



TOWN OF GOLDEN CORPORATE POLICY

TEMPORARY LICENSE OF OCCUPATION

Effective Date: June 2 nd , 2020	Authorized By: Resolution # 14-133 Amended by Resolution # 18-085 Amended by Resolution # 20-193	Replaces: April 3 rd , 2018
--	---	---

INTENT

To establish guidelines and give direction for the orderly establishment and use of town sidewalks, boulevards, parks, rights-of-way, and street parking spaces for a variety of temporary occupations to ensure appropriate location and massing, good structural and aesthetic design, mitigation of liability to the municipality, equity amongst the business community, and the assurance of public safety and convenience.

POLICY CONTEXT

The use of Town Public Space may be permitted for various users as defined above holding valid and current Town Business Licenses (where applicable) in Development Permit Areas 1 (Historical Downtown), 2 (South Town), and 4 (Corridor). These licences are issued at the discretion of Town of Golden staff. Any decisions made under this policy by staff may be appealed by application to the Town of Golden Council.

This policy does not apply to the use and enjoyment of parks and recreation facilities for either casual or organized activity consistent with the designed purpose of such areas and facilities for which other forms of authorization under bylaw or policy may or may not be required. This policy applies to the public realm only.

POLICY DEFINITIONS AND LICENSE CATEGORIES

Town of Golden ("Town")	The municipality of the Town of Golden, a body corporate represented by the current elected Council and staff authorized to implement this policy and associated bylaws.
Public Space	Sidewalks, rights of way, boulevards, street parking spaces, parks, and parking lots owned or leased by the Town of Golden, not specifically designed or purposed for the activity or event applied for under this policy but which may be suitable for temporary occupancy.
Parking Space	An area defined as measuring 7.3m in length, and 2.8m in width which may or may not be marked as a street parking stall, used as a benchmark to establish the sizing of a License Area.

Sidewalk Café	(Outdoor Patio, Sidewalk Patio, Street Patio/Deck, etc.) A directly adjacent spatial accessory use to a restaurant or licensed establishment located on the main floor of a building occupying portions of Public Space, typically for the purpose of serving food and beverages in an outdoor setting to seated patrons, and consisting of at least 3 tables with associated seating.
Merchant Encroachment	(Rack Displays, Outdoor Tables, Merchandise Displays etc.) A directly adjacent spatial accessory use to a restaurant, licensed establishment, or other business located on the main floor of a building, occupying portions of Public Space, for the purpose of serving food and beverages, providing a space for their consumption, or displaying merchandise in an outdoor environment, with seating for no more than 4 individuals;
Non Profit Vendor	(Raffle Tent, Ticket Table, BBQ Stand, Fundraising Table etc.) An independently operated vehicle, structure, or mobile food vending apparatus occupying Public Space, typically to provide food and beverages, retail products, information or services for sale or free consumption by a non profit entity, citizen association or service club, in an outdoor setting to either passers-by or seated patrons for the purposes of fund raising or addressing public awareness of a general or specific issue.
Street Performer	(Busker, Outdoor Band, Street Artist, Acrobat, Exhibitionist, etc.) An individual, duo, or group utilizing Public Space for the purpose of public exhibition of artistic expression, remunerated either voluntarily on site or by a set fee paid by a third party for commercial or non profit purposes.
Community Event	(Parade, Faire, Outdoor Concert, etc.) A mass participatory event either centrally located or mobile, free of charge to the public for general admission for the purposes of entertainment or education, and organized by a non-profit entity other than a Mobile Vendor Association which may include Mobile Vendors, Non-Profit Vendors, Street Performers and Mobile Vendor Associations.
Seasonal Vendor	(Street Stand, Open Vehicle, Pop-up Stand, Canopy, Tent, etc.) A premised but moveable structure, vehicle, or food vending apparatus occupying Public Space, typically for the purpose of providing food and beverages, retail products, or services for commercial sale by a business entity, in an outdoor setting to either passers-by or seated patrons.
Mobile Street Vendor	(Ice Cream Truck, Bicycle Vendor) An independently operated motor vehicle, or pedal-powered cycle or apparatus equipped to store and vend previously prepared or packaged food and beverages for commercial sale by a business entity in an un-premised, continuously mobile manner.

Food Truck	An independently operated motor vehicle or trailer equipped to commercially store, prepare, and vend food and meals for commercial sale by a business entity, premised and stationary in an outdoor setting to either passers-by or seated patrons.
Seasonal Vendor Association	(Farmers Market, Business Collective, etc.) A collection of independent Seasonal Vendors established through an organized association serving food, beverages, or specialized retail products in an outdoor setting to either passers-by or seated patrons by utilizing either vehicles, independent food preparation or retail vending apparatus', or mobile shelters and occupying portions of Public Space.
Private Exclusive	(Wedding Ceremony, Family Gathering, Business Meeting, etc.) An event requiring public exclusion within a specific area for privacy, ceremonial, or legal means.
Private Non-Exclusive	(Club or Association Meeting, Registrant Sporting event etc.) An event in which participation is exclusive to registrants or membership, but does not require public exclusion to a specific area other than to preserve the integrity of the event or pragmatically maintain public safety.
Temporary License of Occupation ("License")	The mechanism of authorization for the legal establishment of Sidewalk Cafés, Merchant Encroachments, Non Profit Vendors, Community Events, Street Performers, Private Events, Mobile Vendors, and Mobile Vendor Associations.
License Area/ Premise	The physical space to which the Temporary License of Occupation applies.
Staff	The Town of Golden Corporate Officer or Deputy Corporate Officer.
Business License	An issuance by the Town of Golden under Bylaw 990 or its replacements authorizing an individual, proprietorship, limited partnership, company, or corporation providing professional, personal, or other services for the purpose of gain or profit to operate within the jurisdiction of the municipality.
Annual License	A Temporary License of Occupation granting occupancy of a License Area(s) under this Policy over a calendar year term.
Seasonal License	A variation of an Annual License granting occupancy of a License Area(s) for a specific range of months within a calendar year up to a maximum of 6 months.
Day License	A license permitting activity of a licensee category for a period of 24 hours.

APPLICATION PROCEDURES

1. **Sidewalk Café's**

The applicant submits a completed License Application plus:

- a. A letter of intent that includes the hours and days of operation;
- b. Photograph of the building exterior where the parent business is located;
- c. Colour rendering to scale of the café (include style of furniture and other amenities);
- d. License Area site plan including total area to be used; and,
- e. Specifications on the location, number of tables and chairs, type of fence or railing, and any proposed amenities such as flower baskets, umbrellas, etc.

2. **Merchant Encroachments**

The applicant submits a completed License application plus:

- a. A letter of intent that includes the hours and days of operation;
- b. License Area site plan including total area to be used; and,
- c. Specifications on the type of encroachments (tables, chairs, flower baskets, umbrellas, awnings, display racks, equipment, etc).

3. **Community Events and Private Non-Exclusive Events**

The applicant submits a completed License application plus:

- a. A letter of intent that includes the hours and days of operation;
- b. License Area site plan or route including total area to be used; and,
- c. A list of activities, Performers, and Vendors to be present.

4. **Seasonal Vendors, Mobile Street Vendors and Food Trucks**

The applicant submits a completed License application plus:

- a. A letter of intent that includes the hours and days of operation;
- b. Proof (if applicable) that the Food Truck or apparatus complies with kitchen ventilation and fire suppression standards set by National Fire Protection Association NFPA 96 to the satisfaction of the Golden Fire Department;
- c. Proof of gas and electrical certifications if applicable;
- d. Specifications how the immediate area will be kept free from rubbish and debris generated by the vendor or customer;
- e. Photograph of the vehicle(s) or apparatus to be used including proof of insurance
- f. License Area(s) site plan;
- g. Specifications on the location of any accessories (signs if permitted, tables, chairs, flower baskets, umbrellas, awnings, garbage and recycle receptacles etc.); and,
- h. Interior Health approval regarding food preparation, handling and storage.

5. **Non Profit Vendors, and Seasonal Vendor Associations**

The applicant submits a completed License application plus:

- a. A letter of intent that includes the hours and days of operation;
- b. Proof of Seasonal Vendor Association if applicable;

- c. Photograph of the vehicle(s) or apparatus to be used;
- d. License Area site plan including total area to be used; and,
- e. Specifications on the location of any accessories (tables, chairs, flower baskets, umbrellas, awnings, etc).

6. **Street Performers**

The applicant submits a completed License application plus:

- a. A letter of intent that includes the hours and days of operation;
- b. Specifications on nature and the location of any accessories.

Street Performers performing in conjunction with a Community Event in its approved License Area do not require a License.

7. **Private Events**

The applicant submits a completed License application plus:

- f. A letter of intent that includes the hours and days of operation;
- g. License Area site plan including total area to be used; and,
- h. Specifications on the location of any accessories (tables, chairs, flower baskets, umbrellas, awnings, etc).

INITIAL REVIEW AND ACCEPTANCE

- 8. Applications will be reviewed to ensure they are complete and meet policy intent. Applications not meeting the requirements of this policy or viewed as inappropriate may be rejected.
- 9. Once approval in principle is granted by Staff, the applicant must:
 - a. Complete and sign the Application/License Agreement to the satisfaction of Staff;
 - b. Submit payment of the established fees, including those for a Business License in the case of Street Performers (profit oriented), Seasonal Vendors, Food Trucks, Mobile Street Vendors, and all member businesses within a Seasonal Vendor Association;
 - c. Furnish proof of the required liability insurance; and,
 - d. Furnish proof of any compliance required by third parties.
- 10. Licenses will not be approved for any applicant requiring but not in possession of a valid and current Town Business License or having outstanding accounts with the Town.

INSURANCE AND THIRD PARTY APPROVALS

11. Applicants must carry liability insurance that indemnifies the Town against any and all damages, injuries or claims arising from their use of the area so licensed in an amount no less than \$3 million. The insurance must indicate that the Town is an additional insured for this use. Proof of this insurance must be supplied on approval of the Licence.
12. As an exception, Street Performers in lieu of insurance shall sign a waiver indemnifying the Town of any liability associated with their activity.
13. License of Occupation applicants must obtain the necessary applicable permits from the Town, Interior Health, Liquor Control and Licensing Branch and other relevant or applicable licensing or regulatory agencies for the specific License Area in which they are proposing to engage. Proof of this may be required as part of the licence approval process.

LICENSE TERMS AND RENEWALS

14. Annual and Seasonal Licences may be issued for a maximum of three years, renewable and payable annually, and pending applicability.
15. To annually renew, an applicant must submit before April 1st:
 - a. Payment of the seasonal or annual fee;
 - b. Proof of a current and valid Business License or licenses in the case of a Seasonal Vendor Association;
 - c. Proof of valid liability insurance as outlined above; and,
 - d. A declaration that the terms of the License will remain strictly adhered to.
16. An annual renewal may be granted provided that:
 - a. The design, location, and intent of the License Area remain the same as the previous year;
 - b. Any structures, vehicles, accessories, apparatus' and signs associated with the License are maintained and in good repair; and
 - c. The Town has received no justifiable complaints and the Licensee remains in good standing with respect to policy compliance.
17. The Town shall withhold the issuance of a renewal License if an associated License Area has not been maintained in attractive and safe condition. The Town may remove poorly maintained structures at the owner's expense.
18. Seasonal terms for Sidewalk Café's begin on May 1st, expire October 31st, and all structures must be removed by November 7th. Term extensions for Sidewalk Cafés occupying parking spaces or street rights-of-way may be authorized to extend over winter months pending a favourable risk analysis and level of public inconvenience. Applicable fees will remain in place during a term extension regardless of Licensee clientele use levels.

19. Mobile Street Vendor Licensees may be issued a Seasonal or Day License.
20. Seasonal Vendor and Food Truck Licensees may be issued an Annual, Seasonal, or Day License. Seasonal Licenses are effective May 1st to October 31st. Day Licenses are valid for 24 hours.
21. A licensed Food Truck may not obtain a Seasonal License as a Mobile Street Vendor, nor vice versa. Either License category may hold a Day License of the other category.
22. Licences for Merchant Encroachments are issued or renewed May 1st on an annual or on an as and when basis.
23. Non Profit Vendors may be subject to alternative seasonal variations. The Town may approve alternate Licence periods upon written request and subject to the Town's operational requirements. Vendors may be required to vacate approved License Areas as directed by the Town to accommodate operational requirements.

GENERAL TERMS AND CONDITIONS

SIDEWALK CAFÉ DESIGN

24. Design guidelines for a License Area shall be incorporated as follows for Sidewalk Cafes requiring a constructed platform:
 - a. The design, materials, and colours of all Sidewalk Cafés and accessories shall compliment the architectural style and colours of the parent business's building facade. Accessories shall be of quality materials and shall retain their visual appeal through regular maintenance or replacement.
 - b. New signage, permanent changes to any building facade (i.e. repainting) and constructed cafes require Development Services Department approval.
 - c. All accessories including but not limited to landscaping, flower boxes, umbrellas, awnings, and tables and chairs shall be contained within the License Area.
 - d. Preferred materials for constructed Sidewalk Cafés are those that have durability and will retain a high visual quality from year to year. All constructed Sidewalk Cafés shall be wheelchair accessible unless it is shown to the satisfaction of the town to be impractical.
 - f. Sidewalk Cafes shall be flush with the sidewalk on level grades. In the case where the Sidewalk Café is accessed from inside the building, it shall be flush with the floor of the building. In cases of Sidewalk Cafés situated on sloped grades, the point of entry shall be flush with the sidewalk unless it is shown to be impractical in which case steps will be permitted.
25. A License Area may be required to have a removable fence or railing installed to separate it from the remainder of the sidewalk. Any License Area placing patrons within parking spaces must have a removable fence, railing, rope, or other perimeter border installed to separate patrons from vehicle traffic.
26. A grade separation of the License Area relative to the street of less than one (1) metre requires the placement of a low profile yellow painted curb around the License Area perimeter adjacent to the street. For example, Sidewalk Cafes using

paving stones require a curb; elevated decks do not. The maximum height of any railing, fence, or perimeter border shall be 1.02 m as measured from the License Area seating or standing level.

LOCATION OF LICENSE AREAS

27. A License Area will not be permitted where in the opinion of Staff it may interfere with safe vehicle and pedestrian movements, within 6 metres of a stop sign, or in a location where visibility or safety is deemed an issue, unless appropriate traffic control measures and third party approvals are in place.
28. Seasonal Vendors and Food Trucks issued Annual or Seasonal Licenses are permitted only in approved License Areas described in Appendix 'B' and under conditions stipulated in this Policy unless otherwise authorized through a Day License.
29. Mobile Street Vendors may operate on any Town of Golden right of way as permitted by law, in any zone excepting:
 - a. the C1-Historical Downtown Commercial zone
 - b. Highway 1.
 - c. Highway 95/10th Avenue from its intersection with the TCH-Hwy 95 interchange to the southern boundary of the municipality.
30. Sidewalk Cafés and Merchant Encroachments shall be limited in size to the linear frontage of their parent *business* and in the case of a corner business they shall be adjacent to only one side of the business, both subject to the parking space restrictions listed below.

OPERATING REGULATIONS

31. Despite s.31 above, Sidewalk Cafes and Merchant Encroachments shall:
 - a. occupy a maximum of one parallel parking space (or portion thereof) or a maximum of three (3) angled spaces (or portion thereof).
 - b. not use both a parallel and an angled parking space. All License Areas utilizing a sidewalk must leave a minimum width of 1.6m of sidewalk free and clear from obstructions for pedestrian use.
32. Seasonal Vendors and Food Trucks shall:
 - a. Be a single unit or structure no more than 8m in length.
 - b. Not occupy any approved License Area prior to 7:00am or past 10:00pm.
 - c. Not be entitled exclusive occupancy of any License Area and may not displace public occupation of a License Area.
 - d. Ensure any portable electric generators are both quiet and screened.

33. Mobile Street Vendors shall operate:
 - a. only a vehicle or apparatus approved or accredited by the appropriate approval agency such as CSA or BC Safety Authority.
 - b. while holding a valid Interior Health Permit, if applicable.
 - c. a vehicle or apparatus not exceeding 6m.
 - d. only between the hours of 7:00am and 7:00pm.
 - e. in a continuously moving manner, stopping only temporarily and lawfully parking on a public right of way when approached by a client, the duration of which will correspond to the time spent serving a client, not to exceed ten (10) minutes.
 - f. no closer than 200m to a public school during regular school hours.
 - g. without any voice amplification devices.

34. Non Profit Vendors requiring Parking Space shall occupy a maximum of one parallel parking stall if such Parking Space is required on a street.

35. Non Profit Vendors in a Public Space shall:
 - a. be limited to two vendors or performers per linear block;
 - b. not block doorways, display windows, impede pedestrian access or vehicular access to parking spaces not within a License Area.

36. Street Performers in a Public Space shall:
 - a. be limited to two performers per linear block;
 - b. not utilize amplification equipment unless performing as or a part of a Community Event;
 - c. not block doorways, display windows, impede pedestrian access or vehicular access to parking spaces not within a License Area;
 - d. Limit performing to between 10:00 am and 9:00 pm daily;
 - e. Occupy a specific location for no longer than one (2) hours within a four (4) hour interval before moving to a location no less than thirty (30) metres away;
 - f. Ensure their introduction to adjacent business owners or operators within ten (10) metres of their performance location;
 - g. Respect the right of businesses to operate without undue disturbance by entertainment outside their premises.

37. A License Area shall not extend onto the sidewalk or street right-of-way/parking area in front of an adjacent business unless written agreement from the adjacent business is provided to the Town.

38. License Areas must be kept in a good, neat, and tidy condition and order and Licensees shall make promptly, at their cost, all needed repairs to the surface of the License Area, whether for reasonable wear and tear or otherwise. No third party signage is permitted, except upon pre-printed umbrellas.

39. Vehicles and apparatus' used by Private Events, Private Non-Exclusive Events, Merchant Encroachments, Seasonal Vendors, Mobile Street Vendors, Food Trucks, Non Profit Vendors, and Street Performers must be of a quality so as not to be considered by the public as unsightly or visual detractors in the area.
40. All sidewalks and rights of way adjacent to the License Area must be kept free and clear of obstruction and open to pedestrian access at all times. Licensees shall exercise the greatest care in the use and occupation of License Areas and adjacent areas and shall provide a competent and trustworthy adult who will personally undertake to be responsible for the due observance of the rules and regulations governing the use of the License Area.
41. A License Area may not use any amplified music after 9:00 p.m. and shall not at any time disturb the quiet peace, rest, enjoyment, and comfort of persons in the neighbourhood or vicinity. The hours of operation for a Sidewalk Cafe may be the same hours of operation as the parent business; however, the Town may restrict hours of operation to no later than 12:00 a.m.
42. No more than 25% of available street Parking Spaces within a linear city block shall be occupied by Sidewalk Cafe and Merchant Encroachment Licensees at any one time.
43. No more than 5 Licenses for Mobile Street Vendors and 5 Licenses for Food Trucks shall be Annually or Seasonally licensed at any one time. Of the 5 food Truck Licenses, two (2) shall be restricted to individuals or businesses holding a current and valid Resident Business License for an existing food service establishment.
44. No more than 5 Food Truck Licensees and 5 Seasonal Vendors may occupy a License Area at any one time. This restriction does not apply at the time of a Seasonal Vendor Organization event. Food Trucks may not occupy any Parking Space or Public Space over two (2) consecutive hours while conducting business not covered in this Policy.
45. Subject to their status of good standing as determined by Staff, expired Seasonal Licensees shall have first right of refusal for new License acquisition, pending an application being received by May 1st.
46. The Town retains the right to deny any License application or revoke any License or permission granted under this policy at any time where it is found that the applicant, License, or permission is creating difficulties deemed unacceptable to the Town or the Licensee has violated the terms of its License.



Mayor



Chief Administrative Officer

SCHEDULE "A"

Fees for Temporary Licenses of Occupation
Fees are exclusive of applicable taxes

1. Sidewalk Cafés:

- a. a minimum seasonal fee of \$300 OR \$5 per square metre per month for sidewalk and/or right of way occupied by or otherwise rendered unusable by the public by the License Area; whichever is greater, *plus*
- b. a minimum seasonal fee of \$300 per parking space (or portion thereof) OR \$100 per parking space per month (or portion thereof), whichever is greater, occupied by or otherwise rendered unusable by the public by the License Area.

2. Seasonal Vendors and Food Trucks:

- a. Day (24hr) License Fee - \$25
- b. Annual/Seasonal License Fee Schedule

License Type	Area(s)	Vehicle/Structure Size			Total Annual Fee		
		A Under 6m/12m2	B 6m to 7m/12-14m2	C 7m to 8m/15m2+	A	B	C
Annual (Jan 1 – Dec 31)	B	\$80/month	\$100/month	\$120/month	\$960	\$1200	\$1440
Seasonal (May 1 – Oct 31)	B	\$80/month	\$100/month	\$120/month	\$480	\$600	\$720
	A, C, D, E	\$32/month	\$40/month	\$48/month	\$192	\$240	\$288

- i. Only at Location B may an Annual License be held.
- ii. A Seasonal License grants use to all four other Locations at the licensee’s discretion, subject to License Area Regulations stated within this Policy.

3. Mobile Street Vendors

- a. Day (24hr) License fee- \$25
- b. Seasonal License fee - \$25 per month or \$125 for the season (May 1 –Oct 31)

4. Seasonal Vendor Associations:

- a. a Seasonal License fee of \$300 applicable to License Area C only. The fee is exempted for a Seasonal Vendor Association participating in a Community Event.

5. Merchant Encroachments:

- a. An annual fee of \$25 for all sidewalk License Areas. For License Areas other than sidewalks, a fee of \$15 per Parking Space per day (or portion thereof) shall apply.

6. Street Performers

- a. Daily \$5 (10 a.m. to 9 p.m. on identified date)
- b. Three Days \$20 (consecutive or non-consecutive)
- c. Monthly \$100 (30 consecutive days)
- d. Annual \$200 (current calendar year or portion thereof)

The fee is exempted for a Street Performer participating in a Community Event or raising funds for a non-profit purpose and at Staff discretion.

7. **Community Events, Private Non- Exclusive, and Non Profit Vendors**
Exempt

8. **Private Exclusive**

A minimum fee of \$100 *plus* \$50 per hour (or portion thereof) after the first 2 hours, and includes all time used in physical preparation of the Public Space until it has been vacated for the purposes of the License.

General

9. All fees are in addition to required Business License Fees per the current associated bylaw. Staff has the authority to negotiate varying lengths of operation and fees will be calculated dependent upon agreement. Fees are generally calculated on a seasonal basis and will not be prorated due to changes in the length of operation.

10. Fees are payable upon the issuance of the License and may be modified or waived in special circumstances. Non-compliance with this policy including unpaid fees may result in the withholding of the License the subsequent year or upon re-application or revocation of a Business License.

SCHEDULE "B"

License Areas Applicable to Food Trucks and Seasonal Vendors

