

DISTRICT OF SALMON ARM

BYLAW NO. 2928

A bylaw to regulate Sidewalk Vendors

WHEREAS pursuant to the Municipal Act, R.S.B.C., 1996, c. 323 and amendments thereto, the Council may, by bylaw, regulate the carrying on of a business;

AND WHEREAS the District of Salmon Arm desires to regulate vendors in public areas;

NOW THEREFORE the Council of the District of Salmon Arm in open meeting assembled enacts as follows:

1. Definitions

Licence means a valid District of Salmon Arm Business Licence issued pursuant to District of Salmon Arm Business Licence Bylaw and amendments thereto.

Business Licence Inspector means the person duly appointed as such by District of Salmon Arm Council resolution.

Municipality means the District Municipality of Salmon Arm.

Sidewalk means the area between the curb lines or lateral lines of a road way and the adjacent property lines improved for the use of pedestrians or other improved areas set aside for pedestrian use only, or other public place as approved by the *Business Licence Inspector*.

Sidewalk Vendor means a person who owns or operates a *vendor cart* for the purpose of selling or offering for sale any food stuff, confectionery, and/or hand made good produced by the vendor, and holds a valid District of Salmon Arm Business Licence.

Vendor Cart means, and includes, any device designed to be moved by human power which may be used on a *sidewalk* or any portion thereof for the purpose of selling or offering for sale any food stuff, confectionery, and hand made good produced by the vendor, to the public.

2. Locations

- .1 Those areas shown on Schedule "A" attached hereto and forming part of this Bylaw are designated as sites within a *sidewalk* on which a *sidewalk vendor* may operate.

- .2 That area shown on Schedule "B" attached hereto and forming part of this Bylaw is designated as the area in which a *sidewalk vendor* may operate within a *sidewalk*.
- .3 A person who desires to operate as a *sidewalk vendor* shall make application to the *Business Licence Inspector* in accordance with Section 3 of this Bylaw.
- .4 The number of *licences* for sites on Schedule "A" will not exceed the number of designated sites. Annual operation of these sites will be in accordance with this Bylaw and as directed by the *Business Licence Inspector*.
- .5 A *sidewalk vendor* with a valid *licence* for a site shown on Schedule "A" may operate within the area shown on Schedule "B" in accordance with this Bylaw.
- .6 The walkway portion of a *sidewalk*, crosswalk, or extension of a crosswalk, loading zone, roadway, or fire hydrant shall not be obstructed by a *sidewalk vendor*.
- .7 The location of the *vendor cart* shall not cause any traffic problems, particularly visibility impediment to vehicles in its proximity.
- .8 When a *vendor cart* is at a designated site, the *sidewalk vendor* shall be in attendance at all times.
- .9 Exact on-site locations for a site designated in Schedule "A" shall be approved by the *Business Licence Inspector*.

3. Application

- .1 Applications for a *Licence* to operate on any of the sites shown on Schedule "A" or within the area shown on Schedule "B" shall be made on Schedule "C" attached hereto and forming part of this bylaw and shall include such drawings and photographs as required by the *Business Licence Inspector*.
- .2 A *licence* holder shall have first right of renewal for the same *sidewalk vendor* site as shown on Schedule "A" in any subsequent year, but such renewal application shall be made prior to December 31 and in the form attached hereto as Schedule "C". The *licence* will be effective for the calendar year January 1 through December 31.
- .3 The *licence* holder is entitled to apply to renew a *licence* and such application shall not be withheld unless the *licence* holder has violated the terms of this bylaw or the conditions of the previously held *licence*.
- .4 A person issued a *licence* to operate as a *sidewalk vendor* will do so in accordance with the operating plan as shown in Schedule "C" of this bylaw and approved by the *Business Licence Inspector*.

4. Business Licence

- .1 A person, firm or corporation operating as a *sidewalk vendor* shall possess a valid *Licence*.
- .2 The *Business Licence Inspector* shall require a *sidewalk vendor* to obtain and maintain comprehensive general liability and property damage insurance in the amount of two million dollars (\$2,000,000.00). The *Municipality* shall be included as an additional insured. The *sidewalk vendor* shall save the *Municipality* harmless against claims, actions for injury, damage, loss or death arising out of or resulting from the operation of a vending business.

The *sidewalk vendor's* insurer must recognize the existence of the save harmless clause. Proof of such insurance, to the satisfaction of the *Business Licence Inspector*, shall be submitted prior to the issuance of a *licence*.

- .3 Any false declaration or concealment of material facts shall be deemed an infraction of this bylaw and shall be grounds for the penalties set forth in Section 13.

5. Fees and Charges

- .1 *Sidewalk vendors* shall obtain a *Business Licence*, the fee for which is set out in the current District of Salmon Arm Fee for Services Bylaw.

6. Display of Business Licence

- .1 A valid *Licence* (or reproduction) shall be displayed at all times on a *vendor cart*, clearly visible to the public.

7. Vendor Cart

- .1 *Vendor carts* shall not impede or interfere with pedestrian or vehicular traffic flow, or daylighting at intersections.
- .2 *Vendor carts* shall comply with all applicable Municipal, Provincial and Federal legislation and shall be:
 - a) soundly constructed;
 - b) kept clean; and
 - c) kept in good condition.
- .3 A *vendor cart* shall be equipped with brakes or some suitable device or mechanism to prevent it from moving except under the control of the *sidewalk vendor*.

- .4 Only food stuffs or confectionery intended for immediate consumption (these may include, but are not limited to hot dogs, hamburgers, ice cream, yogurt, Popsicle or other frozen confectionery, popcorn, chestnuts, fresh fruits, juices, pop, hard candies, etc.), hand made goods (i.e. arts, crafts, paintings, etc.), and produce that the *licenced sidewalk vendor* has produced, are permitted to be sold.

8. Cleanliness

- .1 A *sidewalk vendor* shall supply a covered refuse container for use by the vendor and patrons.
- .2 A *sidewalk vendor* is responsible for ensuring that the site is kept clean, tidy and free of litter during and immediately following the vendor's hours of operation.
- .3 There shall be no discharge of fluid or solids from the *vendor cart* to the surrounding ground.
- .4
 - .1 A *sidewalk vendor* shall remove the *vendor cart* along with all refuse and litter from the site at the close of each day of operation.
 - .2 Such refuse or litter shall not be disposed of in a *Municipal* or on-street litter container.

9. Business Hours

- .1 A *sidewalk vendor* is permitted to operate from a *vendor cart* between the hours of 7:00 a.m. and 2:00 a.m. on those sites shown on Schedule "A".
- .2 A *sidewalk vendor* is permitted to operate from a *vendor cart* between the hours of 6:00 p.m. and 2:00 a.m Monday to Saturday and 7:00 a.m and 12:00 midnight on Sunday, within the area shown on Schedule "B".

10. Licence Revocation

- .1 A *sidewalk vendor*, who fails to operate for one continuous month in accordance with the *sidewalk vendor's* approved operating plan, or in breach of this bylaw, may have his *licence* revoked by the *Business Licence Inspector*.
- .2 Where the *Business Licence Inspector* considers revoking a *licence*, the *Business Licence Inspector* shall first inform the *licence* holder of the reasons for considering the revocation and afford the *Licence* holder an opportunity to be heard.
- ..4 Where the *licence* is revoked:
 - .1 the *licence* holder forfeits his right of renewal.
 - .2 no refund of the *licence* fees shall be made to the *licence* holder.

11. Miscellaneous

- .1 A *sidewalk vendor* shall not operate any noise, sound making or sound reproducing equipment.
- .2 Where any federal, provincial act or regulation or any other *Municipal* Bylaw applies to any matter covered by this bylaw, the issuance of a *licence* under the provisions of this Bylaw shall not relieve the *licence* holder from complying with the provisions of such other enactments. The issuance of a *licence* shall not be deemed to be a representation by the *Municipality* to the *licence* holder that the business, nor proposed business, complies with any or all applicable bylaws or enactments. The business owner remains responsible to ensure compliance with all regulations, bylaws and enactments.

12. Signs

Signs must be limited to painted fascia signs not exceeding a total surface area of 2.0 square metres. Umbrella signs are permitted. No free standing or *sidewalk* signs are permitted.

13. Offence and Penalty

- .1 Any person who violates any provisions of this bylaw or who allows, causes, or permits any violation of this bylaw shall be guilty of an infraction of this bylaw and shall be liable upon conviction to a fine of not more than \$2,000.00 and not less than \$100.00.
- .2 Each day that any violation is allowed to continue will be deemed to be a separate offence.

14. Severability

If any provision of this bylaw is found invalid by any competent court of jurisdiction, such provision is severable and shall not affect the validity of the bylaw as a whole.

15. Repeals Bylaws

Upon adoption of this bylaw, "District of Salmon Arm Sidewalk Vendor Bylaw No. 2800", and amendments thereto, are hereby repealed.

16. Citation

This bylaw may be cited for all purposes as "District of Salmon Arm Sidewalk Vendor Bylaw No. 2928".

READ A FIRST TIME THIS 27th DAY OF April 1999.

READ A SECOND TIME THIS 27th DAY OF April 1999.

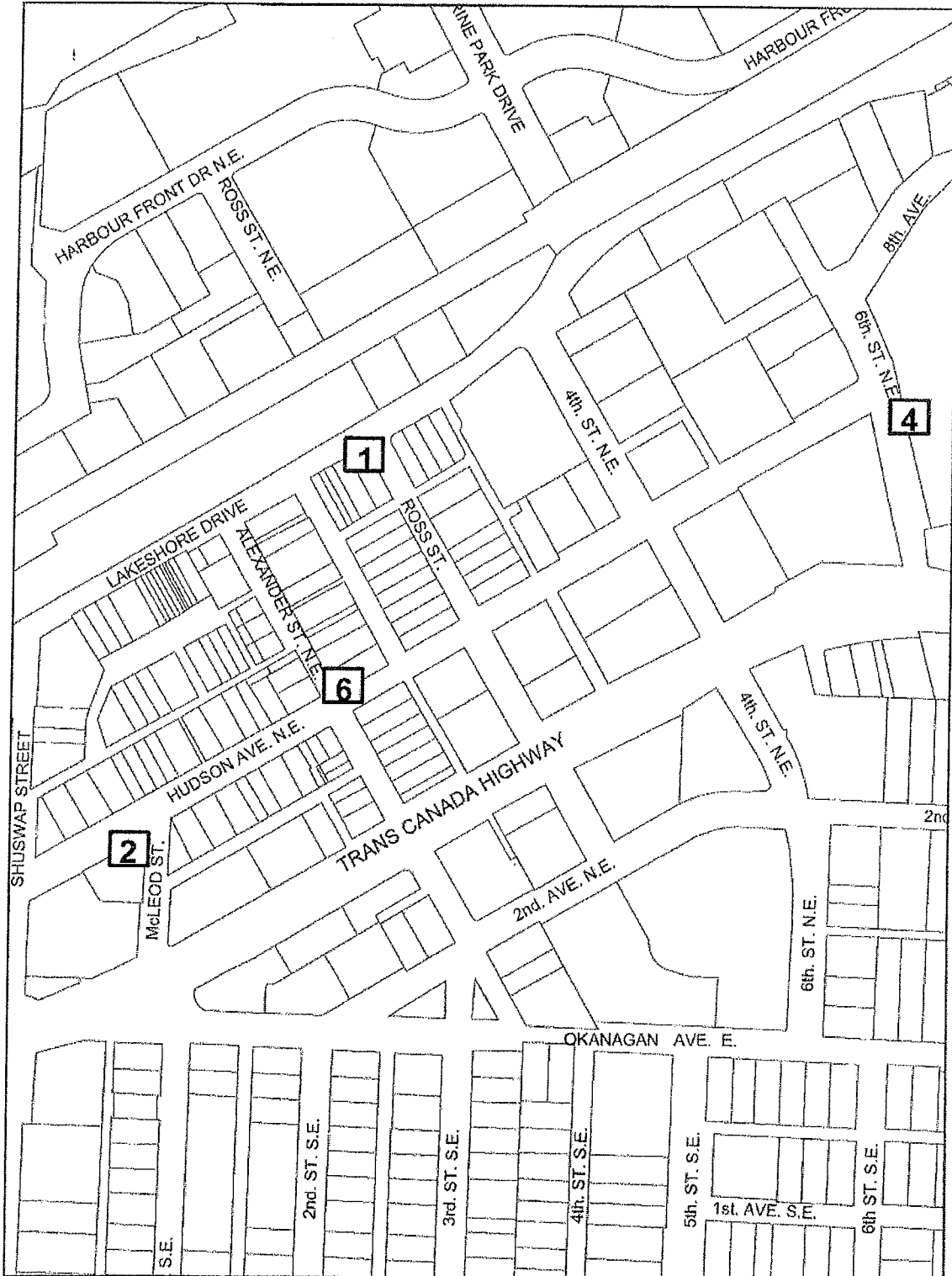
READ A THIRD TIME THIS 27th DAY OF April 1999.

ADOPTED BY COUNCIL THIS 11th DAY OF May 1999.

"C.N. MAYES"
MAYOR

"D.B. LAGORE"
CLERK

District of Salmon Arm Sidewalk Vending Bylaw No. 2928



BYLAW NO. 2928
SCHEDULE "B"

SIDEWALK VENDOR DESIGNATED AREA

(Note: Does Not Include Designated Sites Shown on Schedule "A")



Shuswap Lake



BYLAW NO. 2928
SCHEDULE "C"

APPLICATION FOR SIDEWALK VENDOR LICENCE

NAME:		
ADDRESS:		
PHONE:	Home	Business
DESCRIPTION OF PROPOSED SIDEWALK VENDOR BUSINESS (attach supporting documents if necessary)		
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PROPOSED OPERATING PLAN INCLUDING MONTHS OF OPERATION (attach separate sheet if necessary)		
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DECLARATION:

I, _____, apply for a Sidewalk Vendor Licence

- for a designated site as per Schedule "A"
- for within the designated area as per Schedule "B".

I enclose photographs, drawings and documentation in support of my application. I agree to obtain a valid Business Licence if my application is successful. I agree to obtain liability insurance as required in Section 4.2 of this Bylaw.

Signature

Date