

Report to Committee

To: Planning Committee

Date: September 9, 2014

From: Wayne Craig

File: TU 14-666140

Director of Development

Re: Application by Firework Productions Ltd. for a Temporary Commercial Use

Permit Renewal at 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North Range 6 West Plan 34592) and 8411/8431/8451 West Road for 2015, 2016 and

2017

Staff Recommendation

1. That the application by Firework Productions Ltd. for a Temporary Commercial Use Permit renewal for the properties at 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North Range 6 West Plan 34592) and 8411/8431/8451 West Road be considered at Public Hearing to be held on October 20, 2014 at 7:00 pm in the Council Chambers of Richmond City Hall, and that the following recommendation be forwarded to that meeting for consideration:

"That a Temporary Commercial Use Permit be issued to Firework Productions Ltd. for the properties at 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North Range 6 West Plan 34592) and 8411/8431/8451 West Road for the purposes of permitting an evening night market event between May 15, 2015 to November 1, 2015 (inclusive), May 13, 2016 to October 30, 2016 (inclusive) and May 12, 2017 to October 29, 2017 (inclusive) subject to the fulfillment of all terms, conditions and requirements outlined in the Temporary Commercial Use Permit and attached Schedules."

2. That the Public Hearing notification area include all properties to the north of Bridgeport Road and west of Great Canadian Way as shown in Attachment 4 to the staff report dated September 9, 2014 from the Director of Development.

Wayne Craig

Director of Development

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Att.

| | REPORT CONCURRENCE | | | | | | | | | |
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| ROUTED TO: | CONCURRENCE | CONCURRENCE OF GENERAL MANAGER | | | | | | | | |
| Business Licences Engineering Community Bylaws Fire Rescue RCMP Building Approvals Transportation | व्यव्यव्य | he Gores | | | | | | | | |

Staff Report

Origin

Firework Productions Ltd. (Raymond Cheung) has applied to the City of Richmond for a Temporary Commercial Use Permit (TCUP) renewal at 8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North Range 6 West Plan 34592) and 8411/8431/8451 West Road (the "subject site") for the purposes of operating a seasonal night market event during specified periods for 2015, 2016 and 2017 (refer to Attachment 1 for a location map). On March 19, 2012, Council issued the original TCUP (TU 11-595782) for a 3 year term expiring at the end of the 2014 season.

The subject site is also subject to a rezoning application (RZ 12-598104) proposing a comprehensive mixed use development for the site, which is being processed by staff. The event organizer (Raymond Cheung c/o Firework Productions Ltd.) has obtained authorization from the property owner to apply for a TCUP renewal to operate this event from 2015 to 2017 as an interim use as this proposal goes through the necessary development application processes.

Proposed Temporary Commercial Use Permit

The proposed TCUP renewal for the night market is generally similar to past events on the subject site. The main changes being made in this renewal application are:

- The inclusion of 8411, 8431 and 8451 West Road in the TCUP proposal for additional off-street parking use (dedicated vendor parking only).
- Minor amendments to the hours of operation for the event.
- Extending the event to the end of October for each year under the renewed permit.

Event Description

The event consists of the market area located on the south west portion of Duck Island that contains the food and commercial vendor booths, entertainment activities and other supporting event functions (i.e., administrative and storage space, first aid area, outdoor displays). The remaining portion of the Duck Island site consists of parking dedicated to the event. The three properties at 8411, 8431 and 8451 West Road are proposed to be included in this renewal application for the purposes of providing dedicated parking to the event vendors.

A site plan of the subject site is contained in Attachment 2. The event proposal includes:

- A maximum total of 220 commercial and 100 food vendors.
- 1,480 parking stalls on the Duck Island site plus an additional 200 parking stalls for use by event vendors located at 8411, 8431 and 8451 West Road.
- Supporting services and on-site entertainment activities.

Event Dates Hours of Operation

| | Opening/ Closing Dates | Days of Operation | Hours of Operation |
|------|------------------------------|--|--|
| 2015 | May 15 to November 1 | Friday, Saturday, Sunday and Statutory Holidays. No event proposed for Canada Day or the evening prior to July 1 79 operation days proposed. | 7pm-12am: Friday and Saturday. 6pm-11pm: Sunday and Statutory Holidays. 6pm-12am: Day preceding a Statutory Holiday. |
| 2016 | May 13 to October 30 | Friday, Saturday, Sunday and Statutory Holidays. Event proposed to be open on June 30 (Thursday) – Prior to Canada Day 80 operation days proposed. | 7pm-12am: Friday and Saturday. 6pm-11pm: Sunday and Statutory Holidays. 6pm-12am: Day preceding a Statutory Holiday. |
| 2017 | May 12 to October 29 | Friday, Saturday, Sunday and Statutory Holidays. July 3 (Monday after July 1 Canada Day). 80 operation days proposed. | 7pm-12am: Friday and Saturday. 6pm-11pm: Sunday and Statutory Holidays. 6pm-12am: Day preceding a Statutory Holiday. |

The proposed days of operation of the night market will be on Friday, Saturday, Sunday and Statutory holiday Monday evenings with the exception of the event opening on one Thursday evening (June 30) in 2016, which is the evening prior to the Canada Day Statutory holiday.

Findings of Fact

| ltem | Existing | Proposed |
|--|--|---|
| Owner | Sanhurgon Investment Ltd (Inc. No. BC908774) | No change |
| | 0916544 BC Ltd (Inc. No. 0916544) | |
| Applicant | Firework Productions Ltd. (Raymond Cheung) | No change |
| Site Size | Combined total area - 84,886 sq. m (21 acres) | No change |
| Land Uses | Currently vacant gravel/sand lots that has been levelled and graded. | Proposed temporary evening market consisting of food/retail |
| | Existing Canada Line guide way. | vendors, on-site entertainment, supporting services and off- |
| | Existing event infrastructure (gravelled parking lots/drive-aisles; vendor booth, services | street parking stalls (no change from previous TCUP approval). |
| 2041 OCP Designation – General Land Use Map | Commercial and Park | No change |
| 2041 OCP – Temporary Use Permits | 2041 OCP permits Temporary Use Permits in areas with a Commercial Land Use Designation | TCUP renewal application complies with 2041 OCP policies on consideration of Temporary Use Permits. |
| City Centre – Bridgeport Village Sub Area Plan Designation | Urban Centre (T5) | No change |
| Zoning | Light Industrial (IL) | No change |

Surrounding Development

To the north: Fraser River and foreshore.

To the east: Fraser River and foreshore; River Rock Casino zoned "Casino Hotel Commercial

(ZC17)" that contains casino, hotel and parking facilities.

To the south: River Road and a closed rail line on property owned by the City. On the opposite

side of River Road, "Light Industrial (IL)" zoned properties.

To the west: Bridgeport Road and bridge to Sea Island.

Comprehensive Rezoning Proposal for Duck Island – Potential Impacts to TCUP

Through the processing of the comprehensive rezoning application for Duck Island, a number of City requirements involving land transactions and dedications for various road, dike and park works and upgrades will likely be secured if approved by Council. Depending on the timing of rezoning application approval, completion of these land transactions and related servicing and other site preparation activities may have an impact on the proposed night market event. Staff will review these rezoning requirements in conjunction with the night market event in the future to determine impacts to any approved TCUP to determine any applicable impacts. No impacts to the processing of the rezoning application are anticipated from the proposed TCUP renewal application or operation of a temporary night market event on site.

Night Market Event at 12631 Vulcan Way (Lions Communication Inc.)

A TCUP renewal application for 12631 Vulcan Way by Lions Communication Inc. has also been recently submitted to the City (application received August 25, 2014) and proposes a market event on the site similar to previous years. The TCUP issued to Lions Communication for the night market at 12631 Vulcan Way expires at the end of the 2014 season and the renewal application is seeking a similar 3 year extension. Staff review of the application is underway.

<u>Local Government Act – Temporary Land Uses</u>

The Local Government Act (LGA) enables municipalities the ability to:

- Designate areas where temporary commercial uses may be considered.
- Issue temporary use permits through Council resolution.
- Undertake public notification on the proposed temporary use.
- Specify terms and conditions applicable to the proposed temporary use.

Maximum time periods that a TCUP is valid for is 3 years. Upon expiration, a renewal can be applied for a maximum of 3 years. The proposed TCUP renewal proposal for a night market on Duck Island from 2015 to 2017 complies with the provisions of the LGA.

2012 to 2014 – Issues and Responses

This section summarizes specific issues that arose from the night market operating on the subject site from 2012 to 2014 and provides a response summary (in *italics*) to outline how the issue was resolved.

- Ensuring access to/from River Rock Casino
 - Traffic Management Plan designed to direct night market traffic to No. 3 Road for access/egress purposes, while also facilitating access for casino traffic.
 - Digital sign boards and signage in the surrounding area directs traffic to No. 3 Road for access to the night market.

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- Event organizer markets and promotes visitors to utilize the Canada Line.
- Traffic controls along No. 3 Road are designed to allow two lanes northbound travel, which enables casino traffic to be diverted to the River Rock parkade and not queued along No. 3 Road.
- By encouraging night market traffic to utilize No. 3 Road, Great Canadian Way and River Road are generally available to provide full access to the River Rock Casino and other businesses in the surrounding area.
- City Traffic Operations staff have observed traffic patterns in the area and have confirmed that the above access arrangements work well to manage night market and River Rock Casino traffic to ensure efficient access to both venues.
- Improve access arrangements for River Rock Casino and night market visitors
 - Early in the 2012 season, the City arranged implementation of additional travel lanes along No. 3 Road, north of Bridgeport Road to improve with access/egress for the night market and River Rock Casino.
 - Additional lanes of travel were differentiated along River Road in proximity to the River Rock Casino's parkade structure and No. 3 Road/River Road intersection to improve vehicle movements to and from the area.
 - Traffic Management Plan (TMP) was adjusted based on the above referenced road lane changes.
 - Additional signage added to the area to assist with traffic direction and parking.
- Ensuring sufficient off-street parking for the event
 - As required in the original TCUP approved by Council in 2012, the organizer is required to maintain a minimum of 1,150 free parking stalls for night market visitors and 300 stalls dedicated to event vendors.
 - In the middle of the 2013 season, the organizer secured an additional 3 properties to the immediate south of the event site that could accommodate an additional 200 parking stalls. These parking stalls are dedicated for use by event vendors, which therefore opens up an additional 200 stalls on the Duck Island event site for public use. These properties are being added to the TCUP renewal application for 2015 to 2017 for use as a dedicated vendor parking area.
- Promotion of Canada Line service
 - During night market events, the Canada Line is well utilized by visitors to the event.
 - The organizer continues to promote and market the use of the Canada line to night market visitors through advertisements.
 - Adjust the TMP to account for pedestrian traffic between the Canada Line station and night market event site.

Public Consultation and Notification

The proponent consulted with businesses and residents in the surrounding area. The organizer discussed the proposed event directly with people who were available to provide feedback from property owners/tenants/residents about the event. A summary of the consultation feedback and comments is shown in Attachment 3. A majority of the comments received were related to ensuring availability of parking passes to facilitate vehicle access to the area for residents and businesses. Concerns about garbage and littering are being addressed through a garbage management plan to be implemented by the event organizer, which will also be incorporated into the terms and provisions of the proposed TCUP renewal.

City staff also have plans to meet with River Rock representatives to discuss the proposed night market TCUP renewal application. Any specific comments or concerns communicated by River Rock staff will be forwarded to Council in advance of the Public Hearing.

Public Hearing and Notification by the City of Richmond

The Temporary Commercial Use Permit renewal requires that the application be forwarded to a Public Hearing. A public hearing notification area generally bounded by Bridgeport Road to the south, Great Canadian Way to the East and Fraser River to the west and north is recommended by staff (refer to Attachment 4 for a proposed notification area map).

Staff Comments

Transportation

Transportation staff have reviewed the application to renew the TCUP for an additional 3 years with the additional lots for parking. Based on observations of the event and traffic management provisions (TMP) by staff, it is noted that the traffic flow to and from the event operates effectively to ensure access to the night market site and River Rock Casino. A summary of the Transportation requirements to be incorporated into the proposed TCUP renewal is as follows:

- Parking requirements:
 - Duck Island site 1,480 parking stalls
 - 8411, 8431 and 8451 West Road 200 parking stalls (vendor parking only)
 - All event parking stalls to be provided free of charge.
- Submission and approval of a Traffic Management Plan (TMP) (prepared by a professional consultant) for review and approval by the City, based on previous years operations that includes any revisions required by City staff.
- Implementation of the TMP to be undertaken by a professional Traffic Control Company with appropriate trained and certified staff. Changes to the TMP can be made at the sole discretion of Transportation staff.
- The TMP and operation by a Traffic Control Company is at the event organizers sole cost.
- Implementation of directional/way finding signage based on the plan approved by Transportation staff at the event organizers sole cost.
- Continued initiatives by the event organizer to market and promote the use of public transit (Canada Line and bus) for attendees to the night market.
- Additional off-site parking stalls secured by the event organizer at their own initiative would be considered extra and beyond what the City requires for this event and is not a required component of the TMP or TCUP renewal.

Community Bylaws

Attendance by dedicated Community Bylaws officers/staff based on the previous years arrangement is required for any proposed renewal of the TCUP for the purposes of monitoring and enforcing on-street parking and related City roadway regulations around the night market event site. Dedicated Community Bylaw officers to patrol the surrounding night market event area are recommended to be a minimum of six hours of bylaw officer patrol during all event hours of operation, which would provide sufficient coverage. The proponent is responsible for the costs of the 6 hours of Community Bylaw officer(s) patrol each night the event is in operation, with scheduling of hours at the discretion of Community Bylaws staff. The estimated

cost of Community Bylaw staffing for the event has been incorporated into the required bond amounts to be secured for this event (see Financial Impact section).

RCMP

Attendance by dedicated RCMP officers (minimum of 2 members) based on the previous year's arrangement is required for any proposed renewal of the TCUP for the purposes providing a police presence, oversee event attendees and vendor operations, monitor operation of the TMP and intervene if necessary. Having RCMP on-site during event hours also facilitates a quick response in the event of an emergency. RCMP member attendance at the night market event will be in addition to the existing RCMP deployment in Richmond, with the proponent responsible for all costs of RCMP members dedicated to the night market event.

The estimated cost of RCMP officer staffing has been incorporated into the required bond amounts (2015 to 2017), with provisions built into the bond to enable the RCMP Commercial Crimes Unit to undertake necessary investigative and enforcement work to address product counterfeiting/intellectual property issues if any arise. Also included in the bond amount is RCMP staff time allocated to administering and managing the scheduling of officers for the event (see Financial Impact section).

Richmond Fire Rescue

The proposed night market location and required emergency access provisions are remaining generally unchanged from previous years. An updated Fire Safety Plan is required to be completed by the appropriate consultant for submission and approval by Richmond Fire Rescue prior to the opening of the event that includes fire safety provisions associated with the general event operations, fire safety measures for retail and food vendors and compliance with applicable Building Code and Fire Code for all buildings, structures and appliances (hot water tanks, cooking equipment, electrical appliances and machinery etc.). Approval of the Fire Safety Plan by Richmond Fire Rescue prior to the opening of the event is incorporated into the terms of the TCUP renewal. The event organizer and each applicable food vendor is required to comply with Richmond Fire Rescue's Food Vendor Checklist and is included in the terms and conditions of the TCUP renewal for the proposed event.

Building Approvals

Any buildings, structures, services or changes to existing on-site servicing infrastructure (including service connections) will require consultation with Building Approvals and will require the submission of all appropriate applications for building permit and site service permit work.

Business Licensing

All commercial retail and food vendor booths operating at the night market event are required to apply for and obtain Business Licenses to operate. The event proponent (Raymond Cheung C/O Firework Productions Ltd.) is also required to obtain an appropriate Business License for the purposes of operating the night market event. Each vendor at the night market is required to obtain a Business License for each year of operation.

Engineering

All servicing and related technical issues were resolved through the review of the initial TCUP application on this site in 2012. No engineering or servicing issues arise from the proposed TCUP renewal proposal.

Vancouver Coastal Health

All vendors involved in the selling or handling of food and beverage product at the event are required to obtain appropriate permits to operate from Vancouver Coastal Health (VCH) to ensure compliance with food safety, sanitation and food handling requirements. VCH will determine requirements associated with provisions for food vendors having access to water (hot and cold), access to appropriate refrigeration and food safety measures that the event organizer and each food vendor booth is responsible for compliance.

VCH has an application and inspection process to ensure compliance with their regulations, which they implement prior to food vendors opening at the event. Any deficiencies or infractions are required to be resolved by the food vendors or event proponent prior to opening of the food court or individual food vendors.

Analysis

All technical issues and changes to the night market event included in the TCUP renewal application have been incorporated into the proposed permit that would enable the night market to operate on the subject site in 2015, 2016 and 2017 generally from mid-May to the end of October during the dates and times specified in this report.

A majority of the applicable terms and conditions identified in the original 2012 TCUP approval for this site will also be incorporated into the TCUP renewal being considered in this report. The main changes being forwarded in the TCUP renewal that is different from the original permit granted in 2012 is summarized as follows:

- Inclusion of 8411, 8431 and 8451 West Road in the TCUP renewal application to provide dedicated parking for market vendors. Staff support this revision as it allows for an additional 200 parking stalls to be secured for this event for use by event vendors, thereby making available an additional 200 free parking stalls on the Duck Island site north of River Road for the general public.
- Extension of the event into the end of October for each year. In previous years, the night
 market closing date would coincide with the Thanksgiving long weekend in October.
 The event organizer has requested an extension to the end of October. The event
 organizer is responsible for informing the City if they intend on closing the night market
 early in the season and ensuring that all event vendors are also informed of the earlier
 closure.

Financial Impact

Cost Recovery – City and RCMP Expenses

The proposed night market is a privately operated event that is open to the general public. Due to the significant popularity of past events hosted on other sites in Richmond and increasing draw of attendees from across the region and visiting tourists, presence from RCMP members, Community Bylaw Officers and various staff from other divisions is required with costs to be

paid by the event organizer. This enables existing service levels for policing and bylaws across the City to be maintained. In summary, a cost recovery model is applied for the proposed night market TCUP renewal.

Operational Security Bond Requirements

The estimated costs will be submitted prior to Council consideration of the TCUP at Public Hearing (tentatively October 20, 2014) for the first year of operation in 2015 and one month in advance of the event opening date for subsequent years (2016 and 2017). The following is a summary of what the bond submission will cover:

- 2 RCMP members assigned to the night market event each day of operation and during all hours of operation at the applicable overtime rate (commute time to and from the event is included).
- RCMP commercial crimes unit resources and staff hours to supplement event organizer policing and enforcement of counterfeit products and other illegal goods.
- Community Bylaws 6 hours (based on the applicable overtime rate) of dedicated patrol by Community Bylaw Officers for each day of operation for the night market event (scheduling of hours is at the discretion of Community Bylaws).
- A 20% contingency fund in addition to the base operational security bond for each year of event operation.
- Attendance by City staff to oversee and monitor implementation of the TMP and general event operations.
- Production, posting and takedown of night market directional signage by City staff.

Security bond requirements are as follows:

- 2015 \$181,000 (base amount) + \$36,000 (20% contingency) = \$217,000 (Adjusted for additional days of operation and anticipated wage increases).
- 2016 \$194,000 (base amount) + \$39,000 (20% contingency) = \$233,000 (Adjusted for additional days of operation and anticipated wage increases).
- 2017 \$197,000 (base amount) + \$39,000 (20% contingency) = **\$236,000** (Adjusted for additional days of operation and anticipated wage increases).

Upon conclusion of the night market event for each year, any surplus leftover from the bond will be returned to the event proponent. Provisions are also included in the TCUP to require payment of any outstanding invoices (in excess of the estimated security bond amount) to be paid in full for the event to operate.

The Procedure Bylaw for Council consideration of Temporary Commercial Use Permits (Bylaw 7273), requires that security bonds be submitted prior to Council consideration of the TCUP at Public Hearing. As a result, the following security bond submission deadline dates apply for the TCUP renewal:

- For 2015 \$217,000 to be submitted prior to October 20, 2014 as the initial security bond amount.
- For 2016 \$233,000 to be submitted prior to April 13, 2016.
- For 2017 \$234,000 to be submitted prior to April 12, 2017.

Conclusion

The proposed night market TCUP renewal on the subject site has addressed all technical components and met all City requirements related to operating a seasonal event on this site from 2015 to 2017. The subject property is well serviced by public transit and the event organizer has also provided the required amount of off-street parking and traffic management measures based on previous year's operation, which proved successful in managing vehicle traffic to the site and minimizing impacts to existing businesses in the surrounding area. On this basis, staff recommend approval of the Temporary Commercial Use Permit for the subject site and that this recommendation be forwarded to Council for consideration at a Public Hearing, tentatively scheduled for October 20, 2014. Staff also recommend expanding the Public Hearing notification area include all properties to the north of Bridgeport Road and west of Great Canadian Way as shown in Attachment 4 to this staff report.

Kevin Eng Planner 2

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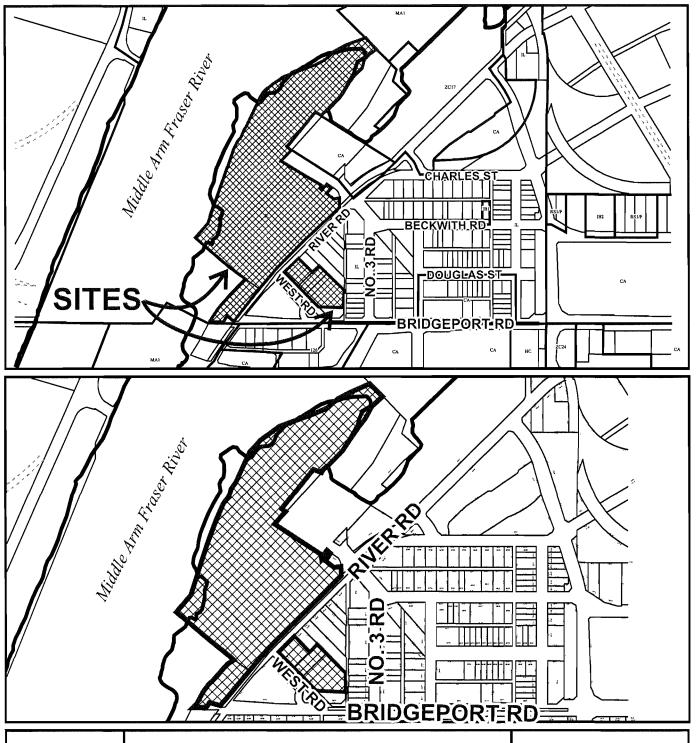
Attachment 1 – Location Map

Attachment 2 – Night Market Site Plan

Attachment 3 – Public Consultation Summary

Attachment 4 – Recommended Public Hearing Notification Area







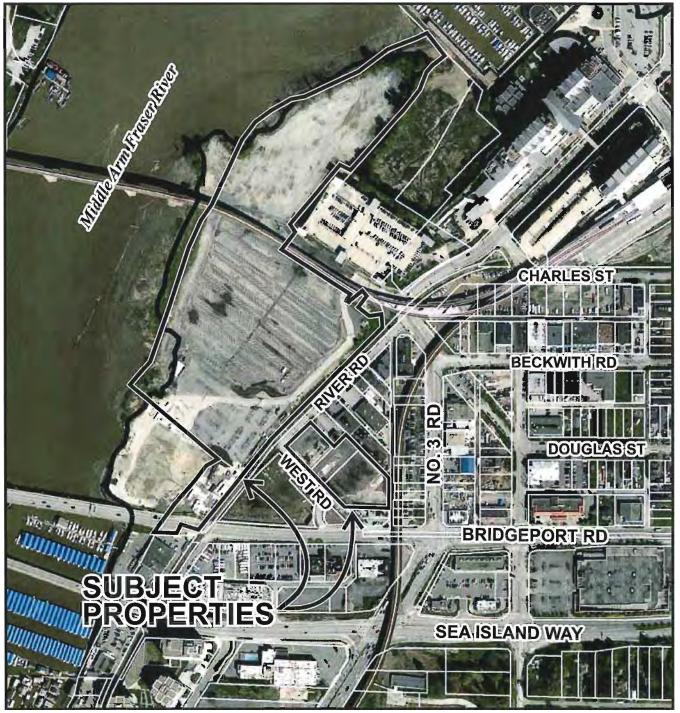
TU 14-666140

Original Date: 07/03/14

Revision Date: 09/08/14

Note: Dimensions are in METRES





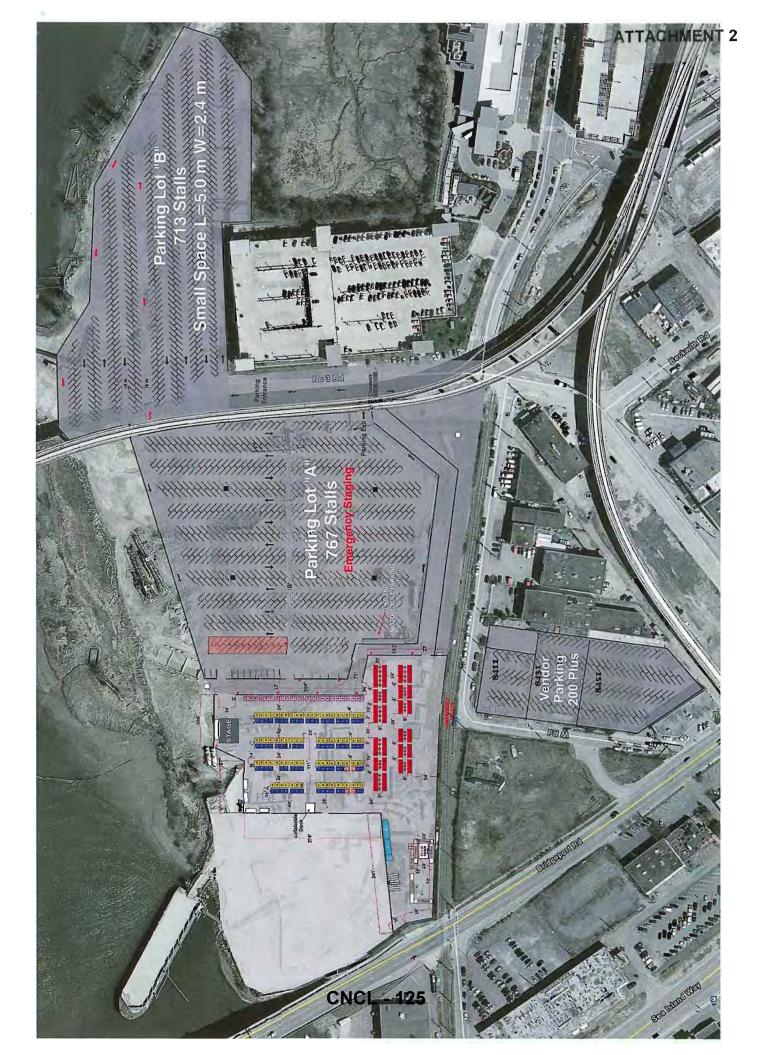


TU 14-666140

Original Date: 07/07/14

Revision Date: 09/09/14

Note: Dimensions are in METRES



Schedule 3:

Neighbour Consultations below were completed on April 10, 2014. Neighbours who did not have parking passes/no parking signs or who requested additional signs were provided with them free of charge as of May 3, 2014. This addressed the issues and concerns for these neighbours who were worried about Night Market visitors parking on their property.

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| | | 604 273 2766 | 604 304 1111 | 604 270 7,23 | 604 278 5232 | 604 241 2848 | 60A 244 1106 | 609 273 7112 | | | | Phone No. |
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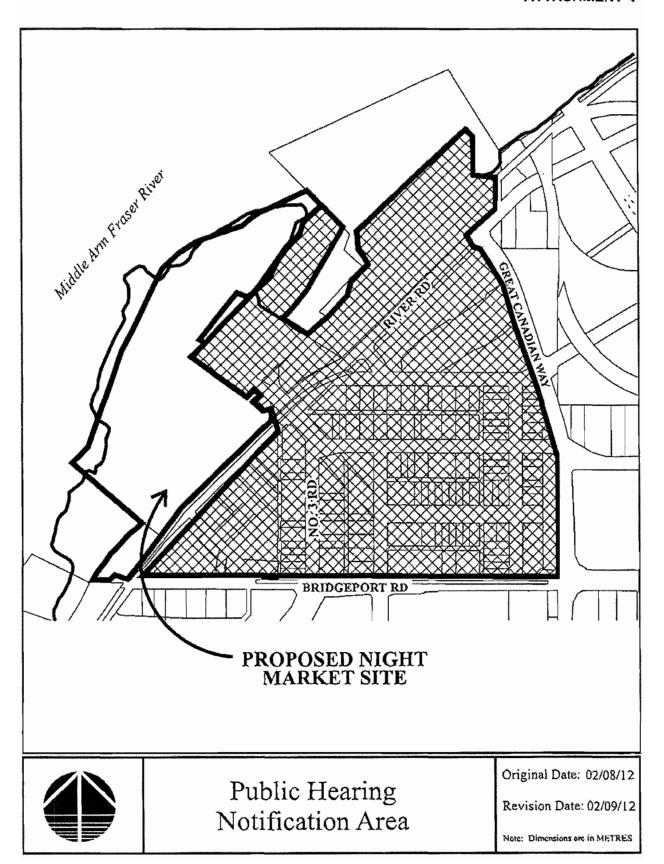
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| | | Arden Lau Island Corpet Sales | Raymond Discount Car+ Truck 604-370-2277 | grace | Georgeta Danici Hampton Imn | Shibuyatei | Richmand Auto Work 604-986-9274 | H Nortman ARC Traders Ltd. | Dan Coquinco Express Lube a Tune | Churcleep Vancawer fleet Services | Carmen Deveau Housestone Enterprises | Contact Person |
| | | 604-278-6256 | 604-370-2277 | 778-747-8552 | 604-232-5505 | | 604-986-9274 | 604-278-2456 | 604-278-1018 | 604-278-1701 | 778-995-1122- | Phone No. |
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| | Leha Vo Bisco | | | | | | | Danny Enight Boss Automotive Ltd. | ARX Viva Java | BPG Auto Sound | | Contact Person |
| | 604-276-2662 | | | | | 604 657 2250 | | 804-212-400 | 604-270-774° | 604-278-4142 | | Phone No. |
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| 778-227-4415 | 604-207-2251 | 778 - 829 - 2809 | 604-270-4751 | 604-278-4289 | | | | 664-278-0060 | | 604-802-5587 | 604-232-0724 | Phone No. |
| would like a no parking sign | garbage concerns | gou bage curcerns | | parting poss required | Closed | parking concerns clused | closed | | Closed | pouting at passes | furpade + banking | Comments |
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| 778-388-3138 | 604-771-5580 | | | 604-247-0337 | 604-270-7537 | e 604-273-5969 | | | | 604-273-4904 | 604-614-10SA | Phone No. |
| | | No issue | closed | no parking signs (2) | would like parking passes | parking - need no purking signs | closed | closed | clused | | Closed | Comments |
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| | | | | Dham Kahlon Lo-Cost Auto Bairs Hd. | | | | | Aaron | | Mandeep Bays Inn (va) | Contact Person |
| | | | | 9861-812-409 | | | | | 778 - 899 - 3577 | | 604-207-8000 | Phone No. |
| | | | no answer | | closed | no answer | no answer | No answer | parking issues / blacking- resident only signs | closed | signs (5) | Comments |
| | | | | | | | | | | | | Issues |
| | | Ŷ | | < | | | | | < | | < | No Issues |





Temporary Commercial Use Permit

No. TU 14-666140

To the Holder:

Firework Productions Ltd.

Sanhurgon Investment Ltd., Inc. No. BC908774

0916544 B.C. Ltd., Inc. No. 0916544

Property Address:

8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North

Range 6 West Plan 34592 and 8411/8431/8451 West Road

Address:

C/O Mr. Raymond Cheung 3063 – 8700 McKim Way Richmond, BC V6X 4A5

1. This Temporary Commercial Use Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.

- 2. This Temporary Commercial Use Permit is issued subject to compliance with all the items outlined on the attached Schedule "A" to this permit.
- 3. Should the Holder fail to adhere and comply with all the terms and conditions outlined in Schedule "A", the Temporary Commercial Use Permit Shall be void and no longer considered valid for the subject site.
- 4. This Temporary Commercial Use Permit applies to and only to those lands shown cross-hatched on the attached Schedule "B" to this permit.
- 5. The subject property may be used for the following temporary commercial uses:

A night market event on the following dates:

- May 15, 2015 to November 1, 2015 inclusive (as outlined in the attached Schedule "C" to this permit);
- May 13, 2016 to October 30, 2016 inclusive (as outlined in the attached Schedule "C" to this permit); and
- May 12, 2017 to October 29, 2017 inclusive (as outlined in the attached Schedule "C" to this permit).

The night market event dates and hours of operation shall be in accordance with the attached Schedule "C" to this permit.

The night market event shall be in accordance with the site plan as outlined in Schedule "D" to this permit.

To the Holder: Firework Productions Ltd.

Sanhurgon Investment Ltd., Inc. No. BC908774

0916544 B.C. Ltd., Inc. No. 0916544

8351 River Road, Duck Island (Lot 87 Section 21 Block 5 North Property Address:

Range 6 West Plan 34592 and 8411/8431/8451 West Road

Address: C/O Mr. Raymond Cheung

3063 - 8700 McKim Way Richmond, BC V6X 4A5

- 6. Any temporary buildings, structures and signs shall be demolished or removed and the site and adjacent roads shall be maintained and restored to a condition satisfactory to the City of Richmond, upon the expiration of this permit or cessation of the use, whichever is sooner.
- 7. As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Holder if the security is returned. The condition of the posting of the security is that should the Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Holder, or should the Holder carry out the temporary commercial use permitted by this permit within the time set out herein and comply with all the undertakings given in Schedule "A" attached hereto, the security shall be returned to the Holder.
 - A cash security (or acceptable letter of credit) in the amount of \$217,000 must be submitted prior to October 20, 2014 for the purposes of operating an evening market event during the specified dates set out in Schedule "C" in 2015.
 - A cash security (or acceptable letter of credit) in the amount of \$233,000 must be submitted prior to April 13, 2016 for the purposes of operating an evening market event during the specified dates set out in Schedule "C" in 2016.
 - A cash security (or acceptable letter of credit) in the amount of \$236,000 must be submitted prior to April 12, 2017 for the purposes of operating an evening market event during the specified dates set out in Schedule "C" in 2017.
- 8. Should the Holder fail to provide the cash security by the dates specified in this permit, the Temporary Commercial Use Permit shall be void and no longer considered valid for the subject site.
- 9. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

| To the Holder: | | tions Ltd. stment Ltd., Inc. No. BC908774 d., Inc. No. 0916544 |
|--|---|--|
| Property Address: | · | , Duck Island (Lot 87 Section 21 Block 5 North an 34592 and 8411/8431/8451 West Road |
| Address: | C/O Mr. Raymond 3063 – 8700 McK Richmond, BC V6 | Kim Way |
| • | ▼ | er to the City of Richmond for costs associated st be paid in full by the following dates: |
| All monies outstandi | ng from the 2015 e | event must be paid in full prior to April 13, 2016. |
| All monies outstandi | ng from the 2016 e | event must be paid in full prior to April 12, 2017. |
| | • | anding monies by the date specified in this permit, all be void and no longer considered valid for the |
| 11. This Temporary Comme 2015, 2016 and 2017 onl | | valid for the dates specified in Schedule "C" for |
| This Permit is not a Build | ling Permit. | |
| AUTHORIZING RESOLUT DAY OF , | ION NO. | ISSUED BY THE COUNCIL THE |
| DELIVERED THIS I | DAY OF | , . |
| MAYOR | | CORPORATE OFFICER |

In consideration of the City of Richmond issuing a Temporary Commercial Use Permit (TCUP) for the purposes of operating a night market event for 2015, 2016 and 2017 on the subject site, the event organizer (Firework Productions Ltd. c/o Raymond Cheung) acknowledges and agrees to the following terms and conditions:

Traffic Management Plan (TMP)

- Traffic control and operations during the event is to be in accordance with the TMP approved by the City's Transportation Division.
- Operation of the TMP is to be undertaken by a professional Traffic Control Company with the appropriate trained and certified staff. Costs associated with operations and running of the TMP is the responsibility of the event organizer.
- The TMP is to be monitored by the City's Transportation Division in consultation with on-site RCMP and Community Bylaws staff and is subject to revision and changes (i.e., alteration of the plan; additional Traffic Control staff) should the need arise.
- Approval of the TMP, including any necessary revisions, is at the sole discretion of Transportation Division staff.
- Posting of signage and erection of barricades and road markings will be undertaken based on the TMP and is to be at the cost of the event organizer.
- The Event organizer is required to implement a marketing and promotion strategy (approved by Transportation Division staff) that encourages night market patrons to take public transit to the event

Off-Street Parking

- Parking stalls required for the night market event under the following provisions:
 - 1,480 parking stall located on Duck Island.
 - 200 parking stalls located on 8411/8431/8451 West Road.
 - Of the total number of parking stalls secured (1,680), a minimum of 300 stalls shall be allocated to event vendors.
 - All off-street parking stalls provided on the event site is required to be free.

City of Richmond and RCMP Staffing

- A minimum of 2 RCMP members must be in attendance for each night the event is being held during the hours of operation for the purposes of providing a police presence and overseeing the TMP and general event operations (Note: Implementation and operation of the TMP is required to be undertaken by a professional traffic control company with appropriate trained and certified staff).
- Six (6) hours of dedicated patrol by Community Bylaw Enforcement Officers is required for each day the event is in operation with scheduling at the discretion of Community Bylaws.
- Periodic attendance by Transportation Division and City staff to monitor and oversee the operations of the event and TMP.
- All costs for RCMP members and City staffing at the applicable rates is the responsibility of the event organizers.

Implementation of Works on City Property

- Any works on City property is required as a result of the night market event must comply with the following requirements:
 - Works include, but are not limited to construction of asphalt walkways, temporary pedestrian crosswalks and a secondary emergency access to the market event area.
 Works also include any required upgrades and maintenance to existing works
 - Design for works to be undertaken by the appropriate professional and approved by the City.
 - Construction of works to be undertaken through a City Work Order or other appropriate process prior to issuance of the building permit(s) and/or on-site servicing permit for the night market event.
 - All costs associated with the design, construction, maintenance and removal (if required) of works is the responsibility of the event organizer.
 - Enter into the appropriate agreements where necessary for the above referenced works prior to issuance of the building permit(s) and/or on-site servicing permit for the night market event.

Required Approvals from External Agencies

Review and approval (if necessary) from the following external agencies is required prior to operating a night market event on the subject site:

- Approval from the Provincial Diking Authority for the existing emergency access ramp structure located over the existing dike statutory right-of-way.
- Ministry of Transportation and Infrastructure (MOTI) review of traffic control provisions identified in the TMP for intersections under MOTI jurisdiction.

Flood Construction Level (FCL) Requirements

- All buildings and structures on the subject site must be temporary and cannot be utilized year round.
- If these criteria are met, temporary buildings and structures are not required to comply with the minimum FCL of 4.35 m.
- Buildings and structures that do not meet these criteria are required to be constructed at a minimum FCL of 4.35 m.

Required Permits/Licenses from the City of Richmond and Stakeholders

- Building permits and on-site servicing permits for any buildings, structures, services, service connections, including any changes to on-site servicing infrastructure.
- Business Licenses for all commercial/food vendors to operate at the night market event (including the event operator).
- Vancouver Coastal Health (VCH) permits and licenses for the overall food court area and all food and beverage vendors to operate at the night market event, including inspection approval by VCH staff.

Richmond Fire Rescue (RFR) Requirements

- Implementation of an emergency response route and access location to the event market area. This response route is required to remain clear and unimpeded at all times to facilitate access for emergency vehicles, personnel and equipment.
- Implementation of a dedicated approved emergency response route for RFR truck access and turnaround to facilitate access to the proposed parking lot "B" as shown in the night market site plan attached as **Schedule "D"** to the TCUP. This fire access lane is required to be designed to support the expected loads imposed by firefighting equipment to permit accessibility under all climatic conditions.
- Submission and approval of an updated Fire Safety Plan on a yearly basis by Richmond Fire Rescue for the night market event.
- The event organizer and each applicable food vendor at the night market event is required to complete and sign the Richmond Fire Rescue Food Vendor Checklist (**Schedule "E"**) and be able to produce the completed and signed documents upon request by Richmond Fire Rescue personnel.

Night Market Site Plan

- Implementation of the event in general accordance to the night market site plan as shown in the TCUP report and attached as **Schedule "D"** to the TCUP.
- Amendments to the night market site plan can be considered if they are required/deemed necessary by City staff or other external agencies/stakeholders. Any changes to the night market site plan approved by the City of Richmond will be considered the approved site attached to and forming part of the TCUP.
- The maximum number of vendors allowed in this TCUP is:
 - 220 commercial vendors; and
 - 100 food vendors.
- Related accessory entertainment activities and displays that are ancillary to the market event activities are permitted.

Night Market Operations

- The event organizer is required to provide dedicated event security, parking lot patrollers, event liaison staff and certified first aid staff.
- The event organizer is responsible for providing adequate means of communication amongst event staffing, security, first aid, traffic control personnel, RCMP members and Community Bylaw Officers.
- Garbage and Litter Management Plan Clean up and litter removal before, during and after the evening market event each night of operation. Clean-up and litter removal is to be conducted by the event organizers and is to include the subject property as well as surrounding areas impacted by the evening market event. The plan will also include placement of garbage receptacles off-site along heavily travelled pedestrian routes.

Product Anti-Counterfeiting Strategy

The event organizer is responsible for implementing the following action items as part of their anti-counterfeiting strategy:

- Liaise with agencies involved with intellectual property rights (Canadian Anti-Counterfeiting Network CACN) to develop and communicate their strategy.
- Include specific provisions in vendor contracts that prohibit retailing of counterfeit, pirated and other illegal products with clauses on vendor booth termination and removal from the event and product seizure and turnover to the RCMP or Intellectual Property representatives if illegal goods are found.
- Partner with RCMP and Intellectual Property representatives to undertake education with vendor booth operators to ensure they are aware of the counterfeit good restrictions and related consequences (i.e., vendor booth contract termination).
- Have dedicated, trained market event staff to inspect and monitor retailers to ensure no counterfeit or pirated products are being sold.

Night Market Event Cancellation Procedure

- In the event of an evening market event closure on any identified operational day, event organizers are responsible for notifying appropriate City staff and RCMP members a minimum of 24 hours prior to the start of the event. Should event cancellation notification be within the 24 hour time period, staffing costs will be incurred based on minimum call out times.
- The event organizer is responsible for notifying all vendors of any event cancellation.
- The event organizer is responsible for notifying the City and any related stakeholders (i.e., RCMP, VCH) if they decide to close early for the season prior to the last date permitted in this TCUP renewal application for 2015, 2016 and 2017.

Security Bond Requirements

- The event organizer is required to submit an operational security bond to the City in accordance with the terms and conditions identified in the TCUP.
- The operation security bond is required to cover City costs and expenses as a result of the night market event, which includes a contingency fund to address any issues arising during event operations.
- The event organizer is required to pay for additional City costs, in the event that costs exceed the amount submitted in the operational security bond.

General Provisions

- At the conclusion of each event operation day, any road modifications (temporary signage, barriers, cones) associated with the TMP must be removed and original road conditions restored to the satisfaction of the Transportation Division staff.
- Upon expiration of this permit or cessation of the permitted use, whichever is sooner, the following shall be completed:
 - The property described in **Schedule "B"** shall be restored to its original condition.
 - Adjacent roads shall be maintained and restored to a condition satisfactory to the City of Richmond.

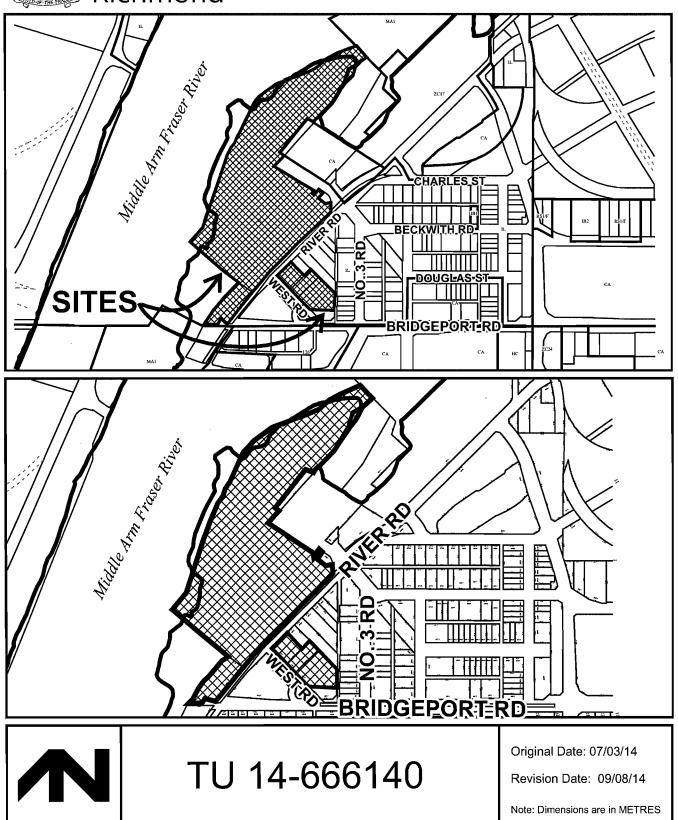
Undertaking

• In consideration of the City of Richmond issuing the Temporary Commercial Use Permit, we the undersigned hereby agree to demolish or remove any temporary buildings, structures and signs; to restore the land described in **Schedule "B"**; and to maintain and restore adjacent roads, to a condition satisfactory to the City of Richmond upon the expiration of this Permit or cessation of the permitted use, whichever is sooner.

Firework Productions Ltd.
by its authorized signatory
(Signed copy on file)

Raymond Cheung
Firework Productions Ltd.





Schedule "C"

Evening Market Event Schedule of Dates for 2015

| Month | Day | Event Hours | Month | Day | Event Hours |
|----------------|----------------------------------|-----------------|---|--------------|------------------|
| May | 15 | 7pm-12am | June | 5 | 7pm-12am |
| (10 Days) | 16 | 7pm-12am | (12 Days) | 6 | 7pm-12am |
| | 17 | 6pm-12am | | 7 | 6pm-11pm |
| | 18 | 6pm-11pm | | 12 | 7pm-12am |
| | 22 | 7pm-12am | | 13 | 7pm-12am |
| | 23 | 7pm-12am | | 14 | 6pm-11pm |
| | 24 | | | 19 | 7pm-12am |
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| | 30 | 7pm-12am | | | 6pm-11pm |
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| | .: | | | 28 | 6pm-11pm |
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| | | | | | |
| July | 3 | 7pm-12am | August | 1 | 7pm-12am |
| (13 Days) | 4 | 7pm-12am | (15 Days) | 2 | 6pm-12am |
| | 5 | 6pm-11pm | | 3 | 6pm-11pm |
| | 10 | 7pm-12am | | 7 | 7pm-12am |
| | 11 | 7pm-12am | | 8 | 7pm-12am |
| | 12 | 6pm-11pm | | 9 | 6pm-11pm |
| |) 17 | 7pm-12am | | 14 | 7pm-12am |
| | 18 | 7pm-12am | | 15 | 7pm-12am |
| | 19 | 6pm-11pm | | 16 | 6pm-11pm |
| | 24 | 7pm-12am | | 21 | 7pm-12am |
| tituli verije. | 25 | 7pm-12am | | 22 | |
| | 26 | | | 23 | 7pm-12am |
| | 31 | 6pm-11pm | | | 6pm-11pm |
| | 31 | 7pm-12am | | 28 | 7pm-12am |
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| September | 는 ' 중에 11 - 25 '중요는 선택이 13. ' | 700 1200 | | | 1 7 10 |
| | 4 | 7pm-12am | October | 2 | 7pm-12am |
| (13 days) | 5 | 7pm-12am | (16 Days) | 3 | 7pm-12am |
| | 6 | 6pm-12am | | 4 | 6pm-11pm |
| | 7 | 6pm-11pm | | 9 | 7pm-12am |
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| | 20 | 6pm-11pm | | 18 | 6pm-11pm |
| | 25 | 7pm-12am | | 23 | 7pm-12am |
| | 26 | 7pm-12am | | 24 | 7pm-12am |
| | 27 | 6pm-11pm | | 25 | 6pm-11pm |
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Evening Market Event Schedule of Dates for 2016

| Month | Day | Event Hours | Month | Day | Event Hours |
|--|-----------|----------------|---------------------------|----------|-------------|
| May | 13 | 7pm-12am | June | 3 | 7pm-12am |
| (10 Days) | 14 | 7pm-12am | (13 Days) | 4 | 7pm-12am |
| | 15 | 6pm-11pm | | 5 | 6pm-11pm |
| | 20 | 7pm-12am | | 10 | 7pm-12am |
| | 21 | 7pm-12am | | 11 | 7pm-12am |
| | 22 | 6pm-12am | | 12 | 6pm-11pm |
| | 23 | 6pm-11pm | | 17 | 7pm-12am |
| | 27 | 7pm-12am | | 18 | 7pm-12am |
| | 28 | 7pm-12am | | 19 | 6pm-11pm |
| | 29 | 6pm-11pm | | 24 | 7pm-12am |
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| | <u> </u> | | | 26 | 6pm-11pm |
| | | | | 30 | 7pm-12am |
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| July | <u> 1</u> | 7pm-12am | August | <u> </u> | 6pm-11pm |
| (15 Days) | 2 | 7pm-12am | (13 Days) | 5 | 7pm-12am |
| | 3 | 6pm-11pm | | 6 | 7pm-12am |
| | 8 | 7pm-12am | | 7 | 6pm-11pm |
| | 9 | 7pm-12am | | 12 | 7pm-12am |
| | 10 | 6pm-11pm | | 13 | 7pm-12am |
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| September | <u> </u> | 7pm-12am | October | 1 | 7pm-12am |
| (14 days) | 3 | 7pm-12am | (15 Days) | 2 | 6pm-11pm |
| | 4 | 6pm-12am | | 7 | 7pm-12am |
| | 5 | 6pm-11pm | | 8 | 7pm-12am |
| | 9 | 7pm-12am | | 9 | 6pm-12am |
| | 10 | 7pm-12am | | 10 | 6pm-11pm |
| | 11 | 6pm-11pm | | 14 | 7pm-12am |
| | 16 | 7pm-12am | | 15 | 7pm-12am |
| | 17 | 7pm-12am | | 16 | 6pm-11pm |
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Evening Market Event Schedule of Dates for 2017

| Month | Day | Event Hours | Month | Day | Event Hours |
|------------------------|-----|----------------|-----------|-----|----------------|
| Мау | 12 | 7pm-12am | June | 2 | 7pm-12am |
| (10 Days) | 13 | 7pm-12am | (13 Days) | 3 | 7pm-12am |
| | 14 | 6pm-11pm | | 4 | 6pm-11pm |
| | 19 | 7pm-12am | | 9 | 7pm-12am |
| | 20 | 7pm-12am | | 10 | 7pm-12am |
| | 21 | 6pm-12am | | 11 | 6pm-11pm |
| | 22 | 6pm-11pm | | 16 | 7pm-12am |
| | 26 | 7pm-12am | | 17 | 7pm-12am |
| | 27 | 7pm-12am | | 18 | 6pm-11pm |
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| | - | | | 25 | 6pm-11pm |
| | | | | 30 | 7pm-12am |
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| | | | | | |
| July | 1 | 7pm-12am | August | 4 | 7pm-12am |
| (15 Days) | 2 | 6pm-12am | (13 Days) | 5 | 7pm-12am |
| | 3 | 6pm-11pm | | 6 | 6pm-12am |
| | 7 | 7pm-12am | | 7 | 6pm-11pm |
| | 8 | 7pm-12am | | 11 | 7pm-12am |
| | 9 | 6pm-11pm | | 12 | 7pm-12am |
| | 14 | 7pm-12am | | 13 | 6pm-11pm |
| | 15 | 7pm-12am | | 18 | 7pm-12am |
| | 16 | 6pm-11pm | | 19 | 7pm-12am |
| | 21 | 7pm-12am | | 20 | 6pm-11pm |
| | 22 | 7pm-12am | | 25 | 7pm-12am |
| | 23 | 6pm-11pm | | 26 | 7pm-12am |
| | 28 | 7pm-12am | | 27 | 6pm-11pm |
| | 29 | 7pm-12am | | | ории гтрии |
| | 30 | 6pm-11pm | | | |
| | | | | | |
| September (15 days) | 1 | 7pm-12am | October | 1 | 6pm-11pm |
| | 2 | 7pm-12am | (14 Days) | 6 | 7pm-12am |
| | 3 | 6pm-12am | | 7 | 7pm-12am |
| | 4 | 6pm-11pm | | 8 | 6pm-12am |
| | 8 | 7pm-12am | | 9 | 6pm-11pm |
| | 9 | 7pm-12am | | 13 | 7pm-12am |
| | 10 | 6pm-11pm | | 14 | 7pm-12am |
| | 15 | 7pm-12am | | 15 | 6pm-11pm |
| | 16 | 7pm-12am | | 20 | 7pm-12am |
| | 17 | 6pm-11pm | | 21 | 7pm-12am |
| | 22 | 7pm-12am | | 22 | 6pm-11pm |
| | 23 | 7pm-12am | | 27 | 7pm-12am |
| | 24 | 6pm-11pm | | 28 | 7pm-12am |
| | 29 | 7pm-12am | | 29 | 6pm-11pm |
| | | | | | |





Richmond Fire-Rescue

General Fire Safety for Food Vendors Including Mobile Food Trucks

General Fire Safety Requirements

Vendors shall meet requirements defined in NFPA 96. This checklist outlines specific fire requirements for vendors and is provided to eliminate or reduce last minute delays to vendors applying for event approval.

| <u>All</u> commercial cooking units (deep fryers, grills, etc) in trailers or trucks shall have an automatic suppression system (meeting ULC300) and at least one portable Class K wet chemical extinguisher. |
|---|
| All commercial deep fryers are required to have a portable Class K wet chemical extinguisher. |
| Vendors using heating or cooking units shall provide for their own use at least one portable multi- purpose extinguisher (minimum 10 pound 4A-60B:C rated). Fire Extinguishers must be visible , accessible , and may not sit on the ground. |
| All commercial cooking units, other than approved self-contained units, require non-combustible hoods, filters, or trays for containing grease laden vapours—must have been cleaned and tagged by a certified Applied Science Technologist Technician (ASTT) or company within the past 6 months. |
| All appliances are required to have appropriate certification and/or listing (e.g. CSA, ULC). |
| All tents and awnings with any heat sources and/or cooking units underneath must be fire treated and labelled to meet NFPA 705 (regardless of clearances - <u>no</u> exceptions). |
| All commercial cooking exhaust hoods must have required filters and trays installed at all times (mesh filters are not permitted). Tagged by a certified ASST within the past 6 months. |
| All extinguishers and automatic suppression systems to have current service completed by an ASTT, complete with stamped service tag. |
| Stand alone stove or burners and self-contained cooking appliances shall be supported on an approved base or non-combustible surface and kept away from combustibles (do not place directly on the ground). No folding tables with oil cooking on top. |
| Propane cylinders and tanks shall be secured to a permanent surface to prevent tipping and located away from cooking and heat devices as per all applicable Gas Codes and Standards. |
| No unattached (spare) propane tanks in cooking area. |
| Temporary electrical power, generators, and any connections to vendors must be proper gauge, properly rated (e.g. CSA, ULC), protected from weather and vehicle traffic and restricted from public access—do not use damaged cords. No household extension cords. |
| Generators may require a noise cover or acceptable non-combustible housing depending on location. Combustible items may not be placed on generators in contact with hot surfaces e.g. tarps. |

For further information or questions, please contact Richmond Fire-Rescue at 604-278-5131, Monday to Friday, 8:15 am to 5:00 pm.

Information contained here is subject to change without notice.