

BYLAW NO. 4308, 2012

Consolidated with amendments in Bylaw No. 4512, 2014

NOTE: This is a consolidation for convenience purposes only and does not have the force of law.

A Bylaw to allow for street vending and special event vending in the City of Coquitlam

WHEREAS:

- A. Pursuant to section 15 of the *Community Charter*, S.B.C. 2003, c. 26 (the “*Community Charter*”), Council of the City of Coquitlam has authority to licence businesses and other activities carried on within the City of Coquitlam;
- B. Pursuant to section 36(1) of the *Community Charter*, Council of the City of Coquitlam has authority to regulate all uses involving a highway or a portion of it;
- C. Pursuant to section 124(1) of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, Council of the City of Coquitlam has authority to regulate pedestrian and vehicular traffic on highways and sidewalks; and
- D. Council of the City of Coquitlam considers it desirable to allow for certain types of vending within the City of Coquitlam as outlined in this Bylaw;

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled, ENACTS AS FOLLOWS:

1. Name of Bylaw

This Bylaw may be cited for all purposes as the “Street Vending and Special Event Vending Bylaw No. 4308, 2012”.

2. Definitions

- 2.1 In this Bylaw, unless the context otherwise requires, the following words have the following meanings:

BUSINESS means the carrying on of an undertaking of any kind for the purpose of gain or profit;

CITY means the City of Coquitlam;

CITY PROPERTY means any real property owned, controlled or vested in the *City*, and includes a *highway*;

COUNCIL means Council for the *City*;

EVENT ORGANIZER means a person who has applied for or been issued a *special event licence*;

FEES AND CHARGES BYLAW means the Fees and Charges Bylaw in effect in the *City*, as amended or replaced from time to time;

LICENCE INSPECTOR means a person from time to time appointed by the *City* as a Property Use Supervisor, a Property Use Inspector, Bylaw Officer, or Licence Inspector;

LICENCE OF OCCUPATION means a Licence of Occupation Agreement approved by the City Solicitor and the General Manager of Engineering and Public Works, or their respective designates;

LICENSEE means a person to whom a current *street vending licence* or *special event licence* has been issued under this bylaw;

HIGHWAY includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property;

MOBILE VENDOR means a person who either on their own account or as agent, servant or employee of another, sells or offers for sale goods, wares, merchandise or foodstuffs from a motor vehicle, bicycle, pushcart or other self contained unit that is designed to be mobile when not serving customers;

MOBILE VENDING VEHICLE means a vehicle, bicycle, or other conveyance used by a *mobile vendor*;

OFFICER means:

- (i) every member of the Royal Canadian Mounted Police (Coquitlam Detachment); and
- (ii) every *Licence Inspector*;

SPECIAL EVENT means a circus, concert, temporary amusement park, show, farmers market, cultural festival or other itinerant show or entertainment on *City Property* for which a valid Facility Use Licence has been issued by the City's Parks, Recreation and Culture Services Department.

SPECIAL EVENT LICENCE means a licence issued to an *event organizer* to operate a *special event*;

SPECIAL EVENT VENDING BUSINESS means a *business* offering for sale goods or services during a *Special Event*.

STREET VENDING BUSINESS means a *business* that is carried out entirely from a motorized or human powered vehicle, bicycle, pushcart, *vending cart*, *vending vehicle*, or other *unit* that is designed to be mobile, whereby the entire stock of goods, wares, merchandise or foodstuffs offered for sale is actually carried and contained in the unit at the time the said goods, wares, merchandise or foodstuffs are offered for sale, and includes, without limitation:

- (i) the carrying on of a *business* as a *street vendor*; and
- (ii) the carrying on of a *business* as a *mobile vendor*.

STREET VENDING LICENCE means a licence issued under section 11.1 of this Bylaw;

STREET VENDOR means a person who, either on their own account or as an officer, servant, or agent of another, sells or offers for sale goods, wares, merchandise or foodstuffs, excluding liquor and cigarettes, from a *vending cart* or *vending vehicle*;

UNIT means any vehicle, cart, wagon, trailer or other thing from which goods, wares, merchandise or foodstuffs are sold or offered for sale, and includes a *vending cart*, *stationary vending vehicle* and *mobile vending vehicle*;

VENDING CART means a self-contained mobile apparatus or other non-motorized vehicle, excluding a *vending vehicle*, used for the sale of goods, wares, merchandise or foodstuffs, that remains stationary, even when not serving customers;

VENDING VEHICLE means a self contained motorized vehicle used for the sale of goods, wares, merchandise or foodstuffs, that remains stationary, even when not serving customers;

ZONING BYLAW means the *City of Coquitlam Zoning Bylaw No. 3000, 1996*, as amended or replaced from time to time.

3. Licence Requirements

- 3.1 No person shall carry on, maintain, own or operate a *street vending business* in the *City* without a valid and subsisting *street vending licence*.
- 3.2 No person shall carry on, maintain, own or operate a *special event* in the *City* without a valid and subsisting *special event licence*.
- 3.3 The holder of a valid *street vending licence* or *special event licence* is not required to hold a separate business licence under the *City of Coquitlam Business Licence Bylaw No. 3882, 2007*.

4. Licence Application

- 4.1 All applications for a *street vending licence* must:
 - 4.1.1 be made in the form provided by the *Licence Inspector* for that purpose;

- 4.1.2 be signed by the owner or operator of the *business* or a duly authorized agent;
- 4.1.3 contain a true and accurate description of the following information:
 - 4.1.3.1 the nature of the *business*;
 - 4.1.3.2 the *unit* from which the *business* will be conducted; and
 - 4.1.3.3 any other information the *Licence Inspector* may require with respect to the operation of the *business*.
- 4.2 The *Licence Inspector* may review an application for a *street vending licence* to verify general compliance with this Bylaw and other applicable enactments, and may refuse to issue a *street vending licence* if the *street vending business* would be in contravention of such enactments.
- 4.3 The *Licence Inspector* may, before granting a *street vending licence*, require that any *unit* used in connection with a *street vending business* be inspected by a *Licence Inspector* who may, in their discretion, also require that any *unit* be approved by a Building Inspector, Fire Prevention Officer, Chief of Police, Health Officer, or any other employee or agent of the *City*.
- 4.4 The *Licence Inspector* must, before granting a *street vending licence* to operate a *vending cart* or *vending vehicle* on *City property*, require that the applicant enter into a “Licence of Occupation Agreement” in substantially the form as set out in Schedule “B” to this Bylaw.
- 4.5 All applications for a *special event licence* must:
 - 4.5.1 be made in the form provided by the *Licence Inspector* for that purpose;
 - 4.5.2 be signed by the *event organizer* of the *special event* or a duly authorized agent;
 - 4.5.3 contain a true and accurate description of the following information:
 - 4.5.3.1 the nature of the *special event*;
 - 4.5.3.2 the proposed time and location of the *special event*;
 - 4.5.3.3 any other information the *Licence Inspector* may require with respect to the operation of the *special event*;
 - 4.5.4 contain a list of every *special event vending business* that is proposing to carry on *business* at the *special event*.
- 4.6 All applications for a *special event* must be submitted to the *Licence Inspector* at least thirty (30) days before the date the *special event* is proposed to be held.

5. Licence Fees

- 5.1 Every applicant for a *street vending licence* or *special event licence* must, at the time of making the application, pay to the *City* the fee set out in the *Fees and Charges Bylaw*.
- 5.2 The *City* may refuse to issue a *street vending licence* or *special event licence* until the payment of the fee is made.

6. Refund of Licence Fee

- 6.1 No reduction or refund of a licence fee paid pursuant to this Bylaw will be made by the *City* due to any Licence holder ceasing to own or operate the business for which the *street vending licence* was issued during the *licence year*.

7. Inspection of Licence

- 7.1 Every holder of a *street vending licence* shall affix the same, in a conspicuous place, on all *units* being used by the *street vending business*.

8. Licence Period

- 8.1 Unless otherwise stated in this Bylaw or a Licence of Occupation Agreement, all *street vending licences* issued under this Bylaw will be granted as annual licences, commencing on the earlier of:
- 8.1.1 the date on which the applicant for the Licence commenced carrying on the business for which the Licence is sought; or
 - 8.1.2 the date of issuance of the Licence;
and expiring one year later.
- 8.2 All *special event licences* issued under this Bylaw will be granted on a time-limited basis according to the terms of the *special event licence* issued by the *City*.

9. Terms and Conditions of a Licence

- 9.1 The *Licence Inspector* or *Council* may impose terms and conditions on a *street vending licence* or *special event licence* granted under this Bylaw in addition to the terms and conditions imposed by this Bylaw, and may require that such terms and conditions be satisfied prior to issuing a *street vending licence*.
- 9.2 The terms and conditions imposed on a *street vending licence* or *special event licence* may include any one or more of the following:
- 9.2.1 a requirement that the holder comply with a particular provision of a City bylaw or any other provincial or federal enactment within a specified period of time;
 - 9.2.2 a requirement that the holder provide to the *Licence Inspector* within a specified period of time evidence satisfactory to the *Licence Inspector* of compliance with a particular provision of a City bylaw or any other provincial or federal enactment;

10. Refusal of a Licence

- 10.1 An application for a *street vending licence* or renewal thereof, or a *special event licence*, may be refused by *Council* or the *Licence Inspector* in any specific case, provided that:
- 10.1.1 the application must not be unreasonably refused; and
 - 10.1.2 *Council* or the *Licence Inspector* must give reasons for the refusal.

- 10.2 If the *Licence Inspector* has refused to grant a *street vending licence* or a *special event licence*, the applicant who is subject to the decision is entitled to have *Council* reconsider the matter.

11. Issuance of a Licence

- 11.1 The *Licence Inspector* shall grant a *street vending licence* or *special event licence* under this Bylaw where the *Licence Inspector* is satisfied that the applicant has complied with the requirements of this Bylaw and any other applicable enactment.

12. Suspension or Cancellation of a Licence

- 12.1 A *street vending licence* or *special event licence* may be suspended or cancelled by *Council* or the *Licence Inspector* for reasonable cause.
- 12.2 Without limiting what constitutes reasonable cause, any one or more of the following circumstances may constitute reasonable cause:
- 12.2.1 the *Licensee* fails to comply with this Bylaw or a term or condition of the Licence;
 - 12.2.2 the *Licensee* is convicted of an indictable offence in Canada, which offence is, in the opinion of *Council* or the *Licence Inspector*, directly related to the *street vending business*;
 - 12.2.3 the *Licensee* is found to have committed a violation of any City bylaw or convicted of an offence under Provincial or Federal enactment in respect of the *street vending business* for which the *Licensee* is licensed or with respect to the premises for which the Licence was issued;
 - 12.2.4 the *Licensee* has ceased to meet the lawful requirements to carry on the *street vending business* or *special event*, as the case may be, for which the *Licensee* is licensed or with respect to the premises for which the Licence was issued; or
 - 12.2.5 in the opinion of the *Council* or the *Licence Inspector*, the *Licensee* has engaged in misconduct that warrants the suspension or cancellation of the Licence, if the misconduct is:
 - 12.2.5.1 in respect of the *street vending business* or *special event*, as the case may be, or
 - 12.2.5.2 in or with respect to the premises named in the Licence.
- 12.3 A suspension under Section 12.1 is for the period determined by the *Council* or the *Licence Inspector*, and the *Council* or the *Licence Inspector* may impose additional conditions on the Licence that relate to the reasons for the suspension and apply after the period of suspension.
- 12.4 In the case of a suspension or cancellation of a *street vending licence* or *special event licence* by the *Licence Inspector*, the *Licensee* has the right to a reconsideration by *Council*.

13. General Regulations

- 13.1 Any person operating a *street vending business* or *special event* must not be or become a nuisance by generating excessive odors, music, light, or noise.
- 13.2 Every owner or operator of a *street vending business* must ensure that the *business* and every *unit* used in conducting the *business* meets Provincial health regulations and be approved by any required health authority for operation.
- 13.3 Every owner or operator of a *street vending business* must not cause, allow or permit any alcohol, cigarettes or other tobacco products, or any products designed to be smoked, to be sold by the *business*.

14. Mobile Vendors

- 14.1 Any person carrying on the *business* of a *mobile vendor* must:
 - 14.1.1 only carry on *business* in areas of the *City* zoned for residential use under the *Zoning Bylaw*;
 - 14.1.2 not allow their *unit* to stand on any highway in the city for a longer period at any one time than may be required in making a sale and delivery of any commodity to a customer to a maximum of fifteen (15) minutes at any one place on any highway,
 - 14.1.3 not allow their *unit* to stand upon any *highway* in a manner that would inhibit traffic flow;
 - 14.1.4 provide receptacles for garbage and recycling and dispose of the garbage and recycling in an appropriate manner;
 - 14.1.5 not operate between the hours of 9:00 pm and 8:00 am;
 - 14.1.6 only sell pre-packaged or previously prepared food items, excluding alcoholic beverages and cigarettes;
 - 14.1.7 not be or become a nuisance by generating excessive odors, music, light, or noise;
 - 14.1.8 not emit any noise while stationary;
 - 14.1.9 not operate in or adjacent to any *City property* unless they hold a valid Facility Use Licence or *Special Event Licence*; and
 - 14.1.10 carry commercial general liability insurance with a minimum of \$2 million.

15. Vending Carts and Vending Vehicles

- 15.1 Subject to the restrictions set out in this Bylaw, a person may operate as a *street vendor* on *City property* or private property.
- 15.2 A *street vendor* may only operate on private property where the owner or operator of the *business* has written permission from the property owner to operate the *vending cart* or *vending vehicle*.

- 15.3 A *vending cart* or *vending vehicle* may only be operated on private property in industrial, institutional or commercial zones as set out in the *Zoning Bylaw*.
- 15.4 No person shall cause, allow or permit a *vending cart* or *vending vehicle* to be situated on private property in a manner that would contravene the *Zoning Bylaw*.
- 15.5 For greater certainty, no person shall cause, allow or permit a *vending cart* or *vending vehicle* to be situated on private property in a manner that would reduce the number of off-street parking spaces to an amount less than provided for in the *Zoning Bylaw* and, for the purposes of this section, any parking spaces being occupied by a *vending cart* or *vending vehicle* shall not be counted in determining the number of off-street parking spaces on a property.
- 15.6 No person shall operate a *vending cart* or *vending vehicle* on *City property* unless:
- 15.6.1 that person, or the employer of that person, has entered into a *Licence of Occupation* with the *City*; and
- 15.6.2 the *vending cart* or *vending vehicle* is situated entirely within the area designated for it under the applicable *Licence of Occupation*.
- 15.7 No person shall operate a *vending vehicle* on *City property* unless the operation is carried out in accordance with the *Street and Traffic Bylaw No. 3574*.
- 15.8 Notwithstanding section 15.7, a person operating a *vending vehicle* on *City property* is not subject to the parking time limit restrictions in the *Street and Traffic Bylaw No. 3574*.
- 15.9 Every person operating a *vending cart* or *vending vehicle* must:
- 15.9.1 not operate between the hours 9:00 p.m. and 8:00 a.m.;
- 15.9.2 provide a garbage container and must pick up all garbage and debris within 100 metres of the *vending cart* which results from the business operation; and
- 15.9.3 ensure that the *vending cart* or *vending vehicle* is:
- 15.9.3.1 capable of being moved on its own wheels without alteration or preparation;
- 15.9.3.2 fully self-contained with no service connection, unless such service connection is approved by the General Manager of Engineering and Public Works, or their designate;
- 15.9.3.3 situated so as not to interfere with or block any entrance, exit, walkway or other means of ingress or egress from a building or other structure, parking lot, or *highway*; and
- 15.9.3.4 kept in good repair.
- 15.10 Notwithstanding section 15.9.3.1 of this Bylaw, a *vending cart* may be towed by another vehicle.

16. Special Events

- 16.1 Subject to section 16.2 of this Bylaw, a no person shall carry on, maintain, own or operate a *special event vending business* unless that person is the holder of a valid and subsisting *street vending licence* being operated in conjunction with an event for which a valid and subsisting *special event licence* has been issued.

- 16.2 Where the *City* has issued a *special event licence* to an *event organizer* that includes provisions regarding *special event businesses*, a *special event business*, including a *street vending business*, participating in the *special event* does not require a separate business licence, *street vending licence*, or *special event licence* for that purpose.

- 16.3 Any person operating a *special event vending business* must comply with the regulations in this Bylaw pertaining to a *street vending business*, *vending cart*, *vending vehicle*, and/or *mobile vendor* as the case may be.

READ A FIRST TIME this 28th day of May, 2012

READ A SECOND TIME this 28th day of May, 2012

READ A THIRD TIME this 28th day of May, 2012

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 25th day of June, 2012.

_____ MAYOR

_____ CLERK