

March 29, 2016

To: His Worship the Mayor
and Members of City Council

Re: Amendments to *The Clean Property Bylaw No. 9881*

**RECOMMENDATION OF THE PUBLIC WORKS AND INFRASTRUCTURE
COMMITTEE – MARCH 10, 2016**

1. That Schedules “I” and “K” of *The Clean Property Bylaw No. 9881* be amended as proposed in Appendices A and B;
2. That the City Solicitor be instructed to prepare the necessary bylaw to authorize the respective amendment; and

PUBLIC WORKS AND INFRASTRUCTURE COMMITTEE – MARCH 10, 2016

Ms. Petra Janssen and Ms. Lisa Avery, representing the Wascana Flower Shoppe addressed the Committee.

The Committee adopted a resolution to concur in the recommendations contained in the report after adding Appendix B to Recommendation #1 as follows:

“That Schedules “I” and “K” of *The Clean Property Bylaw No. 9881* be amended as proposed in Appendices A and B;”

Recommendation #3 does not require City Council approval.

Councillors: Sharron Bryce (Chairperson), John Findura and Bob Hawkins were present during consideration of this report by the Public Works and Infrastructure Committee.

The Public Works & Infrastructure Committee, at its meeting held on March 10, 2016, considered the following report from the Administration:

RECOMMENDATION

1. That Schedules “I” and “K” of *The Clean Property Bylaw No. 9881* be amended as proposed in Appendix A;
2. That the City Solicitor be instructed to prepare the necessary bylaw to authorize the respective amendment; and
3. That this report be forwarded to the March 29, 2016 City Council meeting for approval, which will allow sufficient time for advertising of the required public notice for the respective bylaw.

CONCLUSION

Schedule “I”

Schedule “I” of *The Clean Property Bylaw No. 9881* (Bylaw) outlines regulations for sandwich boards. Currently, sandwich boards require a permit that costs \$20 annually. The amendment proposes to remove the permit and fee requirements. The amended schedule will continue to establish regulations for sandwich boards, allowing the City of Regina (City) to continue enforcing its standards.

Schedule “K”

Schedule “K” outlines the regulations for mobile food vendors. The goal of this schedule is to allow for activity that enhances ambiance and economic vitality by increasing interest and activity along streetscapes, in the City Square Plaza and during events.

The amendments to Schedule “K” will:

- Allow seven (rather than six) electrical vending sites in the City Square Plaza in response to the success of the program;
- Provide the Planning Department with the authority to temporarily allow additional non-electrical sites in the City Square Plaza;
- Open sites to vendors on a first-come-first-served basis, meaning the City will no longer manage schedules or designate particular sites;
- Permit produce and fresh cut or live flowers to be sold from mobile food vending operations; and
- Clarify timelines to establish pro-rated permit fees for late starts for vendors beginning operations on or after August 1 and partial refunds to vendors discontinuing operations before June 1. Vendors request clarity around the refund policy as it is not clearly laid out in the current schedule. The recommended amendment clarifies the policy while encouraging the desired vending activity throughout the year, not just during summer.

BACKGROUND

The Neighbourhood Planning Branch issues permits for Mobile Food Vending Operations. As part of its Business As Usual, the Branch has been monitoring several policies in the Bylaw. The proposed amendments are primarily non-urgent, resulting from this day-to-day monitoring. In 2015, the City Planning & Development Division was asked to review Schedule “K” to determine whether vending fresh flowers and produce is consistent with the Bylaw’s intent. The review concluded that vending flowers and produce aligns with the intent of Schedule “K”, but that an amendment is required to permit the activity. Administration is taking this opportunity to update several aspects of the Bylaw to make it more consistent with general corporate strategies and to increase administrative efficiency.

Schedule “K” of the Bylaw was last amended March 24, 2014 to allow for Mobile Food Vending. No recent changes have been made to Schedule “I”.

DISCUSSION

The general goal of the amendments to the Bylaw is to improve service and reduce Administrative requirements.

Schedule “I”

By eliminating permit requirements for sandwich boards, we will reduce internal administrative requirements. Moreover, the process businesses must undertake to obtain a permit under the current provisions is difficult. By removing the permit requirements while clarifying sign regulations, Administration is confident that compliance will increase while administrative requirements lessen.

The amendments to Schedule “I” are recommended in order to:

- Reduce regulatory burden on business owners who desire to advertise with sandwich boards in front of their business on City property;
- Reduce Administration’s requirements by ceasing to issue permits for sandwich board signs;
- Reduce the business owner’s cost of advertising with sandwich boards on City property; and
- Clarify the intent of the City to allow advertising with sandwich boards on City property.

Schedule “K”

Removing the City’s commitment to scheduling and designating specific sites for vendors in the plaza will reduce the demand for administrative resources. Communication with vendors, as well as last summer’s operations, suggest that the vendors have the capacity to manage vending stalls on the City Square Plaza fairly and efficiently while retaining policy that allows Administration to step in if needed. Administrative actions are not required for day to day mobile food vending operations.

Discussions with potential vendors have encouraged Administration to permit produce and fresh flowers to be sold from mobile food vending operations. It is the opinion of Administration that these products align with the intentions of Schedule “K”.

The amendments to Schedule “K” are recommended in order to:

- Address Administration’s review indicating that vending fresh flowers and produce aligns directly with the overall intent of Schedule “K” and is consistent with Schedule “E”, Sidewalk Vending regulations. This review follows a request from a potential vendor who wishes to vend fresh flowers;
- Update the Bylaw before the busy season begins. Since the Mobile Food Vending Program’s implementation, mobile food vendors have been increasingly independent. As a result, Administration recommends that the regulation be relaxed to allow vendors to operate more freely. Administration has implemented stringent policy with the goal of integrating mobile food vending as seamlessly as possible. Following the last year of observation, Administration is confident that the majority of vendors are willing to act responsibly without direct oversight and that the amended policy sufficiently enables

- Administration to enforce intended activity; and
- Address Administration’s difficulty answering questions as to the timing, refunds and pro-rating of fees associated with mobile food vending operations. The proposed amendment clarifies the City’s policy. Administration’s recommendation, to grant partial refunds before June 1 or after August 1, balances the needs of vendors with the City’s goal to encourage the activity.

RECOMMENDATION IMPLICATIONS

Financial Implications

Loss of permit revenue for changes to Schedule “I” is less than \$60.

Environmental Implications

None with respect to this report.

Policy and/or Strategic Implications

The proposed amendments are aligned with general corporate strategies to increase efficient, effective and repeatable processes by reducing the Neighbourhood Planning Branch’s role in the scheduling and permitting of Mobile Food Vendors. This is not expected to limit desired activities, as there is a healthy understanding among existing vendors of the expectations and processes. These amendments will help us increase vendor satisfaction without negating the City’s authority to intervene when necessary. Amendments to Schedule “I” will result in less regulation and administration while continuing to allow business owners access to an effective pedestrian oriented advertising tool.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

Mobile Food Vendors who had permits in 2015 were sent copies of the proposed amendment, including a summary, by email a total of four times. Administration received three responses.

One response was from a vendor that is no longer working. She recommended that trucks be permitted to stay onsite along with food vending from trailers (as opposed to single unit operations). The City has reviewed this before and as decided against it as no other business owners are granted free parking downtown.

The second response was for minor clarifications of the amendment and general support.

The final response was from the vendor who desires to sell fresh flowers. She supported the amendment.

DELEGATED AUTHORITY

The recommendations contained in this report require City Council approval.

Respectfully submitted,

PUBLIC WORKS AND INFRASTRUCTURE COMMITTEE

Linda Leeks

Linda Leeks, Secretary