

Request for Decision



To: Regular Meeting
From: **Corporate Services**
Date: June 27, 2022
Subject: Exclusive Use of Public Property Bylaw No. 2090
Recommendation: **THAT Council gives final reading to the Exclusive Use of Public Property Bylaw No. 2090;
AND THAT Council rescind Policies:**
- 111 – Sidewalk Patios on City Property
- 114 – Temp. Commercial Use on Public Property
- 1201 – Use of James Donaldson Park
- 1203 – Use of City Park
- 1207 – Use of City Property or Facility
effective as of October 1, 2022.

Purpose

For Council to review and consider giving final reading to the Exclusive Use of Public Property Bylaw in combination with rescinding 5 policies.

Update June 27, 2022:

Council gave first three readings to the Bylaw on June 13, 2022, and found all to be in order. The Bylaw is now presented for final reading. The recommendation also includes the rescission of 5 current policies that would be integrated into the new bylaw.

Background

Update June 13, 2022: This Bylaw was introduced on May 30, 2022 at the Regular Meeting of Council. Since presenting the Bylaw, Staff made some minor modification to the intent statement in Section 3 before first three readings. The following was added to ensure that no grandfathered verbal or other agreements would be accepted once the Bylaw is established to ensure that all Applicants follow the same fair and equal process:

Further, the intent is also to not allow any grandfathering of any previously established agreements or resolutions of Council and by establishing this Bylaw, all Applicants will receive the same equal and fair process regarding Exclusive Use of Public Property.

The previously received report from May 30, 2022, is listed below.

In April and May of 2021, Council at length discussed the options for Street (Mobile) Vendors and other exclusive uses as part of the Market-on-Market closure proposed by

the Downtown Business Association at that time¹. Council subsequently passed the following motion:

THAT Council approve the Street Vendor regulations outlined in the “short term strategies” section of this report; and that, Council direct staff to enforce these regulations until such time as a bylaw or policy is developed to address the operation of street vendors within the municipal boundaries. And further, that these regulations do not apply to market avenue during the 2021 pedestrian and cyclist friendly event.

Besides Street (Mobile) Vendors, challenges were also noted in the past regarding facility/field rentals and sidewalk patios. City policies, if they were available, were not necessarily clear enough or were at times contradicting other bylaws and policies.

Over the past year, Staff reviewed various Bylaws and Policies from other municipalities surrounding the various uses for public property which often included one type of specific use, but not necessarily a combination of uses. Staff subsequently started the lengthy process of developing a brand new Bylaw that combines the following uses into one single Bylaw and would allow the repeal of other outdated City Policies:

1. Sidewalk Patios and Parklets
2. Mobile Vendors
3. General Facility Rental and Use

The proposed Bylaw is broken down into the following the following overarching sections:

1. Introduction
 - a. Citation (Section 1)
 - b. Definitions (Section 2)
 - c. Intent (Section 3)
2. General Guidelines surrounding the permit process
 - a. Permit Application Requirements (Section 4)
 - b. Permit Validity Period (Section 5)
 - c. Terms and Conditions of a Permit (Section 6)
 - d. Authority of Staff and Appeal to Council (Section 7)
3. Sidewalk Patio and Parklet guidelines
 - a. Operating Requirements (Section 8)
 - b. Design Specifications (Section 9)
 - c. Specific Permit Conditions (Section 10)
4. Mobile Vendors
 - a. Operating Requirements (Section 11)
 - b. Design Specifications (Section 12)
 - c. Specific Permit Conditions (Section 13)
5. Municipal Facility Rental

¹ For reference, the report from the May 17, 2021, Regular Meeting is attached to this report

- a. Intent of Sections 15 and 16 (Section 14)
- b. Requirements of Rental (Section 15)
- c. Requirements for Seasonal Rental (Section 16)
- 6. Offences and General Conditions
 - a. Enforcement and Penalties (Section 17)
 - b. Relationships to other Bylaws (Section 18)
 - c. Severability (Sections 19 and 20)
 - d. Effective as of October 1, 2022 (Section 21)

Highlights:

Introduction:

- As listed above, Sections 1-3 contain generic Bylaw sections commonly found in other bylaws as well. The critical section here is Section 2 which outlines various definitions that are referenced throughout the Bylaw. Definitions have been aligned to match other City Bylaws, such as, but not limited to, the Traffic Regulations Bylaw No. 1956.

Permit Process:

- The Permit Application Requirements section defines the process regarding obtaining a permit. This section also outlines clear expectations of the public regarding liability insurance (\$2Million) and indemnification of the City.
- Subsections 4.2 and 4.3 under this heading further outline additional requirements that must be met to receive a permit for Sidewalk Patios, Parklets, and Mobile Vending Units, such as, but not limited to:
 - o No Obstruction of traffic or the public
 - o Safety issues, such as sight lines
 - o No Obstruction of city work
 - o No Damage to City infrastructure (sidewalks or roads)
- Section 5 details the length of a permit:
 - o For Sidewalk Patios and Parklets – April 1 to October 31. Council, by resolution, could approve a full year permit.
 - o For Mobile Vending – can be a full year
 - o For Facility Use – flexible scheduling to allow for seasonal sports use

This section also outlines renewal processes in subsequent years if certain criteria are met, for example, that there were no concerns from previous years of operation.
- Section 6 further details the terms and conditions of the permit. This section in broad terms further sets rules and guidelines for each applicant which must be followed and includes allowing the City access to an area or removal of a patio etc. if it is necessary for City maintenance.
- Section 7 outlines the various delegated authorities for Staff regarding for example setting the form of the application and the subsequent form of the permit; while also authorizing Staff to refuse to issue a permit or suspend/amend/cancel a permit for various reasons. Section 7.3 defines the appeal process through Council if required should the applicant not be satisfied with the Staff decision.

Sidewalk Patio and Parklets:

Sections 8, 9, and 10 detail the specific permit requirements, design, and operating guidelines for a Sidewalk Patio or Parklet, for example:

- the sidewalk adjacent to a Patio must be free and clear for 1.5m (9.3).
- Parklets cannot be used for commercial purposes (8.2.4)
- three tables and six chairs are allowed without a permit, but must be removed at the end of day (8.3)
- the applicant must work with Staff to accommodate for pedestrian and patron safety, as well as Sidewalk and vehicle routes. The design should consider (9.9):
 - o Point of entry and access
 - o Delineation options
 - o Reflective options for visibility
- The applicant must ensure that the area is kept tidy (10.1)

Mobile Vendors:

Sections 11, 12, and 13 detail the specific permit requirements, design, and operating guidelines for Mobile Vendors, for example:

- Allowed to operate between the hours of 7am and 11pm (11.6)
- Prohibited from operating within 45m of a business that is open and selling similar goods (11.4)
- Links to schedule A which provides the same locations as Council previously approved (11.3)
- Must supply their own power, water, sanitary, and garbage collection (12.2 and 12.8)
- Business licence requirements and linkage to the Business Licence Bylaw (13.2 and 13.4)
- Exclusion if participating as part of an event, as long as an event host has a obtained a valid permit for the event (13.8)

Municipal Facility Rentals:

- Section 14 introduces the intent of Sections 15 and 16 in regards to Facility rentals, specifically that the rentals:
 - 14.1. Align with the intended use of the Public Space;
 - 14.2. Are not for retail purposes;
 - 14.3. Do not involve a road closure; or
 - 14.4. Do not invite the general public to assemble.

This section most importantly defines a link and transition to the Events Delegation Bylaw and Community Support Policy for activities that fall within 14.2, 14.3, or 14.4., so for example a larger event that requires Market Ave to be closed (125th Celebration). However, if the 125th Celebration would be held at City Park then it would “align with the intended use of the Public Space” (14.1) and as such would follow the Exclusive Use Bylaw.

- Sections 15 details other requirements around facility rentals while allowing the City options to cancel, postpone or reschedule a rental if necessary. This section

also highlights that if a priority of use is required, it would allow for City Programs and Council approved items to have precedence. (15.6)

- Section 16 is intended for facility rentals for seasonal activities such as sports groups and the process involved for booking the facility. Groups should request the facility before January 31st of each year in writing so that Staff is able to create a schedule and ensure that there are no conflicts. Thereafter it would default to a first come first serve basis.

Offences and General Conditions:

The key section here would be section 18. This section defines the relationship to other Bylaws and, if there is a conflict occurring between any of these bylaws, then which bylaw would have precedence. By creating this linkage Staff is ensuring that for example regulatory items in the Traffic Regulations Bylaw will remain the standard even if there is language in the Exclusive Use Bylaw that may be contradicting in nature.

Fees, Charges, Fines, and come into effect Date

As proposed, the Bylaw includes the required linkages to the Fees and Charges Bylaw as well as the Municipal Ticketing and Information (MTI) Bylaw; however, at this time, no fees and fines are implemented. As part of the Bylaw a Schedule B (Fines) and Schedule C (Fees/Charges) are included for reference only and to present an idea regarding what types of fees there could be.

By including the linkages to the Fees and Charges and MTI Bylaws, these types of schedules could be included in future amendments to those Bylaws. At this time, Staff would plan with including a schedule in the MTI Bylaw regarding fines at the next revision of that Bylaw; however, the fees schedule would still require some additional research and may be best completed as part of a holistic review of the City's fees and charges.

Although other communities have defined various fees and charges for patios, mobile vendors, permits, and facility rental agreements, each community is different and requires a strategic approach to implementing reasonable fees and charges when new Bylaws and Policies are adopted.

In addition, Staff at this point has set the effective date of this Bylaw to the end of the summer season (October 1, 2022). Given the current timeframe of the potential adoption being at the end of June 2022 (and in the middle of summer season), it would be more appropriate for the Bylaw to take effect at a later time, so it does not interfere or hinder currently approved patios and programs. This timeline would also allow Staff to work with the various patio and mobile vendors throughout the fall and winter months on the new requirements if necessary.

In summary, Staff is proposing to implement the MTI changes with the next revision of the MTI bylaw; however, at this time, due to timing to delay an implementation of fees until a more holistic review can be completed.

Bylaw Review Process

The Bylaw Enforcement and Public Works departments provided input and helped shape this Bylaw from the beginning. Since then, it was sent for review to all departments and proposed changes are all included in this version of the Bylaw that is now presented to Council for introduction

Some current City Policies should also be rescinded as part of this Bylaw adoption process to ensure there are no potentially conflicting policies remaining. This would include the following Policies:

- 111 – Sidewalk Patios on City Property
- 114 – Temp. Commercial Use on Public Property
- 1201 – Use of James Donaldson Park
- 1203 – Use of City Park
- 1207 – Use of City Property or Facility

Benefits or Impacts

General

This Bylaw will provide a fair, equal, and transparent process for all applicants for Exclusive Use of Public Property

Finances

At this time, no fines or fees are established. It is recommended to establish fines at the next amendment of the MTI Bylaw, but before April 2023 to ensure that ticketing would be possible for the 2023 summer season. For fees, it is recommended to consider a holistic review of all fees and charges in 2023 before setting any rates for this Bylaw through the Fees and Charges Bylaw.

Strategic Impact

N/A

Risk Assessment

Compliance: Council Policies 111, 114, 1201, 1203, and 1207. Council has the authority through the Motor Vehicle Act, the Local Government Act, and Community Charter to regulate the use of highways and other public property.

Risk Impact: Medium – although currently only few downtown businesses have established patios etc for summer months, this bylaw will establish a formal process that persons may not be used to. Care must be taken when communicating the changes over the winter months. Also, currently facility use has been rather open and unrestricted. As such, Staff plans to inform the various user groups over the winter regarding the process and guidelines, such as insurance. Information will also be placed on the City's website.

Internal Control Process:

If the Bylaw is established, then Staff will work with current downtown businesses, mobile vendors, and facility users to ensure they are aware of the Bylaw and processes regarding an application for a permit.

Next Steps / Communication

- Staff would follow standard practices when implementing the new bylaw
- Implement MTI Bylaw changes at next amendment of the MTI Bylaw over the winter months
- Work with current users and businesses to ensure the Bylaw is followed in 2023.

Attachments

1. Draft Bylaw No. 2090 – Exclusive Use of Public Property
 2. Street Vendors report from May 17, 2021
 3. 5 current policies (111, 114, 1201, 1203, 1207)
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Recommendation

THAT Council gives final reading to the Exclusive Use of Public Property Bylaw No. 2090;

AND THAT Council rescind Policies:

- 111 – Sidewalk Patios on City Property
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- effective as of October 1, 2022.**

Options

1. Council could ask Staff to amend the Bylaw. A resolution would be required rescind third reading as well as to make those changes at this point.
2. Council could choose not to implement the Bylaw and remain with the policies instead. This is not recommended as several of the policies are outdated or inconsistent to current practices.

Report Approval Details

Document Title:	220627 - Exclusive Use of Public Spaces Bylaw No. 2090.docx
Attachments:	<ul style="list-style-type: none">- Bylaw 2090 - Exclusive Use of Public Property Bylaw - Final.docx- 210517 - Report - Street Vendors 2021 with Maps.pdf- Policies 111 - 114 - 1201 - 1203 - 1207.pdf
Final Approval Date:	Jun 20, 2022

This report and all of its attachments were approved and signed as outlined below:

Duncan Redfearn

Already Received



THE CORPORATION OF THE CITY OF GRAND FORKS

EXCLUSIVE USE OF PUBLIC PROPERTY BYLAW NO. 2090

A Bylaw to regulate the Exclusive Use of Public Property.

The Municipal Council for the Corporation of the City of Grand Forks, in open meeting lawfully assembled, **ENACTS** as follows:

Citation

1. This bylaw may be cited as the “**Exclusive Use of Public Property Bylaw No. 2090**”.

Definitions

2. In this bylaw, unless the context otherwise requires:
 - 2.1. “**Applicant**” means an applicant for a *Permit*, and for the purposes of this Bylaw, also means the holder of a *Permit*, once issued, and includes *Mobile Vendors* and *Renters*.
 - 2.2. “**Application**” means an application for a *Permit*, *Permit* renewal, or *Municipal Facility Rental*.
 - 2.3. “**Boulevard**” means that portion of a *Highway* between the curb lines or the lateral lines of a roadway or the shoulder thereof and the adjoining property line.
 - 2.4. “**Building Official**” means the person designated in or appointed to that position by the City, and includes a building inspector, plan checker, plumbing inspector gas inspector, or electrical inspector designated or appointed by the City, and for certainty the building official is the “building inspector” referred to in the *Community Charter* and *Local Government Act*;
 - 2.5. “**Business**” means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purpose of gain or profit and for the purpose of this Bylaw includes not-for-profit or other type of benevolent organization.
 - 2.6. “**Business Licence**” means an approved and valid *City Licence* or Inter-Community Business Licence.
 - 2.7. “**Business Licence Bylaw**” means the *City’s* Business Licence Bylaw No. 1384, as amended or replaced from time-to-time.
 - 2.8. “**City**” means the Corporation of the City of Grand Forks.
 - 2.9. “**Commercial Use**” means use of a *Municipal Facility* by any person, group or organization whose use of the facility is primarily for financial gain.
 - 2.10. “**Community Support Policy**” means the *City’s* Community Support Policy No. 501, as amended or replaced from time-to-time.

- 2.11. **“Event”** means a *City* approved event, *Special Event* or festival; and includes *Farmers Markets*.
- 2.12. **“Events Delegation Bylaw”** means the *City Events Delegation Bylaw No. 2056*; as amended or replaced from time-to-time.
- 2.13. **“Exclusive Use”** refers to the primary or dominant use of a *Public Property* for a predefined term as detailed in the *Permit* or *Rental Agreement*, as opposed to incidental use.
- 2.14. **“Farmers Market”** means an open air or fully or partly covered market, for the sale of goods directly by the producers, or their representatives who are involved in the production of fresh, dried or frozen fruit and vegetables, dried or frozen meat and seafood, eggs, dairy products, plants, prepared and ready to eat foods and/or artisan crafts.
- 2.15. **“Fees and Charges Bylaw”** means the *City’s Fees and Charges Bylaw No. 1958, 2014*, as amended or replaced from time-to-time.
- 2.16. **“Fixed Business”** means a building or part of a building located on a parcel of land from which a *Business* is operated.
- 2.17. **“Frontage”** means the common boundary shared by a property line and a *Highway*.
- 2.18. **“Highway”** means:
- 2.18.1. any public streets, roads, ways, trails, lanes, bridges, trestles, ferry landings and approaches, and any other public way, pursuant to the definition in the *Highway Act*, as amended,
 - 2.18.2. every road, street, lane and right of way designed or intended for use by the general public for the passage of vehicles, and
 - 2.18.3. every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;
- 2.19. **“Mobile Vendor”** means any person offering for sale or selling goods, food, amusements, or services from a *Mobile Vending Unit*;
- 2.20. **“Mobile Vending Unit”** means a motor vehicle, trailer, non-motorized vehicle, temporary structure or display, or stand that is not permanently affixed to real property, permitted by a *Permit* and designed or used for offering the sale of goods, food, amusements, or services.
- 2.21. **“Municipal Facility”** means a park, building, structure, or green space owned by the *City* customarily available for use by the public, with or without payment of a fee or charge.
- 2.22. **“Municipal Ticket Information Bylaw”** means the *City’s Municipal Ticket Information Bylaw No. 2073*, as amended or replaced from time-to-time.

- 2.23. **"Noise Control Bylaw"** means the *City's* Noise Control Bylaw No. 1963, as amended or replaced from time-to-time.
- 2.24. **"Official Community Plan"** or **"OCP"** means the *City's* Official Community Plan Bylaw No. 1919, as amended or replaced from time-to-time.
- 2.25. **"Parklet"** means an outdoor area located on a sidewalk and/or within designated parking spaces, or if approved by *Council* on a *Roadway*, for which there is a valid *Permit* issued for the purpose of providing a location for public gathering free of charge.
- 2.26. **"Park and Public Spaces Access Bylaw"** means the *City Park and Public Spaces Access Bylaw No. 2057*; as amended or replaced from time-to-time.
- 2.27. **"Permit"** means a Permit for a *Sidewalk Patio*, *Parklet* or a *Mobile Vending Unit*, or a *Municipal Facility Rental Agreement* issued by staff under the provisions of this bylaw.
- 2.28. **"Public Property"** means any real property or portions of real property owned or leased by the City to which the public is ordinarily invited or permitted to be in or on, and includes, but is not necessarily limited to, the grounds of public facilities or buildings, the Kettle and Granby Rivers' foreshore, *Highways*, *Sidewalks*, *Boulevards*, and public parking lots.
- 2.29. **"Rental Agreement"** means a written agreement between a *Renter* and the *City* authorizing use of a *Municipal Facility*.
- 2.30. **"Renter"** means a person, group, or organization that engages with the *City* for the purpose of a rental of a *Municipal Facility*.
- 2.31. **"Roadway"** means the portion of the *Highway* that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder; and where a *Highway* includes two or more separate roadways, the term roadway refers to any one roadway separately and not to all of the roadways collectively.
- 2.32. **"Seasonal Rental"** means the rental of a *Municipal Facility* on a weekly, bi-weekly or other defined schedule basis for one (1) or more consecutive months.
- 2.33. **"Sidewalk"** means the area between the curb lines or lateral lines of a *Roadway* and the adjacent property lines improved for use of pedestrians.
- 2.34. **"Sidewalk Patio"** means an outdoor patio on a *Sidewalk* and/or within designated parking spaces on a *Highway*, for which there is a valid *Permit* for the purpose of providing a location to host a *Business*.
- 2.35. **"Special Event"** means an event with an anticipated greater than 500 attendance level including but not limited to tournaments, championships, tradeshow, fairs, large meetings or gatherings, or City sponsored events.
- 2.36. **"Staff"** means the Chief Administrative Officer for the *City* or designate.

- 2.37. "**Structure**" means anything that is built, constructed, or erected, the use of which requires location on the ground, or attached to something having location on the ground.
- 2.38. "**Traffic Regulations Bylaw**" means the *City's* Traffic Regulations Bylaw No. 1956, as amended or replaced from time-to-time.

Intent

- 3. The intent of the Exclusive Use of Public Property Bylaw is to regulate the use of *Public Property* under the direction, control, and management of the *City*, including, but not limited to:

- 3.1. Sidewalks and Parking Spaces
- 3.2. Highways
- 3.3. Parks, Sports Fields, and other Facilities.

Further, the intent is also to not allow any grandfathering of any previously established agreements or resolutions of Council and by establishing this Bylaw, all *Applicants* will receive the same equal and fair process regarding *Exclusive Use of Public Property*.

General

4. Permit Application Requirements

- 4.1. To obtain a *Permit*, an *Applicant* must:
 - 4.1.1. Submit a complete *Application*, on the form prescribed by *Staff*,
 - 4.1.2. Provide plans and details for proposed *Sidewalk Patio* or *Parklet* or *Mobile Vending Unit*, and such plans shall provide details of the showing the area of the *Sidewalk* or *Highway* or other *City* owned property to be occupied, the location and type of all fixtures or other objects which shall be placed within any area of the *Sidewalk* or *Highway* or other *City* owned property to be occupied.
 - 4.1.3. Produce copies of all obtained additional applicable federal and provincial permits, licences, approvals clearances, and /or insurances to operate legally and produce copies of the same to the *City* with the completed *Application* that the proposed work set out in the *Application* requires, and the proposed work conforms to this Bylaw and all other applicable bylaws of the *City*;
 - 4.1.4. Pay the non-refundable fee prescribed in the *City's Fees and Charges Bylaw* and shall not be prorated;
 - 4.1.5. Provide proof of comprehensive general liability insurance coverage in an amount not less than Two Million (\$2,000,000.) dollars with insurance coverage for the entire length of the *Permit* period;
 - 4.1.5.1. If the insurance coverage expires during the *Permit* period, then the *Permit* is deemed to have expired and the *Applicant* must vacate the *Public*

Property in accordance with this bylaw, unless the *Applicant* provides proof of additional insurance coverage.

- 4.1.6. The *City* is added as an additional insured in the *Applicant's* comprehensive general liability insurance with respect to any loss, claims, actions, damages, costs (including solicitor costs), liability and expense in connection with loss of life, personal injury, damage to property or any other loss or injury whatsoever including arising from the design, construction, maintenance, operation, or removal of a *Sidewalk Patio*, *Parklet*, *Mobile Vending Unit*, or from *Sidewalk* or *Highway* or other *City* owned property remediation related thereto; and, and further that the *City* is included for primary notification for lapsing or cancellation of insurance.
- 4.1.7. the *Applicant* agrees to indemnify the *City* in accordance with the agreement included in the *Application* form.

Specific For Sidewalk Patios, Parklets, and Mobile Vending Units

- 4.2. The *Applicant* operating a *Mobile Vending Unit* must provide proof of registration for all *Mobile Vending Units*.
- 4.3. *Staff* may approve a *Permit* for issuance if *Staff* is satisfied that the *Sidewalk Patio* or *Parklet* or *Mobile Vending Unit* will not:
 - 4.3.1. unreasonably obstruct or interfere with vehicle, bicycle or pedestrian traffic or vehicle, bicycle or pedestrian safety;
 - 4.3.2. unreasonably obstruct or interfere with the ability of the *City* or any permitted third-party utility company to construct, install, repair or maintain a municipal work, service, utility or other improvement;
 - 4.3.3. unreasonably interfere with the public's use and enjoyment of the *Sidewalk* or *Highway*;
 - 4.3.4. unreasonably interrupt the sightlines along the *Sidewalk* or *Highway*;
 - 4.3.5. present a risk of harm to the health or safety of the public;
 - 4.3.6. result in insufficient parking or loading space within the street block;
 - 4.3.7. contain fixtures which cannot be easily removed;
 - 4.3.8. cause damage to the *Sidewalk* or *Highway*; or,
 - 4.3.9. contravene the provisions of this or any other Bylaw.

5. Permit Validity Period

- 5.1. A *Permit* for a *Sidewalk Patio* or *Parklet* is valid from April 1 to October 31 in the year it is issued. Council may, by resolution, allow for all year *Sidewalk Patio* or *Parklet* use.

- 5.2. A *Permit* for a *Mobile Vending Unit* can be issued for a full calendar year from the date of application.
- 5.3. A *Municipal Facility Rental Agreement* can be issued to allow for flexible uses throughout the year, such as, but not limited to, seasonal sports activities.
- 5.4. Upon expiry of a *Permit*, all fixtures and *Structures* placed within a *Sidewalk Patio* or *Parklet* must be completely removed within 7 days.
- 5.5. Despite 5.1, the *Permit* validity period may be extended subject to the approval of *Staff*.
- 5.6. *Staff* may renew an approved *Permit* annually if:
 - 5.6.1. the renewal *Application* fee is paid;
 - 5.6.2. proof of *Business Licence* is provided;
 - 5.6.3. proof of insurance as outlined in section 4.1.5 is provided;
 - 5.6.4. the *Sidewalk Patio* or *Parklet* or *Mobile Vending Unit* was lawfully operated the previous year; and,
 - 5.6.5. the approved *Sidewalk Patio* or *Parklet* or *Mobile Vending Unit* has not substantially changed.

6. Terms and Conditions of a Permit

- 6.1. Every *Applicant* must:
 - 6.1.1. comply with this Bylaw;
 - 6.1.2. ensure that all the restrictions, requirements, specifications, terms, and conditions of the *Permit* are met;
 - 6.1.3. comply with the plans and specifications forming part of the *Permit*, and complete the work required by the plans and specifications of the *Permit*; and,
 - 6.1.4. submit a request to the *City* to inspect the *Sidewalk Patio* or *Parklet* or *Mobile Vending Unit* before use of the *Sidewalk Patio* or *Parklet* or *Mobile Vending Unit* each year.
- 6.2. To allow the construction, installation, repair or maintenance of any municipal work, service, utility or other improvement owned by the *City* or a permitted third-party utility company, the *Applicant* must:
 - 6.2.1. allow *Staff* and agents of the *City* and of any permitted third-party utility company to enter the approved area of the *Permit*; and,
 - 6.2.2. when requested by *Staff*, remove any part of the *Sidewalk Patio* or *Parklet* or *Mobile Vending Unit* within 48 hours, or immediately in the event of an emergency, for scheduled utility or service installation, maintenance, or repair.

- 6.3. Where an *Applicant* neglects, refuses or fails to remove that part of a *Sidewalk Patio* or *Parklet* or *Mobile Vending Unit* under section 6.2, or fails to do so within the time specified, *Staff* may cause any part of the *Sidewalk Patio* or *Parklet* or *Mobile Vending Unit* to be removed for the purposes in that clause and *Staff* may charge the costs of the removal to the *Applicant*.
- 6.4. Where an *Applicant* is required to remove any fixtures, furnishings, and personal property pursuant to this Bylaw, the *Applicant* must not make any claim against the *City* on account of such removal and must replace and restore the *Public Property* to a safe and proper condition to the satisfaction of *Staff*.
- 6.5. Where an *Applicant* neglects, refuses, or fails to cease occupation of the *Public Property* as required pursuant to this Bylaw, or fails to do so within the time specified, *Staff* may cause any fixtures, furnishings or personal property located on the *Public Property* to be removed and may cause the *Public Property* to be restored to a safe and proper condition and *Staff* may charge the costs of such removal and restoration to the *Applicant*.
- 6.6. An *Applicant* must not assign or transfer the permission for the use of the portion of the *Public Property* as authorized in the *Permit* without the prior written consent of *Staff*.
- 6.7. An *Applicant* must not make alterations to any pre-existing dimensions, characteristics, or City infrastructure, unless the *Applicant* has received written approval by *Staff*.

7. Authority of Staff and Appeal to Council

- 7.1. *Staff* is authorized to
 - 7.1.1. Determine the form of an *Application* for a *Permit*.
 - 7.1.2. Prescribe the form of the *Permit*.
 - 7.1.3. Issue and renew a *Permit* for the operation of a *Sidewalk Patio* or *Parklet* or *Mobile Vendor* in accordance with the specifications, terms, and conditions set out in this Bylaw, and impose additional terms, conditions, restrictions, and requirements.
 - 7.1.4. Refuse to issue or renew a *Permit* if:
 - 7.1.4.1. the *Application* does not comply with those requirements laid out in Section 4 of this Bylaw;
 - 7.1.4.2. the information submitted is insufficient to determine compliance with the provisions of this Bylaw or another enactment;
 - 7.1.4.3. incorrect information is submitted;
 - 7.1.4.4. there was contravention of any specification or condition of the *Permit* being considered for renewal;
 - 7.1.4.5. it would be prohibited by any other law, bylaw or regulation; or,

- 7.1.4.6. Staff considers that the activities proposed or contemplated under the *Permit* cannot be carried out safely and with a minimum risk of injury to persons, damage or loss to property, inconvenience to others using the *Public Property*, residents or businesses in the vicinity, or to the public generally.
- 7.1.5. Suspend, amend, or cancel any *Permit*, without compensation to the *Applicant* if:
- 7.1.5.1. the *Sidewalk Patio* or *Parklet* or *Mobile Vending Unit* does not strictly adhere to the plans, design, or other information provided by the *Applicant* in the *Application*;
- 7.1.5.2. the *Applicant* fails to comply with a term or condition of the *Permit*;
- 7.1.5.3. the continued operation of the *Sidewalk Patio* or *Parklet* or *Mobile Vending Unit* would:
- constitute a nuisance;
 - unreasonably obstruct or interfere with vehicle, pedestrian or bicycle traffic;
 - unreasonably interfere with the ability of the *City* or any permitted third-party utility company to construct, install, repair, or maintain a municipal work, service, utility, or other improvement;
 - unreasonably interfere with the public's use or enjoyment of the *Public Property*;
 - unreasonably interfere with the sightlines along the *Sidewalk* or *Highway*; or,
 - cause damage to the *Public Property*.
- 7.1.5.4. the *Permit* was issued in error;
- 7.1.5.5. the *Permit* was issued on the basis of incorrect information;
- 7.1.5.6. the *Permit* area is required for the construction, installation, repair, or maintenance of a municipal work, service, utility, or other improvement; or,
- 7.1.5.7. Staff considers that the activities under the *Permit* are not being carried out safely and with a minimum risk of injury to persons, damage, or loss to property, inconvenience to others using the *Public Property*, residents or *Businesses* in the vicinity, or to the public generally.
- 7.1.6. Before the suspension, amendment, or cancellation of a *Permit*, *Staff* must notify the *Applicant* of their proposed action and provide the *Applicant* with an opportunity to be heard by *Staff*.
- 7.2. Notwithstanding any other provision of this Bylaw unless otherwise specified, *Staff* may issue a permit for any activity regulated or prohibited by this Bylaw and may impose such conditions or restrictions deemed necessary or required.
- 7.3. An *Applicant* may appeal to Council the refusal, suspension, amendment, or cancellation of a *Permit* by *Staff*, and Council may uphold the decision, or may overturn the decision and may impose conditions on the issuance of the *Permit*.

Sidewalk Patio and Parklet

8. Operating Requirements – Sidewalk Patio and Parklet

- 8.1. No person shall place, construct, erect, modify, convert, expand, reconstruct, relocate or replace a *Sidewalk Patio* or *Parklet* on a *Sidewalk* or *Highway* except as provided in this Bylaw.
- 8.2. A *Business*, organization or person may establish, operate, and maintain a *Sidewalk Patio* or *Parklet* if:
 - 8.2.1. the *Sidewalk Patio* or *Parklet* is located in a Commercial Core area as defined in the *OCP*;
 - 8.2.2. the owner or occupant possesses a valid *Permit*;
 - 8.2.3. for a *Sidewalk Patio*,
 - 8.2.3.1. the existing *Business* has a valid and subsisting *City Business Licence*;
 - 8.2.3.2. the portion of *Sidewalk* or *Highway* to be occupied by the *Business* is abutting the property where the *Business* is located;
 - 8.2.3.3. the commercial activity taking place on the *Sidewalk Patio* forms a part of the abutting parent *Business*;
 - 8.2.4. for a *Parklet*:
 - 8.2.4.1. not allow use or permit a *Parklet* to be used for commercial purposes, including the sale of goods or service of food or beverages;
 - 8.2.4.2. not charge a fee for the use of a *Parklet*; or,
 - 8.2.4.3. not restrict the free use and enjoyment of a *Parklet* by the public;
 - 8.2.5. and, the applicant places, constructs, and maintains the *Sidewalk Patio* or *Parklet* in strict accordance with the terms of the *Permit* which continues to provide a minimum *Sidewalk* width for general public use of 1.5m or as determined by *Staff*.
- 8.3. Despite 8.1, a person may place tables and chairs on a *Sidewalk* without a *Permit* if:
 - 8.3.1. the tables and chairs are located on the *Sidewalk* immediately adjoining the *Business* and wholly located within 0.8m of the *Frontage* on which the *Business* is located;
 - 8.3.2. there are no more than three tables and six chairs;
 - 8.3.3. the *Sidewalk* is unimpeded at a minimum width of 1.5m for the entire length of the *Sidewalk* fronting the *Business* once the chairs and tables have been placed;

8.3.4. the tables and chairs are removed from the *Sidewalk* at the close of business each day;

8.3.5. there are no *Structures* within the 1.5m unimpeded *Sidewalk* area.

9. Design Specifications – Sidewalk Patio and Parklet

9.1. A *Sidewalk Patio* located on a *Sidewalk* shall be limited to no more than the linear *Frontage* of its abutting parent *Business*.

9.2. The area of *Sidewalk* adjacent to a *Sidewalk Patio* or *Parklet* shall be free and clear of any obstructions for a minimum width of 1.5m.

9.3. A *Sidewalk Patio* or *Parklet* that occupies a designated parking space shall be permitted, where possible, to occupy the parking space nearest to the front entrance of the abutting parent *Business* and as determined by *Staff*.

9.4. A *Sidewalk Patio* or *Parklet* can occupy a second parking space only when the linear *Frontage* of the parent business exceeds the length of the nearest two parking spaces as determined by *Staff*, and, if necessary, approved in writing by the adjacent *Business* if there is a conflict of parking space use.

9.5. All *Sidewalk Patio* and *Parklet* designs should strive to use colour schemes and building materials that compliment the buildings containing the parent *Business*.

9.6. All *Sidewalk Patios* and *Parklets* shall provide an accessible barrier-free environment.

9.7. Any lighting used to illuminate a *Sidewalk Patio* or *Parklet* should be low brightness and shall not project onto the street or adjacent properties.

9.8. No signage or third-party advertising, other than for the parent *Business* operating the *Sidewalk Patio* is permitted within the approved area. Any permitted signage must adhere to the requirements tied to the provision of unimpeded *Sidewalk* areas as outlined in section 9.2. For clarity, no advertising is permitted in a *Parklet*.

9.9. The *Applicant* for a *Sidewalk Patio* or *Parklet* must work with *Staff* to accommodate for pedestrian and patron safety, as well as *Sidewalk* and vehicle routes. The design should consider:

- Point of entry and access
- Delineation options
- Reflective options for visibility

9.10. Planters are permitted provided they are located within the approved area of the *Sidewalk Patio* or *Parklet*.

10. Permit Conditions – Sidewalk Patio and Parklet

10.1. At all times and at the *Applicant's* own expense, the *Applicant* must keep and maintain the *Sidewalk Patio* or *Parklet* in a clean, sanitary, attractive condition satisfactory to *Staff* and must keep the *Sidewalk* surrounding or adjacent to the *Sidewalk Patio* or *Parklet* free from papers, rubbish, and debris of any kind.

- 10.2. Where the *Applicant* fails to keep the *Sidewalk Patio* or *Parklet* in accordance with the specifications and conditions of the *Permit*, the *City* may cause any part of the *Sidewalk Patio* or *Parklet* to be removed and may charge the costs of the removal to the *Applicant*.
- 10.3. The *Applicant* must ensure that all *Sidewalk Patio* or *Parklet* fixtures are affixed in a manner that allows them to be completely removed and the *Sidewalk* or *Highway* restored in accordance with this Bylaw with minimal reasonable effort.
- 10.4. The *Applicant* must, at its own cost and expense, remove all fixtures, furnishings and personal property from the *Sidewalk* or *Highway* as detailed in section 5.4, unless *Staff* approves an extension, or upon 30 days' notice of permit cancellation in writing from *Staff* and must cease occupation of the permit area within that time.

Mobile Vendors

11. Operating Requirements – Mobile Vendors

- 11.1. *Mobile Vendors* shall not create any disturbance or nuisance, including but not limited to noise, vibration, smoke, dust, odour, air pollution, heat, glare, bright lights, or hazardous or unacceptable waste that encroaches on private property, public streets, public spaces, or which may be a distraction for motorists or pedestrians.
- 11.2. *Mobile Vendor* operations shall be conducted in a manner that does not restrict or interfere with the ingress or egress of any adjacent property or constitute an obstruction to the access or movement of emergency or *City* operations vehicles.
- 11.3. *Mobile Vendors* shall only operate within the locations specified in Schedule "A" of the Bylaw. It is at the discretion of *Staff* to permit or restrict the number of *Mobile Vendor Units* at any given location.
- 11.4. Mobile Vendors wishing to operate in the Core Commercial zone outside of the locations specified in Schedule "A", may apply for a special *Permit* under the following conditions:
 - 11.4.1. *Mobile Vending Units* are prohibited from operating within 45 metres of a *Fixed Premise* that is open and offering for sale similar food, beverages, goods, wares, merchandise, or articles as measured from the nearest:
 - 11.4.1.1. public entrance to the *Business's Fixed Premises*; or
 - 11.4.1.2. public entrance to the building in which the *Business's Fixed Premises* are located.

To clarify, a *Mobile Vendor* may apply for the special *Permit* as long as the *Mobile Vendor* operates outside of the operating hours of a fixed business that is offering similar items.
- 11.5. Section 11.4 above does not apply to *Mobile Vending Units* that are stationary for not more than 30 minutes and not within a 50-meter radius of the immediately preceding locations. No location may be re-used within a 4-hour timeframe.

- 11.6. Unless the *City* grants express written permission, a *Mobile Vendor* may only operate between the hours of:
 - 11.6.1. 7:00 a.m. and 11:00 p.m.
- 11.7. *Mobile Vendors* may operate on private property upon the written consent of the property owner with a copy of the written consent to be delivered to the *City*.
- 11.8. *Mobile Vendors* that wish to operate at an *Event* must have written consent from the *Event* organizer.
- 11.9. A *Mobile Vendor* must relocate or remove their *Mobile Vending Unit* at the direction of *Staff* to accommodate special events, construction, or repairs, or where the *Mobile Vending Unit* is in violation of this Bylaw.
- 11.10. A *Mobile Vending Unit* is not permitted to be parked on any *Public Property* between the hours of 11:00 p.m. and 7:00 a.m., excepting on a *Highway* directly adjacent to premises owned or occupied by the *Mobile Vendor*.
- 11.11. *Mobile Vending Units* shall not be greater than 2.43 m in width (7.9 ft) or 10.0 m (32.8 ft) in length, or roughly the size of two parking spaces. *Staff* may make exceptions for short term, less than three consecutive days in duration within a two month period, anything requiring longer term use must be approved by *Council*.

12. Design Specifications – Mobile Vendors

- 12.1. *Mobile Vendor Units* shall be well-lit, aesthetically pleasing, and maintained in a clean and safe manner.
- 12.2. *Mobile Vendor Units* shall supply their own power and water source, and sanitary sewer system. Generators are permitted, provided they do not cause a disturbance, as determined in accordance with the *Noise Control Bylaw*.
- 12.3. *Mobile Vendors* are permitted to provide low volume music as long as it conforms with the *Noise Control Bylaw* but are not permitted to use any voice amplified device. All soliciting will be done at a level speaking voice. *Staff* has the authority to require the music to be turned off if the music distracts or creates a nuisance for others.
- 12.4. A *Mobile Vending Unit*, overhead canopies, doors, or appurtenances shall not obstruct or impede the flow of pedestrian or vehicle traffic on any *Public Property*.
- 12.5. *Mobile Vendor Units* shall always operate with the service side facing toward a *Sidewalk* or equally suitable safe location for patrons.
- 12.6. Placement of any furniture associated with the *Mobile Vendor* is prohibited.
- 12.7. On-street storage of any apparatus associated with a *Mobile Vendor Unit* is prohibited.
- 12.8. *Mobile Vendors* shall be responsible for providing garbage receptacles and removal of all collected garbage from their location and shall be responsible for cleaning up litter generated within 25 metres of their location.

- 12.9. Advertising or signage for a *Mobile Vending Unit* is limited to the space available on the *Mobile Vending Unit* and the locations approved on the site plan of the *Permit*.

13. Permit Conditions – Mobile Vendors

- 13.1. No person shall carry on a *Business* from, in or on a *Mobile Vending Unit* without a valid *Permit*.
- 13.2. An *Applicant* must obtain a *Business Licence* for each *Mobile Vending Unit* unless the *Applicant* already has a *Business Licence* with the *City* for the same activity at a fixed *Business* location.
- 13.3. All required permits and licenses must always be clearly visible at the *Mobile Vending Unit*.
- 13.4. *Applicants* selling or distributing items intended for human consumption must meet all requirements of the *City's Business Licence Bylaw*.
- 13.5. *Applicants* must submit a request for a fire inspection alongside their *Application* or renewal *Application* at least seven (7) days prior to operation.
- 13.6. *Mobile Vendors* shall assume all responsibility for themselves and anyone whom they have hired or otherwise authorized to sell goods or products at the vending location and to see that they are aware of and comply with the terms and conditions of their permit approval.
- 13.7. Not-for-profit or other types of benevolent organizations, as defined by Revenue Canada under the Income Tax Act and who have a valid Revenue Canada Registered Charity number and operating within the *City*, who operate a *Mobile Vending Unit* and utilize the proceeds from the sale of goods and services to support projects within the community, may be exempted from *Permit* fees, at the discretion of *Staff*, but must meet the other requirements of this bylaw.
- 13.8. Despite anything to the contrary in this Bylaw, a *Mobile Vendor* who participates in an *Event* located on *Public Property*, does not require a *Permit* under this Bylaw if the operator of the *Event* has obtained a *Permit* in accordance with this Bylaw. A fire inspection will still be required.

Municipal Facility Rental

14. Sections 0 and 16 are intended to provide guidelines surrounding facility rentals that:

- 14.1. Align with the intended use of the *Public Space*;
- 14.2. Are not for retail purposes;
- 14.3. Do not involve a road closure; or
- 14.4. Do not invite the general public to assemble.

For activities that fall within 14.2, 14.3, or 14.4, *Applicants* are required to follow the *Events Delegation Bylaw* and *Community Support Policy*.

15. Requirements – Municipal Facility Rental

- 15.1. A person, group, or organization must not hold a public gathering or *Event* in a *Municipal Facility*, or an *Event* which requires exclusive use of any *Municipal Facility* or part of a *Municipal Facility* without first obtaining a *Rental Agreement*.
- 15.2. *Municipal Facility* rentals shall not be provided to *Applicants* under the age of 19 years.
- 15.3. *Rental Agreements* made pursuant to this Bylaw may be terminated if, the *Applicant* fails to comply with the requirements of the *Rental Agreement* or any provision of this Bylaw.
- 15.4. In the event that a *Rental Agreement* is terminated, the *Renter* shall not be entitled to any rebate or refund of rental fees and shall be liable to the *City* for any loss, claim, damage or liabilities arising from or relating to any non-compliance with the terms of a *Rental Agreement*.
- 15.5. The *City* may cancel, postpone or reschedule any *Municipal Facility* rental without notice, but will endeavour to provide as much notice as possible, and the *City* would process a full refund if the rental can not be postponed or rescheduled.
- 15.6. If a priority of use is required, City Programs or Council approved items will have precedence.
- 15.7. All *Municipal Facility* rentals shall be made by way of a *Rental Agreement*. As part of the *Rental Agreement*, a *Renter* may also rent event equipment infrastructure from the *City* as defined in the *Fees and Charges Bylaw*.
- 15.8. A *Renter* shall comply with all applicable municipal, provincial and federal statutes, bylaws, regulations, and policies.
- 15.9. It is the responsibility of the *Renter* of a *Municipal Facility* to inspect the facility to ensure suitability for their intended use. A *Renter* shall forthwith report any alleged unsafe conditions of the *Municipal Facility* in writing, including email, to *Staff* upon discovery of such alleged unsafe condition immediately.
- 15.10. Prior to facility use, all *Renters* must:
 - 15.10.1. Provide a valid certificate of General Liability Insurance with a minimum amount of two million dollars (\$2,000,000) with the *City* named as an additional insured, such insurance not to be limited to vicarious liability;
 - 15.10.2. pay any applicable fee and damage deposit in accordance with the *Fees and Charges Bylaw*.
- 15.11. Consumption or sale of liquor must be in compliance with all applicable regulations of the Liquor and Cannabis Regulation Branch of the Province of British Columbia and the *City's Parks and Public Spaces Access Bylaw*, as amended or replaced from time to time.
- 15.12. Individuals applying for rental of a *Municipal Facility* shall advise the *City* at the time of booking if the *Event* is intended to be a liquored event and shall provide a copy of

an approved permit from the Liquor and Cannabis Regulations Branch prior to the *Event*.

- 15.13. All *Renters* must comply with their designated time slots in accordance with the *Rental Agreement*. Any requested revisions to rental times must be submitted in writing for consideration by *Staff*.
- 15.14. All cancellation requests must be submitted to the City in writing a minimum of five (5) business days prior to the scheduled use in order to cancel the booking and obtain a refund of the rental fee.
- 15.15. Fees and charges for *Municipal Facility* rentals and use, transfers, or cancellations of *Rental Agreements* shall be in accordance with the *Fees and Charges Bylaw*.
- 15.16. Applications for *Special Events* shall be made in writing in a form prescribed by *Staff*, which must be made following the *Community Support Policy*.
- 15.17. Regularly scheduled *Municipal Facility* rentals may be cancelled by *Staff* to accommodate *Special Events*.

16. Requirements – Seasonal Municipal Facility Rental

- 16.1. An application for seasonal rental of a *Municipal Facility* must be made in writing to *Staff* before the deadline specified in 16.2 and include all requested rental dates as well as any associated *Special Events* for the entire season.
- 16.2. Applicants must submit a written application for seasonal use of *Municipal Facilities* no later than January 31st. Thereafter, *Staff* may allow usage on a first come/first served basis.
- 16.3. Upon mutual agreement, seasonal renters may trade specific rented time slots if other users are not impacted, and *Staff* receives prior written notice.
- 16.4. Seasonal *Renters* with unpaid accounts at thirty (30) days may have rental privileges terminated until such time as the account is brought up to date. Repeated issues may result in permanent termination of the *Rental Agreement*.

Offences and General Conditions

17. Enforcement and Penalties

- 17.1. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw or under a *Permit* issued under this Bylaw shall:
 - 17.1.1. Upon being convicted of an offence under this Bylaw, pay a fine of not less than \$100.00 and not more than \$10,000.00 if proceedings are brought under the *Offence Act*, or;
 - 17.1.2. Pay the fine imposed for that offence specified in the *Municipal Ticket Information Bylaw*.

- 17.2. Any person violating any provision of this Bylaw is liable on summary conviction to a fine as prescribed in the *Municipal Ticket Information Bylaw*. A separate offence shall be deemed to be committed on each day during, or on, which a violation occurs or continues.
- 17.3. Any person designated as a Bylaw Enforcement Officer pursuant to the *Municipal Ticket Information Bylaw* is hereby authorized and empowered to enforce the provisions of this Bylaw.

18. Relationship to other Bylaws

- 18.1. ***Traffic Regulations Bylaw*** - If, with respect to any matter relating to a *Sidewalk* or *Highway*, there is a conflict between this Bylaw and the *Traffic Regulations Bylaw*, this Bylaw shall prevail.
- 18.2. ***Park and Public Spaces Access Bylaw*** - If, with respect to any matter relating to an *Event* or *Special Event*, there is a conflict between this Bylaw and the *Parks and Public Spaces Access Bylaw*, the *Parks and Public Spaces Access Bylaw* shall prevail.
- 18.3. ***Events Delegation Bylaw*** - If, with respect to any matter relating to an *Event* or *Special Event*, there is a conflict between this Bylaw and the *Events Delegation Bylaw*, the *Events Delegation Bylaw* shall prevail.
- 18.4. ***Noise Control Bylaw*** - If, with respect to any matter relating to noise, there is a conflict between this Bylaw and the *Noise Control Bylaw*, the *Noise Control Bylaw* shall prevail.
- 18.5. ***Business Licencing Bylaw*** - If, with respect to any matter relating to a *Business Licence*, there is a conflict between this Bylaw and the *Business Licence Bylaw*, the *Business Licence Bylaw* shall prevail.

19. Severability

- 19.1. Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time.
- 19.2. If any part, section, sentence, clause, phrase, or word of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and shall be construed as if the Bylaw had been adopted without the invalid portion.

20. Effective Date

- 20.1. This Bylaw will come into effect on October 1, 2022.

Read a first, second, and third time by the Municipal Council this 13th day of June, 2022.

Adopted this ____ day of _____, 2022.

Mayor – Brian Taylor

Corporate Officer – Daniel Drexler

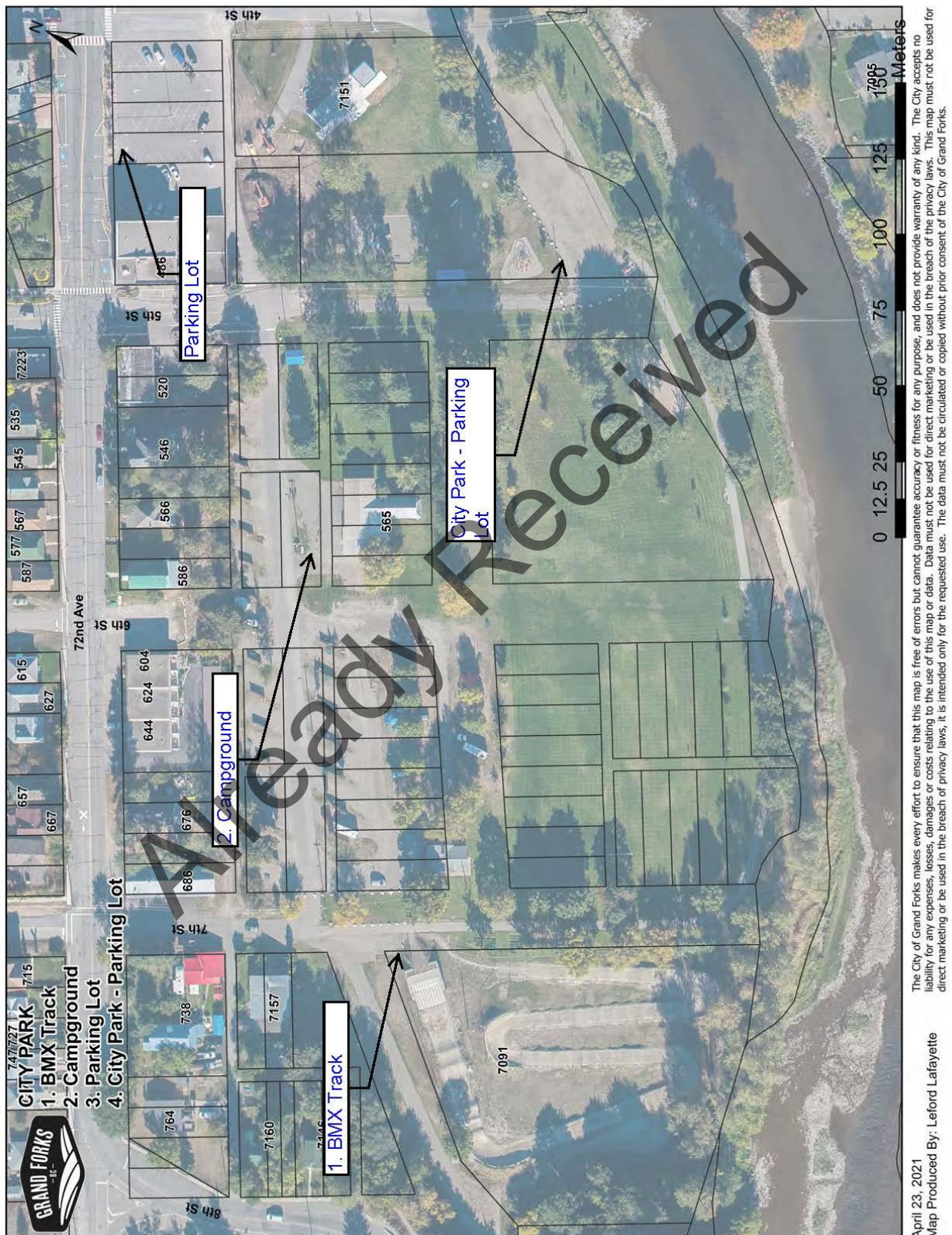
CERTIFICATE

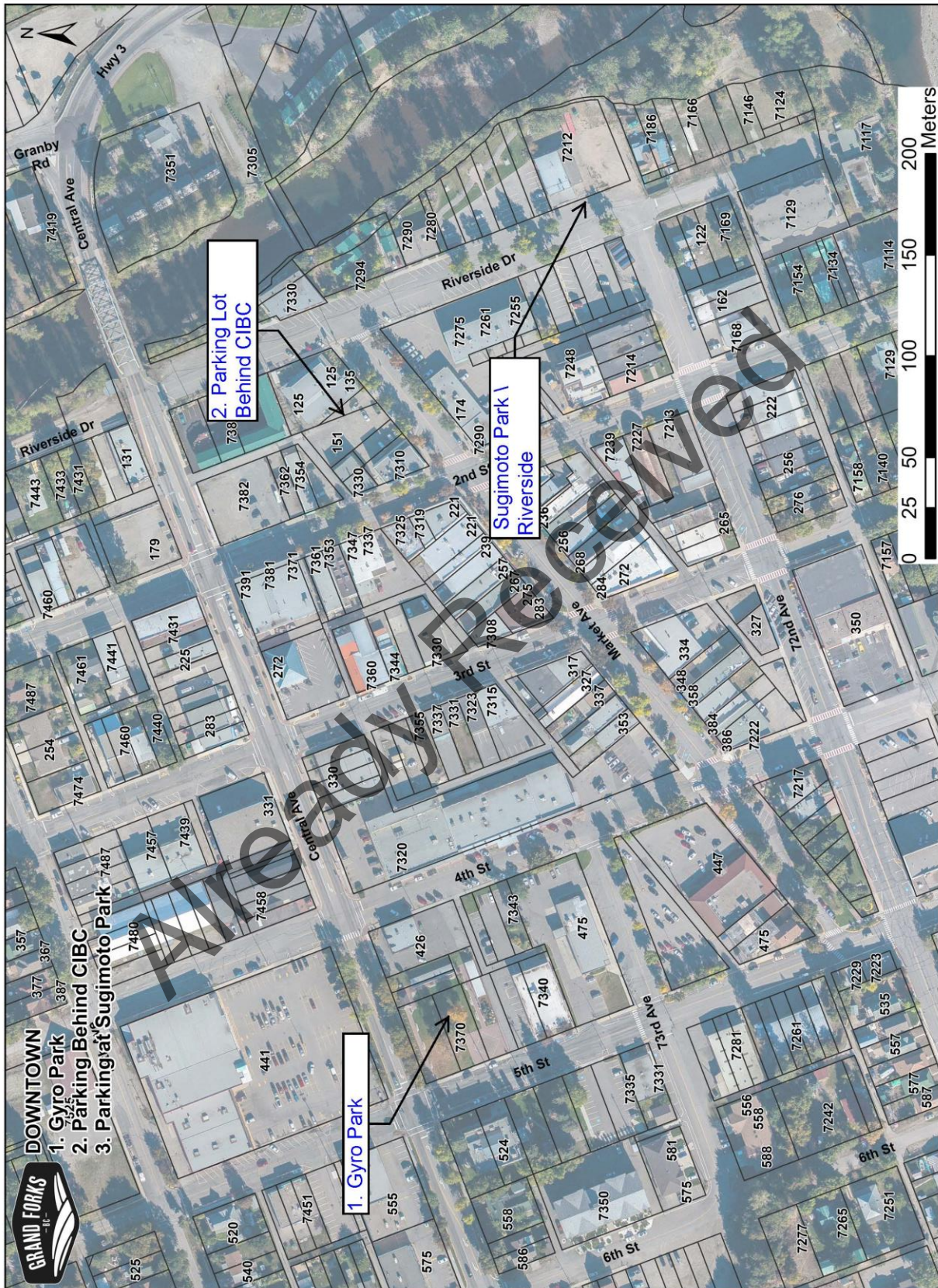
I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2090, cited as the “Exclusive Use of Public Property Bylaw No. 2090”, as passed by the Municipal Council on the ____ day of _____, 2022.

Corporate Officer of the Municipal Council of the
City of Grand Forks

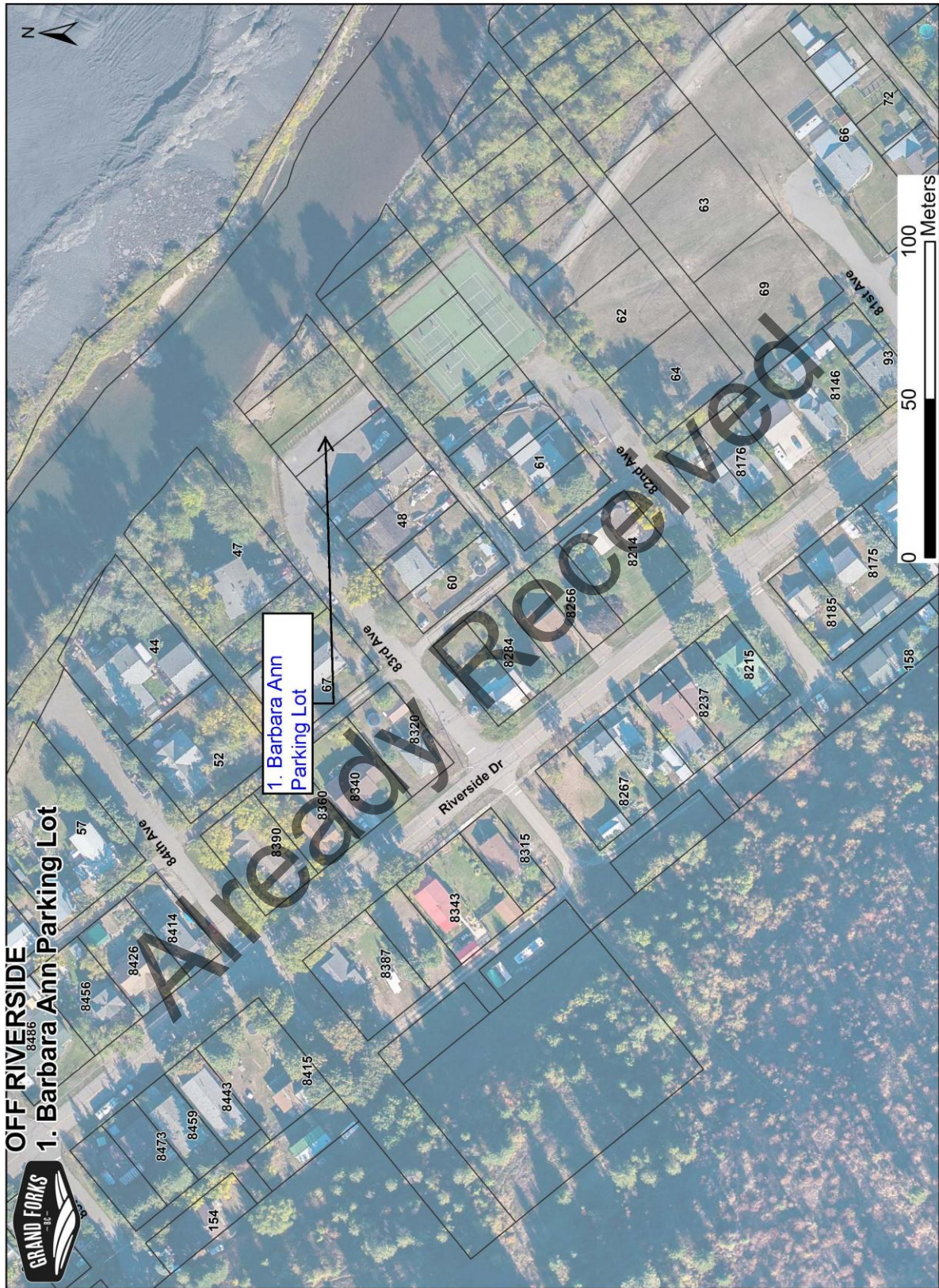
Already Received

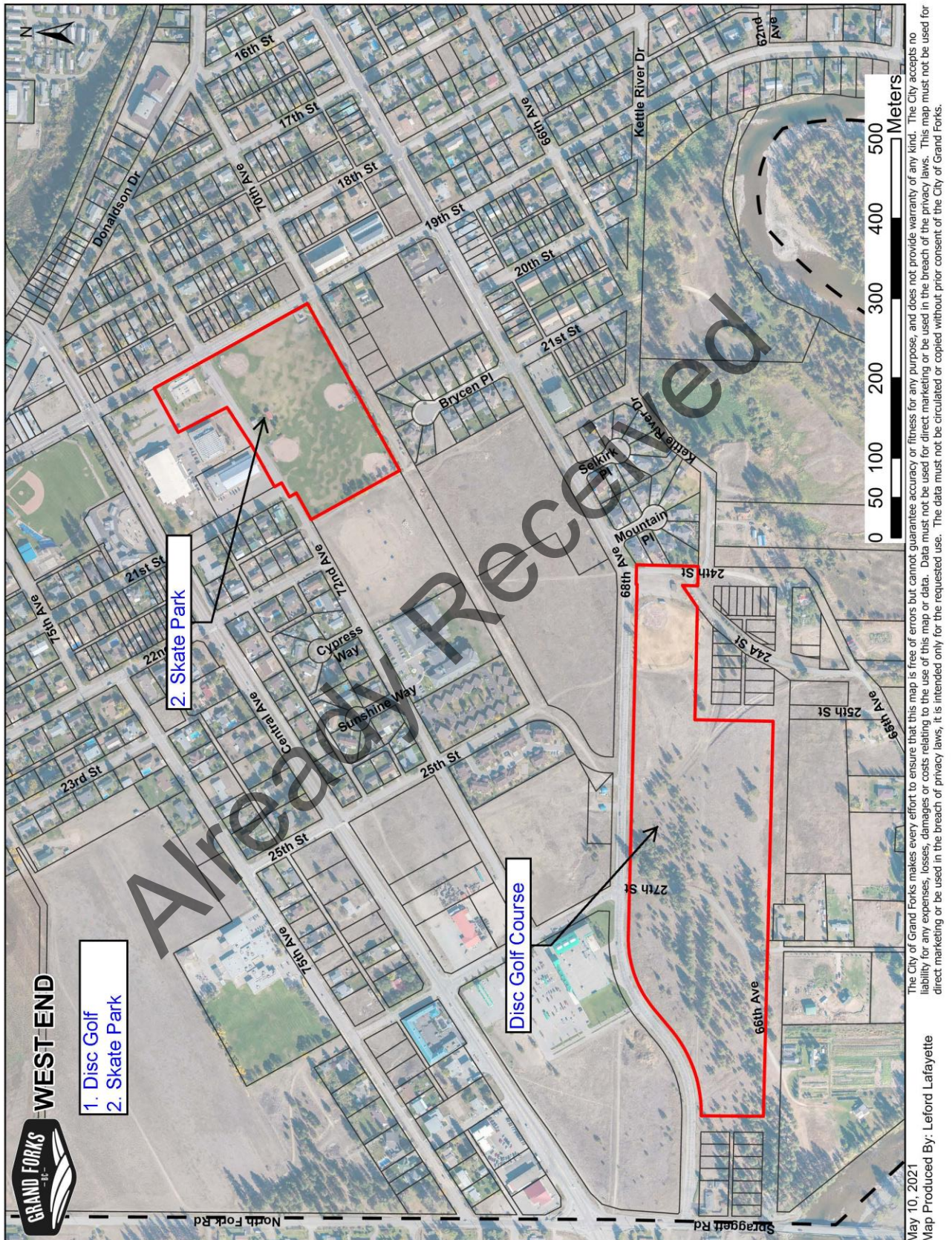
Schedule A – Maps of Locations





The City of Grand Forks makes every effort to ensure that this map is free of errors but cannot guarantee accuracy or fitness for any purpose, and does not provide warranty of any kind. The City accepts no liability for any expenses, losses, damages or costs relating to the use of this map or data. Data must not be used for direct marketing or be used in the breach of the privacy laws. This map must not be used for direct marketing or be used in the breach of privacy laws, it is intended only for the requested use. The data must not be circulated or copied without prior consent of the City of Grand Forks.





Schedule B – Offences and Penalties – For Reference Only (See MTI Bylaw for Current Rates)

SCHEDULE T			
Designated Bylaw Contraventions and Penalties for Bylaw Contravention			
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Bylaw No.	Section	Description	Penalty (\$)
Exclusive Use of Public Property No. 2090			
2090			\$100.00
2090			\$100.00
2090			\$100.00
2090			\$100.00
2090			\$100.00

Already Received

Schedule C – Fees and Charges – For Reference Only (See Fees and Charges Bylaw for Current Rates) – This is only a sample of the schedule with fee and rental rates to be determined at a later time

Fee Schedule - General	
Patio / Parklet – New Application Fee (one-time fee)	
Patio / Parklet – Renewal Fee (annual)	
Patio / Parklet – Exclusive Use (Summer season) – rate per square meter	
Patio / Parklet – Exclusive Use (full year) – rate per square meter	
Mobile Vendor – New Application Fee (one-time fee)	
Mobile Vendor – Renewal Fee	
Mobile Vendor – Business Licence (fee as determined in the Business Licence Bylaw)	
Mobile Vendor – Month to Month Operating Permit (per month)	
Mobile Vendor – April to September Operating Permit (6 months)	
Mobile Vendor – Full Year Operating Permit (12 months)	
Facility Rental – Damage Deposit (General)	
Facility Rental – Damage Deposit (Sound System)	
Facility Rental – Cancellation and Transfer Administrative Fee	

Event Equipment Infrastructure Rental (per day except where noted)			
Support/Infrastructure	Classification of Use and Rate		
	Non-Profit	Commercial	Non-Local
Stage Riser Box (per Box)			
Bleachers (per bleacher)			
Picnic Tables (per table)			
Safety Vest (per vest)			
Barricades (per barricade)			
Traffic Cones (per cone)			
Sound System + Deposit			
Electrical Services			
Washroom Services			
Crowd Control Fencing (per 8' section)			
Snow Fencing			
Recycling Bins			
Garbage Bins			
Note: Any items not returned in full working condition, will be replaced by the City and the full replacement costs charged to the person or organization that requested the infrastructure rental.			
Note: A 30% discount will be applied to each day of a multiple day rental			

Request for Decision



To: Regular Meeting
From: Chief Administrative Officer
Date: May 17, 2021
Subject: Street Vendors
Recommendation: **THAT Council approve the Street Vendor regulations outlined in the “short term strategies” section of this report; and that, Council direct staff to enforce these regulations until such time as a bylaw or policy is developed to address the operation of street vendors within the municipal boundaries. And further, that these regulations do not apply to market avenue during the 2021 pedestrian and cyclist friendly event.**

Purpose

To provide background information about the City’s current policies and procedures regarding the operation of street vendors on public and private property within the City of Grand Forks municipal boundary. And further, to consider industry best practices and to make recommendations regarding short term street vendor regulations that can be implemented in 2021.

Background

For the purpose of this report the definition of street vendor as defined by law-insider will be used,

“Street Vendors means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public, in a street, lane , side walk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place”.

The definition of street vendor also includes mobile food vendors as outlined in Inter-Community Business Bylaw No. 2069, 2020.

In some form or another, the City of Grand Forks has for a number of years accommodated street vendors (vendors) within the City municipal boundary. Whether selling seafood, fruit, trinkets or prepared food, the City has allowed vendors primarily to operate without a business licence on private property but also occasionally on public lands. The City’s current vendor policy is attached to this report under the heading “Temporary Commercial Use on Public Property”. However, the policy needs some additional work based on our current experience.

As per the current City policy and the absence of language in our business regulation and zoning bylaw, the City does allow vendors to operate on private property within various zones, including residential zones. The business models varies by vendor with

some operating within the region, locally or operating as an extension of an existing business within the community. In the past the City has accommodated special requests on public property for vendors such as at the farmers market and as part of downtown events; however, on a case by case basis.

Best Practices:

There are many similarities among local government vendor regulations, but unfortunately, there is no silver bullet, each community approaching the regulations with their own unique twist. As part of staff's review, the following eight communities were examined and include Fernie, Nelson, Osoyoos, Penticton, Kelowna, Castlegar, Dawson Creek and Campbell River. These communities were selected as they are either similar in or are located in close proximity to Grand Forks or have recently completed a review of their vendor regulations. Staff's review primarily focused on vendor use of public property with the following findings provided:

Common Themes:

In most cases:

- The regulation is captured through either the business regulation bylaw, zoning bylaw or a policy
- An application or license fee is collected
- A business license is required and as part of the business license any applicable permits must be provided, including
 - Fire Department
 - Interior Health
 - Technical Safety BC
 - Proof of insurance
- A map identifying term (1-3 seasons) and temporary (day to day) public spaces is available for the vendor
- The activity can only take place on commercial property

Unique Variations:

- Operating space is allocated based on a lottery or scoring system
- Applications are reviewed on a case by case basis
- The number of vendors permitted vary based on the location
- Based on the community, vendors are required to have all or one of the following
 - Application, fee \$0 - \$300 annual
 - Business License \$100 - \$540
 - Permit
 - Day \$0 - \$100
 - Term \$100 - \$1,645
 - Utility usage fee \$0 – \$320
- There is a pre-scribed buffer or operating proximity between the vendor and any brick and mortar business offering similar products
- There is a pre-scribed buffer or operating proximity identifying conflicting hours between the vendor and any brick and mortar business offering a similar product
- The guidelines set out operating hours based on a first come first serve model

As mentioned above, these are just some of the common themes and unique variations that were found while conducting research into vendor regulations. Moving forward and in order to implement short term regulations and guidelines staff are recommending the following parameters for 2021, until the regulations can be adopted formally in late fall early spring. Further, as captured in the May 3rd resolution, the following parameters outlined within the report will not apply to market avenue as Council through resolution has committed to allowing the Downtown Business Association to coordinate activities on Market Avenue from May through to September.

Short Term Strategies:

1. The City consider vendors a regular business and require an annual license fee of \$75, unless the vendor already has a business license with the City for the same activity in another location or is covered under an umbrella event license.
 2. As part of the business license application and approval process, the vendor will meet all Federal, Provincial and Municipal regulations including all City bylaws; and further, upon request will provide proof of any required permitting.
 3. The City allow the operation of vendors on private property with the consent of the owner and only within zones that allow for commercial use.
 4. Council approves the attached map showing the spaces identified for use by vendors to operate on public property; and further, that while operating on public property
 - a) vendors may not sell similar merchandise, during the same hours as a permanent business within a 45 metre (approx. 148ft) proximity
 - b) The spaces identified for use by vendors on the map will be based on a first come first serve basis, between the hours of 7am – 11pm
 - c) The vendor indemnifies the City and further provides proof of third-party liability insurance with the City of Grand Forks named as an additional insured
 - d) The vendor provides all services required to operate including power, water, sewer, waste receptacles and removal; as well as, any equipment or materials required to ensure the safety of patrons
 - e) The vendor meets all COVID-19 safety requirements as outlined by the Provincial health authority.
 5. Any vendor who would like to operate on public property will submit an application prior to commencing operation with the required documentation listed above
 6. Special Events approved by Council resolution will be exempt from strategies 3, 4, 4(a), 4(b), 4(d) and 5.
-

Benefits or Impacts

General

In the past the City has had minimal involvement in the regulation of vendors due to the activity historically taking place on private property or in conjunction with an event. If approved the City's two Building Officials/Bylaw Enforcement Officers will be required to dedicate time working with vendors to align their activities with the new guidelines. As a result, during the launch period, bylaw enforcement activities in other areas may be reduced.

Finances

If approved, staff will accommodate the additional enforcement activities by reducing our level of service in other bylaw activities. Although staff are not anticipating a significant amount of time required to monitor and work with vendors, this will be a new service provided and will reduce time in other areas. As a result of the requirement for a business license, there will be a slight increase in revenue; however, it is not anticipated this increase will be enough to fund an additional bylaw officer.

Strategic Impact

N/A

Risk Assessment

Compliance:

Community Charter – Fundamental Powers and Division 9 Business Regulation – City Policy 114.

Risk Impact: Low

Internal Control Process:

A Council may by bylaw regulate, prohibit and impose requirements in relation to public spaces. A Council may, by bylaw, regulate in relation to business

Next Steps / Communication

If approved staff will communicate the new guidelines to the public and will begin working with vendors to meet the requirements outlined in this report. As part of developing the short term strategies contained in this report, staff did speak with Chamber of Commerce representatives, no concerns were raised.

Attachments

Policy 114 – Temporary Commercial Use on Public Property
Maps of Proposed Street Vendor Locations

Recommendation

THAT Council approve the Street Vendor regulations outlined in the “short term strategies” section of this report; and that, Council direct staff to enforce these regulations until such time as a bylaw or policy is developed to address the operation of street vendors within the municipal boundaries. And further, that these regulations do not apply to market avenue during the 2021 pedestrian and cyclist friendly event.

Options

1. Council could choose to add, delete, or to change the regulations outlined in the “short term strategies” section of this report.
2. Council could choose not to create new regulations for street vendors and to direct staff to maintain the current practice.

Already Received

CITY OF GRAND FORKS

POLICY TITLE:	Temporary Commercial Use on Public Property	POLICY NO	114
EFFECTIVE DATE:	March 27, 2017	SUPERSEDES:	Policy 114 v. Feb 2006
APPROVAL:	Council – March 27, 2017	PAGE:	1 of 2

PURPOSE:

To establish guidelines and give direction for orderly establishment and temporary use of available and under-utilized City properties for commercial use where such activities enhance the public convenience, provide complementary services to the users within the area, encourage economic development, improve quality of life and are not in direct conflict with any other use which has a priority.

POLICY:

The use of City properties may be permitted for temporary commercial use provided the property is returned to its original state; the proponent/operator complies with the terms and conditions of any agreement issued and any City Bylaws; and, the proposed business meets health, safety and public sanitation standards. This permission is granted, subject to the realization that City properties are designed and meant for general public use including the City's requirement for utilities and public works and these must always be the first priorities.

The City will interpret this policy in congruence with section 25 (1) of the Community Charter which states that "Unless expressly authorized under this or another Act, a council must not provide a grant, benefit, advantage or other form of assistance to a business".

DEFINITIONS:

"Temporary" means for no period greater than 16 hours at a time, unless otherwise approved by the City Manager or his designate.

PROCEDURE:

1. This policy applies to all 'temporary' commercial use of public property, including parks, sidewalks or streets.
2. Site Licences, outlining the details rules for Temporary Commercial Use of Public Property, may be issued authorizing such commercial use.
3. Proximity to permanent businesses offering similar products for sale will be a consideration of any application.

4. The fee charged for a Site Licence is detailed in the Fees and Charges Bylaw.
The City may invoke a minimum fee, which reflects the average cost of similar business operating in the City.
5. It is the Licensee's responsibility to pay for any site preparation and improvement costs and to remove such improvements and restore the site to its prior condition. The City may require a deposit if in the opinion of the City the operator may not be in a position to undertake such work.
6. The City Manager, or his designate, is authorized to approve the issuance of Site Licences in any areas previously approved by Council for Temporary Commercial Use on Public Property.
7. The City reserves the right to revoke any Site Licences issued, at any time, where it is found that the use is creating difficulties deemed unacceptable to the City or where any conditions of this policy or any Site Licence issued have not been met or the operator has consistently and repeatedly ignored requests from the City to rectify the unsatisfactory condition.
8. Licensees should not be selling the same menu items or merchandise, during the same hours as other retailers/operators in the approved larger area, unless the City is satisfied that there are unmet needs and demands.
9. Upon approval of the Site Licence, the applicant is to furnish proof of compliance with all Provincial and Municipal licensing and regulations and proof of any required liability insurance.
10. Applications for a Site Licence must include:
 - (a) a letter of intent that includes the operating period.
 - (b) a site plan indicating parking, fire access, or other convenience and safety requirements.
 - (c) a list of merchandise and services to be provided.



CITY PARK

- 1. BMX Track
- 2. Campground
- 3. Parking Lot
- 4. City Park - Parking Lot





OFF RIVERSIDE

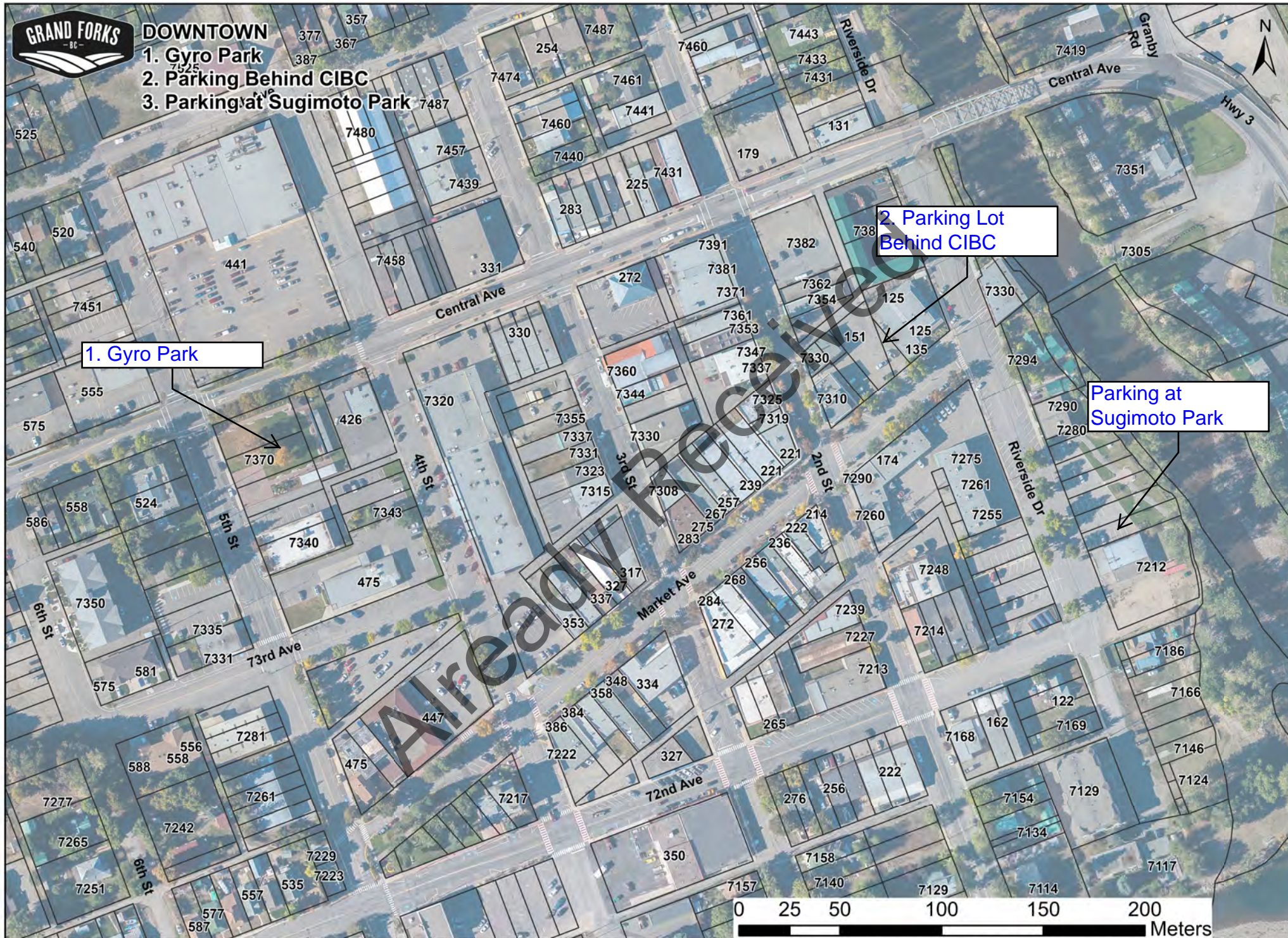
1. Barbara Ann Parking Lot





DOWNTOWN

1. Gyro Park
2. Parking Behind CIBC
3. Parking at Sugimoto Park





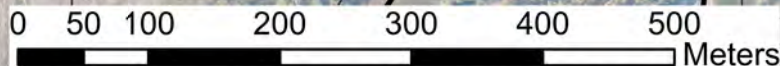
WEST END

- 1. Disc Golf
- 2. Skate Park

- 2. Skate Park

- Disc Golf Course

Already Received



CITY OF GRAND FORKS

POLICY TITLE:	Sidewalk Patios on City Property	POLICY NO:	111
EFFECTIVE DATE:	February 6, 2006	SUPERSEDES:	
APPROVAL:	February 6^d, 2006	PAGE:	1 of 1

POLICY:

This policy defines a process by which restaurant or Café operators may apply to encroach onto or occupy a portion of the public sidewalk directly adjacent to the restaurant's property for the purpose of extending seating capacity to an outdoor area while enhancing the streetscape of the downtown core.

PURPOSE:

To provide a guide to the issuance of permits for placement of limited street furniture (daytime) and construction of sidewalk cafes or patios associated with adjacent restaurant property.

PROCEDURE:

The following types of applications may be submitted under this policy:

1. **Applications for Small Sidewalk Patios.** Patios where furniture is brought in each evening and does not exceed three (3) tables (maximum 24" width) and six (6) chairs. Permitting shall be at the discretion of the City Manager or a designate and does not require Council approval. The attached application package for Small Sidewalk Patio on City Sidewalks applies.
2. **Applications for a Large Sidewalk Patios.** This involves occupation of City controlled property that is more extensive than (1.) above and/or requires the installation of railings, or other defined boundaries on the sidewalk. The necessary application package is attached. Public Works Superintendent will assist the proponent with this proposal that must be submitted to the City Manager for approval, who may in his discretion refer it to City Council for approval. Any applications that are not approved by the City Manager shall be forwarded to City Council for their information.

CITY OF GRAND FORKS

POLICY TITLE:	Temporary Commercial Use on Public Property	POLICY NO	114
EFFECTIVE DATE:	March 27, 2017	SUPERSEDES:	Policy 114 v. Feb 2006
APPROVAL:	Council – March 27, 2017	PAGE:	1 of 2

PURPOSE:

To establish guidelines and give direction for orderly establishment and temporary use of available and under-utilized City properties for commercial use where such activities enhance the public convenience, provide complementary services to the users within the area, encourage economic development, improve quality of life and are not in direct conflict with any other use which has a priority.

POLICY:

The use of City properties may be permitted for temporary commercial use provided the property is returned to its original state; the proponent/operator complies with the terms and conditions of any agreement issued and any City Bylaws; and, the proposed business meets health, safety and public sanitation standards. This permission is granted, subject to the realization that City properties are designed and meant for general public use including the City's requirement for utilities and public works and these must always be the first priorities.

The City will interpret this policy in congruence with section 25 (1) of the Community Charter which states that "Unless expressly authorized under this or another Act, a council must not provide a grant, benefit, advantage or other form of assistance to a business".

DEFINITIONS:

"Temporary" means for no period greater than 16 hours at a time, unless otherwise approved by the City Manager or his designate.

PROCEDURE:

1. This policy applies to all 'temporary' commercial use of public property, including parks, sidewalks or streets.
2. Site Licences, outlining the details rules for Temporary Commercial Use of Public Property, may be issued authorizing such commercial use.
3. Proximity to permanent businesses offering similar products for sale will be a consideration of any application.

4. The fee charged for a Site Licence is detailed in the Fees and Charges Bylaw.
The City may invoke a minimum fee, which reflects the average cost of similar business operating in the City.
5. It is the Licensee's responsibility to pay for any site preparation and improvement costs and to remove such improvements and restore the site to its prior condition. The City may require a deposit if in the opinion of the City the operator may not be in a position to undertake such work.
6. The City Manager, or his designate, is authorized to approve the issuance of Site Licences in any areas previously approved by Council for Temporary Commercial Use on Public Property.
7. The City reserves the right to revoke any Site Licences issued, at any time, where it is found that the use is creating difficulties deemed unacceptable to the City or where any conditions of this policy or any Site Licence issued have not been met or the operator has consistently and repeatedly ignored requests from the City to rectify the unsatisfactory condition.
8. Licensees should not be selling the same menu items or merchandise, during the same hours as other retailers/operators in the approved larger area, unless the City is satisfied that there are unmet needs and demands.
9. Upon approval of the Site Licence, the applicant is to furnish proof of compliance with all Provincial and Municipal licensing and regulations and proof of any required liability insurance.
10. Applications for a Site Licence must include:
 - (a) a letter of intent that includes the operating period.
 - (b) a site plan indicating parking, fire access, or other convenience and safety requirements.
 - (c) a list of merchandise and services to be provided.

CITY OF GRAND FORKS

POLICY TITLE: Use of James Donaldson Park **POLICY NO:** 1201

EFFECTIVE DATE: July 20, 2009

SUPERSEDES:

APPROVAL: Council

PAGE: 1 of 1

PURPOSE:

To establish criteria for the use of James Donaldson Park to protect the substantial taxpayer investment in the baseball facilities in the park.

POLICY:

James Donaldson Park is designated as primarily a baseball park. The Park can be used for other events, subject to the following conditions:

1. The organizers enter into a Park User Agreement with the City of Grand Forks, and obtain 3rd party liability insurance naming the City as an additional insured on that policy (for the duration of the event).
2. No cleats are to be worn in the park, with the exception of playing baseball on a 90 foot base field.
3. No change to the in-field can occur. The basic configuration of the baseball field must remain in tact. No changes to the bases, pitcher's mound, etc., will be permitted.

CITY OF GRAND FORKS		
POLICY TITLE:	Use of City Park	POLICY NO: 1203
EFFECTIVE DATE:	July 20, 2009	SUPERSEDES:
APPROVAL:	Council	PAGE: 1 of 1

PURPOSE:

To establish criteria for the use of City Park to protect the substantial taxpayer investment in the park facilities.

POLICY:

City Park is designated to accommodate family activities. The park can be used for a number of events, subject to the following conditions:

1. Recognizing that the park is located in proximity to a residential area and the park includes an area used by overnight campers, the organizers of events are responsible to keep the noise level in the park to a reasonable level and if asked to turn the music, or any other public address system down, they must do so.
2. All Park Use Must be Terminated by 10:00 p.m.
3. The City may require that security be provided for some events.
4. No service of liquor, unless it is approved by Council resolution and declared as a special event day, for obtaining the required Special Occasion Liquor Licence. This approval will be conditional upon the organizers entering into a Park Use Agreement with the City, obtaining Party Alcohol Liability Insurance and naming the City of Grand Forks as an additional insured on this policy for the days approved by Council.
5. All food venders must be licenced by the City of Grand Forks and located in approved areas only.
6. Event Organizers are requested to fill out an Event Form, available at City Hall, at least one month prior to the event to assist our Public Works department in coordinating their workplan.
7. Event Organizers may be required to provide a deposit, in an amount to be determined by the type of event, where there is potential for damage and vandalism
8. Event Organizers shall ensure that no person will:
 - damage or destroy any sign, building, property or fixture
 - deposit rubbish, garbage, or refuse of any kind except in receptacles provided for that purpose
 - start, maintain or renew a fire except in a camp stove, fireplace and grill provided for that purpose
9. Event Organizers shall ensure that the event will not operate to exclude any member of the public from use and enjoyment of the park.

10. The City reserves the right to refuse use of the park for events where there is potential for damage, vandalism, crowd control issues, liquor abuse, or inadequate planning and security for events.

Already Received

CITY OF GRAND FORKS

POLICY TITLE:	Use of City Property or Facilities	POLICY NO:	1207
EFFECTIVE DATE:	July 17, 2017	SUPERSEDES:	
APPROVAL:	Council	PAGE:	1 of 7

Purpose

To establish guidelines for the use of City property or facilities.

Definitions

Event Organizers means the non-City organizer of the activity or event.

Policy Statements

1. Limitations

The City will endeavour to meet all requests to use its property or facilities so long as it does not represent an unreasonable burden on its resources. The City reserves the right to refuse use of its property for events where there is potential for damage, crowd control issues, liquor abuse, inadequate planning, or if any provision of this policy is not met.

2. Public good

Requests that would require a significant amount of City resources may require a statement of anticipated benefit to the City or its residents, or may be sent to Council for decision.

3. Sufficient notice

Event Organizers will fill out an Event Request Form, available at City Hall, at least one month prior to the event.

4. Food and drink

Event Organizers will follow the Interior Health Authority regulations for permits and food safety.

5. Alcohol

Event Organizers will hold a liquor license and Serving It Right certification.

6. Amplified sound and noise

Event Organizers will comply with the noise bylaw or have an exemption passed by Council.

7. Fires

Event Organizers must follow fire safety protocols acceptable to the fire department.

8. Hazardous materials

All hazardous materials stored or used in an activity or event will follow safety protocols and have emergency plans in place.

9. Waste management

Event Organizers will ensure there are sufficient garbage and recycling bins and that the site is left clean.

10. Electrical services

The City will provide electrical connections at its discretion, where available, and upon request.

11. Road closures

Road closures are at the discretion of the City. The authorization of road closures will take into account the potential impact on emergency access, businesses and residents.

12. Tents, stages, and temporary structures

Temporary structures will be set up safely and in a way that allows emergency access, and must be removed by the event organizer.

13. Liability and Insurance

The City will not be responsible for personal injury or damage, for loss, damage or theft of clothing, materials and/or equipment on the premises. The Event Organizer shall indemnify and save harmless the City and its staff, and will hold adequate insurance that names the City as additional insured.

14. Parking

Activities or events will not block access to private property or public services, or unduly encroach on residential parking. It is the responsibility of the Event Organizer to notify residents if they anticipate an impact.

15. Attendance

Events expecting more than 150 people attending will have a risk management plan.

16. Smoking

Event Organizers must follow provincial smoking regulations, identify a designated smoking area, and provide butt disposal. Smoking is prohibited indoors or around children.

17. Washrooms

Events with public assembly in enclosed areas will meet BC Building Code requirements for the number of washrooms provided. Event Organizers will ensure washrooms are kept in sanitary condition.

18. Commercial Use on Public Property

See Policy 1208: Temporary Commercial Use on Public Property.

19. Playing fields

The City will ensure playing fields are kept in good condition and will accommodate reasonable requests for special maintenance related to the event.

20. City Equipment

The City will lend bleachers, barricades, picnic tables, garbage cans, Hi-Viz vests, and traffic cones as available and upon request.

21. City Facilities

City facilities are available for use subject to the terms of a Facility Use Agreement.

22. Private Equipment Stored on City Property

Private equipment may only be stored on City property by special arrangement. The City is **not** responsible for managing or safeguarding private equipment stored on City property.

23. Damage

The City may require a damage deposit in a Facility Use Agreement.

Event Organizers shall ensure that no person will:

- damage or destroy any sign, building, or property;
- deposit rubbish, garbage, or refuse of any kind except in receptacles provided for that purpose.

24. Security

The City may require the Event Organizer to provide security for large events.

Schedule A: Procedure

Item	Description	Staff responsible or designate
Food and Drink	Obtain copies of the permits or a description of why they are exempt.	Deputy Corporate Officer
Alcohol	Create an RFD for the requested liquor license. Obtain a copy of liquor license if issued. <u>Supporting document:</u> RFD for liquor license request.	Deputy Corporate Officer
Amplified Sound System	Create an RFD for a requested exemption to the noise bylaw. <u>Supporting document:</u> RFD for noise bylaw exemption.	Deputy Corporate Officer
Fires	Coordinate the activity specifications with the requirements of the fire department.	Fire Chief
Hazardous Materials	Obtain a copy of the safety protocols and emergency plan for any hazardous materials.	Deputy Corporate Officer
Waste Management	Ask what type and how much waste will be generated. Offer City equipment as appropriate and make sure the Event Organizer has a plan for managing waste. <u>Supporting document:</u> Event request form	Deputy Corporate Officer
Electrical Services	Have the Event Organizer fill in an Electrical Service Request form and coordinate it with Public Works. <u>Supporting document:</u> Electrical Service Request form	Power Distribution Coordinator and Deputy Corporate Officer

Item	Description	Staff responsible or designate
Road Closures	<p>Have the Event Organizer fill in the "Road Closure Notification" form. Check that all properties that use the affected road are included on the form. Make sure the Event Organizer has the capacity and equipment to safely close the road and put up appropriate signage, and that they notify emergency services.</p> <p><u>Supporting document:</u> Road Closure Notification form</p>	Manager of Operations and Deputy Corporate Officer
Tents, stages, and temporary structures	<p>If many structures are planned, obtain a site plan. Check with Public Works for buried utilities if the structures are heavy or if any stakes etc. are being driven into the ground. Run any site plans past the building inspector and fire department to check for additional requirements.</p> <p><u>Supporting document:</u> Site plan template</p>	Deputy Corporate Officer
Insurance	<p>Check the MIA risk matrix for the appropriate level of insurance.</p> <p><u>Supporting document:</u> MIA risk matrix</p>	Chief Financial Officer and Deputy Corporate Officer
Parking	<p>Obtain a parking plan for large events.</p> <p><u>Supporting document:</u> Parking plan template</p>	Manager of Operations and Deputy Corporate Officer
Attendance	<p>If the event expects more than 150 attendees, then obtain a risk management plan.</p> <p><u>Supporting document:</u> Risk management plan template</p>	Fire Chief and Deputy Corporate Officer

Item	Description	Staff responsible or designate
Smoking	Ask Event Organizer if they will have a designated smoking area. If so, have them mark it on a site plan. <u>Supporting document:</u> Site plan template	Deputy Corporate Officer
Number of Toilets	Check the number of existing facilities against the anticipated number of attendees. If more toilets are required, inform the Event Organizer of how many portable toilets they will need. <u>Supporting document:</u> BC Building Code	Manager of Development and Engineering, and Deputy Corporate Officer
Washrooms	Ensure there are enough City staff on during the event to do extra cleaning, or for larger events, obtain the event plan for janitorial services.	Deputy Corporate Officer
Vending / Commercial Use of Public Property	Follow Policy No. 1208	Deputy Corporate Officer
Playing Fields	Ensure there are enough City staff resources and accommodate all reasonable requests for special maintenance. <u>Supporting document:</u> Event request form	Public Works Coordinator and Deputy Corporate Officer
City Equipment	If available and appropriate, lend City equipment to the Event Organizer. <u>Supporting document:</u> Event request form	Public Works Coordinator and Deputy Corporate Officer
City Facilities	Fill out a facility use agreement and go over it with the Event Organizer. <u>Supporting document:</u> Facility Use Agreement.	Manager of Operations and Deputy Corporate Officer