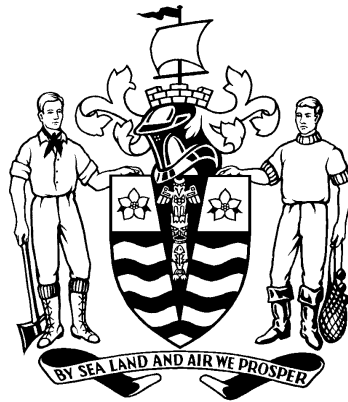


CITY OF VANCOUVER BRITISH COLUMBIA



STREET VENDING BY-LAW NO. 10868

**This By-law is printed under and
by authority of the Council of
the City of Vancouver**

**(Consolidated for convenience only
To April 9, 2024)**

STREET VENDING BY-LAW

TABLE OF CONTENTS

SECTION 1 INTERPRETATION

- 1.1 Name of by-law
- 1.2 Definitions
- 1.3 Table of contents
- 1.4 Schedules
- 1.5 Severability

SECTION 2 GENERAL REGULATIONS

- 2.1 Sales on city streets
- 2.2 Public bike share station
- 2.2A Shared E-Scooter station
- 2.3 Sales at farmers' market
- 2.4 Sales at special event market

SECTION 3 PERMITS

- 3.1 Application for permission
- 3.2 Permission
- 3.3 General rules
- 3.4 Conditions on permits
- 3.5 Considerations regarding time limits
- 3.6 Application process
- 3.7 Refusal of permit or renewal permit
- 3.8 Appeal from permit refusal
- 3.9 Responsibilities of vendors on city streets
- 3.10 Street vending permits
- 3.11 Renewal of permit
- 3.12 Sale of permit prohibited
- 3.13 Use of vending unit permit by person other than permit holder prohibited
- 3.14 Transfer of street vending permits prohibited
- 3.15 Refusal to consent to permit transfer
- 3.16 Suspension or revocation of permit for non compliance
- 3.17 Suspension or revocation of permit due to conflicting street uses
- 3.18 Service of order
- 3.19 Removal of structure or unit by permit holder
- 3.20 Immediate removal without notice
- 3.21 Suspension or revocation of permit for lapsed insurance

- 3.22 Impoundment
- 3.23 Emergencies

SECTION 4 VENDING UNITS

- 4.1 Term of permit
- 4.2 Limits on operation of food vending (roaming) unit
- 4.3 Responsibilities of operator of food vending (roaming) unit
- 4.4 Responsibilities of operator of non-food vending (stationary) unit or non-food vending (stationary) unit
- 4.5 Limit on number of permits for vending units
- 4.6 Limit on total number of food vending permits

SECTION 5 PATIOS

- 5.1 Conditions of small patio permit
- 5.2 Variance of required sidewalk clearance for small patio
- 5.3 Large patio
- 5.4 Curbside patio

SECTION 6 DISPLAY UNIT

- 6.1 Conditions of permit
- 6.2 Variance of required sidewalk clearance for display unit

SECTION 7 FARMERS' MARKET

- 7.1 Conditions of permit
- 7.2 Permission to expand area

SECTION 8 SPECIAL EVENT MARKET

- 8.1 Conditions of permit
- 8.2 Mobile special event unit

SECTION 9 OFFENCES AND PENALTIES

- 9.1 Offences under By-law
- 9.2 Fine for offence under section 3.1(a) or 3.2 (a)
- 9.3 Fine for offence under sections 3, 4, 5, 6, 7 and 8

**SECTION 10
REPEAL AND ENACTMENT**

- 10.1 Repeal
- 10.2 Severability
- 10.3 Force and effect

SCHEDULES

- Schedule A – Fees Schedule
- Schedule B – Downtown Peninsula Area Map

BY-LAW NO.10868

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

**[Consolidated for convenience only,
amended to include By-law No. 13877, 13973
effective April 9, 2024]**

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

SECTION 1 INTERPRETATION

Name of By-law

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

Definitions

1.2 In this By-law:

"curbside patio" means a semi-permanent structure constructed or placed in the parking lane of a street in front of an existing food vending establishment which is the subject of a licence agreement with the city;

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

"farmers' market" means an open air or fully or partly covered market, for the sale directly by producers or by their representatives who are involved in production, of: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits;

"food vending unit" includes food vending (roaming) unit and food vending (stationary) unit;

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

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

"large patio" means a semi-permanent structure constructed or placed on a street, which supports or accommodates business activity or customer seating as an extension of and

immediately adjacent to the business address of an existing food vending establishment and which is the subject of a licence agreement with the city;

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

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

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

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

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

“small patio” means moveable furniture placed on a street, which supports or accommodates business activity or customer seating as an extension of and adjacent to the business address of an existing establishment that does not extend into an area perpendicular to the frontage of a neighbouring business;

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

Table of contents

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

Schedules

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

Severability

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

SECTION 2 GENERAL REGULATIONS

Sales on city streets

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

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

Public bike share station

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

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

Shared E-Scooter station

2.2.A Despite anything to the contrary in this By-law, a person operating a shared e-scooter station on city streets does not require a permit or written permission under this By-law, if the shared e-scooter station:

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

Sales at farmers' market

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

Sales at special event market

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

SECTION 3 PERMITS

Application for permission

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

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

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

Permission

3.2 A person must not:

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

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

General rules

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

- (a) it obstructs or interferes with vehicle, bicycle or pedestrian traffic or with vehicle, bicycle or pedestrian safety;

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

Conditions on permits

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

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

- (p) the use of extension cords;
- (q) the use of open flames, propane tanks, gas or electric heaters, or barbeques;
- (r) the use of loudspeakers, megaphones, sound systems or other amplification equipment; and
- (s) a release and indemnity of the city, to the satisfaction of the Director of Legal Services.

Considerations regarding time limits

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

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

Application process

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

- (a) a completed application in the form prescribed by the General Manager, Engineering Services;
- (b) proof the applicant is the holder of a business licence issued by the city;
- (c) drawings indicating the construction methods, materials, dimensions and location of any proposed structure, vending unit, patio or display unit;
- (d) for an application to operate a food vending unit, proof that the food vending unit and food vending arrangements have been approved by the appropriate health authority;

- (e) for an application to operate a food vending (roaming) unit, proof that the holder of or applicant for the permit and all employees have completed an application for a criminal record check and have consented to the disclosure of the results of the criminal record check to the General Manager, Engineering Services;
- (f) proof of commercial general liability insurance in the amount stipulated by the General Manager, Engineering Services, naming the city as an additional named insured for the term of the permit;
- (g) the application fee in accordance with Schedule A; and
- (h) such other documentation as the General Manager, Engineering Services, determines is necessary.

Refusal of permit or renewal permit

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

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

Appeal from permit refusal

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

Responsibilities of vendors on city streets

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

- (a) comply with all conditions on the permit;
- (b) display the permit at all times;
- (c) ensure that the permit holder, or an employee, remains at the structure, vending unit, mobile special event unit, farmers' market or special event market, during the hours listed on the permit;
- (d) keep the structure, vending unit, mobile special event unit, patio, display unit, farmers' market or special event market safe and in good repair at all times;
- (e) comply with any safety or sanitary requirements of federal, provincial or municipal authorities; and
- (f) produce the permit for inspection when requested to do so by the General Manager, Engineering Services, his authorized representative, or a police officer.

Street vending permits

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

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

Renewal of permit

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

Sale of permit prohibited

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

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

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

Transfer of street vending permits prohibited

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

Refusal to consent to permit transfer

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

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

Suspension or revocation of permit for non compliance

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

Suspension or revocation of permit due to conflicting street uses

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

the opinion of the General Manager, Engineering Services, its placement, use, repair, maintenance or operation:

- (a) obstructs or interferes with the use of the street by permit holders or other persons occupying the street with permission;
- (b) obstructs or interferes with a special event which is scheduled to take place on the street with permission;
- (c) obstructs or interferes with city works, structures, operations or projects, on or adjacent to the street; or
- (d) obstructs or interferes with changes in street use, including but not limited to changes in street design, installation of street furniture, construction, or redevelopment.

Service of order

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

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

Removal of structure or unit by permit holder

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

Immediate removal without notice

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

- (a) in the opinion of the General Manager, Engineering Services, its placement, use, repair, maintenance or operation is hazardous or dangerous to persons or property;
- (b) in the opinion of the General Manager, Engineering Services, it obstructs or interferes with vehicle, bicycle or pedestrian traffic or safety;

- (c) a person fails to comply with an order issued pursuant to this By-law within 24 hours of receipt of the order;
- (d) the permit has been revoked by the General Manager, Engineering Services;
- (e) it is not permitted by the General Manager, Engineering Services; or
- (f) it is otherwise in breach of the provisions of this By-law.

Suspension or revocation of permit for lapsed insurance

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

Impoundment

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

Emergencies

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

SECTION 4 VENDING UNITS

Term of permit

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

Limits on operation of food vending (roaming) unit

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

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

Responsibilities of operator of food vending (roaming) unit

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

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

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

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

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

Limit on number of permits for vending units

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

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

Limit on total number of food vending permits

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

SECTION 5 PATIOS

Conditions of small patio permit

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

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

Variance of required sidewalk clearance for small patio

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

Large patio

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

Curbside patio

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

SECTION 6 DISPLAY UNIT

Conditions of permit

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

- (a) only display merchandise, produce, plants flowers and herbs in accordance with the conditions of the permit;
- (b) not sell any items in the display area designated by the permit;
- (c) not use the display area to prepare food or cut flowers;

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

Variance of required sidewalk clearance for display unit

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

SECTION 7 FARMERS' MARKET

Conditions of permit

- 7.1 The operator of a Farmers' Market on a street must comply with the provisions of Section 3 of this By-law and must ensure that the Farmers' Market:
- (a) consists only of open air stalls or booths or stalls, or booths partially or totally covered by tents or similar temporary structures;
 - (b) has at least 11 stalls or booths;
 - (c) does not occupy more than 2 323 m² of the street;
 - (d) only sells local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, local prepared and ready-to-eat foods, local artisan crafts or local wine, cider, beer or spirits;
 - (e) has no more than 40% of the total number of stalls or booths used for the sale of local prepared and ready-to-eat foods and local artisan crafts; and
 - (f) has no more than three vendors selling or providing samples of local wine, cider, beer or spirits.

Permission to expand area

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

SECTION 8 SPECIAL EVENT MARKET

Conditions of permit

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

Mobile special event unit

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

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

SECTION 9 OFFENCES AND PENALTIES

Offences under By-law

9.1 A person who:

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

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

Fine for offence under sections 3.1(a) or 3.2(a)

- 9.2
- (a) Every person who commits an offence under the provisions of section 3.1(a) or 3.2(a) of this By-law is punishable on conviction by a fine of not more than \$2,000.00 for each offence; and
 - (b) Every person who commits an offence of a continuing nature under the provisions of section 3.1(a) or 3.2(a) is punishable on conviction by a fine of not more than \$50.00 for each day that the offence continues.

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

- 9.3
- (a) Every person who commits an offence under the provisions of section 3, except for section 3.1(a) or 3.2(a), or who commits an offence under the provisions of sections 4, 5, 6, 7 or 8 of this By-law is punishable on conviction by a fine of not less than \$500.00, and not more than \$10,000.00 for each offence; and
 - (b) Every person who commits an offence of a continuing nature under the provisions of section 3, except for section 3.1(a) or 3.2(a), or who commits an offence of a continuing nature under the provisions of sections 4, 5, 6, 7 or 8 of this By-law is punishable on conviction by a fine of not less than \$500.00 and not more than \$10,000.00 for each day that the offence continues.

**SECTION 10
REPEAL AND ENACTMENT**

Repeal

10.1 This By-law repeals By-law No. 4781.

Severability

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

Force and effect

10.3 This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 11th day of March, 2014

Signed _____ "Gregor Robertson"
Mayor

Signed _____ "Janice MacKenzie"
City Clerk

SCHEDULE A

FEES

Application Fees

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

- (a) street vendor \$63.06
- (b) display unit (including application by new owner)..... \$63.06
- (c) small patio (including application by new owner)..... \$63.06
- (d) large patio \$252.30

Permit Fees

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

- (a) street vendor
 - (i) food vending (stationary) unit \$1,394.82 per year
 - (ii) non-food vending (stationary) unit \$1,045.74 per year
 - (iii) mobile special event unit \$45.33 per day
- (b) food vending (roaming) unit
 - (i) with motorized unit \$376.31 per year
 - (ii) without motorized unit \$188.87 per year
- (c) display unit
 - for each square meter of display area \$60.96 per year
 - subject to a minimum fee of..... \$158.69 per year
- (d) small patio
 - for one table and two chairs \$145.59 per year
 - subject to a minimum fee of..... \$436.77 per year

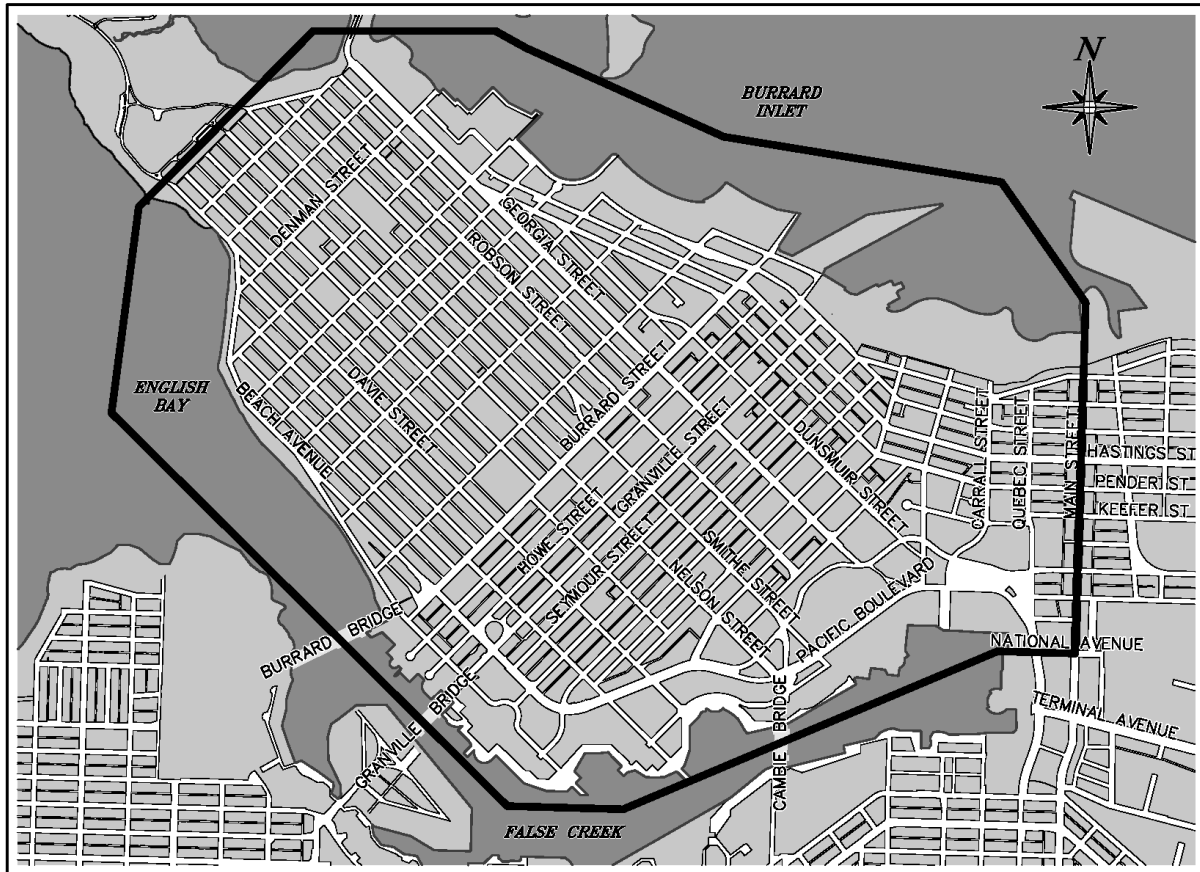
- (e) large patio and curbside patio
 Downtown (see Schedule B)
 - Summer Term (April 1 – October 31) = \$100.84/m²
 - Annual Term (April 1 to March 31) = \$172.60/m²
 Outside of Downtown
 - Summer Term (April 1 – October 31) = \$71.45/m²
 - Annual Term (April 1 to March 31) = \$122.42/m²
- (f) farmers' market permit \$0.00 per year
- (g) special event market permit \$0.00 per day
- (h) daily mobile vendor
 (outside special event permit zone) \$45.33 per day

Permit Renewal Fees

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

- (a) street vendor
 - (i) food vending (stationary) unit.....\$1,394.82 per year, of which 25% must be paid by a non-refundable deposit on or before the last business day of January and the remaining 75% must be paid on or before the last business day of April of the year in which the renewal permit is issued.
 - (ii) non-food vending (stationary) unit..... \$1,045.74 per year of which 25% must be paid by a non-refundable deposit on or before the last business day of January and the remaining 75% must be paid on or before the last business day of April of the year in which the renewal permit is issued

Schedule B
DOWNTOWN PENINSULA AREA MAP



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