



## CITY OF RICHMOND

### REPORT TO COMMITTEE

**TO:** General Purposes Committee  
**FROM:** Jim Bruce  
General Manager, Finance and Corporate Services  
**DATE:** June 27, 2001  
**FILE:** 8060-02-01  
**RE: Mobile Vendor Bylaw Amendments**

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#### STAFF RECOMMENDATION

1. That the third reading of:
  - (a) Business Regulation Bylaw No. 7148, Amendment Bylaw No. 7167; and
  - (b) Municipal Ticket Information Authorization Bylaw No. 7139, Amendment Bylaw No. 7168,

each be rescinded.

2. That Bylaw Nos. 7167 and 7168 each be given third reading.

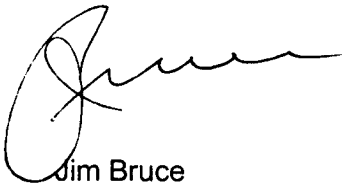
***(Before calling the question on third reading, the following amendments would be in order.)***

- (a) That subsection 15.1.1 of Bylaw No. 7167 be amended by:
  - (i) deleting clause (a);
  - (ii) renumbering clause (b) as clause (a); and
  - (iii) adding the following as clause (b):

“directly outside or in the normal flow of traffic to any premises which offer the same or similar items for sale as the **mobile vendor**.”
- (b) That Section 1 of Schedule B3 of Bylaw No. 7168 be amended by:
  - (i) deleting the offence (Mobile vendor carrying on business within 200 metres of premises which offer the same or similar items for sale), the bylaw section and the fine amount ;
  - (ii) amending the bylaw section reference for the offence “Mobile vendor carrying on business on or adjacent to a school ground” from 15.1.1(b) to 15.1.1(a); and
  - (iii) adding the following:

Offence	Bylaw Section	Fine
Mobile vendor carrying on business directly outside or in flow of traffic to premises which offer same or similar items	15.1.1(b)	\$100

***(The question should now be called on the above amendments, and then on third reading of each bylaw, as amended.)***



Jim Bruce  
General Manager, Finance and Corporate Services

Att. 4

ROUTED TO:	CONCURRENCE
Law .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Business Liaison & Development.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>

STAFF REPORTORIGIN

At the General Purposes Committee meeting on Monday, June 18, 2001, the mobile vendor bylaw amendments were referred back to staff to (i) review the potential problems caused by the proposed restrictions on mobile vendors and (ii) propose an alternative to minimize the impact of the restrictions on mobile vendors not working at the Steveston Salmon Festival.

ANALYSIS

Upon review of the proposed bylaw amendments regarding mobile vendors, it has become evident that the requirement that mobile vendors not carry on business within 200 metres of a similar business may be suitable in certain locations, but is problematic in others. In any commercial district, mobile vendors are necessarily going to be in close proximity to other businesses and the 200-metre rule would effectively prohibit them from such areas. This was made clear by the presentation by the muffin vendor who sought to sell muffins to retail businesses door-to-door, but found that he would be in contravention of the 200-metre rule. When considered on a City-wide basis, the rule creates more problems than it solves.

Given the problems created by the 200-metre rule, staff are recommending that it be deleted from the Business Regulation Bylaw Amendment No. 7167. In its place, it is proposed that the prohibition against carrying on business "directly outside or in the normal flow of traffic to any premises which offer the same or similar items for sale as the mobile vendor" which is in the existing Business Regulation Bylaw be inserted. Corresponding amendments to the Municipal Ticket Information Authorization Amendment Bylaw No. 7168 would also be made. Without prejudging Council's decision on these suggested amendments, copies of both bylaws, with the amendments made, are attached.

The remainder of the proposed bylaw amendments, namely the Business Licence Bylaw Amendment No. 7207 and the Public Parks and School Grounds Regulation Bylaw Amendment No. 7226, would remain the same.

FINANCIAL IMPACT

Nil.

CONCLUSION

Removing the 200-metre rule makes the restrictions on mobile vendors more equitable on a City-wide basis. The proposed amendments would still effectively regulate mobile vendors, requiring them to keep moving, not block sidewalks and roads and prohibiting them from school grounds. More importantly, the City now has an additional bylaw enforcement officer to enforce these requirements and, in particular, deal with evening and weekend enforcement. In removing the 200-metre rule, the City would avoid being in a position of solving one problem, but creating a host of others.



Rebecca Finlay  
Staff Solicitor

RAF:raf

## **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) on or adjacent to any school ground, except with written authorization from the **Superintendent of Schools**;
- (b) directly outside or in the normal flow of traffic to any premises which offer the same or similar items for sale as the **mobile vendor**.

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

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

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MAYOR

\_\_\_\_\_  
CITY CLERK

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

The Council of the City of Richmond enacts as follows:

1. 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:

<b>Offence</b>	<b>Bylaw Section</b>	<b>Fine</b>
Mobile vendor carrying on business on or adjacent to a school ground	15.1.1(a)	\$100
Mobile vendor carrying on business directly outside or in flow of traffic to premises which offer same or similar items	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

2. 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
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_____	APPROVED for content by originating dept.
_____	APPROVED for legality by Solicitor
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\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK