



CONSOLIDATED FOR CONVENIENCE

LAST UPDATE: NOVEMBER, 2004

SIDEWALK VENDORS

Bylaw No. 5032

CITY OF PRINCE GEORGE
BY-LAW NO. 5032

A By-law of the City of Prince George to regulate and control sidewalk vendors.

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

AND WHEREAS the City of Prince George desires to regulate sidewalk vendors.

THEREFORE BE IT RESOLVED THAT the Municipal Council of the City of Prince George, in open meeting assembled, ENACTS AS FOLLOWS:

1. TITLE

This By-law may be cited for all purposes as the "Sidewalk Vendors By-law No. 5032, 1988."

2. DEFINITIONS

City	means the City of Prince George.
Director	means the person duly appointed from time to time as the Director of Public Works and includes any person appointed or designated by the Director to act on his behalf.
Licence	means a valid City of Prince George business licence issued pursuant to the City of Prince George Business Licence By-law No. 4157, 1984 and amendments thereto.
Licence Inspector	means the person duly appointed as such from time to time.
Permit	means a valid Sidewalk Vendor's Permit issued pursuant to By-law No. 5032, 1988 and amendments thereto.

Pushcart	means and includes any device designed to be moved by human power and which may be used on a sidewalk or any portion thereof for the purpose of selling or offering for sale any commodity to the public.
Sidewalk	means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians or other improved area set aside for pedestrian use only.
Sidewalk Vendor	means a person who owns or operates a pushcart for the purpose of selling or offering for sale any commodity.

3. LOCATIONS

- 1) Those areas shown on Schedule 'A' attached hereto and forming part of this By-law, are designated as sites within a Sidewalk on which a Sidewalk Vendor may set up a Pushcart.
- 2) A person who desires to set up as a Sidewalk Vendor located on a side shown on Schedule 'A' shall make application to the Director in accordance with Section 4 of this By-law.
- 3) A person who is issued a permit by the Director and licence by the Licence Inspector, shall operate only from the site for which the permit was issued.
- 4) The walkway portion of a Sidewalk, crosswalk, or extension of a crosswalk, roadway or fire hydrant shall not be obstructed.
- 5) The location of the pushcart shall not cause any traffic problems, particularly visibility impediment to vehicles in its proximity.
- 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

- 1) Applications to set up as a Sidewalk 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 such drawings and

photographs as required by and submitted to the Director, so that the proposal may be evaluated.

- 2) Applications will be received up to October 31st in any year for permits to be issued for the following calendar year.
- 3) Following adoption of this by-law, applications for the year 1988 will be received up to one month following adoption of this by-law.
- 4) A permit shall be valid for the balance of the year to December 31st of that year.
- 5) An application submitted to the Director shall be reviewed by the Technical Planning Committee who shall review the application and submit a recommendation to the Director for approval.
- 6) The Technical Planning Committee shall review an application on the basis of quality of construction of the proposed pushcart, compatibility of the proposed use with the location, adjacent businesses and aesthetics affect.
- 7) A Permit holder shall have first right of renewal for the same Permit at the same site in any subsequent year, but such renewal applications shall be made by October 31st in the preceding year AND shall be on the form in Schedule 'B' attached hereto.
- 8) A Permit holder is entitled to apply to renew a Permit for the same site, and such application shall not be withheld unless the permit holder has violated the terms of this by-law, or the conditions of the previously held Permit or Licence.
- 9) A Permit holder may apply to relocate to another site, and such application shall be considered in priority over any other new application for the same site.
- 10) A Permit holder who applies to relocate to a new site shall relinquish his/her existing site if he/she is successful.
- 11) A decision on all applications will be made on or before November 30th for the following year, and the applicants are to be notified forthwith of the decision in respect of the application.
- 12) A person may apply for a Permit at any time for any site for which a Permit has not been issued. Such a Permit (if granted) shall only be valid for the balance of the Permit year.

5. PERMITS

- 1) A Permit shall be in the form set out in Schedule 'C' attached hereto and forming part of this by-law.
- 2) A Permit issued under this by-law shall be valid for one year from January 1st in a given year, or for a part of one year if an application is made after January 31st.
- 3) A Permit is not transferable except with the permission of the Director.
- 4) The fee for a permit is listed in Schedule "A-10" of the "City of Prince George Comprehensive Fees and Charges Bylaw No. 7557, 2004".
- 5) 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 Vendor from such Pushcart during the subsistence of the Permit without the necessity of obtaining individual permits.
- 6) A person issued a permit and licence to operate as a Sidewalk Vendor from a pushcart shall do so in accordance with the operating plan as outlined in Schedule 'B' of this by-law.

6. BUSINESS LICENCE (LICENCE)

- 1) A person, firm or corporation operating as a Sidewalk Vendor from a Pushcart shall possess a Licence.
- 2) Issuance of a Licence does not imply that a Permit will be issued, and the issuance of a Permit does not imply that a Licence will be issued.
- 3) The Licence Inspector shall not issue a Licence, and the Director shall not issue a Permit until an applicant for a Licence 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 two million dollars (\$2,000,000.00) inclusive of limits covering bodily injury, death and property damage 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 Licence and the City as co-insured.

7. DISPLAY OF BUSINESS LICENCE AND PERMIT

- 1) A Permit and Licence, or a photocopy of each of them, shall be displayed at all times on a Pushcart.

8. PUSHCARTS

1) A Pushcart shall be no longer, higher or wider than:

2.0 m, 2.45 m and 1.2 m respectively.

The dimensions outlined in Section 8 (1) above shall include all folding counters, wheels, fenders, awnings or canopies.

2) a) A Pushcart shall be:

- i) soundly constructed
- ii) kept clean
- iii) kept in good condition

b) A Pushcart shall comply with all applicable:

- i) Municipal
- ii) Provincial or
- iii) Federal

Legislation concerning food-handling, fuel, structural safety and roadworthiness.

3) A Pushcart shall be equipped with brakes or some suitable device or mechanism to prevent it from moving except under the control of the Sidewalk Vendor.

9. **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 pushcart to the surrounding ground.
- 4) a) A Sidewalk Vendor shall remove all refuse and litter from the site at the close of each day of operation.
b) Such refuse or litter shall not be disposed of in a City on-street litter container.

10. **BUSINESS HOURS**

- 1) A Person issued a permit and licence to operate as a Sidewalk Vendor from a Pushcart shall do so in accordance with:
 - a) The City of Prince George Holiday Shopping Regulation By-law No. 3830, 1981, and amendments thereto, and
 - b) The City of Prince George Shops Closing By-law No. 4150, 1983 and amendments thereto.

11. **PERMIT REVOCATION**

- 1) A Sidewalk Vendor who fails to operate for two months, or in accordance with the Permit holder's operating plan, may have his Permit revoked by the Director.
- 2) Where the Director considers revoking a Permit, the Director shall first inform the Permit holder of the reasons for considering the revocation and afford the Permit holder an opportunity to be heard.
- 3) A Permit holder whose permit is revoked by the Director, may appeal to Council.
- 4) Where a permit is revoked:
 - a) the permit holder forfeits his right of renewal at the designated site;

- b) no refund of Permit fees shall be made to the Permit holder.

12. MISCELLANEOUS

- 1) A Sidewalk Vendor shall not operate any noise or sound making or sound reproducing equipment so as to be a nuisance to any person.

13. SIGNS

- 1) All signs and advertisements shall comply with the requirements of the “City of Prince George Sign By-Law No. 3198, 1978” and amendments thereto.

14. OFFENCE AND PENALTY

- 1) Any person who violates any provisions of this by-law or who allows, causes, or permits any violation of this by-law shall be guilty of an infraction of this by-law 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.

READ A FIRST TIME THIS THE **14TH** DAY OF **MARCH, 1988.**

READ A SECOND TIME THIS THE **14TH** DAY OF **MARCH, 1988.**

READ A THIRD TIME THIS THE **16TH** DAY OF **MAY, 1988.**

All three readings passed by a **unanimous** decision of Members of City Council present and eligible to vote.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS THE 30TH DAY OF **MAY**, **1988**, BY A **UNANIMOUS** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

Signed by Acting Mayor
MAYOR

Bruce Williams
CLERK

SCHEDULE 'B' OF BY-LAW 5032

Application for Sidewalk Vendor's Permit

(Please type or print in black ink)

Name:

Address:

Phone:

Home:

Business:

Proposed

site

(number

Schedule

A)

Alternate site in order of priority:

(2) number _____

(3) number _____

(4) number _____

Description of proposed Sidewalk Vendor's Business (Attach supporting documents if necessary)

Proposed operating plan (attach separate sheet if not sufficient room)

DECLARATION:

I, _____ apply for a sidewalk vendor’s permit at the site or alternate site listed above. I enclose photographs, drawings and documentation in support of my application. I agree to obtain a valid business licence (\$50.00) and pay the fee of \$ _____ for a sidewalk vendor’s permit if my application is successful. I agree to obtain liability insurance as required in Section 6 (3) of the by-law.

Signature

SCHEDULE ‘C’ OF BY-LAW NO. 5032

CITY OF PRINCE GEORGE

SIDEWALK VENDORS PERMIT

Name:

Address:

Is permitted to operate a Sidewalk Vendor’s Pushcart at Site Number _____

as shown in Schedule “A” to the Sidewalk Vendors By-law.

The permit holder is permitted to:

Date of Approval: _____

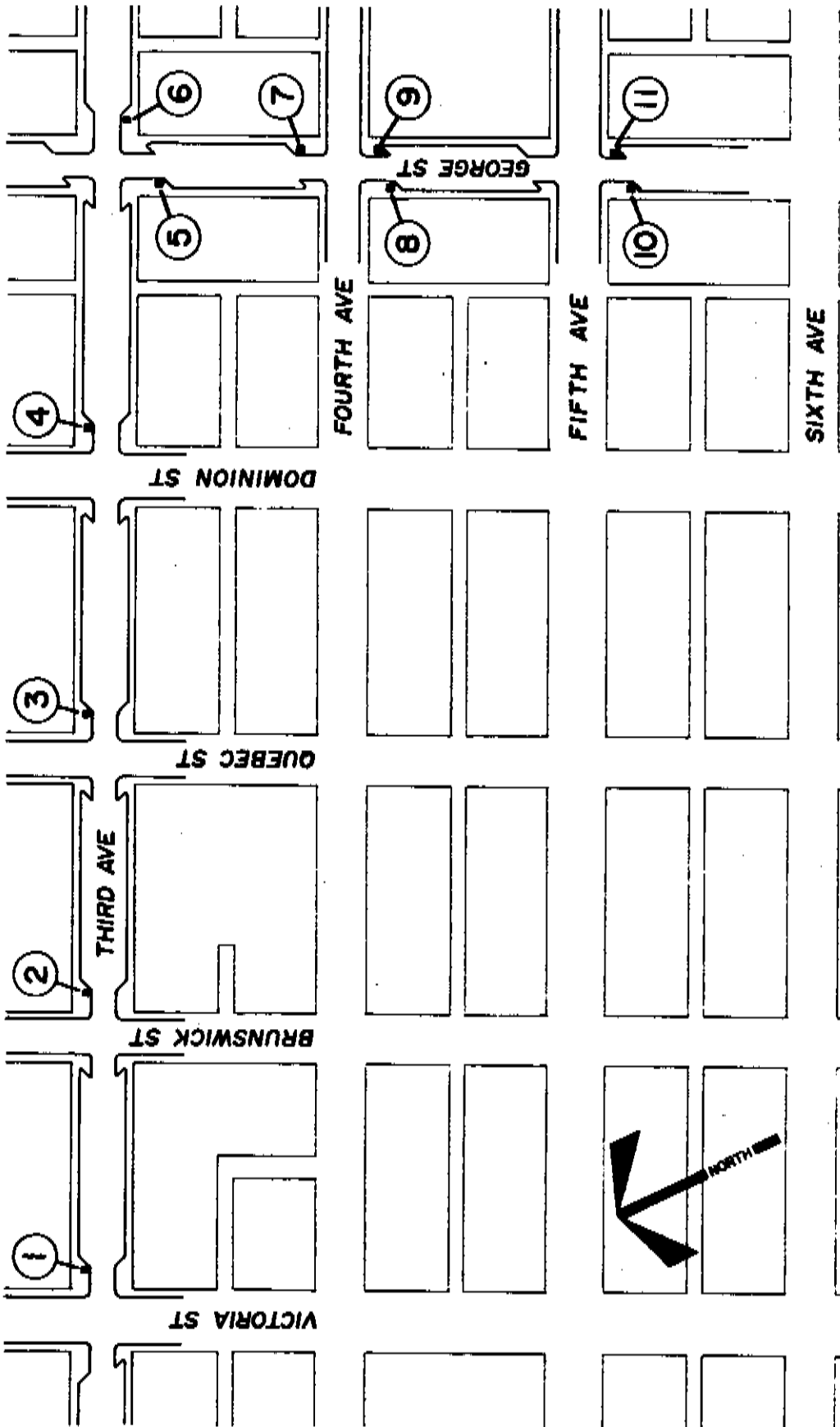
Director of Public Works

Fee Paid: _____

Receipt No. _____

Permit No. _____

cc: C.P.G. Licencing
Planning
R.C.M.P.



CITY OF PRINCE GEORGE
PUBLIC WORKS DEPARTMENT

STREET VENDING
LOCATIONS



city of
prince george

DRAWN: WWG TRACED: CHECKED:

YEAR: DATE: FEBRUARY 1988

HOR: 1:2500 SCALES

CITY ENGINEER DWG. No. 3907