

*DISTRICT OF  
SECHELT  
PARKS, LANDS  
AND ROADS  
TEMPORARY  
RENTAL BYLAW  
NO. 480, 2008*



# DISTRICT OF SEHELDT

## Bylaw No. 480, 2008

### A Bylaw to Provide for Various Mobile Vendors Permits and Special Events Permits, for Sechelt Parks and certain Sechelt Owned Properties and Roads

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- A. **WHEREAS** the District of Sechelt has possession and control of roads and certain dedicated parkland within the Municipality; and
- B. **WHEREAS** the District of Sechelt may rent property, including property held for pleasure, recreation or community uses; and
- C. **WHEREAS** the District of Sechelt may regulate businesses within its jurisdiction; and
- D. **WHEREAS** the District of Sechelt wishes to provide for the temporary incidental sale of food items or other merchandise at locations in a park or on other public land and roads owned by the District of Sechelt; and
- E. **WHEREAS** Council desires to establish procedures for the issuance of permits for such use.

**NOW THEREFORE**, the Council of the District of Sechelt in open meeting assembled enacts as follows:

1. **CITATION**

This Bylaw may be cited for all purposes as “District of Sechelt Parks, Lands and Roads Temporary Rental Bylaw No. 480, 2008.”

2. **DEFINITIONS**

In this Bylaw:

- (a) **“Applicant”** means the “person” (as defined in the Interpretation Act) in whose name an application for a permit under this Bylaw is submitted and who is therefore responsible for compliance with applicable regulations.
- (b) **“Display Area”** means an area of land available for use under this Bylaw as identified in Schedules A-1 and A-2 attached to and forming part of this Bylaw. There are two Display Area sizes which are as follows:
  - (i) **Large Display Area** - area of up to 2.2 meters (approximately 7 feet) in overall width and up to 9.2 meters (approximately 30 feet) in length that is being used or intended to be used by a Seasonal Mobile Vendor. A maximum of one (1) table with four (4) chairs may be set up within or adjacent to a designated Large Display Area.

- (ii) **Small Display Area** - area of up to 2.2 meters (approximately 7 feet) in overall width and up to 1.5 meters (approximately 5 feet) in length that is being used or intended to be used by a Seasonal Mobile Vendor.
- (c) **"Downtown Core"** in this Bylaw, means that area of the District of Sechelt outlined in bold lines on Schedule B attached to and forming part of this Bylaw, defined by the extended centre line of Teredo Street, Shorncliffe Avenue, Dolphin Street and the boundary with the Sechelt Indian Government District.
- (d) **"Fixed Address Business"** means a business which is not a Mobile Vendor, a home occupation or a business operating under a Special Event Permit.
- (e) **"General Mobile Vendor"** means a Mobile Vendor operating on a public road.
- (f) **"Seasonal Mobile Vendor"** means a Mobile Vendor permitted to use a parcel of municipal land identified for such purpose in this Bylaw for a period of time ranging from one day up to a maximum of eight (8) consecutive months (March to October) under the conditions in this Bylaw.
- (g) **"Special Event (Commercial)"** means an event of a temporary nature, which may include commercial activity for profit, and is located on land controlled by the District of Sechelt, for one non-renewable period of up to nine (9) consecutive days duration, or for one day per week for a maximum of four months for uses including an exhibition, fair, carnival, circus, festival, seasonal farmers market, or commercial sports competition or other organized recreational activity where incidental commercial activity may be present.
- (h) **"Special Event (Non-Profit)"** means an event of a temporary nature, organized by a non-profit society or individual which may NOT include incidental or other commercial activity for profit or gain, but which may include incidental commercial activity as a bona fide fund raiser for a charity or other non-profit society and which is located on land controlled by the District of Sechelt, for a non-renewable period of up to nine (9) consecutive days duration, or for one day per week up to a maximum of four (4) months for uses including an exhibition, fair, carnival, festival, sports or recreational competition or demonstration, event or religious ceremony.

### 3. LOCATIONS

- (a) Special Event (Commercial) Permits for the holding of a Special Event may be issued to the applicant, by the Director of Engineering and Public Works, in accordance with the conditions of this Bylaw and subject to availability, for the following parks or Sechelt-owned properties:
  - (i) Hackett Park
  - (ii) Kinnikinnick Park (Playing fields)
  - (iii) Portion of D.L. 1356, GP1, Plan 7858, NWD (near the concrete pad at Davis Bay Beach)

- (iv) Block 7, D.L. 303, Plan 6457 (general area of remainder after exclusions)
  - (v) Lot D, D.L. 1331, Plan 21568 (remainder of the Rockwood Lands outside of the buildings and gardens)
- (b) Seasonal Mobile Vendors Permits may be issued for one of the specific locations identified in Schedules A-1 and A-2 attached to and forming part of this Bylaw and labelled Display Area.
- (c) The vehicle or apparatus from which goods are sold is to be operated only in the exact location specified on the Seasonal Mobile Vendors Permit or at the address or general location proposed for a Special Event.
- (d) Special Events (Non-Profit) may be located:
- (i) in all the locations where Special Events (Commercial) may be located; or
  - (ii) for a maximum of six (6) hours in another maintained park area under the possession and control of District of Sechelt except where restricted by terms of a grant or lease agreement and so as not to interfere with the general use and enjoyment of open park land by the public.
  - (iii) for a maximum of twelve (12) hours on a small designated portion of the non-traffic portion of a road where the adjacent property owner is the applicant or has been notified by the applicant in writing.

#### 4. **APPLICATION FOR PERMITS**

- (a) Written applications for permits to use specified areas in Sechelt Parks and appropriately zoned Sechelt-owned lands, must be submitted to the Director of Engineering and Public Works as follows:
- (i) A General Mobile Vendors Permit application to operate on Sechelt roads outside the Downtown Core, must be submitted at least one month before commencement of the intended use.
  - ii) A Seasonal Mobile Vendors Permit application must be submitted for review by February 1st in the year of commencement of the intended use. Applications received by the February 1<sup>st</sup> deadline will be reviewed against the evaluation criteria outlined in part 4(d) and selections will be made for each of the locations. Applications received after February 1<sup>st</sup> for any remaining locations will be considered in the order that they are received and only once the required application fee is paid. If two or more applications with the required fee are received at the same time, the applications will be assessed against the evaluation criteria outlined in Part 4(d) with the application receiving the highest ranking being selected.

- (iii) A Special Events (Commercial) Permit or Special Events (Non-Profit) Permit application must be submitted at least one month before and may be submitted up to one year before the proposed event.
- (b) The written application is to be accompanied by a general set-up diagram and a picture of the proposed vending apparatus. The District will consider the suitability and appearance of vending apparatus based on the criteria in Section 7 of this bylaw. The District may refuse applications based on this criterion.
- (c) Applications for a General Mobile Vendor, Seasonal Mobile Vendor or Special Event Permit under this Bylaw, that will provide for the sale of food products, will only be considered following approval by the approving authority authorized by the Ministry of Health, which must be arranged by the applicant.
- (d) On February 1st, when all applications for a Seasonal Mobile Vendors Permit are being reviewed or when two or more applications are received at the same time, the selected applicant will be the one who has at the time of granting the permit best satisfied the following evaluation criteria:
  - (i) No history of a prior violation of a permit/licence condition during operation under a previous District of Sechelt permit/licence.
  - (ii) The business is wholly owned by a person or persons resident within the District of Sechelt at the time of application.
  - (iii) The business making application does not already have a permit under this Bylaw for another Display Area.
  - (iv) Longer term of permit.
  - (v) Where two or more applicants applying for the same Display Area are considered generally to be equally suitable, the permit will be granted to one of those applicants selected by lot, chosen in the presence of the applicants.
- (e) In the case of two or more Special Events requested at the same time for the same location and the same dates, the selected applicant will be the one who has at the time of granting the Permit best satisfied the following evaluation criteria:
  - (i) Community-oriented event.
  - (ii) No history of a prior violation of a permit/licence condition during operation under a previous District of Sechelt permit/licence.
  - (iii) Is a District of Sechelt sponsored event.
  - (iv) The event is a regular annual event.
  - (v) Where two or more applicants applying for the same location are considered generally to be equally suitable, the permit will be granted to one of those applicants selected by lot, chosen in the presence of the applicants.

- (f) In the case of two or more General Mobile Vendors Permits requested at the same time, the selected applicant will be the one who has at the time of granting the permit best satisfied the following evaluation criteria:
  - (i) The highest number of persons normally employed on the General Mobile Vending vehicle at the same time.
  - (ii) No history of a prior violation of a permit/licence condition during operation under a previous District of Sechelt permit/licence.
  - (iii) The business is wholly owned by a person or persons resident within the District of Sechelt at the time of application.
  - (iv) The business making application does not already have a permit under this Bylaw for another Mobile Vending vehicle.
  - (v) Longer term of permit.
  - (vi) A General Mobile Vendor Permit has not already been issued for the sale of a similar type of food or retail product.
  - (vii) Where two or more applicants applying at the same time are considered generally to be equally suitable, the permit will be granted to one of those applicants selected by lot, chosen in the presence of the applicants.
- (g) No General Mobile Vendor, Seasonal Mobile Vendor or Special Event (Commercial) Permit will be issued under this Bylaw to a person without a valid Business Licence, although the applicant may apply concurrently for a Business Licence under Sechelt's applicable Business Licence Bylaw.

5. **GENERAL PERMIT CONDITIONS**

- (a) The permit will limit products to be sold by a General Mobile Vendor or a Seasonal Mobile Vendor to those indicated on the permit application and may indicate retail sales or food sales.
- (b) A permit for product sales generating potential waste will be subject to clean-up and waste control conditions.
- (c) A permit issued under this Bylaw will be in writing and labelled "Seasonal Mobile Vendors Permit", "Special Events Permit" and "General Mobile Vendors Permit".
- (d) A permit issued under this Bylaw is not transferable.
- (e) A General Mobile Vendor or Seasonal Mobile Vendor Permit issued under this Bylaw must be displayed on the vehicle at all times where applicable, or in the case of a Special Event Permit in a visible location on the site.

- (f) A permit issued under this Bylaw is issued on the understanding and condition that it is not automatically renewable, that it implies no expectation of renewal and that it ceases absolutely at the end of the period indicated on the permit.
- (g) A permit issued under this Bylaw provides no suggestion or warranty as to the suitability of the location for the successful operation of a business nor to the availability of any service or facility.
- (h) The District may require additional garbage disposal units to be placed on any portion of land covered by a permit issued under this Bylaw. The applicant will be responsible for any related costs incurred.
- (i) The District may require additional washroom facilities to be placed on any portion of land covered by a permit issued under this Bylaw. The applicant will be responsible for any related costs incurred.

6. **SUPPLEMENTARY PERMIT CONDITIONS FOR GENERAL MOBILE VENDORS**

The following regulations apply to General Mobile Vendors and their vehicle or apparatus:

- (a) General Mobile Vendors vehicles or apparatus are **NOT** permitted to conduct business:
  - (i) in the Downtown Core;
  - (ii) on any park, beach or school grounds or on municipal-owned property other than roads;
  - (iii) on a Provincial highway or on Sechelt Inlet Road.
- (b) General Mobile Vendors are permitted to stop on a roadway only while actively engaged in making a sale, except where complying with a traffic regulation, and when all customers have been served, the Mobile Vendors unit must move to a new location.
- (c) General Mobile Vendors are not permitted to stop within 50 metres (165 feet) of a fixed address business selling a similar product.
- (d) The General Mobile Vendors unit must be legally parked when stopped for a business transaction.
- (e) The General Mobile Vendors unit must have someone in attendance at all times. If the sale of food products is involved, one person who holds a Permit to Operate a Food Services Establishment must be on site at all times when food is being prepared or served from the unit.

- (f) The General Mobile Vendors unit must maintain a high level of cleanliness and present a neat appearance to the satisfaction of the Parks Foreman.
- (g) The use of an amplified sound system is prohibited on or about a General Mobile Vendors unit.

7. **SUPPLEMENTARY PERMIT CONDITIONS FOR SEASONAL MOBILE VENDORS**

- (a) When there are two or more Seasonal Mobile Vendor Display Areas on one legal parcel the vendors shall not sell the same type of food or retail product.
- (b) Only one Seasonal Mobile Vendor Permit at a time will be granted for one Display Area.
- (c) Vending apparatus must be suitably located so as to not adversely affect existing District of Sechelt infrastructure.
- (d) The Seasonal Mobile Vendor must maintain a clean work and storage area and present an overall neat appearance to the satisfaction of the Parks Foreman.
- (e) Vending units shall not have any lights, sounds or actions which could be a distraction for motorists and/or pedestrians. Designs, colours and graphics for any unit will be subject to review and approval by the Parks Foreman to assure aesthetic compatibility with surrounding development and scenery. Appearance of vending apparatus will be considered as a criterion for selection of mobile vendors by the District.
- (f) The holder of a valid Food Safe Certificate must be on site at all times food is being served from a Mobile Vendor.

8. **SUPPLEMENTARY PERMIT CONDITIONS FOR SPECIAL EVENT (COMMERCIAL AND NON-PROFIT)**

- (a) Special Events (Commercial and Non-Profit) shall be subject to the provisions of District of Sechelt Parks Bylaw No. 116 and subsequent amendments, and/or related Park Use policies.
- (b) Any vending within the Special Event area must not infringe on any adjacent Seasonal Mobile Vendor Display Areas as identified in Schedules A-1 and A-2 attached to and forming part of this Bylaw.
- (c) Commercial activities within a non-profit Special Event must submit a separate application and pay the appropriate permit fees and damage deposit.



- (d) The event coordinator\applicant will be responsible for any damage to parks, District-owned property or District roads by any vendors, public participants and/or other groups\organizations participating in activities relating to the Event.

9. **PERMIT FEES**

- (a) The fees for a Seasonal Mobile Vendors Permit, General Mobile Vendors Permit or Special Events Permit to use a portion of public property or public roads, are over and above the requisite Business License fees. A person who is issued a permit under this Bylaw must pay the applicable fees for the total requested duration, at the time of application, based on the following:

- (i) Special Event (Commercial) Permit

- The fees are:

- (A) \$200.00 (Two Hundred Dollars) per day or portion thereof for the use of Block 7.

- (B) \$100.00 (One Hundred Dollars) per day or portion thereof for any other location.

- (ii) Special Events (Non-Profit) Permit

- The fee is:

- \$5.00 (Five Dollars) per day or portion thereof for a Special Event (Non Profit) Permit for all locations.

- (iii) Seasonal Mobile Vendors Permit

- The fee is:

- \$200.00 (Two Hundred Dollars) per calendar month or portion thereof, for a Display Area.

- (iv) General Mobile Vendors Permit

- \$100.00 (One Hundred Dollars) per calendar month period or portion thereof.

- (v) Pro rated Fees:

- There are no pro-rated fees or fee reductions for shorter permit periods.

- (b) A deposit for damage, clean-up and waste control will be:

- (i) \$200.00 (Two Hundred Dollars) for each Seasonal Mobile Vendors Permit.
  - (ii) \$50.00 (Fifty Dollars) for each General Mobile Vendors Permit.
  - (iii) \$250.00 (Two Hundred and Fifty Dollars) for each Special Events Permit, except for a Special Event Permit for Block 7 which shall be \$500 (Five Hundred Dollars).
- (c) The damage, clean up and waste control deposit will be refundable at the conclusion of the validity of the permit where the grounds about the Display Area, Park, District owned land, street or other general operating location have been kept in a neat and tidy condition during the period of operation and where no costs have been incurred by the District of Sechelt in order to clean up, collect garbage or make repairs at that location as a result of a General Mobile Vendor, Seasonal Mobile Vendor or Special Event.
- (d) A key deposit of \$20.00 (Twenty Dollars) will be charged per key.
- (e) The fee for electricity use (where electricity is available) is \$50.00 (Fifty Dollars) per day. Electricity use is restricted to Special Events only.

10. **INSURANCE REQUIREMENTS**

- (a) The applicant for a permit under this Bylaw must obtain insurance and show proof of general liability insurance coverage, including without limitation, coverage for the indemnity and release provisions herein, which meet the following minimum requirements:
- (i) District of Sechelt, including its officers, officials, employees and volunteers, are to be named as additional insureds with a cross liability clause.
  - (ii) Comprehensive general liability coverage insuring against liability arising from the insured's activities on municipal property.
  - (iii) Coverage effective for at least the duration of the activity.
  - (iv) Minimum Liability Coverage of not less than \$2,000,000 third party liability insurance, including coverage of at least \$2,000,000 per occurrence and \$2,000,000 for participant liability coverage, to cover bodily injury and/or death to any one or more persons including voluntary medical payments and property damage.
  - (v) District of Sechelt to receive 60 days prior written notice of cancellation of insurance coverage.
  - (vi) The Applicant shall provide the Municipality with evidence of such insurance coverage in the form of an executed copy of a Certificate of

Insurance in a form satisfactory to the Municipality, prior to granting a permit.

- (vii) The insurance coverage shall be primary insurance as respects the District of Sechelt, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the District of Sechelt, its officers, officials, employees or volunteers shall be in excess of this insurance and shall not contribute to it.
- (viii) It shall be the sole responsibility of the Applicant to determine what additional insurance coverage, if any, including but not limited to Worker's Compensation and Participants Insurance, are necessary and advisable for its own protection and/or to fulfil its obligations under this permit. Any such insurance shall be maintained and provided at the sole expense of the Applicant.

11. **ADMINISTRATION**

- (a) This Bylaw shall be administered by the Director of Engineering and Public Works.

12. **ENFORCEMENT AND PROHIBITION**

- (a) This Bylaw may be enforced by the Bylaw Enforcement Officer, an officer of the local detachment of the RCMP or the Director of Engineering and Public Works or a person duly acting as agent thereof.

- (b) The following are included as specific prohibitions under this Bylaw:

- (i) **Mobile Vendors Without Permit**

- No person shall offer for sale any product within a Park or on Sechelt owned property identified in this Bylaw except where that person has obtained and paid for a valid permit issued under the provisions of this Bylaw.

- (ii) **Stopping to Sell Products**

- No person shall stop on a Public Road to sell or attempt to sell products from a Mobile Vendors unit except in accordance with a valid General Mobile Vendors Permit under this Bylaw.

- (iii) **Mobile Vendors in Downtown Core**

- No person shall operate as a General Mobile Vendor in the Downtown Core as defined in this Bylaw.

- (iv) **Overnight at Display Area**

No person shall park or locate or permit to be located or permit to remain a Mobile Vendor's vehicle or apparatus on District of Sechelt property after 10:30 p.m. or before 6:30 a.m., except under a valid and applicable Special Events Permit.

(v) Mobile Vendors on Major Road

No person shall operate as a General Mobile Vendor on Sechelt Inlet Road or on Highway 101 in Sechelt.

(vi) Vendor within 50 metres of Businesses

No person shall be a Mobile Vendor within 50 metres (165 feet) of a fixed address business selling a similar product.

(vii) Amplified Sound

No person shall use amplified sound in conjunction with, on, or about a vehicle or apparatus used by a Mobile Vendor, except under a valid and applicable Special Events Permit.

13. **OFFENCE AND PENALTY**

- (a) Every person who offends against or violates a provision of this Bylaw or who suffers or permits an act or thing to be done in contravention of or in violation of a provision of this Bylaw or who neglects to do or refrains from doing anything required to be done by a provision of this Bylaw, shall be deemed to be guilty of an offence against this Bylaw and shall be liable for a fine imposed under a Municipal Ticket Information Bylaw that may be in effect or, upon conviction, shall be liable to a fine not exceeding Two Thousand Dollars (\$2,000.00) or six (6) months imprisonment, or both.
- (b) Each day a violation of a provision of this Bylaw exists or is permitted to exist, shall constitute a separate offence.

14. **SEVERABILITY**

Should any section, subsection, clause, paragraph or sentence of this Bylaw be declared invalid by a court of competent jurisdiction, no other part of this Bylaw shall be deemed to be invalid and the balance of the Bylaw shall remain in force as a whole except for the part declared invalid.

15. **REPEAL**

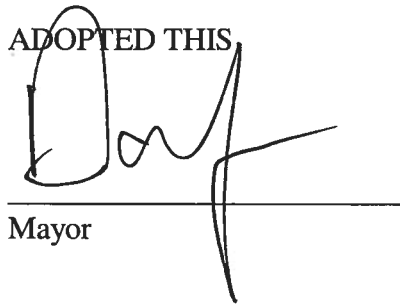
District of Sechelt Parks, Lands and Roads Temporary Rental Bylaw No. 265, 1996, and all amendments thereto, is hereby repealed.

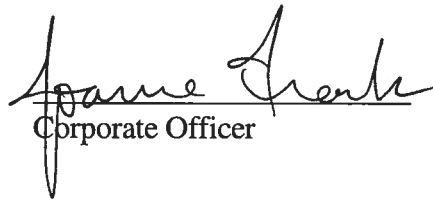
READ A FIRST TIME THIS            19th    DAY OF            December, 2008

READ A SECOND TIME THIS        19th    DAY OF            December, 2008

READ A THIRD TIME THIS         19th    DAY OF            December, 2008

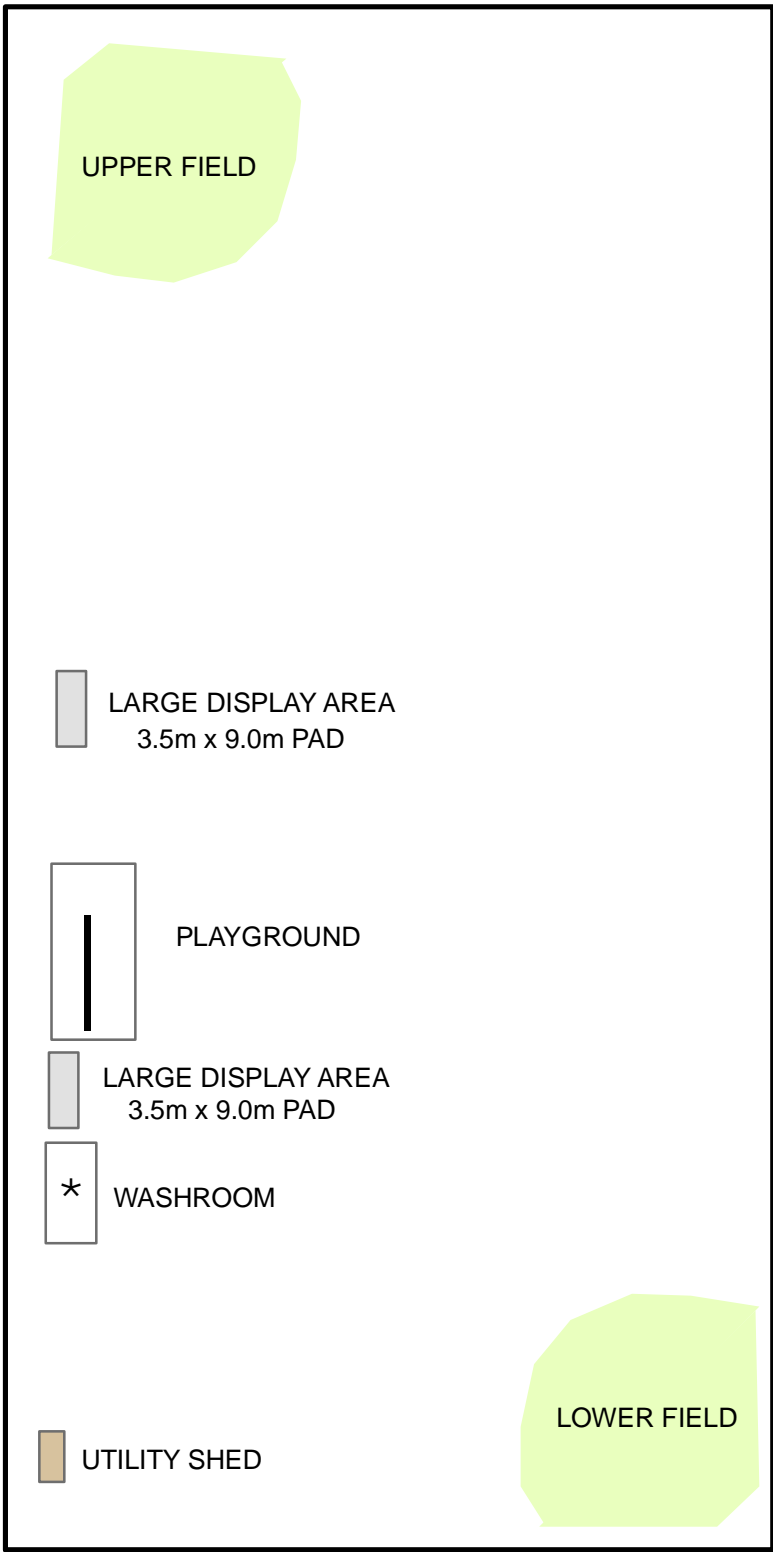
ADOPTED THIS                        21st    DAY OF            January, 2009

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Corporate Officer

I certify this to be a true and accurate copy of  
"District of Sechelt Parks, Lands and Roads  
Temporary Rental Bylaw No. 480, 2008".

\_\_\_\_\_  
Corporate Officer



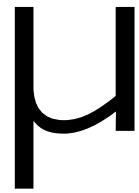
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Ripple Way

Vendor Locations  
Parks Lands & Roads Temporary Rental Bylaw

DISTRICT OF SECHELT  
Bylaw 480, 2008  
Schedule A-1  
Kinnikinnick Park





SUNSHINE COAST HIGHWAY

PARKING LOT

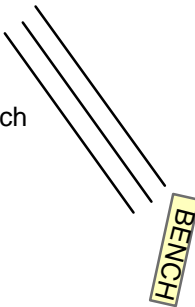
Large Display Area



6m x 6m

BENCH

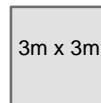
Steps to beach



BENCH



WASHROOM



3m x 3m

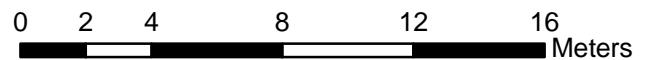
Small Display Area

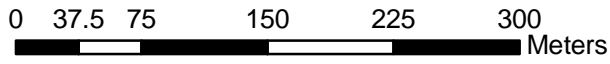
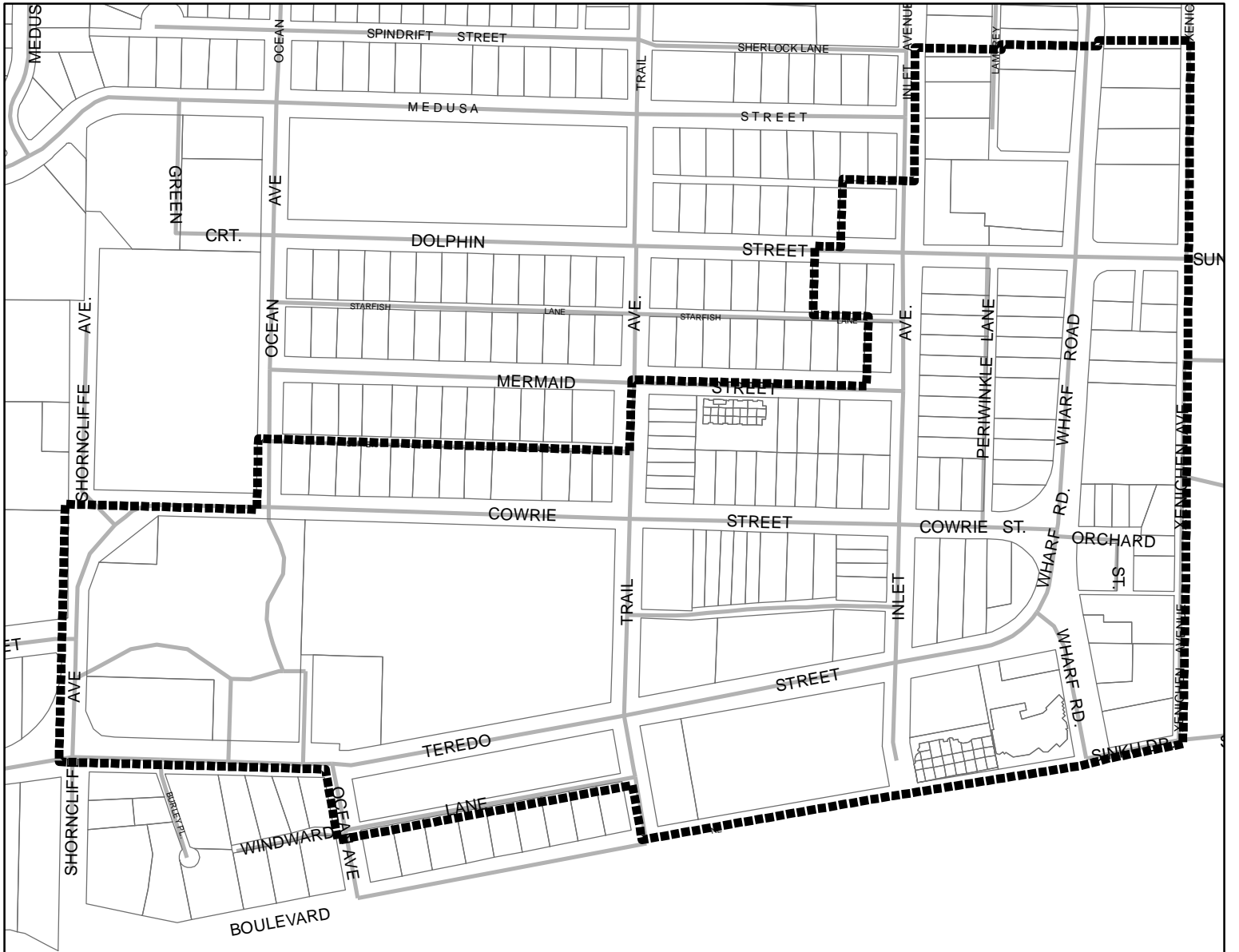
Vendor Locations  
Parks Lands & Roads Temporary Rental Bylaw

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DISTRICT OF SECHELT  
Bylaw 480, 2008  
Schedule A-2

Davis Bay Beach





Parks Lands & Roads Temporary Rental Bylaw  
 DISTRICT OF SECHLT  
 Bylaw 480, 2008  
 Schedule B  
 Downtown Core