

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed by   
\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** January 25, 2019

**SUBJECT:** **Vending Licenses During Festivals and Events**

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## **ORIGIN**

At the August 15, 2017 meeting of Regional Council, the following motion was put and passed:

*“THAT Halifax Regional Council request a staff report on possible amendments to By-law C-501, Respecting Vending on Municipal Lands to consider amendments to Section 39 that would enable existing site licenses to be applicable during special events or festivals.”*

## **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter, 2008, c.39 - clauses 188(1)(c) & (f); clause 188(2)(e); and s. 191:*

**188 (1)** The Council may make by-laws, for municipal purposes, respecting

.....

(c) persons, activities and things in, on or near a public place or place that is open to the public;

.....

(f) businesses, business activities and persons engaged in business;

**(2)** Without restricting the generality of subsection (1) but subject to Part VIII, the Council may, in any by-law

(e) provide for a system of licences, permits or approvals,

## **Vending on streets**

**191** Without limiting the generality of Section 188 but notwithstanding the *Motor Vehicle Act*, the Council may, by by-law, regulate vending, any class of vending, mobile vendors and the placement of vending machines on the streets of the Municipality.

By-law C-501, Respecting Vending on Municipal Lands  
Administrative Order #15, Respecting License, Permit and Processing Fees

**Recommendation on next page**

**RECOMMENDATION**

It is recommended that Halifax Regional Council maintain By-law C-501 in its present form.

**BACKGROUND**

By-law C-501 Respecting Vending on Municipal Lands permits the vending of food, non-alcoholic beverages, flowers, handcrafts or other goods on a street or on municipal lands.

Food service vehicles and stands are designated for certain locations in the region, on streets and in parkland, and are listed in Schedule “B” of the By-law. On Spring Garden Rd., there are food service vehicles, stands and artisans. Nathan Green and Sackville Landing on the Halifax waterfront are for artisans exclusively except for one food stand.

Licenses issued for vending in Halifax Regional Municipality from 2016 - 2018:

Type	January 1-December 31, 2016		January 1 – December 31, 2017		January 1 – October 10, 2018	
	Licenses Issued	Licenses Available	License Issued	Licences Available	Licenses Issued	Licenses Available
Food Service Vehicle	10	10	9	10	6	10
Nathan Green	7	10	10	10	9	10
Sackville Landing	7	9	8	9	9	9
Push carts and stands	5	12	7	9	6	9
Spring Garden Road	16	26	24	26	23	26
<b>Total</b>	<b>45</b>	<b>67</b>	<b>58</b>	<b>64</b>	<b>53</b>	<b>64</b>

Currently By-law C-501 Section 39 states:

**Vending In Association With Festivals Or Events**

39. (1) This By-law shall not apply:
- (a) to a civic festival or civic event organized or held by the Municipality; or
  - (b) to a festival or event that is not organized and held by the Municipality:
    - (i) where the organizer has entered into a rental agreement with the Municipality for the use of municipal lands; or
    - (ii) where the organizer has received permission to close a street under section 332 of the *Halifax Regional Municipality Charter*.
- (2) Pursuant to subsection (1):
- (a) the organizer of a festival or event may grant permission to a person to vend at the festival or event; and
  - (b) if permission to vend is granted, a license under this by-law is not required.
- (3) This By-law shall not apply to properties where the Municipality has a third-party management agreement.

Based on the current By-law, vendors that have been successful in obtaining a site location for vending must vacate their designated sites when there are festivals or special events, hosted by external organizers. When external organizations book municipal sites for their events, the organizer is responsible for the management of the entire site including vending, should that be an element in their event. It is important that the organizer be responsible for the overall management of the site in order to reduce challenges, confusion and conflicts during their events. As well, often event organizers will have specific sponsors or

vendors associated with their event. For these reasons, Section 39 of the by-law outlines that any HRM vending licenses are not applicable during festivals and special events. The tender call for vendors under the by-law and any subsequent contracts for vending on HRM sites includes references that the vending licenses are not applicable during external special events.

The application that the vendors sign includes the following statement:

**The applicant/license holder shall be familiar with and abide by all vending regulations in accordance with By-law C-501. In accordance with Section 39 of By-law C-501, a site license may not be permitted to operate during a Festival or Special Event approved by the HRM.**

As a result, staff notify all vendors 60 to 90 days in advance of the date of the special event that they are required to relocate for the duration of the event.

The event organiser may choose to offer an arrangement with existing licensed vendors that permits them to vend at their specific location during the special event. The arrangement typically includes charging a fee that the vendor is required to pay to the organizer, should they wish to remain and vend during the festival or event. This fee is in addition to the annual vending fee that the vendor pays to HRM. Should the occasion arise that any vendor violates the By-law a fine may be issued. HRM event staff work with both the vendor and the special events organiser to ensure a fair and expedited process is conducted.

There have been concerns raised by existing licensed vendors that their licenses are not valid during external festivals and events, when the sites have been rented to the event organizers. As noted, a key reason for this is that conflicts or confusion can occur between the event vendors if both are located on the sites when external events are underway. As well, it is difficult to ensure clear responsibility for the site if both HRM vending by-law provisions are in place at the same time as the event vendors. While these concerns can be raised at any of the HRM sites at which special events are hosted, the highest profile area tends to be at the Halifax waterfront. This is further complicated by the fact that while most of the waterfront is managed by Develop Nova Scotia (DNS), on behalf of the Province, two sites in particular, Sackville Landing and Nathan Green Park are owned and managed by HRM. These are highly visible sites and are typically priority sites for special event organisers to locate their sponsors and on some occasions, event vendors. Staff have started preliminary discussions with DNS to improve the overall management of the waterfront, including aligning procedures and having consistent oversight of the waterfront.

## **DISCUSSION**

The intent of By-law C-501 is to allow vendors to operate on specific municipal properties. The types of goods that are permitted are food, non-alcoholic beverages, flowers, handcrafts or other goods.

Staff have completed a jurisdictional scan of 8 municipalities (St. John, St. John's, Vancouver, Montreal, Kingston, Calgary, Regina and Edmonton) relative to this matter. There is no consistency across these jurisdictions, therefore no relative comparison to consider. Some municipalities permit vendors to utilize parking spaces, they are not designated specific vending locations. Other municipalities require the event organizers to permit the vendors to vend and if not possible, the City is to provide the vendors with alternative spots.

Allowing existing vendors to remain in their locations could compromise HRM's ability to attract events. It could also result in additional conflict and confusion during external special events, thereby impacting the event experience for citizens and visitors. Given that vendors are aware of the special events provision when bidding on the vending licenses, staff recommend that By-law C-501 not be further amended.

## **FINANCIAL IMPLICATIONS**

There are no financial implications relative to this report.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendation in this report. The risks considered rate low.

### **COMMUNITY ENGAGEMENT**

Staff have consulted with the Special Events Task Force, the Water Front Development Corporation (now Develop Nova Scotia) as well as other internal stakeholders.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with the recommendation in this report.

### **ALTERNATIVES**

Regional Council could choose to direct the CAO to prepare amendments to By-law C-501 to require that existing vending licenses remain valid during festivals and events. Staff is not recommending this alternative.

### **ATTACHMENTS**

None.

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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