

**CITY OF QUESNEL
BYLAW NO. 1868**

A bylaw to regulate and control Sidewalk Food Vendors.

WHEREAS the *Community Charter* authorizes Council to regulate in relation to the carrying on of a business;

AND WHEREAS under Section 11 (3) of the City of Quesnel Comprehensive Street, Traffic and Parking Bylaw No. 1773, no person shall obstruct or block a sidewalk without first obtaining a permit;

AND WHEREAS the City desires to provide some regulations and controls on Sidewalk Food Vendors using the City's sidewalks in the downtown core;

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 Bylaw No. 1868 of 2019."

2. DEFINITIONS

"**City**" means the City of Quesnel.

"**Business License**" means a valid City of Quesnel business license issued pursuant to the City's Business Regulation and Licensing Bylaw No. 1810 of 2016

"**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

3.1 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.

- 3.2** A person who desires to set up as a Sidewalk Food Vendor located on a site shown on Schedule “A” shall make application to City in accordance with Section 4 of this Bylaw.
- 3.3** A person who is issued a permitted by the City through a Sidewalk Food Vendor Business License shall operate only at the site for which the Business License was issued under this Bylaw.
- 3.4** The walkway portion of a sidewalk, crosswalk, or extension of a crosswalk, roadway or fire hydrant shall not be obstructed.
- 3.5** The location of the Pushcart shall not cause any traffic problems, including restricting visibility for vehicles operating in the Pushcart’s vicinity.
- 3.6** 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

- 4.1** Applications for a City of Quesnel Sidewalk Food Vendor Business License shall be made on a Business License Application form accompanied by the form in Schedule “B” attached hereto and forming part of this Bylaw, and shall include:
- i. Proof of Northern Health certification;
 - ii. Photographs of Pushcart;
 - iii. Dimensions of Pushcart;
 - iv. A proposed operating plan;
 - v. Proof of liability insurance;
 - vi. Business License Application and associated fee;
 - vii. Proof of Technical Safety BC certification on gas equipment.
- 4.2** All applications are to be submitted to the City and will be given priority in a first-come, first-serve manner beginning on the first business day of March of every year.
- 4.3** Return applicants in good standing are not required to submit a new application but are required to advise the City if they will be returning and pay their business license renewal fee by the last business day of January of every year.
- 4.4** A person may apply for a Sidewalk Food Vendor Business License at any time following April 1st in accordance with the above procedures if there is an unlicensed site In Schedule ‘A’.

5. BUSINESS LICENSE

- 5.1** A Sidewalk Food Vendor Business license is issued under this bylaw and shall permit operation between April 1st and December 31st of any given year.
- 5.2** The business license fee shall be prescribed by the “City of Quesnel Comprehensive Fees and Charges Bylaw No. 1683 of 2010,” as amended from time to time.
- 5.3** A Sidewalk Food Vendor Business License is not transferable.
- 5.4** The Corporate Officer shall not issue a Business License until an applicant for the Business License 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 Business License and the City as co-insured.

5.5 A valid Business License, or a photocopy, shall be displayed at all times on a Pushcart.

6. PUSHCARTS

6.1 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.

6.2 A Pushcart shall be soundly constructed, kept clean and in good condition at all times.

6.3 A Pushcart shall comply with all applicable municipal, provincial and federal legislation concerning food-handling and storage, fuel, structural safety.

6.4 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.

6.5 If a Pushcart utilizes a gas appliance, the appliance must be certified as specified in Technical Safety BC Directive No. D-G5 051201 2 (Approved Certification Marks for Gas Appliances).

7. CLEANLINESS

7.1 A Sidewalk Food Vendor shall supply a covered refuse container for use by the vendor and patrons.

7.2 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.

7.3 There shall be no discharge of fluid or solids from the Pushcart to the surround ground.

7.4 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.

8. BUSINESS LICENSE REVOCATION

8.1 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, may have their business license revoked by the Corporate Officer.

8.2 Where the Corporate Officer considers revoking a Sidewalk Food Vendor Business License, the Inspector shall first inform the Licensee of the reasons for considering the revocation and afford the Licensee an opportunity to be heard. A Licensee whose Business License is revoked may appeal to City Council.

8.3 Where a Sidewalk Food Vendor Business License is revoked the Licensee forfeits his right of renewal at the designated site and will receive no refund of Business License fees from the City.

9. MISCELLANEOUS

9.1 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 in accordance with the City of Quesnel Noise Bylaw.

9.2 The Fire Inspector may be required to inspect a Pushcart to ensure that appliances are certified as specified in Technical Safety BC Directive No. D-G5 051201 2 (Approved Certification Marks for Gas Appliances) at any time.

11. OFFENCE AND PENALTIES

11.1 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 and not less than \$100.

11.2 Each day that any violation is allowed to continue will be deemed to be a separate offence.

12. REPEAL

12.1 Sidewalk Food Vendors By-law No. 1299 of 1994 and all amendments hereto are hereby repealed.

READ A FIRST TIME this 2nd day of April, 2019.

READ A SECOND TIME this 2nd day of April, 2019.

READ A THIRD TIME this 2nd day of April, 2019.

FINALLY ADOPTED this 16th day of April, 2019.

Mayor

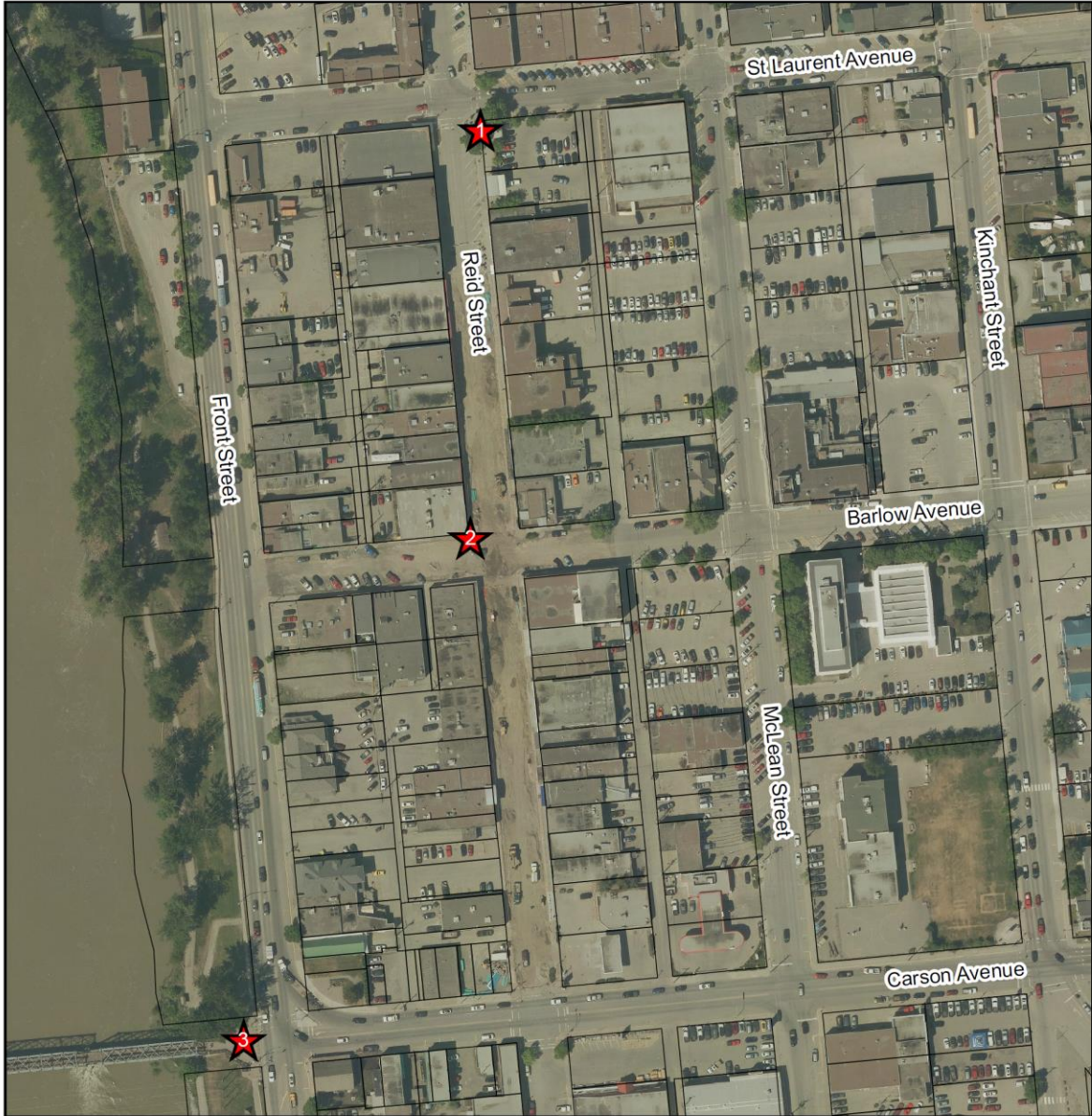
Corporate Officer

I hereby certify that the foregoing is a true and current copy of the "Sidewalk Food Vendors Bylaw No. 1868 of 2019".


Manager of Legislative Services

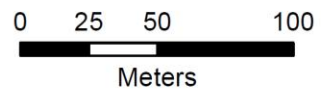
SCHEDULE "A"

**BYLAW 1868 SCHEDULE "A"
Sidewalk Food Vendors**



Legend

 Sidewalk Food Vendor Location



Map created by the Development Services Department
March 21, 2019

Bylaw No. 1868 - Schedule "B"
Application for Sidewalk Food Vendor

Name:

Address:

Home Telephone:

Cellular:

Proposed Site #
 (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)

Attachments:

a. Proof of Northern Health certification;	b. Proof of liability insurance;
c. Photographs of Pushcart;	d. Dimensions of Pushcart;
e. Proof of Technical Safety BC certification on gas equipment; and	f. Business License Application and associated fee.

Declaration:

I, _____ apply for a Sidewalk Food Vendor's Permit at the site, or alternate site, listed above. I understand that I am required to operate between June 1st and September 15th and not be absent for a period of more than two weeks.

 Print Name of Applicant

 Date

 Signature of Applicant