



# **Sidewalk Vendor Bylaw**

Bylaw 1361

Effective 2022 April

**CASTLEGAR**

## Bylaw 1361

**A bylaw pursuant to Sections 8, 35 and 194 of the Community Charter, to regulate the use of public spaces.**

WHEREAS Section 8 of the Community Charter allows Council to set regulations on the use of public spaces and the safety of highways;

WHEREAS Section 194 of the Community Charter allows Councils to impose fees payable in respect to the use of municipal property;

AND WHEREAS the Council of the Corporation of the City of Castlegar deems it advisable to issue permits, set fees and regulate the use of City sidewalks and public lands for the purposes of storefronts, patios, and parklets within the City of Castlegar;

NOW THEREFORE the Council of the Corporation of the City of Castlegar in open meeting assembled enacts as follows:

**1. Name of Bylaw**

- 1.1 This Bylaw may be cited as "Sidewalk Vendor Bylaw No. 1361".

**2. Definitions**

- 2.1 In this Bylaw, the following terms have the following meanings:

**ABUTTING** means on the front, back, or sides of a property parcel;

**APPLICANT** means an applicant for a Permit for the purposes of this Bylaw, and also means the holder of a Permit, once issued.

**BUILDING CODE** means the current British Columbia Building Code as adopted by the Province of British Columbia and as amended or re-enacted from time to time;

**BUILDING OFFICIAL** means a person appointed by the City or their delegate;

**BUSINESS** means the carrying on of a commercial or industrial undertaking of any kind or nature or the provision of professional, personal or other services for the purposes of gain or profit and for the purposes of this Bylaw, includes non-profit or other types of benevolent organization;

**BYLAW ENFORCEMENT OFFICER** means the person appointed by the City or their delegate;

**CITY** means the City of Castlegar;

**COUNCIL** means the duly elected Council for the City of Castlegar;

**FRONTAGE** means the common boundary shared by a property line and a highway;

**MANAGER OF PLANNING, DEVELOPMENT & SUSTAINABILITY** means the person appointed by the City or their delegate;

**PARKLET** means a temporary seating area that extends over one or more parking stalls along the frontage of a business, and may include public seating, landscaping and bicycle parking;

**PERMIT** means a Permit for a storefront use, sidewalk patio, or parklet for business purposes issued under this Bylaw;

**SIDEWALK** means the area between curb lines or lateral lines of a highway and the adjacent property lines improved for the use of pedestrians and includes, but is not limited to walkways, stairways, ramps, curb letdowns and any customarily travelled footpath made of gravel, asphalt, dirt or other materials and the unpaved edge adjoining any asphalt road surface where no finished sidewalk exists;

2.2 In this Bylaw, the terms "include" and "including" mean "including without limiting the generality of the foregoing".

### 3. Storefront Use, Sidewalk Patio and Parklet Application and Permit Requirements

3.1 Unless otherwise exempted by this Bylaw, a storefront use, sidewalk patio, or parklet is only allowable with a valid Permit and no person shall construct, erect, modify, convert, expand, reconstruct, relocate, or replace such improvements without first having obtained a valid Permit.

3.2 Despite 3.1, a business may place tables and chairs or sales racks on a sidewalk or frontage without a Permit if the following conditions are met:

- a. the tables and chairs or sales racks are located on the sidewalk or frontage immediately adjoining the business and are wholly located within 0.8 meters of the property line or boulevard in which the business is located;
- b. there are no more than three tables and six chairs or two sales racks;
- c. the sidewalk is unimpeded at a minimum width of 1.5 metres for the length of the sidewalk or frontage for which the tables and chairs or sales racks are placed;
- d. the tables and chairs or sales racks are removed from the sidewalk at the close of each business day; and
- e. there are no constructed fixtures on the sidewalk or frontage adjacent to the business.

3.3 Applications for storefront use, sidewalk patios and parklets shall meet the following requirements:

- a. a full and complete application as determined by the City is submitted, including the applicable fees;
- b. provision of a site plan showing the following:
  - site location in relation to existing business and adjacent businesses (if relevant);
  - layout and placement of any chairs, tables, sales racks, or signage;
  - location of sidewalk/curb and any parking stalls that will be used; and
  - location of any doorways or opening to existing business and adjacent businesses (if relevant).
- c. the proposed work set out on the application conforms to this Bylaw and other applicable Bylaws of the City;
- d. provide proof of the following comprehensive public liability insurance and property damage insurance providing coverage of at least \$2,000,000 and including the City of Castlegar as an additional insured.

- 3.4 Every Permit holder must:
- a. ensure that all of the restrictions, requirements, specifications, terms and conditions of the Permit are met;
  - b. comply with the plans, specifications forming part of the Permit, and complete the works required by the plans and specifications of the Permit;
  - c. submit a request to the City's Building Official to inspect any works undertaken before use of the Permit each year; and
  - d. be bound by any waiver and indemnity which forms part of the Application and Permit.
- 3.5 Where the Permit holder fails to meet and maintain the conditions of the permit, the City may cause any part of the Permitted area to be removed and may charge the costs of such removal to the Applicant.
- 3.6 A Permit may be renewed on an annual basis, provided that:
- a. The renewal fee is paid;
  - b. Proof of a valid business licence is provided;
  - c. Proof of insurance as required under 3.3(d) is provided; and
  - d. The approved Permit has not substantially changed.

#### **4. Storefront Use, Sidewalk Patio and Parklet Specifications**

- 4.1 Storefront Use, Sidewalk Patio, and Parklet Permits are valid from May 1 to October 31 of the year it is issued or renewed.
- 4.2 Subject to the provisions of this Bylaw, a property owner or business owner shall be eligible to use the sidewalk or specified parking areas adjacent to their property for a storefront use, sidewalk patio or parklet.
- 4.3 Such uses shall not exceed the business storefront width unless the permit holder enters into a written agreement with adjacent property owner(s) to expand the use or consolidate the use with adjacent property owner(s). Such spaces may include private parking lots or City owned property with the permission of the owner(s) or City.
- 4.4 Spaces that include private parking lots must not use more than 25% of the required parking as per the City's Zoning Bylaw for the purposes of improvements.
- 4.5 Storefront uses, sidewalk patios and parklets shall be constructed in a manner to enable unfettered access to City infrastructure.
- 4.6 Removal of improvements for the purposes of emergency repairs to City infrastructure, are permitted at any time, with no cause of claim to the City.
- 4.7 Storefront uses, sidewalk patios and parklets shall not impact any existing City infrastructure such as street trees, light standards, or waste refuse bins, or be located in any of the following areas:
- a. In an area necessary for parking fire equipment, including parking areas adjacent to fire hydrants;
  - b. In an area necessary to provide access to public transportation; or

- c. In an area designated for accessible parking.
- 4.8 Pedestrian access shall remain unobstructed at a minimum width of 1.5 metres.
- 4.9 Overhead projections, such as awnings, roof structures, or umbrellas, shall be at a minimum of 2.5 metres above ground level.
- 4.10 Storefront uses, sidewalk patios and parklets shall be designed to allow reasonable access for persons with disabilities and constructed in a manner consistent with accessible street design standards.
- 4.11 The installation of electrical or gas units, such as temporary or permanent heaters, shall be in conformance with BC Safety Authority regulations.
- 4.12 Patios and parklets must be constructed to be free-standing and not anchored to the roadway or sidewalk and must be constructed of stable materials.
- 4.13 Outdoor seating areas should not be sited within 6 metres of an intersection.
- 4.14 All curbside and licenced patios must be fenced.
- 4.15 Railings shall be constructed of durable materials and affixed in a secure manner. Railings should be at a minimum height of 1.0 metres.

**5. Penalties**

- 5.1 A person who contravenes this Bylaw commits an offence punishable on summary conviction and is liable to a fine of not less than \$50.00 and not more than \$2,000.00.

**6. Severability and Repeal**


- 6.1 If a section, sub-section, paragraph, subparagraph, or phrase of this Bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this Bylaw.

READ A FIRST TIME this 4<sup>th</sup> day of April, 2022.

READ A SECOND TIME this 4<sup>th</sup> day of April, 2022.

READ A THIRD TIME this 4<sup>th</sup> day of April, 2022.

ADOPTED this 19<sup>th</sup> day of April, 2022.




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Mayor




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Director of Corporate Services

**SCHEDULE A: FEE SCHEDULE**

Application Type	Fee
Storefront Use, Sidewalk Patio and Parklet Permit	\$50
Storefront Use, Sidewalk Patio and Parklet Renewal	\$25