

CITY OF SASKATOON

COUNCIL POLICY

NUMBER

C09-013

POLICY TITLE <i>Use of Sidewalks, Boulevards and Parking Stalls – Vending</i>	ADOPTED BY: <i>City Council</i>	EFFECTIVE DATE <i>May 2, 1988</i>
		UPDATED TO <i>March 27, 2017</i>
ORIGIN/AUTHORITY <i>Legislation and Finance Committee Reports 14-1988, 19-1988, 36-1988; and 4-1994; Administration and Finance Committee Report No. 9-1998; Planning and Operations Committee Report 9-2014; and Item 8.1.12 Standing Policy Committee on Planning Development and Community Services – March 27, 2017.</i>	CITY FILE NO. <i>370-1</i>	PAGE NUMBER <i>1 of 7</i>

1. PURPOSE

To enhance the overall image and economic vitality of commercial areas through the provision of vending on public sidewalks, boulevards and on-street parking stalls.

2. DEFINITIONS

- 2.1 Approved Vending Cart Sites - sites determined by the Community Services Division to be appropriate for Vending on public Sidewalks or Boulevards.
- 2.2 Boulevard – that portion of the right-of-way that extends from the edge of the Street to the property line of the adjacent property, not including the Sidewalk.
- 2.3 Curb – the dividing line of the Street between the part of the Street intended for the use of vehicles and that intended for pedestrians whether marked with a curbstone or not.
- 2.4 Parking Patio – a Sidewalk Cafe which has been extended to include the temporary conversion of designated Parking Stall(s) located on public Streets.
- 2.5 Parking Stall – any portion of a parking area marked by one or more painted lines, number, pole, sign or other device to indicate that it is intended for the parking of a vehicle.

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- 2.6 Sidewalk – portion of the right-of-way designed and intended for use by pedestrians.
- 2.7 Sidewalk Cafe - a group of tables and chairs and other accessories situated and maintained upon a public Sidewalk or Boulevard for the consumption of food and beverages sold to the public from, or in, an adjoining indoor restaurant, lounge or alcohol establishment
- 2.8 Street – a road, alley or other place designed and intended for use by the general public for the passage of vehicles and pedestrians, but does not include a parking lot, whether privately or publicly owned.
- 2.9 Vending Cart - stationary stands, kiosks, or mobile units such as hand carts that sell food and beverage items or wares and merchandise on public Sidewalks.
- 2.10 Vendor - any person(s) who owns and/or operates a Vending Cart, Sidewalk Cafe, or Parking Patio on public right of way.
- 2.11 Vending – engagement in the sale of beverages, food, and other approved products.

3. POLICY

Subject to the conditions of this policy, public Sidewalks, Boulevards and on-street Parking Stalls may be temporarily used for the purposes of the following:

- Vending Carts;
- Sidewalk Cafes; and
- Parking Patios.

This policy does not apply to Vending from pedal powered or motorized vehicles.

This policy does not apply to private property, special events or festivals.

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3.1 Location

- a) Vending on public Sidewalks, Boulevards, and on-street Parking Stalls shall be permitted only on Approved Vending Cart Sites, as an approved Sidewalk Cafe, or as an approved Parking Patio.
- b) Approval of Vending Cart Sites, Sidewalk Cafes or Parking Patios shall be based on the following criteria:
 - i) There shall be no loading zone, taxi stand, accessibility ramp, bus stop or bus shelter at the Curb.
 - ii) There shall be a minimum of 3.0 metres (approx. 10 feet) between any portion of a Vending Cart and the Curb return.
 - iii) A minimum clear passageway of not less than 2.0 metres (approx. 6.5 feet) for pedestrians shall be maintained and free of any physical obstructions such as utility poles, fire hydrants, bus shelters, parking pay stations, trees, temporary signs, sandwich boards, benches or garbage receptacles. Tree grates must be in good condition and flush to the sidewalk surface if they are located within the 2.0 metre passageway.
 - iv) Vending Carts must allow a minimum of 1.5 metres (approx. 5 feet) of Sidewalk between private property (or any other obstruction) and the Vending Cart unit, unless permission is granted from the Community Services Division and the owner of the applicable building or structure.
 - v) Sidewalk Cafes and Parking Patios are subject to the regulations set out in the City's Sidewalk Cafe and Parking Patio Guidelines and Zoning Bylaw.
- c) The Vendor shall not conduct business in such a way as would restrict or interfere with the ingress or egress of the adjacent property owner or constitute an obstruction to adequate access by fire, police or sanitation vehicles.

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- d) Neither the Vending Cart, nor any items relating to operation of the Vending business, shall lean against or hang from any building or other structure without permission from the owner of the applicable building or structure.
- e) To avoid unnecessary competition, Vending Carts shall not be located within 20.0 metres (approx. 65 feet) of any business (including another Vendor) which is selling similar products.
- f) Business Improvement Districts shall allocate Approved Vending Cart Sites to individual applicants in accordance with this policy.
- g) For those Approved Vending Cart Sites outside of Business Improvement Districts, the General Manager, Community Services Division shall allocate Approved Vending Cart Sites to individual applicants on a first-come, first-served basis.

3.2 Vending Cart Units

- a) Vending Cart units shall be of good quality and aesthetically pleasing in appearance. They shall not have any lights, sounds, or actions which could be a distraction for motorists and/or pedestrians.
- b) Vending Cart units must be approved by the Saskatoon Health Region.

3.3 Maintenance of Approved Vending Cart Sites, Sidewalk Cafes and Parking Patios

- a) The Approved Vending Cart Site, Sidewalk Cafe or Parking Patio shall be kept clear of all garbage and litter resulting from Vending operations.

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- b) There shall be no permanent modifications made to the public right of way. Any damage to the Sidewalk, Boulevard, Street or other public structures resulting from Vending shall be repaired by the City and the costs paid by the Vendor.
 - c) Vending Carts, other than stationary stands or kiosks that have been secured against entry, must be removed from the Sidewalk or Boulevard when not in operation.
- 3.4 Insurance - minimum liability insurance of \$2,000,000 is required for each Approved Vending Cart Site, Sidewalk Cafe or Parking Patio.
- 3.5 Theft - the City assumes no responsibility for any theft of property owned by the Vendor.
- 3.6 Licences - all Vendors shall be required to obtain a licence under *The Business Licence Bylaw, 2021*. Parking Patios must, in addition, pay all required parking fees through purchase of meter hood(s).
- 3.7 Indemnification - the Vendor shall indemnify and save the City harmless in respect to all activities undertaken by the Vendor.
- 3.8 Special Events and Festivals - unless otherwise determined by Administration, an individual licensed for an Approved Vending Cart Site, Sidewalk Cafe, or Parking Patio shall also have authority to provide vending services at that site during special events or festivals.
- 3.9 Legislation - the Vendor must abide by all laws and regulations, bylaws and resolutions governing the vending operation and must satisfy all levels of government agencies (i.e. Saskatoon Health Region, Police Service etc.). Sidewalk Cafes and Parking Patios are subject to the City's Sidewalk Cafe and Parking Patio Guidelines.
- 3.10 Policy Compliance - the City reserves the right to withdraw Vendor privileges at any location for failure to meet one or more of the requirements outlined in this policy.

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4. RESPONSIBILITIES

4.1 Board of Management, Business Improvement Districts

- a) Administer applications for Approved Vending Cart Sites within Business Improvement Districts.
- b) Submit requests for approval of Vending Cart sites to the General Manager, Community Services Division by March 1st of each year.
- c) Ensure Vendors comply with the terms and conditions of this policy (and any additional conditions specified by the Board of Management) for those Approved Vending Cart Sites within Business Improvement Districts.
- d) Provide notification of approval to the General Manager, Community Services Division for Vending Carts, Sidewalk Cafes and Parking Patios within Business Improvement Districts.

4.2 General Manager, Community Services Division

- a) Determine and/or approve sites appropriate for Vending on public Sidewalks, Boulevards and Streets.
- b) Administer applications and allocate Approved Vending Cart Sites in accordance with this policy for all sites other than those within Business Improvement Districts.
- c) Administer applications and approve Sidewalk Cafes and Parking Patios in accordance with this policy, the Sidewalk Cafe and Parking Patio Guidelines, and the Zoning Bylaw.
- d) Ensure Vendor compliance with terms and conditions of this policy.
- e) Assume responsibilities identified in Section 4.1 until such time as the Business Improvement District is in a position to do so.

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- f) Ensure all Vendors are licensed.
- g) Collect all licence fees.
- h) Administer parking reservations for Parking Patios and collect all respective parking fees.

4.3 City Council

- a) Approve amendments to this policy.