

TOWN OF SLAVE LAKE

COUNCIL POLICY

Department:	Planning & Development	Policy No:	PD.PLN.24-1011
Policy Title:	Vending on Public Lands	Issue Date:	04-23-2024

1. **PURPOSE**

- 1.1. 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. **POLICY STATEMENT**

- 2.1. 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:

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

- 2.2. This policy does not apply to Vending from pedal powered or motorized vehicles. For motorized vehicles selling food refer to the Food Truck Policy.

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

3. **DEFINITIONS**

- 3.1. **Approved Vending Sites** means sites determined by the Planning and Development Department to be appropriate for Vending on public sidewalks, boulevards, or within on-street parking stalls. Vending Sites include sites for Sidewalk Sales, Vending Carts, Sidewalk Cafés, and Parking Patios.
- 3.2. **Associated Business** means the business operating full time at a commercial location and that owns the Sidewalk Sale, Sidewalk Café, or Parking Patio.
- 3.3. **Boulevard** means that portion of Town road lying between the curb line of a Town road and the adjacent front property line excepting that portion

occupied by a constructed sidewalk, or where there is no curb, that portion of Town road lying between the portion of the road ordinarily travelled by vehicles and the adjacent front property line excepting that portion occupied by a constructed sidewalk and may include drainage ditches.

- 3.4. **Curb** means 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.
- 3.5. **Drinking Establishment** means a development where liquor is sold and consumed on the premises and entertainment may be provided to patrons/customers, in the forms of a dance floor, live music stage, live performances, recorded music, video lottery terminals (VLTs), etc. This use may also include the provision of food for consumption on the premises. Drinking Establishments must be licensed by the Alberta Gaming, Liquor and Cannabis Commission and shall prohibit the presence of minors.
- 3.6. **Eating Establishment** means a use where food is prepared and sold for consumption on the premises or off the premises and includes restaurant food services only and restaurant licensed.
- 3.7. **Food Truck** means a large vehicle equipped with facilities for cooking and selling food. See the Food Truck Policy for more information.
- 3.8. **Parking Patio** means a Sidewalk Cafe which has been extended to include the temporary conversion of designated parking stall(s) located on public streets.
- 3.9. **Parking Stall** means any portion of a parking area marked by one or more painted lines, numbers, poles, signs, or other device to indicate that it is intended for the parking of a vehicle.
- 3.10. **Patio Heater**, also referred to as a mushroom heater or umbrella heater, means a radiant heating appliance for generating thermal radiation for outdoor use.
- 3.11. **Sidewalk** means portion of the public right-of-way designed and intended for use by pedestrians.

- 3.12. **Sidewalk Café** means 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 eating or drinking establishment (i.e., associated business). Examples are restaurant food services only and restaurant licensed, craft brewery & distillery – minor, and drinking establishment).
- 3.13. **Sidewalk Sale** means a sale held by the business immediately adjacent to the portion of public sidewalk or boulevard and includes displays, tables, tents, etc., required by the business to conduct the sale. Sidewalk sales may extend into the on-street parking stalls immediately adjacent to the store front of the associated business.
- 3.14. **Street** means a public road, alley or other place designed and intended for use by the public for the passage of vehicles and pedestrians, but does not include a parking lot, whether privately or publicly owned.
- 3.15. **Tabletop Heater** means an open-flame appliance such as fire pits, fireplaces, and tabletop units that help people enjoy outdoor dining and socializing in the colder months.
- 3.16. **Vending** means engagement in the sale of beverages, food, and other approved products.
- 3.17. **Vending Cart** means stationary stands, kiosks, or mobile units such as hand carts that sell food and beverage items or wares and merchandise on public sidewalks. A Food Truck is not considered a Vending Cart.
- 3.18. **Vendor** means any person(s) who owns and/or operates a Sidewalk Sale, Vending Cart, Sidewalk Cafe, or Parking Patio.
- 3.19. **Wood Burning Fire Pit** means an acceptable fire pit constructed of non-combustible materials. Approved materials include masonry brick, concrete blocks, or heavy gauge metal to form an enclosed burning area.

4. GUIDELINES

4.1. Procedure and Responsibility

4.1.1. Location of Vending Sites

4.1.1.1. Vending on public sidewalks, boulevards, and parking stalls shall be permitted only on an Approved Vending Site, for an approved Sidewalk Sale, Vending Cart, Sidewalk Café, or Parking Patio.

4.1.1.2. The approved location of Vending Sites shall be based on the following criteria:

4.1.1.2.1. There shall be no loading zone, accessibility ramp, or cross walks at the curb.

4.1.1.2.2. There shall be a minimum of 3.0 m (10 ft.) between any portion of an approved Vending Site and the curb return (i.e., corner or intersection of streets).

4.1.1.2.3. Vending Sites shall not be located where visibility to vehicle or pedestrian traffic safety is deemed to be an issue by the Town.

4.1.1.2.4. A minimum clear passageway of not less than 1.5 m (5 ft.) for pedestrians shall be maintained and free of any physical obstructions such as utility poles, fire hydrants, 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 1.5 m (5 ft.) passageway or within a Vending Site.

4.1.1.2.5. Vending Sites shall not be used 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 emergency services or sanitary vehicles.

4.1.1.2.6. Sidewalk Cafés and Parking Patios are also subject to regulations in the Land Use Bylaw.

4.1.2. Vending Site Approval

- 4.1.2.1. Will be approved on a seasonal basis only, from April 1st to October 15th. Applicants will be required to re-apply annually.
- 4.1.2.2. Are limited to operation between the hours of 7 am and 10 pm and are not permitted to operate from 10 pm to 7 am.
- 4.1.2.3. Will only be permitted for applicable existing businesses within the Town.
- 4.1.2.4. There shall be no permanent modifications made to the public right of way (i.e., sidewalks, boulevards, or streets). The applicant is liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the Town for the operation of a Sidewalk Sale, Vending Cart, Sidewalk Café, and Parking Patio.
- 4.1.2.5. Must be maintained in a tidy, clean, and sanitary condition. Dirt, refuse, or debris shall not be permitted to accumulate at a Vending Site. The Town reserves the right to refuse renewal for Sidewalk Sales, Vending Carts, Sidewalk Cafés, and Parking Patios that are not maintained in an attractive and safe condition.
- 4.1.2.6. All items associated with any Vending Site that may be affected by the wind must be properly anchored with sandbags or concrete blocks (i.e., temporary anchoring). All items that are only temporarily anchored must be removed from the Vending Site at the close of business each day. For Parking Patios, where possible, items that may be affected by wind must be permanently anchored to the patio. Those items that are permanently anchored to the Parking Patio may remain when the business is closed for the day. At no time may items associated with a Vending Site be tied or anchored to street furniture (i.e., benches, utility cabinets, light standards, fire hydrants, etc.) or greenery (i.e., trees, shrubs, etc.).

- 4.1.2.7. The temporary placement of pop-up tents, gazebos, or shade structures will be permitted on a temporary basis (i.e., day use only), must be properly anchored, must be removed at the close of business each day.
- 4.1.2.8. Portable propane heaters or tabletop fire pits may be approved for a Vending Site. The device must meet the regulations outlined by the Town and must be approved under the issuance of a Vending Permit. Patio heaters and tabletop fire pits must be certified by the CSA, ULC or other recognized certification body. Patio heaters and tabletop fire pits and the placement of them must follow the criteria below and the site plan submitted with the application should indicate the following:
- 4.1.2.8.1. Fire extinguishers must be located in the Vending Site and must be easily accessible.
 - 4.1.2.8.2. Patio heaters and tabletop fire pits are allowed in outdoor areas only.
 - 4.1.2.8.3. Patio heaters and tabletop fire pits are positioned in compliance with manufacturers' instructions for required clearances above, around and underneath the heaters and fire pits.
 - 4.1.2.8.4. Patio heaters and tabletop fire pits do not obstruct doors, fire exits or firefighting equipment, such as fire extinguishers, fire hydrants or fire department connections, and are properly distanced from building air intakes.
 - 4.1.2.8.5. Required distancing is maintained from combustible materials such as umbrellas, awnings, walls, tablecloths, paper products, decorations, etc.
 - 4.1.2.8.6. Patio heaters and tabletop fire pits are placed on a level, stable hard surface, not grass or an uneven surface, to avoid being knocked over.
 - 4.1.2.8.7. Patio heaters and tabletop fire pits are not positioned near the edge of an elevated platform.

4.1.3. Other Requirements for Vending Sites

- 4.1.3.1. Insurance a minimum liability insurance of \$2,000,000 is required for each approved Sidewalk Sale, Vending Cart, Sidewalk Cafe, or Parking Patio.
- 4.1.3.2. Theft - the Town of Slave Lake assumes no responsibility for any theft of property owned by the Vendor.
- 4.1.3.3. Licenses - all Vendors shall be required to obtain a Business License under the Town's Business License Bylaw.
- 4.1.3.4. Indemnification - the Vendor shall indemnify and save the Town harmless of all activities undertaken by the Vendor.
- 4.1.3.5. Special Events and Festivals - unless otherwise determined by the Town, an individual licensed for a Sidewalk Sale, Vending Cart, Sidewalk Café, or Parking Patio shall also have authority to provide vending services at that site during special events.
- 4.1.3.6. Legislation - the Vendor must abide by all laws and regulations; bylaws and resolutions governing the vending operation and must satisfy all levels of government.
- 4.1.3.7. Policy Compliance - the Town reserves the right to withdraw Vendor privileges at any location for failure to meet one or more of the requirements outlined in this policy.
- 4.1.3.8. Vending Permit – all Vendors shall be required to obtain a Vending Permit approving the location and operation of the Vending Site.

4.2. Operation of Approved Vending Sites

4.2.1. Sidewalk Sales

- 4.2.1.1. All items associated with a Sidewalk Sale must be removed from the sidewalk or on-street parking area before the close of business each day.

- 4.2.1.2. The area used for a Sidewalk Sale shall not exceed the width of the store front of the associated business and in the case where the Sidewalk Sale extends onto the on-street parking, shall not extend beyond the depth of the on-street parking stalls.
- 4.2.1.3. Sidewalk Sales must provide barrier free access to the public sidewalk. A minimum of 1.5 m (5 ft.) of the public sidewalk must remain free of any obstructions.
- 4.2.1.4. A Sandwich Board Sign may be placed in the Sidewalk Sale area (i.e., Vending Site) however cannot be placed within the area maintained for public access.
- 4.2.1.5. Sidewalk Sales may utilize a larger commercial tent however the tent must meet NFPA (National Fire Protection Association) Standards. A manufacturer's label must be affixed to the tent for inspections.
- 4.2.1.6. Tents are to be anchored with cement blocks or sandbags and the use of tent pegs, poles, anchors, or other items that pierce the ground will not be permitted on public sidewalks or streets. Tent pegs, poles, anchors, or other items that pierce the ground may be approved for grassed boulevard areas or gravel streets and only with the expressed written permission of the Town.
- 4.2.1.7. Sidewalk Sales may utilize portable wood burning fire pits, however, the device used must meet regulations outlined by the Town and must be approved under the issuance of a Vending Permit. The wood burning fire pit must be portable, raised a minimum of 15.24 cm (6 inches) off the ground, and must be placed on a non-combustible base, such as concrete brick or sidewalk block, asphalt, or gravel. An area of 3.0 m (10 ft.) around the fire pit must remain free of any structures or any vegetation. Fire extinguishers must be located in the Sidewalk Sale area and must be easily accessible.

4.2.2. **Vending Carts**

- 4.2.2.1. 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 pedestrians.

4.2.2.2. Vending Cart selling food or beverages must be approved by Alberta Health Services.

4.2.2.3. All items associated with the Vending Cart must be removed from the sidewalk before the close of business each day.

4.2.2.4. Vending Carts may only be placed on the sidewalk and may not be placed within on-street parking stalls.

4.2.2.5. Vending Carts must allow a minimum of 1.5 m (5 ft.) of Sidewalk between private property (or any other obstruction) and the Vending Cart, as barrier free access for the public.

4.2.2.6. 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.

4.2.2.7. To avoid unnecessary competition, Vending Carts shall not be located within 10.0 m (30 ft.) of any business (including another Vendor) which is selling similar products.

4.2.3. Sidewalk Cafés and Parking Patios

4.2.3.1. All Items associated with an approved Sidewalk Café or Parking Patio must be removed at the end of the season (i.e., no later than October 15th).

4.2.3.2. Sidewalk Cafés and Parking Patios must provide barrier free access to the public sidewalk and to the Café or Patio. A minimum of 1.5 m (5 ft.) of the public sidewalk must remain free of any obstructions.

4.2.3.3. The area of a Sidewalk Café and Parking Patio shall not exceed the width of the store front of the associated business and in the case of Parking Patios cannot extend beyond the depth of the on-street parking stalls.

- 4.2.3.4. Sidewalk Cafés that are developed within 1.0 m (3.3 ft.) of the adjacent building (i.e., store front of the associated business), will not be required to enclose the Café; otherwise, the Café must be enclosed with a rope, rail, or fence.
- 4.2.3.5. Where a Sidewalk Café utilizes the entire sidewalk width, a temporary boardwalk/walkway for pedestrians to walk around the Café shall be provided. The boardwalk/walkway shall be a minimum of 1.0 m (3.3 ft.) in width and cannot be obstructed at any time. The Boardwalk/walkway must be developed at least 1.0 m (3.3 ft.) from a lane of traffic and must be enclosed with a rail or fence.
- 4.2.3.6. Parking Patios must be setback 1.0 m (3.3 ft.) from a lane of traffic and maintain a 0.6 m (2 ft.) setback from adjacent parking stalls on either side.
- 4.2.3.7. Parking Patios must be enclosed with either a fence or a rail and all entrances/exits into the Patio must be placed such that they provide direct access to the sidewalk. Access to the Patio shall not be obstructed by furniture, signs, or any other item.
- 4.2.3.8. All Parking Patios shall provide a platform/deck surface that is level with the curb and sidewalk with no more than 1.27 cm (1/2 in.) change in the elevation between the Patio space and the existing curb and sidewalk.
- 4.2.3.9. All lighting provided for Sidewalk Cafés and Parking Patios shall be directed away from residential areas, other properties, and streets.
- 4.2.3.10. Parking Patios must be designed in a manner that prevents the accumulation of food debris and garbage beneath the structure. The structure must also allow for appropriate street drainage and shall not obstruct the overland flow of stormwater.
- 4.2.3.11. Live or amplified music is permitted within a Sidewalk Café and Parking Patio; however, the playing of music must

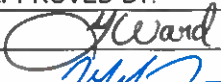

conform to the Town of Slave Lake's Community Standards Bylaw. Further, the playing of music must be conducted in a respectful manner ensuring that adjacent businesses and homes, patrons, pedestrians, and drivers of motor vehicles are not negatively impacted by the volume of the music. Further, the music must not pose a distraction for drivers of motor vehicles. Negative impacts of the music also include the lyrical content of the music, and as such, the music must not contain profane, lude or sexually explicit language. No music videos, digital and/or video display will be permitted.

- 4.2.3.12. The applicant must permit representatives of the Town of Slave Lake Operations (i.e., public works, utilities), and Community Services departments to enter the Sidewalk Café or Parking Patio for the purpose of installation, maintenance and repair of pipes, cables, wires, poles, trees, and other municipal installations. The cost of restoration is to be the responsibility of the owner of Sidewalk Café or Parking Patio.
- 4.2.3.13. The Sidewalk Café or Parking Patio owner cannot use any part of the Sidewalk Café or Parking Patio for any other use at any time (i.e., parking, advertising signs, etc.) other than what has been approved in the Vending Permit issued for the Sidewalk Café or Parking Patio.
- 4.2.3.14. Only food and beverages prepared and served from the abutting eating or drinking establishment (i.e., associated business) are permitted. No outdoor food or drink preparation or service facilities are permitted within a Sidewalk Café or Parking Patio.
- 4.2.3.15. The facilities of the abutting eating or drinking establishments (i.e., associated business) must provide food preparation, garbage storage and washrooms satisfactory to Alberta Health Services (AHS). Drinking Establishments must provide whatever is required of the Alberta Gaming, Liquor and Cannabis Commission (AGLC).
- 4.2.3.16. Sidewalk Cafés and Parking Patios must be licensed by all Federal, Provincial and Municipal authorities.

- 4.2.3.17. The maximum seating capacity of the Sidewalk Café or Parking Patio is to be determined by the Planning Department. Sidewalk Cafés and Parking Patios that serve alcohol, will be subject to seating capacity approval by the Alberta Gaming, Liquor and Cannabis Commission (AGLC).
- 4.2.3.18. A Sandwich Board Sign may be placed adjacent to the Sidewalk Café or Parking Patio, however, cannot be placed within the area for public access or on or within a temporary boardwalk/walkway intended for public access.
- 4.2.3.19. The Town maintains the right to remove any poorly maintained structures associated with a Sidewalk Café or Parking Patio, at the owner/operator's expense.

4.3. Issuance of Permits

- 4.3.1. The Director of Planning and Development will review the complete Vending Permit Application package and all referral comments received and issue a Vending Permit with conditions.
- 4.3.2. All applications will be evaluated and processed on a first come first served basis.
- 4.3.3. The conditions imposed shall include regulations established in this Policy, the Land Use Bylaw, the Advertising Bylaw, the Business License Bylaw, the Community Standards Bylaw, and the Traffic Bylaw.
- 4.3.4. The applicant will be advised, as a condition of the Vending Permit, that they are to comply with all Municipal, Provincial and Federal Codes and Regulations which includes obtaining any required municipal, provincial, and federal approvals, licenses and permits.
- 4.3.5. The Vending on Public Lands Permit shall be issued within twenty-one (21) days of receipt of a complete application.

ISSUED BY:	APPROVED BY:	DATE:
Mayor		04/23/2024
Chief Administrative Officer		2024/04/24.