



## DISTRICT OF INVERMERE

## POLICY MANUAL

<b>DEPARTMENT: Planning</b>		<b>POLICY NUMBER: 2003-03</b>	
<b>POLICY TITLE: Sidewalk and Right-of-Way Occupancy</b>			
Authority	Legislative: <input type="checkbox"/> (Council)  Administrative <input checked="" type="checkbox"/>	Effective Date: April 8, 2003  Date for Review:  Revision Date: February 10 2015	
Council Resolution Number: 15-0211		Issue Date: February 10 2015	

### **POLICY PURPOSE:**

To establish guidelines for the evaluation and orderly establishment and use of municipal sidewalks and parking spaces for sidewalk cafés, vending carts, street performers (buskers) and sales tables.

### **POLICY STATEMENT:**

#### **Authority to Act**

Council Resolution

### **POLICY PROCESS:**

The use of municipal sidewalks and parking spaces in the downtown area may be permitted for restaurants, sales tables, vending carts and buskers at the discretion of Council.

### **APPLICATION PROCESS**

The District will receive applications by interested applicants on an ongoing basis for vendor space on municipal sidewalks or right of ways. The Sidewalk and Right of Way Occupancy application form must be completed for each vendor space being sought. The completed application, together with the required supporting information will be reviewed by Staff and Council to determine successful applicants. Street performers (buskers) and sales tables associated with adjacent businesses are exempt from the full evaluation process.

The following table outlines the evaluation criteria and the evaluation weighting used in the review process.

**Evaluation Requirements:**

<b>Criteria</b>	<b>Evaluation Weighting</b>	<b>Required Vendor Information</b>
Business Plan	<b>25%</b>	<ul style="list-style-type: none"> <li>• Provide a describing the preferred location of the vendor site you are applying for,</li> <li>• Operating season,</li> <li>• operating hours,</li> <li>• Multiyear plans for continuing business in Invermere if applicable.</li> </ul>
Applicant's qualification and experience	<b>25%</b>	<ul style="list-style-type: none"> <li>• Provide a resume or description of any previous related business experience. Letters of reference are preferred.</li> </ul>
Unit design	<b>25%</b>	<ul style="list-style-type: none"> <li>• Description and photograph of the proposed cart, enclosure or truck that will be used</li> <li>• photos and internal layouts</li> <li>• Description and photographs of any intended improvements to existing equipment.</li> <li>• Plot plans and patio deck designs required if applicable. Plot plans must conform with District access clearance requirements</li> </ul>
Menu or product diversity.-	<b>25%</b>	<ul style="list-style-type: none"> <li>• Provide menu or non-food item descriptions,</li> <li>• Details how they will contribute to such values as diverse food or product offerings for residents and tourists, healthy eating, and use of local ingredients or supplies.</li> </ul>
	<b>100%</b>	

**Application Selection and Approval**

Staff will invite candidates from an approved list by Council to apply for a business licence, which must be accompanied with a health permit, CSA Safety Authority Certification, insurance and all required fees and any other supporting information as may be required to meet Bylaw requirements. Council may approve extensions for up to five-years to holders of valid and existing licences, if they apply for renewal before December 31st each year and are confirmed to still be in good standing with the District.

**General Regulations:****Sidewalk Cafés, Sales Tables and Patio Decks**

1. Sidewalk cafés, sales tables and patio decks proposed which are not associated with existing businesses are limited to the use of a parking stall, a portion of sidewalk or both.
2. All sidewalk cafés, sales tables and patio decks that are proposed by existing businesses, must be located directly adjacent to the existing business that is represented.

3. A sidewalk cafés, sales tables and patio decks must leave a minimum of 1.6m, 63 inches of sidewalk unused and clear for pedestrian traffic.
4. Sidewalk cafés and sales tables shall not extend onto the sidewalk or parking space in front of an adjacent business without the agreement of that adjacent business provided to the District in writing.
5. Sidewalk cafés, sales tables and patio decks must obtain the necessary licensing from the District, the Ministry of Health Services and other relevant or applicable licensing or regulatory agencies.
6. Sidewalk cafés, sales tables and patio decks must provide proof of insurance in the amount of \$5,000,000 to the satisfaction of the District of Invermere that indemnifies, saves harmless, releases and forever discharges the municipality from any and all damages, injuries or claims arising from the use of the sidewalk.
7. The District retains the right to revoke any permission granted to use the sidewalk for such purposes at any time where it is found that the use is creating difficulties deemed unacceptable to the District.
8. All sidewalk cafés, sales tables and patio decks are required to pay established fees and securities for use of the municipal sidewalk or a parking space as set by Council in Schedule "A".
9. All sidewalk cafés, sales tables and patio decks are required to sign an encroachment agreement with the municipality.
10. No signage will be permitted on sidewalk cafés, sales tables and patio decks except upon pre-printed umbrellas.
11. The owner/operator of the business shall keep the space and surrounding area clean and clear of all waste, discarded debris and food stains.
12. All sidewalk cafés, sales tables and patio decks that utilize municipal parking stalls shall utilize a platform approved by the District of Invermere.
13. All new patios approved under new encroachment agreements after May 10, 2011 will be the responsibility of the successful applicant for construction, maintenance, storage, placement and removal. The District will inspect and approve the design, condition and placement of the patio structures annually.
14. Requirement for the District of Invermere to approve the structural and architectural design for all new patios approved on municipal property.
15. Existing Patio encroachment agreement holders (3) at January 1, 2015, include the Bistro, Quality Bakery, and Candyland utilizing wooden platforms constructed by the District, shall remain under the current arrangement with the District being responsible for the placement, removal, storage and performance of normal seasonal maintenance. The Districts Patio service responsibilities to these businesses will terminate on the earlier of: January 1, 2018 or by way of termination of the agreement by the business prior to this date.

## **Street Vendors**

1. Street vendors are limited to the use of a parking stall or a portion of sidewalk.
2. A vending cart table shall not extend or be placed onto the sidewalk or parking spaces in front of an adjacent business without the agreement of the adjacent business provided to the District in writing.
3. Vending carts must not exceed 1.5 meters in width and 1.8 meters in length.
4. Any sun/rain shelters must be supported by the cart and shall have a minimum canopy height of 2.0 meters and a maximum length, width or diameter of 2.5 meters.
5. All operators must ensure that a minimum of 1.6 meters or 63 inches of sidewalk remains unused and clear for pedestrian traffic.
6. Street vendors must obtain the necessary licensing from the District, the Ministry of Health Services and other relevant or applicable licensing or regulatory agencies.
7. Street vendors must provide proof of insurance in the amount of \$5,000,000 to the satisfaction of the District of Invermere that indemnifies, saves harmless, releases and forever discharges the municipality from any and all damages, injuries or claims arising from the use of the sidewalk.
8. The District retains the right to revoke any permission granted to use the sidewalk for such purposes at any time where it is found that the use is creating difficulties deemed unacceptable to the District.
9. All street vendors are required to pay an established fee for use of the municipal sidewalk or a parking space as set by Council in Schedule "A".
10. All street vendors are required to sign a sidewalk encroachment agreement with the municipality.
11. Successful applicants for vending carts must provide a security deposit of \$400 prior to the commencement of business to ensure that the site is properly maintained.
12. No third party signage will be permitted, except upon pre-printed umbrellas.
13. All signs advertising the sale of goods must be an integral part of the vending cart.
14. The owner/operator of the business shall keep the space and surrounding area clean and clear of all waste, discarded debris and food stains.

## **Street Performers**

1. Street performers are limited to one performer per block face.
2. The use of any amplification equipment is prohibited.
3. Street performers cannot block doorways, display windows, impede pedestrian access or impede vehicular access to parking spaces.
4. Street performers cannot jeopardize the comfort or safety of pedestrians or adjacent businesses.
5. The use of sharp or dangerous objects is prohibited.
6. Musicians are permitted to sell recordings of their original work without a street-vending permit. No other sales are permitted.
7. Street performers are limited to a maximum performance period of 60 minutes at one location. After 60 minutes performers must move to a new location at least one full block away.
8. Street performers may not begin a performance on a block face where another performer has already begun.
9. The District of Invermere reserves the right to revoke a permit if the requirements above are not complied with.
10. All street performers are required to pay the fees as outlined in the attached Schedule "A"

## ***SCHEDULE "A"***

Fees for the use of municipal sidewalk and right-of-way:

1. Application fee: \$50
2. Security deposit: \$400
3. Vending Carts:
  - a) Monthly Fee \$200 per month
  - b) Daily Fee \$30 per day
4. Sidewalk Cafés, Sales Tables and Patio Decks:
  - a) Patio Decks \$650 per season
  - b) Use of Sidewalk \$50 per month
5. Street Performers:
  - a) Yearly Permit \$25 per year
  - b) Daily Fee \$5 per day