



CITY OF RICHMOND

REPORT TO COUNCIL

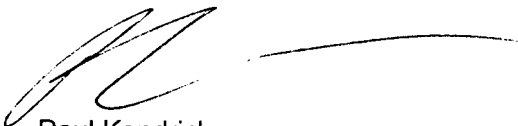
TO: Richmond City Council
FROM: Paul Kendrick
City Solicitor
RE: Mobile Vendor Bylaw Amendments

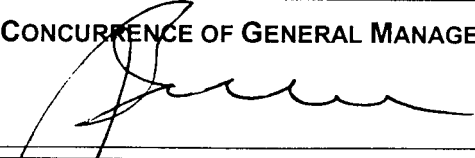
TO GENERAL PURPOSES - JUNE 4 /01
DATE: May 30, 2001
FILE: 8060-20-7167
X-REF: 8060-20-7168
8060-20-7207
8060-20-7226

STAFF RECOMMENDATION

That the following bylaws be given first, second and third readings:

1. Bylaw No. 7167 (Attachment 1) which amends the Business Regulation Bylaw No. 7148;
2. Bylaw No. 7168 (Attachment 2) which amends the Municipal Ticket Information Authorization Bylaw No. 7139;
3. Bylaw No. 7207 (Attachment 3) which amends the Business Licence Bylaw No. 6901;
4. Bylaw No. 7226 (Attachment 4) which amends the Public Parks and School Grounds Regulation Bylaw No. 6959.


Paul Kendrick
City Solicitor

FOR ORIGINATING DIVISION USE ONLY
CONCURRENCE OF GENERAL MANAGER


STAFF REPORT

ORIGIN

Staff were directed to bring forward bylaw amendments with respect to enforcing restrictions on mobile vendors.

ANALYSIS

The issue of regulating mobile vending was raised in the context of Garry Point Park and the Steveston area, but has ramifications throughout the City. Consequently, amendments to the Business Regulation Bylaw were considered on a City-wide basis. This was also an opportunity to modernize a bylaw which has been on the books for a considerable time.

CURRENT BYLAW

The Business Regulation Bylaw No. 7148:

- (a) prohibits mobile vending in any public park or school ground without the permission of Council or the Board of School Trustees, as applicable;
- (b) contains an anti-loitering provision – no stopping for more than 10 minutes within 100 metres of any location used by the vendor in the preceding two hours
- (c) prohibits locating directly outside of premises offering the same or similar goods.

Only (c) is subject to a ticket under the Municipal Ticket Information Authorization Bylaw (MTI Bylaw).

There is also a prohibition against selling refreshments or other articles in public parks or on school grounds without permission of the City or School District, as applicable, in the Public Parks and School Grounds Regulation Bylaw No. 6959. However, this is not a ticketable offence.

COMMENTS

Staff identified a number of concerns regarding enforcement of the existing bylaw:

- impossible to enforce on a City-wide basis
- MTI provisions needed to permit ticketing for offences
- anti-loitering formula too complicated to enforce

Concerns were also raised regarding having a blanket prohibition against mobile vending in parks. The City can regulate business, but does not have the authority to prohibit a particular business activity, nor can it regulate competition. Banning mobile vendors from all City parks is very restrictive and other less far-reaching measures are available which are easier to enforce and would still effectively regulate mobile vendors.

RECOMMENDED AMENDMENTS

Revising the regulation of mobile vendors involves amendments to the Business Regulation Bylaw No. 7148, Municipal Ticket Information Authorization Bylaw No. 7139, and Business Licencing Bylaw No. 6901 (See Attachments 1 – 3).

Staff propose the following amendments to the bylaws to effectively regulate mobile vendors:

- Update language: “Peddler (Food)” and “Peddler (Non-Food)” become “Mobile Vendor” – definition remains the same
- Stream-line administration: eliminate requirement that mobile vendor carry identification card and metal plate with decal because these are not administratively necessary – still required to carry business licence
- Mobile vendor restrictions:
 - must not carry on business within 200 metres of premises offering similar goods
 - must keep moving and stop only for so long as actively engaged in making a sale
 - must not block sidewalk or roadway or impede pedestrian or vehicle traffic
 - must not carry on business on or adjacent to school grounds without the permission of the Superintendent of Schools
- Permit mobile vending on private property with the consent of the owner or occupier, provided use is permitted under the Zoning and Development Bylaw
- Permit mobile vending in parks subject to the restrictions set out above
- MTI Bylaw amended to make contraventions subject to a ticket and fine
- Delete prohibition against selling refreshments in parks and on school grounds in Parks Bylaw to maintain consistency between that bylaw and the Business Regulation Bylaw
- Minor consequential amendments to the Business Licence Bylaw

Staff recommend these amendments as they will simplify enforcement and enable enforcement officers to effectively regulate mobile vendors, both in parks and elsewhere in the City. Enforcement is further enhanced by the addition of the new bylaw enforcement officer to address evening and weekend enforcement.

In specific reference to Garry Point Park, both the prohibition against locating within 200 metres of a business offering similar goods and the requirement that the mobile vendor keep moving should address the specific concerns about mobile vendors at this location.

The prohibition against selling refreshments in parks and on school grounds would be deleted from the Parks and School Grounds Bylaw, but the proposed amendments retain the prohibition against selling on school grounds. Joint school ground/public park sites may pose some difficulty in enforcement, but this can be monitored and addressed at a later date, if necessary.

ALTERNATIVE OPTION – PROHIBITION IN PARKS

Staff are recommending the amendments set out above. However, if Council prefers to retain the blanket prohibition against mobile vending in parks, the following resolutions must be passed:

1. Add the following subsections to section 15.1.1 in paragraph 1 of the Business Regulation Bylaw No. 7148, Amendment Bylaw No. 7167:
 - (c) in any **public park** or **school ground**, except with written authorization from the **General Manager of Finance and Corporate Services** or the **Superintendent of Schools**, as applicable;
 - (d) on any property or **highway** that abuts a **public park** or **school ground**.
2. Add the following definitions to Part Twenty-Five in paragraph 2 the Business Regulation Bylaw No. 7148, Amendment Bylaw No. 7167:

GENERAL MANAGER OF FINANCE AND CORPORATE SERVICES means the person appointed by **Council** to the position of General Manager of Finance and Corporate Services of the **City**, or the person designated as an alternate;

PUBLIC PARK/SCHOOL GROUND means and includes public parks, playgrounds, paths, trails, beaches, swimming pools, arenas, community recreation centres, golf courses, sports and playing fields, buildings and other public places under the custody, care management and jurisdiction of the **City**, and includes school grounds under the jurisdiction of the **School District**.

3. Add the following offences to Schedule B 3 in paragraph 1 of the Municipal Ticket Information Authorization Bylaw No. 7139, Amendment Bylaw No. 7168:

Mobile vendor carrying on business in a public park or on school grounds without written authorization of General Manager of Finance and Corporate Services or the Superintendent of Schools, as applicable	15.1.1(c)	\$100
Mobile vendor carrying on business on property or roadway that abuts public park or school grounds	15.1.1(d)	\$100


Finally, if a prohibition against mobile vendors in parks is adopted, amendment of the Public Parks and School Grounds Bylaw (Attachment 4) will not be required.

FINANCIAL IMPACT

Revenue neutral. Additional costs of enforcement may be offset by revenue realized through MTI's.

CONCLUSION

The proposed bylaw amendments, combined with diligent enforcement, will be a useful tool for monitoring and regulating mobile vendors.



 Rebecca Finlay

**BUSINESS REGULATION BYLAW NO. 7148,
AMENDMENT BYLAW NO. 7167**

The Council of the City of Richmond enacts as follows:

1. Part Fifteen and Part Sixteen are deleted in their entirety and substituted with the following:

PART FIFTEEN: MOBILE VENDOR REGULATION

15.1 Mobile Vendor Prohibitions

15.1.1 A **mobile vendor** must not carry on business:

- (a) within 200 metres of any premises which offer the same or similar items for sale as the **mobile vendor**;
- (b) on or adjacent to any school ground, except with written authorization from the **Superintendent of Schools**;

15.1.2 Except as permitted in section 15.2, a **mobile vendor** must be continually moving and may stop only for so long as actively engaged in making a sale.

15.1.3 A **mobile vendor** must not block or partially block any sidewalk or **highway** and must not in any way impede or interfere with the ordinary flow of pedestrian or vehicle traffic.

15.2 Mobile Vendor on Private Property

15.2.1 A **mobile vendor** may carry on business on private property if:

- (a) the **mobile vendor** has the written consent of the property owner or occupier, which must be produced at the request of the **Licence Inspector**;
- (b) the activity is permitted under the Zoning and Development Bylaw and any other applicable bylaws; and
- (c) the provisions of subsections 15.1.1 and 15.1.3 are complied with.

2. Part Twenty-Five is amended by deleting the definition of "**PEDDLER**" and inserting in the appropriate alphabetical order the following definitions:

HIGHWAY means a street, road, lane and any other way open to public use, but does not include a private right-of-way on private property.

MOBILE VENDOR means every person who sells, offers or attempts to sell, takes orders for, or solicits orders for goods (including food or beverages), services, or investments, or any other thing, at a place other than his permanent place of **business**, or from a vehicle, whether personally or by his agent.

SUPERINTENDENT OF OF SCHOOLS means the person appointed by the Board of School District No. 38 (Richmond) to the position of Superintendent of Schools, and includes the person designated as an alternate.

3. This Bylaw may be cited as “**Business Regulation Bylaw No. 7148, Amendment Bylaw No. 7167**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK

**MUNICIPAL TICKET INFORMATION AUTHORIZATION
BYLAW NO. 7139,
AMENDMENT BYLAW NO. 7168**

The Council of the City of Richmond enacts as follows:

- Schedule B 3 to Bylaw No. 7139 is amended by deleting the offence of "Peddler standing/locating directly outside premises which offer the same or similar items for sale" and substituting the following:

Offence	Bylaw Section	Fine
Mobile vendor carrying on business within 200 metres of premises which offer same or similar items for sale	15.1.1(a)	\$100
Mobile vendor carrying on business on or adjacent to a school ground	15.1.1(b)	\$100
Mobile vendor stopping while not actively engaged in making a sale	15.1.2	\$100
Mobile vendor blocking or partially blocking sidewalk/highway	15.1.3	\$100
Mobile vendor impeding or interfering with ordinary flow of pedestrian/vehicle traffic	15.1.3	\$100
Mobile vendor plying trade on private property	15.2.1(a),(b)	\$100

- This Bylaw may be cited as "**Municipal Ticket Information Authorization Bylaw No. 7139, Amendment Bylaw No. 7168**".

FIRST READING

SECOND READING

THIRD READING

APPROVED BY THE CHIEF JUDGE OF THE PROVINCE OF BRITISH COLUMBIA

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK

**BUSINESS LICENCE BYLAW NO. 6901,
AMENDMENT BYLAW NO. 7207**

The Council of the City of Richmond enacts as follows:

1. Subsection 2.1.12 is deleted in its entirety.
2. Subsection 2.1.10A is added as follows:

2.1.10A Mobile Vendor

2.1.10A.1 Every mobile vendor **applicant** must sign a declaration that he has read, understood and agrees to comply with the regulations for **mobile vendors** contained in the **Business Regulation Bylaw**.

3. Subsection 3.2 is amended by deleting the words **"Food Peddlers"** and substituting **"Mobile Vendors (Food)"**, and moving this subcategory to the position necessary to maintain alphabetical order.
4. Subsection 3.10 is amended by deleting the subcategory of **"Peddlers"** in its entirety and inserting in the appropriate alphabetical order the following subcategory:

Mobile Vendors, which means every **person** who sells, offers or attempts to sell, takes orders for, or solicits orders for **goods** (including food or beverages), services, or investments, or any other thing, at a place other than his permanent place of **business**, or from a vehicle, whether personally or by his **agent**.

5. Schedule A is amended by deleting the reference in Assembly Use – Group 1 to "Mobile Food Peddlers" and substituting **"Mobile Vendors (Food)"**.
6. This Bylaw is cited as **"Business Licence Bylaw No. 6901, Amendment Bylaw No. 7207"**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK

BYLAW 7226

PUBLIC PARKS AND SCHOOL GROUNDS REGULATION BYLAW NO. 6959, AMENDMENT BYLAW NO. 7226

The Council of the City of Richmond enacts as follows:

1. Clause (c) of subsection 3.1.1 is deleted and clause (d) is renumbered as clause (c).
2. This Bylaw is cited as **“Public Parks And School Grounds Regulation Bylaw No. 6959, Amendment Bylaw No. 7226”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK