager Engineering Services
SUBJECT: Enforcement of Street Vending By-law No. 10868 –
Amending the Ticket Offences By-law No. 9360

RECOMMENDATION

THAT Council approve, in principle, proposed amendments to the Ticket Offences By-law to add certain provisions of the Street Vending By-law, as set out in this report;

FURTHER THAT Council instruct the Director of Legal Services to bring forward for enactment amendments to the Ticket Offences By-law, generally in accordance with Appendix A.

REPORT SUMMARY

This report makes recommendations for amendments to the Ticket Offences By-law. These amendments will improve the ability of staff to respond to issues of non-compliance under the Street Vending by-law in order to maintain the safety and accessibility of streets and public spaces. Existing enforcement tools are limited and focus on the potential for impoundment which is costly and impactful. With continued support for businesses to utilize public space for patios and other uses there has emerged an increasing demand for intermediary enforcement tools. These tools would help to ensure compliance related to permit conditions. This will allow for improved compliance prior to taking escalated enforcement measures and better aligns with enforcement measures of other departments.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Council has the authority to allow the private use of street space pursuant to Section 289A of the *Vancouver Charter*. Council has exercised that authority through the *Street Vending By-law*.

On May 27, 2020, Council approved in principle by-law amendments to temporarily waive all permit and application fees associated with temporary expansion of patio spaces until October 31, 2020 and directed staff to bring forward for enactment such by-law amendments as were necessary to implement Recommendation A.

On June 11, 2020 Council passed a By-law to Enact a New Temporary Patio and Street Vending Fees By-law to implement Council's resolution of May 27, 2020, temporarily waiving all permit and application fees associated with temporary expansion of patio spaces until October 31, 2020.

On October 6, 2020 Council approved the extension of the Temporary Patio Permit Program through the COVID-19 Recovery and enacted by-law amendments to support this extension.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

In May 2020, Council supported the Temporary Expedited Patio Permit (TEPP) Program. This highly successful program issued more than 400 permits for temporary patio spaces over the summer months. The TEPP program built upon the success of other street vending initiatives such as our Expanded Street Food vending program, merchandise display, and our regular patio programs. As with pre-existing programs, there have been some areas of non-compliance which can have a negative affect on safety, accessibility and street operations, particularly with the large number of patios situated within the street right of way. These considerations are particularly important through the winter months, when weather and less day light present more challenging conditions.

The approach to date on enforcement has been an educational and conversational approach through existing relationships. If compliance is not met, escalated enforcement occurs through the Street Vending Bylaw that can lead to court imposed fines of up to \$10,000 or impoundment. There are currently no intermediary enforcement tools between, education and a court-issued fine and impoundment. To better address these issues, by-law amendments are being recommended which will improve the ability of staff to respond before taking escalated enforcement measures, while supporting businesses through COVID-19 recovery. The objective remains to work with the industry and businesses through an educational and conversational approach through existing partnerships; progressive enforcement will be used to address important areas of public safety, operational requirements and on-going management of street use only as needed.

These by-law amendments will add specific contraventions of the Street Vending by-law to the Ticket Offences By-law and allow for ticketing of those contraventions using the Municipal Ticket Information (MTI's). Allowing this type of enforcement aligns with practices of other City Departments and will allow for progressive enforcement. To date, areas of non-compliance that have been brought to the attention of staff include the following:

- Operating a vending unit not in compliance with the terms of the permit:
 - o in a location not permitted
 - o outside of the allowable times
- Patio not conforming with conditions of permit
- Operational impacts within the street right-of-way e.g. drainage

These issues can at times raise concerns related to visibility, safety, accessibility, and equity. The proposed changes will allow staff to address these concerns and manage the negative impacts raised by residents.

Financial

There are no direct financial implications of these proposed amendments. The proposed changes are not anticipated to generate significant revenue, but rather provide additional measures to ensure compliance with safety and operational requirements prior to escalated enforcement.

CONCLUSION

Staff recommend amending the Ticket Offences By-law to improve the ability of staff to respond to non-compliance issues under the Street Vending By-law. Subject to approval in principle of this direction, the Director of Legal Services will bring forward for enactment such by-law amendments as are necessary to implement this decision.

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**DRAFT By-law to amend the Ticket Offences By-law No. 9360
regarding certain Street Vending By-law offences**

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This By-law amends the indicated provisions and schedules of Ticket Offences By-law No. 9360.
2. In section 2.6, Council adds the words “Street Vending By-law,” after the words “Mountain View Cemetery By-law,”.
3. Council inserts a new Table 13 as follows:

**“Table 13
Street Vending By-law**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
City Engineer or Chief License Inspector or Police Officer	Place or display any merchandise or thing	Section 3.1(a)	\$1,000.00
	Offer or expose for sale, or sell, any merchandise or thing	Section 3.1(b)	\$1,000.00
	Offer or expose for sale, or sell, any food or beverage	Section 3.1(c)	\$1,000.00
	Display or offer for sale any merchandise, produce, plants, cut flowers or herbs	Section 3.1(d)	\$1,000.00
	Construct or place a patio	Section 3.1(e)	\$1,000.00
	Operate a vending unit or mobile special event unit	Section 3.1(f)	\$1,000.00
	Operate a famers’ market or special event market	Section 3.1(g)	\$1,000.00
	Place or display any merchandise or thing	Section 3.2(a)	\$1,000.00
	Offer to expose for sale, or sell, any merchandise or thing	Section 3.2(b)	\$1,000.00
	Offer or expose for sale, or sell, any	Section 3.2(c)	\$1,000.00

	food or beverage		
	Display and offer for sale, any merchandise, produce, plants, cut flowers or herbs	Section 3.2(d)	\$1,000.00
	Construct or place a patio	Section 3.2(e)	\$1,000.00
	Operate a vending unit or mobile special event unit	Section 3.2(f)	\$1,000.00
	Operate a famers' market or special event market	Section 3.2(g)	\$1,000.00
	Comply with all conditions on the permit	Section 3.9(a)	\$750.00
	Display the permit at all times	Section 3.9(b)	\$750.00
	Ensure that the permit holder, or an employee, remains at the structure, vending unit, mobile special event unit, famers' market or special event market, during the hours listed on the permit	Section 3.9(c)	\$750.00
	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	Section 3.9(d)	\$750.00
	Comply with any safety or sanitary requirements of federal, provincial or municipal authorities;	Section 3.9(e)	\$750.00
	Produce the permit for inspection when requested to do so by the General Manager, Engineering Services, his authorized representative, or a police officer.	Section 3.9(f)	\$750.00