

CITY OF QUESNEL
SIDEWALK FOOD VENDORS BYLAW NO. 1299
OF 1992

CONSOLIDATED FOR CONVENIENCE ONLY

AMENDED BY:

City of Quesnel Comprehensive Fees and Charges Bylaw No. 1683 of 2010
City of Quesnel Sidewalk Food Vendors Bylaw Amendment Bylaw No. 1752 of
2015

CITY OF QUESNEL
BYLAW NO. 1299

A bylaw to regulate and control food vendors on the City’s sidewalks.

WHEREAS pursuant to Part 11, Division 4 of the *Municipal Act*, R.S.B.C. 1979, Chapter 290 and amendments thereto, the City is authorized to regulate the carrying on of a business;

AND WHEREAS under Section 53 of the City’s Street and Traffic Bylaw No. 394A, no person shall place any merchandise, vehicle, chattel or wares of any nature on any street, sidewalk or boulevard for the purpose of sale or display, other than non-motorized conveyances for the purpose of vending pre-packaged frozen confections;

AND WHEREAS the City desires to provide some regulations and controls on vendors of food using the City’s sidewalks in the downtown core only;

NOW THEREFORE the Council of the City of Quesnel, in open meeting assembled, enacts as follows:

1. TITLE

This By-law is cited for all purposes as the “Sidewalk Food Vendors By-law No. 1299 of 1994.”

2. DEFINITIONS

“**City**” means the City of Quesnel.

“**Business Licence**” means a valid City of Quesnel business license issued pursuant to the City’s Trades Regulation Bylaw No. 628 of 1974 and amendments thereto.

“**Business Licence Inspector**” means the person duly appointed from time to time by the City Administrator.

“**Permit**” means a valid Sidewalk Food Vendors Permit issued pursuant to this Bylaw, the form for which is set out in Schedule “B” hereto.

“**Pushcart**” means and includes any device designed to be moved by human power only (although it may be towable) and which may be used on a sidewalk or any portion thereof for the purpose of selling or offering for sale any food products to the public.

“**Sidewalk**” means the area between the curb line or lateral lines of a roadway and the adjacent property lines improved for the use of pedestrians or other improved area set aside for pedestrian use only.

“**Sidewalk Food Vendor**” means a person who owns or operates a pushcart for the purpose of selling or offering for sale various foods.

3. LOCATIONS

- a) Those areas shown on Schedule “A” attached hereto and forming part of this Bylaw are designated as authorized sites within a Sidewalk on which a Sidewalk Food Vendor may set up a Pushcart, of which three (3) will be approved each year.
- b) A person who desires to set up as a Sidewalk Food Vendor located on a site shown on Schedule “A” shall make application to the Business License Inspector in accordance with Section 4 of this Bylaw.
- c) A person who is issued a Permit by the Business License Inspector, as well as a Business License, shall operate only at the site for which the Permit was issued under this Bylaw.
- d) The walkway portion of a sidewalk, crosswalk, or extension of a crosswalk, roadway or fire hydrant shall not be obstructed.

- e) The location of the Pushcart shall not cause any traffic problems, including restricting visibility for vehicles operating in the Pushcart's vicinity.
- f) When a Pushcart is at a designated site, the Permit holder or person designated by the Permit holder, shall be in attendance at all times.

4. APPLICATION

- a) Applications to set up as a Sidewalk Food Vendor from a Pushcart located on one of the sites shown on Schedule "A" shall be made on the form in Schedule "B" attached hereto and forming part of this Bylaw, and shall include proof of Ministry of Health certificate, photographs of Pushcart along with dimensions, a proposed operating plan, proof of liability insurance, qualifications and experience of applicant AND proposed annual fee which the applicant will pay for the site so applied.
- b) Public notice of the invitation to tender for a Permit shall be made or placed in any form deemed acceptable by the Business License Inspector. Applications will be received up to January 31st in any year for one of three (3) permits available for that year.
- c) Applications for the year 1995 will be received up to one month following adoption of this Bylaw.
- d) All applications submitted to the Business License Inspector shall be perused by the Operations Committee who shall review these and submit a recommendation to Council for approval on the three (3) allowable Permits to be issued.
- e) The Operations Committee shall review all applications on the basis of quality of construction of the proposed Pushcart, compatibility of the proposed use with the location, qualifications and experience of the applicant, and the annual fee being so bid for a specific site by the applicant. The Committee will place a priority on distributing the Permits to different applicants; however, if there are insufficient acceptable applicants for the sites available, the Committee may recommend a Sidewalk Food Vendor to more than one site.
- f) A Permit holder shall have first right of renewal for the same permit at the same fee on the same site for two subsequent years, but such renewal applications shall be made by October 15th of the preceding year AND shall be on the form in Schedule "B" attached hereto and shall be accepted by the City UNLESS the Permit holder has violated the terms of this Bylaw or the conditions of the previously held Permit or Business License.
- g) A decision on all applications will be made on or before February 28th of a given year for the ensuing year and the applicants are to be notified forthwith of the decision in respect of the application.
- h) A person may apply for a Permit at any time in accordance with the above procedures if there are less than three (3) sites for which a Permit has been issued.
- i) Successful Permit applicants shall, upon the rewarding of a Permit, provide payment in full of the Permit fee prescribed by Schedule "A4" of "City of Quesnel Comprehensive Fees and Charges Bylaw No. 1683 of 2010," as amended or repealed.

5. PERMITS

- a) A Permit shall be in the form set out in Schedule "C" attached hereto and forming part of this Bylaw.
- b) A Permit issued under this bylaw shall be valid for:
 - i) one year from April 1st in a given year to March 31st of the following year; or,
 - ii) for part of one year up to March 31st if the successful application is made after April 1st, with the fee to be paid in advance based on the portion of the year remaining in relation to the annual fee.
- c) A Permit is not transferable except with the permission of the Business License Inspector.
- d) A Permit shall only be issued to a person, firm or corporation in respect of a Pushcart designated in the Permit, in which event the officers, servants or

agents of the Permit holder may operate as a Sidewalk Food Vendor from such Pushcart during the subsistence of the Permit without the necessity of obtaining individual permits, following the operating plan previously submitted.

6. BUSINESS LICENSE

- a) A person, firm or corporation operating as a Sidewalk Food Vendor from a Pushcart shall possess a Business License.
- b) Issuance of a Business License does not imply that a Permit under this Bylaw will be issued, and the issuance of a Permit does not imply that a Business License will be issued.
- c) The Business License Inspector shall not issue a Business License nor a Permit until an applicant for the Business License or Permit has provided evidence that the applicant's Pushcart and the applicant's business are insured under a comprehensive liability policy of insurance for a minimum of one million (\$1,000,000) dollars, inclusive of limits covering bodily injury, death and property damages including the loss of use of such property; such policy of insurance shall be in the joint name of the applicant for the Permit and Business License and the City as co-insured.
- d) A Permit and Business License, or a photocopy of each of them, shall be displayed at all times on a Pushcart.

7. PUSHCARTS

- a) A Pushcart shall be no longer, higher or wider than 2.0 meters, 2.45 meters and 1.2 meters respectively. The dimensions outlined shall include all folding counters, wheels, fenders, awnings or canopies.
- b) A Pushcart shall be soundly constructed, kept clean and in good condition at all times.
- c) A Pushcart shall comply with all applicable municipal, provincial and federal legislation concerning food-handling and storage, fuel, structural safety.
- d) A Pushcart shall be equipped with brakes or some approved device or mechanism to prevent it from moving except under the control of the Sidewalk Food Vendor.

8. CLEANLINESS

- a) A Sidewalk Food Vendor shall supply a covered refuse container for use by the vendor and patrons.
- b) A Sidewalk Food 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.
- c) There shall be no discharge of fluid or solids from the Pushcart to the surround ground.
- d) A Sidewalk Food Vendor shall remove all refuse and litter from the site and its vicinity at the close of each day of operation and shall not dispose of such litter in the City on-street litter container.

9. PERMIT REVOCATION

- a) A Sidewalk Food Vendor who fails to operate on a regular basis, and in any event, is absent for a period of more than two weeks between June 1st and September 15th of each year of the Permit, may have his permit revoked by the Business License Inspector.
- b) Where the Business License Inspector considers revoking a Permit, the Inspector shall first inform the Permit holder of the reasons for considering the revocation and afford the Permit holder an opportunity to be heard. A Permit holder whose Permit is revoked may appeal to City Council.
- c) Where a Permit is revoked the Permit holder forfeits his right of renewal at the designated site and will receive no refund of Permit fees from the City.

10. MISCELLANEOUS

A Sidewalk Food Vendor shall not operate any noise or sound-making or sound-reproducing equipment at a volume which causes a disturbance to any person.

11. OFENCE AND PENALTIES

- a) 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 tis Bylaw and shall be liable upon conviction, to a fine of not more than \$2,000 and not less than \$100.
- b) Each day that any violation is allowed to continue will be deemed to be a separate offence.

READ A FIRST TIME this 7th day of November, 1994.

READ A SECOND TIME this 7th day of November, 1994.

READ A THIRD TIME this 21st day of November, 1994.

RECONSIDERED AND FINALLY PASSED AND ADOPTED by a majority vote of all members of Council this 9th day of January, 1995

Mayor

Corporate Officer

SCHEDULE "A"



Bylaw No. 1299 - Schedule “B”
Application for Sidewalk Food Vendor’s Permit

Name:

Address:

Home Telephone:

Cellular:

Proposed Site #
(all from Bylaw No. 1299 Schedule “A: Site Map”)

Alternate Site #

Description of proposed Sidewalk Vendor’s Business:
(Attach Supporting Documents, if necessary)

Proposed Operating Plan:
(Attach Supporting Documents, if necessary)

Declaration:

I, _____ apply for a Sidewalk Food Vendor’s Permit at the site, or alternate site, listed above. I enclose photograph(s), drawings and documentation in support of my application. I agree to obtain a valid and current City of Quesnel Business License and pay the current fee for the Sidewalk Food Vendor’s Permit, if my application is successful. I agree to obtain \$1 million in liability insurance and a Northern Health Authority Health Certificate.

Print Name of Applicant

Date

Signature of Applicant



SCHEDULE "C" OF BYLAW NO. 1752

CITY OF QUESNEL

SIDEWALK FOOD VENDOR'S PERMIT

THE SUM OF \$_____ IS PAID FOR THE SIDEWALK FOOD VENDOR'S PERMIT
COVERING DESIGNATED SITE # _____ LOCATED AT _____
FOR THE CALENDAR YEAR _____

TERMS AND CONDITIONS AS PREVIOUSLY DELIVERED AND AS SET OUT IN CITY
OF QUESNEL BYLAW NO. 1752.

PERMIT HOLDER'S NAME _____

PERMIT HOLDER'S ADDRESS _____

PERMIT HOLDER'S CONTACT TELEPHONE NUMBER _____

PERMIT APPROVED BY CITY COUNCIL ON _____

FOR _____ (year approved) AND TWO RENEWAL YEARS

CITY BUSINESS LICENCE CLERK