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SEASONAL VENDING PERMIT PROCEDURE

SUMMARY

Title of Document:	Vending Permit – Seasonal, Procedure
Title of Designated Responsible Manager:	Development Manager, Planning & Design
Original Date Approved:	April 26, 2017
Approved By:	General Manager, Planning & Design
Last Revision:	
Next Review Date:	Not defined

PURPOSE

To provide a procedure to regulate a Seasonal Vending Use in appropriate locations in P-B (Public Building), P-R (Public Park), V (Valley), DC (Direct Control) or FUD (Future Urban Development) districts, as determined by the Development Officer.

DEVELOPMENT REQUIREMENTS

1. Siting:

- a) Placement of the vending vehicle or structure or any associated tables/chairs/umbrellas etc. or any outside storage of recreational equipment, must not:
 - encroach on public property or obstruct or cause an obstruction to pedestrian movements or vehicular traffic flows in the right-of-way,
 - usurp or obstruct a parking space required by a development permit,
 - materially affect pedestrian or vehicular circulation on-site.
- b) Placement of the vending vehicle or structure should take into consideration how access for and service to mobility-impaired and sight-impaired customers will be provided.

2. Appearance:

The vending vehicle or structure must be in good repair. Damaged, rusted, dented or incompletely repaired vehicles or structures are not acceptable.

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3. Signage:

- a) Apart from an “Open and Hours” sign, digital signage is not allowed.
- b) Sandwich boards are not permitted on City sidewalks and if placed on-site must not interfere with pedestrian or vehicular circulation and must be removed from the site at the expiration of the permit.
- c) Signage must not carry 3rd party messaging.

4. Operational Requirements:

- a) Hours of Operation: in accordance with the requirements of the landowner but no earlier than sunrise and no later than sunset.
- b) Potential Hazards:
 - The site around the vending vehicle or structure must be kept clean and clear of debris and obstructions.
 - The vending vehicle or structure and associated tables, chairs, umbrellas, or equipment must be secured in inclement weather, especially high winds, and after hours.
- c) Seasonal Limitations: the vending operation is limited to no more than 7 contiguous months per calendar year after which the vending vehicle must be removed to an approved location or a structure left in place must be shuttered and secured.

5. Access to and Use of Facilities and Utilities On-site

- a) Garbage Collection: The vending operator must have access to the collection services available on-site or must arrange for separate garbage collection/disposal.
- b) Sanitary Facilities: If required by the Development Officer, the vending operator must arrange for patron access to sanitary facilities available on site or must arrange for separate temporary sanitary facilities.
- c) Utility Services: Any water services or electrical services from the primary building to the vending vehicle or structure must be provided in safe and secure manner. Plumbing and/or Electrical Permits may be required.

6. Other applicable Permissions, Permits and Licenses:

- a) Landowner permission is required. If the landowner is the City of Lethbridge additional requirements or restrictions may be applied, including but not limited to:
 - Operational and time frame restrictions,
 - Provision of a Certificate of Insurance naming the City of Lethbridge as an

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- additional insured,
 - Provision of a security deposit,
 - A fee for lease of land or premises,
- b) The vending operator must obtain a City of Lethbridge Business License.
- c) All applicable permits and licenses must be obtained and adhered to.

APPLICATION PROCESS

1. Submission Requirements:

- a) An aerial view of the site with the following drawn approximately to scale:
- The location of the proposed vending vehicle or structure and any associated tables, chairs, umbrellas, equipment storage areas, sandwich board signs, etc.
 - the location of any proposed utility service connections to the primary building or to utility feeds on the site,
 - the location of any garbage collection area and any temporary sanitary service that is separate from those already provided on-site and meant to serve the vending operation.
- b) Photographs of all sides of the proposed vending vehicle or structure with dimensions shown.
- c) A written description of the proposed vending operation including:
- The type of food and beverage service or equipment rental service,
 - The days and hours of operation,
 - The date that the vending vehicle or structure will be put in place and the date it will be removed and the location where the vehicle or structure will be relocated or stored when it is removed,
 - If the vending operation is in a permanent or semi-permanent structure, the date it will be opened and the date it will be shuttered and secured,
 - How electrical, water, heat, cooking fuel, garbage collection, and sanitary services will be provided.
- d) A letter from the landowner stating that he/she agrees to all the details and descriptions contained in items a) through c). These must be itemized on the letter.
- e) If applicable, the Food Handling Permit from Alberta Health Services.

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- f) Any other information the Development Officer deems necessary to properly assess the application.
- g) The application fee as determined by the Development Officer in accordance with the Development Fees and Charges Bylaw 5197, as may be amended or replaced.

2. Application Review

- a) The Development Officer will determine if a proposed location is appropriate and may consider, but is not limited to considering, the following factors:
 - Proximity to commercially zoned areas, busy parks, multi-family housing, or other activity nodes that attract pedestrian activity,
 - The amount of public patronage likely at the location and the possible enhancement of service delivery and contribution to neighbourhood or park vitality.
 - Visibility from the adjacent road way, the design of vehicular access and possible obstruction of sight lines,
 - The intent of a Direct Control district where a Seasonal Vending use is proposed.
- b) The Development Officer will factor compatibility with the primary use on the property as well as uses on neighbouring properties into the review and decision.
- c) Depending on the nature and magnitude of the proposal, the Development Officer may determine that the application should be circulated to:
 - internal City departments for input on potential operational impacts, and/or
 - neighbouring landowners for input on potential land use impacts.

DECISION

1. Refusal of the application:

The Development Officer will provide a letter explaining why the application was refused.

2. Approval of the application:

- a) The Development Officer will provide a permit issued under the “Seasonal Vending Policy”.
- b) The Permit will specify the time frame for which the vending operation is approved which may or may not be the same as the time frame applied for.
- c) The Permit may specify additional requirements which must be complied with.

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3. Permit Limitations:

- a) The permit applies only to the specified vending operation at the specified location for the time frame specified in the permit. The permit cannot be transferred to another vendor or to another location.
- b) If the approved time frame is less than the allowable 7 contiguous months and the vendor wishes to extend the approval for the remaining time the vendor may apply for an extension by letter provided that no aspect of the operation as approved by the permit will be changed and the landowner approves the extension. Approval of an application for an extension is not guaranteed.
- c) A new application must be made for the same vending operation at the same location each calendar year. Issuance of a permit in previous years is no guarantee of a permit in the subsequent years.
- d) The Development Officer may rescind the permit (by registered letter to the vendor and landowner) and require the vending operation to cease and may require it be removed from the property if:
 - the vending operation is determined to be unsafe,
 - the landowner withdraws permission for the vendor to be on the property,
 - the vendor fails to comply with the permit or the Development Requirements outlined in the Seasonal Vending Permit Procedure, or the Seasonal Vending Policy,
 - it is determined that the vending operation is creating unresolvable impacts on or conflicts with:
 - pedestrian or traffic movements in the right-of-way,
 - the use of the primary building on-site or functionality of the parking lot,
 - the use, value, or enjoyment of neighbouring properties.
- e) The Development Officer may also Order the vending operation to cease and may require it be removed from the property under Section 545 and Section 546 of the Municipal Government Act, in which case the Order may be appealed in accordance with Section 547 of the Municipal Government Act.

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APPEALS

1. An Appeal may be made on:
 - a) the decision to refuse an application,
 - b) the time frame or additional requirements stated on a permit, or
 - c) the decision to rescind a permit.
2. The Appeal shall:
 - a) be made in writing and submitted to the Planning & Design Department within 21 days of the date on the letter or permit as the case may be.
 - b) be decided upon by the General Manager of Planning & Design whose decision is final.

RELATED POLICIES, PROCEDURES, DOCUMENTS, OR FORMS

- Seasonal Vending Application Form
- Vending – Seasonal, Policy
- Land Use Bylaw 6300
- Municipal Government Act

RESPONSIBILITY FOR PROCEDURE

- Development Officers, Planning & Design

CONTACTS

- Development Services
developmentservices@lethbridge.ca
403-320-3920

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PROCEDURE STATUS

Current Status:	In Effect				
Policy History:	Date	Approval Body	Change Summary		
Original	April 26, 2017	Administrative			
Author:	Development Manager, Planning & Design				
Authored Date:	April 26, 2017				
Next Review Date:	Not currently defined. As determined by The General Manager of Planning & Design.				