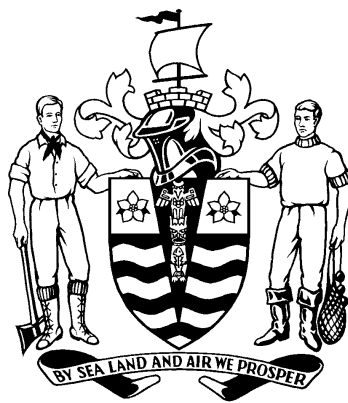


# CITY OF VANCOUVER BRITISH COLUMBIA



## STREET VENDING BY-LAW NO. 4781

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

(Consolidated for convenience only  
to January 1, 2014)

BY-LAW NO. 4781

A By-law to regulate the occupancy of Streets  
and the use thereof for vending

[Consolidated for convenience only,  
amended to include By-law No. 10845,  
effective January 1, 2014]

---

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

1. This By-law may be cited as the "Street Vending By-law".
2. This By-law shall consist of three Divisions, namely:
  - DIVISION I - regulations relating to street occupancy;
  - DIVISION II - regulations relating to street vending;
  - DIVISION III - general provisions.
3. It is hereby declared that this By-law is passed with the intention that each Division shall be independent of the others so that, should any Division be declared invalid, then such Division shall be severable.

**DIVISION I**

**Regulations Relating to Street Occupancy**

4. Any person desirous of using any street or any part thereof for the purpose of offering or exposing for sale or selling any merchandise or thing shall make application to the General Manager of Engineering Services.
- 4A. Any person desirous of occupying any street or any part thereof for the purpose of providing seating for customers of a food vending establishment shall make application to the General Manager of Engineering Services for a permit.
5. The General Manager of Engineering Services is hereby authorized, on behalf of the City, to approve or disapprove any application and may, if granting approval, prescribe any terms or conditions with respect to such street occupancy.
- 5A. No person shall fail to comply with a term or condition of a permit issued pursuant to this division.
6. (a) Any approval granted by the General Manager of Engineering Services may be revoked by resolution of Council at any time, for any reason, and upon such notice as it may deem advisable.

- (b) The General Manager of Engineering Services, if of the opinion that the circumstances warrant it, may suspend any approval granted pursuant to section 5 for a period not exceeding 30 days and shall forthwith report such suspension to Council stating the reasons therefor.
- 6A.
- (a) Notwithstanding section 4, any person desiring to obtain a permit to occupy a portion of a street for the purpose of displaying or offering for sale produce, plants or cut flowers shall make application to the General Manager of Engineering Services and pay the appropriate fee as set out in Schedule "A" to this By-law, which shall be refunded if the permit is refused.
  - (b) A permit granted by the General Manager of Engineering Services authorizing the use of a portion of a street for the display and offering for sale of produce, plants and cut flowers shall, unless revoked pursuant to section 6, be valid for a one year period commencing July 1 and shall notwithstanding section 5, also be subject to the following conditions:
    - (i) no products except those specified by this subsection shall be displayed or offered for sale within the display area authorized by the permit;
    - (ii) no sales of any products whatsoever shall take place within the display area authorized by the permit;
    - (iii) all display racks, tables and produce bins shall be of a temporary and moveable nature and shall be removed at the end of each business day;
    - (iv) except where authorized by the General Manager of Engineering Services no alteration of any kind shall be made to the surface or subsurface of any portion of the display area authorized by the permit;
    - (v) the use of the display area by the applicant shall be limited to the hours that the premises are open for business;
    - (vi) the display area shall abut premises owned or operated by the applicant and shall, unless otherwise limited by the permit, be bounded on both sides by parallel extensions of the outer limits of those premises;
    - (vii) an aisle measuring 6 feet in width shall be left clear to afford access from the street to all entrances, including fire doors, of the premises; and
    - (viii) the display area shall not encroach any closer than 8 feet from the curb separating the sidewalk from the street pavement, except that where no more than 3 retail commercial premises which sell produce, plants or cut flowers occupy the same block, the General Manager of Engineering Services, if satisfied that the balance of the sidewalk is sufficient to accommodate its anticipated pedestrian traffic, may permit a greater depth of sidewalk encroachment.

- 6AA. (a) In this section 6AA:
- (i) "approved sound meter" means an instrument calibrated to measure levels of sound pressure in accordance with the minimum specifications for type 2 general purpose sound level meters set out under ANSI S1.4 or IEC 123, and includes Bruel and Kjaer's Sound Level Meter Type 2232, 2230, and 2205 as well as Larson-Davis Laboratories Model 700;
  - (ii) "continuous sound" means any sound occurring for a duration of more than three minutes, or occurring continually, sporadically or erratically but totalling more than three minutes in any 15 minute period of time;
  - (iii) "mobile food vending unit" means a mobile motorized or pedal powered vehicle, bicycle, or other unit used for the sale of non-alcoholic drinks and prepared pre-packaged foods including items such as sandwiches, potato chips, and chocolate bars, and frozen novelty products including items such as ice cream bars, popsicles, yogurt bars, and similar products;
  - (iv) "non-continuous sound" means any sound other than continuous sound; and
  - (v) "sound level" means the sound pressure level in decibels measured using the "A" weighting network setting of an approved sound meter and with slow response.
- (b) Despite anything to the contrary in this By-law, a person who owns one or more mobile food vending units must:
- (i) apply to the General Manager of Engineering Services for a permit for each mobile food vending unit to operate on any street;
  - (ii) pay the appropriate fee set out in Schedule A to this By-law, which fee the General Manager of Engineering Services will refund if the General Manager of Engineering Services refuses to issue the permit;
  - (iii) hold a current and valid business license under the License By-law before receiving issuance of a permit for any mobile food vending unit; and
  - (iv) have approval for the food vending arrangements from the Vancouver Coastal Health Authority.
- (c) Despite anything to the contrary in this By-law, a person who intends to operate a mobile food vending unit must apply to the General Manager of Engineering Services for a permit to do so.
- (d) A permit issued under section 6AA(b) or (c), unless revoked under section 6, will be valid for one year commencing June 1.
- (e) On receipt of an application from an operator of a mobile food vending unit under subsection (c), the General Manager of Engineering Services will ascertain whether

or not a court of competent jurisdiction has convicted the applicant of any offence under the Criminal Code (Canada), under any statute of Canada, the Province of British Columbia or other jurisdiction, or under any by-law of the City of Vancouver.

- (f) If the General Manager of Engineering Services believes that the nature of any offence referred to in section 6AA(e) of which an operator has been convicted relates to the business of operating a mobile food vending unit, to sexual misconduct with children, or to other illegal activities, including breaking and entering, that would be detrimental to a residential neighbourhood, the General Manager of Engineering Services must refuse to issue the permit.
- (g) If the General Manager of Engineering Services refuses, under section 6AA(f), to issue a permit, the applicant may appeal to Council who may grant or refuse the application.
- (h) Any permit issued by the General Manager of Engineering Services under section 6AA(b) or (c) is subject to, and each owner who obtains a permit under section 6AA(b) and each operator who obtains a permit under section 6AA(c) must comply with, the following conditions:
  - (i) an operator of a mobile food vending unit must not operate that mobile food vending unit:
    - (A) on or within the boundaries of any public park, parking lot serving a park, public beach, school property, private property, or other real property except for permitted streets,
    - (B) on any street located west of Main Street in the downtown peninsula as shown 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 school day, being a day when school is in session,
    - (D) on any street marked with longitudinal paint lines for the control of traffic,
    - (E) within 50 metres (165 feet) of any boundary of any property or park on or in which a person operates a business that sells any products that are the same as or similar to any products the operator is selling from the mobile food vending unit, or
    - (F) between the hours of 11:00 p.m. and 7:00 a.m.;
  - (ii) an operator of a mobile food vending unit must not stop that mobile food vending unit on a street except if the operator has lawfully parked and is actively engaged in selling products to customers;

- (iii) an operator of a mobile food vending unit must drive that mobile food vending unit to a new location once that operator has served all customers;
  - (iv) an operator of a mobile food vending unit must maintain clean work and storage areas within the mobile food vending unit, present a neat appearance, provide a garbage receptacle for use by customers, and be in attendance in or at the mobile food vending unit at all times the mobile food vending unit is on a street;
  - (v) an operator of a mobile food vending unit must not make, or permit to be made, from the sound system in that mobile food vending unit, a continuous or non-continuous sound the sound level of which exceeds a rating of 65 on an approved sound meter when received at a point of reception that is no less than 15 metres (50 feet) distant, projecting out in a straight line, from the centre of the front bumper of the mobile food vending unit;
  - (vi) the operator of a mobile food vending unit must turn off the sound system in that mobile food vending unit when he or she stops the mobile food vending unit;
  - (vii) the owner of any mobile food vending unit must cause any operator of that mobile food vending unit to comply with the foregoing conditions set out in this section 6AA(h); and
  - (viii) the owner of a mobile food vending unit must set the sound system in that mobile food vending unit so that an operator of the mobile food vending unit cannot make, or permit to be made from that sound system, a continuous or non-continuous sound level the sound level of which exceeds a rating of 65 on an approved sound meter when received at a point of reception that is no less than 15 metres (50 feet) distant, projecting out in a straight line, from the centre of the front bumper of the mobile food vending unit.
- 6B. (a) An application to occupy a street pursuant to section 4A must be accompanied by a non-refundable application fee, as set out in Schedule "A" to this By-law. If the application is approved, the application fee will form part of the first annual permit fee.
- (b) Where the General Manager of Engineering Services is prepared to grant a permit to occupy a street or a portion of a street for the purpose of providing seating for customers, the applicant must pay the annual permit fee as set out in Schedule "A" to this by-law and provide evidence of public liability insurance satisfactory to the City's Director of Risk Management before being issued the permit.

- (c) Where an application for a permit pursuant to this section is made after July in any year the annual permit fee for that year will be half of the annual permit fee otherwise applicable.
  - (d) No permit shall be issued for the use of a street or portion of a street pursuant to section 4A unless there is distance of 10 unobstructed feet between the front of the commercial premises abutting the space proposed for the occupancy and the curb dividing the paved portion of the street from the sidewalk or boulevard, except that the General Manager of Engineering Services may accept a lesser distance or require a greater distance where obstructions or pedestrian volumes warrant.
  - (e) A permit issued pursuant to this section may be temporarily suspended by the General Manager of Engineering Services where a proposed use of the street requires that furniture and other encumbrances be removed.
  - (f) A permit issued pursuant to this section must be publicly displayed in the premises to which it relates and must be produced on demand to an authorized agent of the General Manager of Engineering Services or a member of the police force.
- 6C. Despite anything to the contrary in this By-law, a person operating a public bike share station on a City street does not require a permit under this By-law, provided the Public Bike Share Station:
- (a) Does not include any enclosed structures;
  - (b) Is automated and intended to be accessible 24 hours a day;
  - (c) Does not interfere with any public works, facilities or amenities; and
  - (d) Is part of a network comprised of no fewer than 50 public bike share stations.

## DIVISION II

### Regulations Relating to Street Vending

- 7. (a) No person shall use any street or any part thereof for the purpose of offering or exposing for sale or selling any merchandise or other thing unless such person is the holder of a subsisting permit (to be known as a "street vending permit") issued pursuant to this Division.
- (b) Any person conducting street vending, when requested by the General Manager of Engineering Services or someone authorized on behalf of the General Manager of Engineering Services, or a peace officer, shall produce such permit for inspection.
- (c) No permit shall be issued unless and until such applicant has received permission and authority from the City to use the street or part thereof referred to in the application for the street vending permit.

- (d) Where the vending permit referred to in clause (a) is to be used for the purpose of and during a special event, the General Manager of Engineering Services may impose conditions on the permit respecting the area to be covered by the permit, the number and location of vendors permitted within the area and such other conditions as the General Manager of Engineering Services deems necessary.
8. Any person desiring to obtain a street vending permit shall make application on the form provided for such purpose to the General Manager of Engineering Services. An applicant for the general street vendor permit shall pay the application fee, as set out in Schedule "A" to this By-law, at the time of making application. Applicants for all permits referred to in Schedule "A" to this By-law shall pay the appropriate fee, as set out in Schedule "A" to this By-law, prior to the permit being issued.
9. Any permit issued shall:
- (a) not be transferable;
  - (b) be valid only for the period or calendar year for which it has been issued;
  - (c) relate only to the unit for which it has been issued;
  - (d) be subject to suspension or cancellation by Council at any time.

### DIVISION III

#### General

10. Every person who violates any of the provisions of Division II of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of Division II of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of Division II of this by-law is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that a violation is permitted to exist shall constitute a separate offence.
11. (a) Every person who commits an offence against this by-law is punishable on conviction by a fine of not less than \$250.00 and not more than \$2,000.00 for each offence.
- (b) Every person who commits an offence of a continuing nature against Division II of this by-law is liable to a fine not exceeding \$50.00 for each day such offence is continued.
12. Section 2 of By-law No. 4450, being the License By-law, is amended by:
- (a) deleting the definition of "Mobile Retail Dealer";
  - (b) deleting the following words in the definition of "Peddler": "or who sells or offers for sale, or vends, on any street, lane or public place in the City";
  - (c) adding the following to the definition of a "Retail Dealer": "but does not include the holder of a street vending permit."



13. Section 17B of said By-law No. 4450 is repealed.
14. Section 18 of said By-law No. 4450 is amended by striking out subsections (3) and (4).
15. Section 66 of By-law No. 2849, being the Street and Traffic By-law, is amended by striking out the proviso, being the last sentence thereof, and substituting the following:  
  
"PROVIDED, HOWEVER, that the provisions of this section shall not apply to any person duly authorized to conduct street vending pursuant to the Street Vending By-law."
16. This by-law shall come into force and take effect on and after the 15th day of July, 1974.

DONE AND PASSED in open Council this 11th day of June, 1974.

(signed) \_\_\_\_\_ "A. Phillips"  
MAYOR

(signed) \_\_\_\_\_ "D.H. Little"  
CITY CLERK

## Schedule A

### Application Fees

The following fees shall be paid upon application for a permit:

- |     |                                                                       |          |
|-----|-----------------------------------------------------------------------|----------|
| (a) | general street vendor .....                                           | \$ 50.00 |
| (b) | sidewalk occupancy accessory<br>to a food vending establishment ..... | \$ 50.00 |

### Permit Fees

The following fees shall be paid prior to issuance of a permit, exclusive of a harmonized sales tax imposed under the *Excise Tax Act* (Canada) unless otherwise stated:

- |     |                                                                                                                                                                           |                                                                       |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| (a) | general street vendor                                                                                                                                                     |                                                                       |
|     | (i) food .....                                                                                                                                                            | \$ 1,084.02 per year                                                  |
|     | (ii) all other products .....                                                                                                                                             | \$ 812.71 per year                                                    |
| (b) | special event market vendor .....                                                                                                                                         | \$110.40 per block per<br>day to a maximum fee of<br>\$435.74 per day |
| (c) | individual special event<br>vendor (not available for<br>an event for which a special<br>event market vendor permit<br>under clause (b) has already<br>been issued) ..... | \$ 35.23 per day                                                      |
| (d) | mobile special event vendor.....                                                                                                                                          | \$155.61 per year                                                     |
| (e) | mobile food vendor                                                                                                                                                        |                                                                       |
|     | (i) with motorized unit .....                                                                                                                                             | \$292.44 per year                                                     |
|     | (ii) without motorized unit .....                                                                                                                                         | \$146.80 per year                                                     |
| (f) | farmers' market.....                                                                                                                                                      | \$534.67 per year                                                     |
| (g) | street use for the display of<br>produce, plants and cut flowers                                                                                                          |                                                                       |

	for each square foot of display area . . . . .	\$ 4.40	per year
	subject to a minimum fee of . . . . .	\$123.32	per year
(h)	street use for the provision of tables and chairs accessory to a food vending establishment . . . . .	\$339.43	per year

