



Clean Property Bylaw Integration into Traffic Bylaw

Date	March 23, 2022
To	Executive Committee
From	Citizen Services
Service Area	Roadways & Transportation
Item No.	EX22-37

RECOMMENDATION

The Executive Committee recommends that City Council:

1. Approve the integration of relevant sections of *The Clean Property Bylaw, Bylaw No. 9881* (the “Clean Property Bylaw”) into *The Regina Traffic Bylaw, 1997, Bylaw No. 9900* (the “Traffic Bylaw”), and the resulting amendments to both bylaws as proposed in this report.
2. Direct the City Solicitor to amend the *Traffic Bylaw* and the *Clean Property Bylaw* to reflect the changes as detailed in the Discussion section of this report.
3. Approve these recommendations at its meeting on March 30, 2022.

ISSUE

Administration has identified provisions from the Clean Property Bylaw pertaining to the use of the street, sidewalks and/or public right-of-way for vending operations that should be integrated into the Traffic Bylaw.

This report recommends various amendments to the Traffic Bylaw and Clean Property Bylaw to support the amalgamation of these items. Council’s approval for the proposed amendments is required.

IMPACTS

The proposed amendments will streamline the permitting procedures for street vending by eliminating unnecessary duplication of provisions in the bylaws and provide a better understanding of the permitting requirements in the Traffic Bylaw by better articulating those requirements.

Environmental Implications

City Council set a community goal for the City of Regina of achieving net zero emissions and sourcing of net zero renewable energy by 2050. In support of this goal, City Council asked Administration to provide energy and greenhouse gas implications of recommendations so that Council can evaluate the climate impacts of its decisions. The recommendations in this report are administrative in nature and are not expected to have direct impacts on energy consumption and greenhouse gas emissions.

There are no financial, policy/strategic, accessibility or other implications or considerations.

OTHER OPTIONS

An alternative to the amalgamation of a portion of the Clean Property Bylaw and the Traffic Bylaw would be not to proceed and maintain the status quo. This is not being recommended.

COMMUNICATIONS

Upon Council's approval of the recommendations, bylaw amendments will be posted on Regina.ca. Administration will also update materials relating to the Traffic Bylaw and Clean Property Bylaw and communicate changes directly to impacted stakeholders and residents as required.

DISCUSSION

Administration reviewed the content of the existing Clean Property Bylaw and identified sections relating to the temporary use of public highways, sidewalks, boulevards, the Pat Fiacco Plaza, Frederick W. Hill Mall, or other public right-of-way that can be integrated into the Traffic Bylaw.

The affected sections outline the permitting responsibilities related to newspaper vending, sidewalk vending, sidewalk sales, mobile vending and outdoor restaurants. The associated fees for the permits for these activities are currently already prescribed in Schedule J of the Traffic Bylaw and they are administered in conjunction with other temporary street use permits.

The amalgamation of these sections of the Clean Property Bylaw into the Traffic Bylaw will involve various amendments to both bylaws. The proposed amendments are described below, including references to related appendixes containing further details on the amendments.

AMENDMENT 1 – Reorganization of Definitions in Clean Property Bylaw and Traffic Bylaw

Administration recommends that the definitions for “Mobile Food Vending Unit” and “Sidewalk Vendor” be repealed from the Clean Property Bylaw, Part 1. A subsequent revised definition for “Mobile Food Vending Unit” will be inserted into the Traffic Bylaw, Part 1.

A. Proposed Changes include to the Clean Property Bylaw and Traffic Bylaw:

Repeal from the Clean Property Bylaw, Part 1:	Add to the Traffic Bylaw, Part 1:
"Mobile Food Vending Unit" means a self-contained, self-propelled (motorized or muscle powered) vehicle containing equipment for the preparation and serving of food intended for immediate consumption without further preparation.	"mobile vending unit" means a self-contained, self-propelled (motorized) vehicle (truck or trailer) from which prepared food, beverages, or other approved merchandise goods are sold.
"Sidewalk Vendor" means any person or firm that sells goods to the public from public property.	

AMENDMENT 2 – Definition of Downtown in Clean Property Bylaw and Traffic Bylaw

Administration recommends that the definition of “Downtown” in the Traffic Bylaw, and “Regina Downtown” in the Clean Property Bylaw be revised to ensure consistency with the definition provided in *The Regina Downtown Business Improvement District Bylaw*, Bylaw No. 2003-80 (the “RDBID Bylaw”).

A. Proposed Changes to the Traffic Bylaw:

Repeal Definition in the Traffic Bylaw, Part I:	Insert Definition in the Traffic Bylaw, Part I:
<i>“downtown”</i> means the area of the city bounded by Victoria Avenue to the south, Albert Street to the west, Saskatchewan Drive to the north and Broad Street to the east, including the sidewalks and boulevard on both sides of those streets.	<i>“downtown”</i> means the area designated as “Regina Downtown” in <i>The Regina Downtown Business Improvement District Bylaw</i> , Bylaw No. 2003-80, as shown and described in that Bylaw.

B. Proposed Changes to the Clean Property Bylaw:

Repeal Definition in the Clean Property Bylaw, Part 1:	Insert Definition in the Clean Property Bylaw, Part 1:
<i>“Regina Downtown” means the area designated by Regina Bylaw No. 9014 and continued by Bylaw No. 2003-80, The Regina Downtown Business Improvement District Bylaw, as a Business Improvement District, the boundaries of which area are shown on the plan appended to this Bylaw as Schedule “A” to the Bylaw.</i>	“Regina Downtown” means the area designated as “Regina Downtown” in <i>The Regina Downtown Business Improvement District Bylaw</i> , Bylaw No. 2003-80, as shown and described in that Bylaw.

AMENDMENT 3 – Addition of New Definitions to Traffic Bylaw

Administration recommends that applicable definitions contained in the Clean Property bylaw schedules be added to the Traffic Bylaw, and a new definition for “sidewalk sale” also be added to the Traffic Bylaw. Amendment 7 in this report further discusses the impacted Clean Property Bylaw schedules.

A. Proposed new definitions to the Traffic Bylaw, Part I include:

“City Square” means the area of the City which includes the Pat Fiacco Plaza, Victoria Park, the Frederick W. Hill Mall, and the 1900 blocks of Scarth Street and Lorne Streets as shown on the City Square Map in Schedule “R”.

“newspaper vending” means the distribution of newspaper, magazines and other literature approved by the Director.

“outdoor restaurant” means an outdoor eating establishment which extends from the premises of a restaurant onto the adjacent right-of-way.

“Pat Fiacco Plaza” means the hard-surface portion of the City Square on the north side of Victoria Park between Lorne Street and the lane between Scarth Street and Hamilton Street.

“prepared food” means food or drink sold by vendors intended for immediate consumption without further preparation or cooking.

“seasonal boardwalk” means a temporary platform constructed in a parking lane located directly adjacent to an established restaurant and does not extend laterally beyond the restaurant’s frontage, for the purpose of creating a pedestrian corridor or to house any portion of an outdoor restaurant.

“**sidewalk vending unit**” means a static or muscle powered cart, or vending unit used for the display or selling of food or goods.

“**vending site**” means a location on a public highway, sidewalk, boulevard, pedestrian mall, Pat Fiacco Plaza, Frederick W. Hill Mall, or public right-of-way as permitted on a temporary or annual basis and determined by the Director to be appropriate for vending.

“**Warehouse Business Improvement District**” means that area designated as “Regina’s Old Warehouse Improvement District” in the *Regina’s Old Warehouse Business Improvement District Bylaw No. 2003-15*.

“**sidewalk sale**” means the temporary display or sale of merchandise conducted by businesses which utilize a portion of the city right-of-way adjacent to their place of business for the purpose of displaying and selling retail goods.

AMENDMENT 4 - Revisions to Section 65 and Section 92 of The Traffic Bylaw

The Administration recommends that sections 65.(1), 65.(2), 65.(3), 65.(5), 65.(6) and Section 92 of the Traffic Bylaw be revised to incorporate the various types and locations of vending activities that may be eligible for temporary street use permits.

Section 65(6) will be amended to indicate that temporary street use permit holders shall abide by the requirements outlined in the schedules to the Traffic Bylaw and the conditions imposed by the Director on the temporary street use permit.

Administration also recommends that 65.(8) be added to the Traffic Bylaw, Part VI to allow the City to maintain cost recovery for its administrative expenses incurred due to the issuance of permits, in the event they are revoked or suspended by the Director as described in section 65.(6) and 65.(7).

A. Proposed changes to Section 65 of Traffic Bylaw:

Repeal From Traffic Bylaw, Part VI:	Replace in Traffic Bylaw, Part VI:
65.(1) No person shall occupy any public highway, pedestrian mall, sidewalk or boulevard or cause any encroachment or obstruction thereon	65.(1) Subject to this Bylaw, and any other bylaw of the City authorizing the placing of objects on public property or any other permission granted by the City, no person shall occupy or place objects on any public highway, pedestrian mall, sidewalk, boulevard, pedestrian mall, Pat Fiacco Plaza, Frederick W. Hill Mall, public right-of-way, or cause any encroachment or obstruction thereon except for a person who has obtained a valid permit pursuant to this Bylaw.

<p>65.(2) Notwithstanding subsection (1), the Director may issue a temporary street use permit for temporary use of a public highway, sidewalk, boulevard or pedestrian mall.</p>	<p>65.(2) Notwithstanding subsection (1), the Director may issue a temporary street use permit for temporary use of a public highway, sidewalk, boulevard, pedestrian mall, Pat Fiacco Plaza, Frederick W. Hill Mall, or public right-of-way.</p>
<p>65. (3) Temporary Street Use Permits shall be restricted to situations involving major deliveries, the construction, repair, demolition or relocating a building or other object, fundraising by charitable organizations, and to special uses the Director deems appropriate.</p>	<p>65.(3) Temporary Street Use Permits shall be restricted to situations involving newspaper vending, sidewalk vending unit, sidewalk sales, outdoor restaurants, mobile vending unit, major deliveries, the construction, repair, demolition or relocating of a building or other object, fundraising by charitable organizations, and for special uses the Director deems appropriate.</p>
<p>65. (5) The Director may impose conditions on the issuance of a Temporary Street Use Permit. Failure to meet any condition outlined in the Street Use Permit is subject to a fine specified in the attached Schedule "L".</p>	<p>65. (5) The Director may impose conditions on the issuance of a Temporary Street Use Permit. Failure to meet any condition outlined in the Street Use Permit is subject to a fine specified in the attached Schedule "L". (5.1) In addition to any conditions the Director may impose, pursuant to subsection 65(5) of this Bylaw, all persons obtaining a temporary street use permit for an outdoor restaurant or for a mobile vending unit shall comply with requirements set out in the applicable schedules to this Bylaw as follows: (a) SCHEDULE "P" - Outdoor Restaurant; and (b) SCHEDULE "Q" - Mobile Vending Failure to meet any condition outlined in the Street Use Permit is subject to a fine specified in the attached Schedule "K".</p>
<p>65.(6) No person having obtained a Temporary Street Use Permit shall fail to abide by the conditions imposed by the Director pursuant to subsection (4).</p>	<p>65.(6) No person having obtained a temporary street use permit shall fail to abide by the conditions imposed by the Director pursuant to subsections (4) or (5) or as otherwise required by this Bylaw, any schedule to this Bylaw, or any other applicable law.</p>

**B. Proposed Addition to Traffic Bylaw under Part VI Restricted Use of Highways,
Section 65.(8):**

65.(8) Notwithstanding subsections (6) and (7), no refund shall be granted to any applicant for a temporary street use permit whose temporary street use permit has been revoked or suspended by the Director.

C. Proposed changes to Section 92 of the Traffic Bylaw, Part IX:

Repeal Existing Section 92 of Traffic Bylaw:	Replace in Section 92 of Traffic Bylaw:
92. Where an obstruction, encumbrance or encroachment is created or left on any public highway, boulevard or sidewalk, any police officer or other person authorized by the Chief of Police or the Director may remove or cause the removal of that obstruction, encumbrance or encroachment at the cost of the person who caused the obstruction, encumbrance or encroachment and may destroy or otherwise dispose of the obstruction, encumbrance or encroachment.	92. (1) Subject to this Bylaw, and any other bylaw of the City authorizing the placing of objects on public property, or any other permission granted by the City, no person shall place, leave or operate any temporary structure, furniture, newspaper vending unit, mobile vending unit or sidewalk vending unit, create an obstruction, encumbrance or encroachment on any part of a public highway, sidewalk, boulevard, pedestrian mall, Pat Fiacco Plaza, Frederick W. Hill Mall, or public right-of-way except for a person who has obtained a valid permit pursuant to this Bylaw. (2) Any police officer or other agent authorized by the Chief of Police, the Director, Parks, Recreation and Cultural Services, or the Director may remove or cause the removal of any obstruction, encumbrance, encroachment, or unauthorized object placed, left, or maintained on any part of a public highway, sidewalk, boulevard, pedestrian mall, Pat Fiacco Plaza, Frederick W. Hill Mall, or public right-of-way at the cost of the person who caused or allowed the object to be placed, left, or maintained, and may destroy or otherwise dispose of the obstruction, encumbrance, encroachment, or unauthorized object.

AMENDMENT 5 – Revisions to Section 9 of the Clean Property Bylaw

It is recommended that the Sections 9.(1), 9.(2), 9(2)(a), 9(2)(b), 9.(2)(C), and 9.(4) from the Clean Property Bylaw, Part 4 be repealed. These sections are no longer needed in the Clean Property Bylaw due to this content being inserted into the Traffic Bylaw, as discussed in Amendment 4.

Administration also recommends that subsection 9(3) be repealed from the Clean Property Bylaw, Part 4 due to a revised version being inserted into the Traffic Bylaw under Section 65. (5.1). This clause provides a list of schedules, which contain various requirements associated with different types of vending operations that require a temporary street use permit. Further details on the schedules that are being repealed associated with clause 9.(3) can be found under Amendment 7 of this report.

With the repeal of the existing Section 9 of the Clean Property Bylaw, it is recommended that a new clause be inserted to allow the City to continue using that bylaw to deal with items placed on public property that is not a public highway.

A. Proposed Change to Clean Property Bylaw, Part 4: Sidewalk and Mobile Food Vendors:

Repeal from The Clean Property Bylaw, Part 4	Replace with:
9. (1) Subject to the Traffic Bylaw, no person shall place, leave or operate any temporary structure, furniture or Mobile Food Vending Unit used for the purpose of serving food or seating customers on public property or any part of a public highway except for a Sidewalk Vendor or owner of a Mobile Food Vending Unit who has obtained a valid permit pursuant to this Bylaw.	9. Subject to any contract, permit or bylaw of the City authorizing the placing of objects on public property, no person shall place or leave any structure on public property except for a person who has entered into a lease or license agreement with the City regarding the use of the public property.
9.(2) The Director may issue a permit in a form as set out in Schedule "C" of this Bylaw to place, leave or operate a newspaper stand, sidewalk vending unit, outdoor restaurant furniture, Mobile Vending Unit or similar object or to conduct a sidewalk sale or similar activity on public property or any part of a public highway upon: (a) receipt of a fee from the applicant for each object in an amount established by resolution of Council. (b) receipt of an agreement from the applicant to indemnify the City for any damage or injury resulting from or caused by the object or activity. (c) satisfying himself that the object will	

<p>not unduly interfere with the intended use, including the passage of pedestrian traffic, of the public property or public highway and that the object will not distract or impair the clear vision of or otherwise interfere with drivers or pedestrians.</p>	
<p>9.(3) Any person who wishes to operate as a Sidewalk Vendor or Mobile Food Vendor or to whom a permit is issued pursuant to this Part shall comply with the applicable regulations which are attached to and form part of this Bylaw as follows:</p> <ul style="list-style-type: none">(a) SCHEDULE "D" - Newspaper Vending;(b) SCHEDULE "E" - Sidewalk Vending;(c) SCHEDULE "F" - Sidewalk Sale;(d) SCHEDULE "G" - Outdoor Restaurant; and(e) SCHEDULE "K" - Mobile Food Vending	
<p>9. (4) Any Bylaw Enforcement Officer or any member of the Regina Police Service may remove any unauthorized object placed, left or maintained on Public Property or any part of a Public Highway at the cost of the person who caused or allowed the object to be placed, left or maintained.</p>	

AMENDMENT 6 - Revisions to Section 10 of The Clean Property Bylaw

It is recommended that Section 10.(2) be repealed from the Clean Property Bylaw. This is no longer needed as there is no appeal process in the Traffic Bylaw for revoking a permit under section 65.

A. The following will be repealed from Clean Property Bylaw, Part 4:

10.(2) Where the Director gives notice of his intention to cancel any agreement or permit issued pursuant to this Part., the owner or operator of the temporary structure, furniture or Mobile Food Vending Unit may appeal in writing within fourteen days of the notice of cancellation, to the Secretary of the Committee and the Committee may, affirm, modify or reverse the decision of the Director.

AMENDMENT 7 - Reorganizing Schedules within Clean Property and Traffic Bylaws

This amendment is to simplify the content of the schedules relevant to this report. Administration reviewed the procedural information within the various existing schedules related to permit applications in the Clean Property Bylaw. Upon this review, it has been determined that much of the information is not needed in a Bylaw and can be moved into a Procedures Manual in efforts to make the bylaws clear and less confusing for readers.

Proposed changes include:

A. Repeal Schedules “G” and Schedule “K” from The Clean Property Bylaw and insert them into The Traffic Bylaw

An updated version of Schedule “G” and “K” from The Clean Property will be inserted into the Traffic Bylaw as Schedule “P” and Schedule “Q” respectively. These are available in Appendices A and B to this report.

B. Add Schedule “R” to Traffic Bylaw

It is proposed that Schedule “R” be inserted to the Traffic Bylaw to display the boundaries of City Square. This schedule is provided in Appendix C of this report.

C. Repeal The Clean Property Bylaw, Schedule “A”

The existing Schedule “A” from the Clean Property Bylaw, which is referenced in the definition of “Regina Downtown” is no longer required since its content, such as a map of downtown boundaries, is outdated. The proposed definition for “Regina Downtown” will reference the official map provided in the RBID Bylaw, which reflects the most up to date downtown boundaries. This amendment eliminates unnecessary duplication of maps in different bylaws. Also, this amendment eliminates the risk of having conflicting information in the bylaws, in the event that updates are made in one of the bylaws and the other remain unchanged.

D. Repeal The Clean Property Bylaw, Schedule “C”

The existing Schedule “C” is not needed in the Traffic Bylaw because it contains the application form for temporary street use permits. Due to the evolving needs of the application form, excluding Schedule “C” from the Traffic Bylaw will allow the form to be updated without having to alter the Traffic Bylaw for every change.

E. Repeal schedules referenced in section 9.(3) of the Clean Property Bylaw

In accordance with the discussion of this report, the Administration recommends that the following schedules be repealed from the Clean Property Bylaw:

- The Clean Property Bylaw, Schedule “D”
- The Clean Property Bylaw, Schedule “E”
- The Clean Property Bylaw, Schedule “F”
- The Clean Property Bylaw, Schedule “G”
- The Clean Property Bylaw, Schedule “K”

F. Move applicable fees from Schedule “J” of the Clean Property Bylaw to Schedule “K” of The Traffic Bylaw.

Any offences associated with section 9 of the Clean Property Bylaw will be repealed from schedule “J” of that Bylaw and inserted into Schedule “K” of the Traffic Bylaw.

G. Repeal 9(1) and 9(4) from Schedule “J” of the Clean Property Bylaw and insert into Traffic Bylaw Schedule “K”:

Repeal from Schedule “J” of the Clean Property Bylaw:

SECTION	AMOUNT(\$)	OFFENCE DESCRIPTION
9(1)	50	Leave temporary structure on public property
9(4)	50	Fail to comply with street vending regulations

Add to Schedule “K” of the Traffic Bylaw:

Section	Amount	Description
65 (1)	\$180.00	Failing to obtain a temporary street use permit.
65(5.1)	\$50.00	Failing to comply with vending regulations.
92 (1)	\$50.00	No person shall place, leave or operate any temporary structure, furniture, newspaper vending unit, mobile vending unit or sidewalk vending unit, create an obstruction, encumbrance or encroachment on any part of a public highway, sidewalk, boulevard, pedestrian mall, Pat Fiacco Plaza, Frederick W. Hill Mall, or public right-of-way.

H. The Traffic Bylaw, Schedule “J”

The information on fees, payments and refunds associated with permits required to operate mobile vending units will be repealed from the Clean Property Bylaw Schedule “K” – Mobile Vending Regulations and inserted into the Traffic Bylaw Schedule “J” – Fees and Charges. This amendment ensures that all the fees associated with permits issued under the Traffic Bylaw are found in Schedule “J” and is in accordance with the amendments in this report.

The following lines for Mobile Food Vending will be repealed from Schedule “J” of the Traffic Bylaw:

65	<i>Temporary Street Use Permit (miscellaneous)</i>	
	Mobile Food Vending – Push Type Food Cart	\$400/year/unit
	Mobile Food Vending – with Meter Bag	\$1,680/year/unit
	Mobile Food Vending – without Meter Bag	\$1,300/year/unit

The following will replace the repealed sections in Schedule “J” after the line for “Horse Drawn Carriage”:

65	<i>Temporary Street Use Permit (miscellaneous)</i>	
	Mobile Vending: Payment of permit fees can be made in a lump sum or in two equal installments the first of which is due upon issuance of the permit and the second due June 1st. Permits issued after June 1st must be paid in full upon issuance of the permit. Vendors wishing to cancel their permits before June 1st will be refunded 50% of the total value of their permit. No refunds will be issued for cancelled permits on or after June 1st. The cost of a permit issued on or after August 1st shall be reduced by 50%. See permit fees below:	
	Sidewalk Vending Unit	\$400/year/unit
	Mobile Vending Unit – with Meter Bag	\$1,680/year/unit
	Mobile Vending Unit – without Meter Bag	\$1,300/year/unit

DECISION HISTORY

This report contains recommendations for the amendment of City Bylaws. Amendments to the *Traffic Bylaw* and the *Clean Property Bylaw* require City Council approval as stipulated in the Cities Act.

Respectfully submitted,

Respectfully submitted,

Chris Warren, Director, Roadways & Transportation

3/2/2022

Kim Onra, Executive Director, Citizen Services

3/9/2022

Prepared by: Hebly Cushicondor, Engineer

ATTACHMENTS

- Appendix A - Proposed Schedule P Traffic Bylaw - Outdoor Restaurant
- Appendix B - Proposed Schedule Q Traffic Bylaw - Mobile Vending
- Appendix C - Proposed Schedule R of Traffic Bylaw