

A BYLAW OF THE CITY OF VICTORIA

To consolidate the regulations applicable to hawking and peddling and to permit Tourism Victoria to operate one mobile unit for the distribution of brochures, pamphlets and other information concerning Victoria businesses and services.

The Municipal Council of the Corporation of the City of Victoria enacts as follows:

1. This bylaw may be cited as the “STREET VENDORS BYLAW.”

2. In this bylaw,

“hawker” means a person, who, either on his own account or as officer, servant or agent of another, sells or offers for sale tangible personal property on a highway, in a park, on a public square, or in the open air, or on any property of the City;

“highway” include a street, sidewalk, alley and lane;

“peddler” includes any person who, either on his own behalf or as an agent of another, goes from door to door and who sells or offers or exposes for sale any tangible personal property which he has with him.

“designated area” means any of the areas listed in Schedule A of this Bylaw.

“street entertainer” (a) means a person who, on a highway, public square or City property, performs in order to provide amusement for the purpose of gain or profit, and
(b) includes, without limiting the generality of this definition, a street musician.

3. A peddler’s licence may be issued pursuant to the provisions of the Business Licence Bylaw, to a person, firm or corporation in respect of a vehicle designated in the licence, in which event the officers, servants and agents of the licensee may conduct the peddler’s business from the vehicle during the subsistence of the licence without the necessity of obtaining individual peddler’s licences.

4. Subject to the preceding section no partnership, firm or corporation shall be issued with or hold a peddler’s licence, and each person who carries on the business of a peddler, whether for his own account or as an officer, servant or agent for or as partner of another person, firm or corporation, shall be in possession of a valid and subsisting peddler’s licence.

5. Subject to Section 6, a hawker’s licence may be issued pursuant to the Business Licence Bylaw to and held by one individual or by two individual persons in partnership.

6. A **designated area** hawker’s licence may be issued pursuant to the Business Licence Bylaw to any person, firm, society or corporation.

7. (1) Except for **designated area** hawker’s licence, no hawker’s licence shall be issued to or held by any person who is an employer or employee of another person or by a corporation or by a partnership having more than two partners.

(2) Except a **designated area** hawker, no hawker shall employ or shall be assisted by any other person other than his single licensed partner, if any.

8. (1) Except a newspaper hawker’s licence, no hawker’s licence and no peddler’s licence shall be assigned or transferred.

- (2) No refund shall be made in respect of any licence which is abandoned or surrendered.
9. A newspaper hawker, duly licensed as such, may sell newspapers anywhere in the City.
10. A newspaper hawker's licence may be in the form of a badge approved by the License Inspector, and no written application is necessary for such licence.
11. **(REPEALED) Bylaw No. 01-74 , Amendment #13**
12. (1) Along that part of the lower causeway which is below the sidewalk of Government Street between its intersections with Belleville and Humboldt Streets, but not upon any stairways in the causeway, a duly licensed hawker may sell paintings, drawings, sketches or etchings rendered on artist's canvass, paper, or cardstock, which works of art the hawker himself has created and which are not reproductions, replicas, or copies of the works of others and are not photographs or mechanical reproductions or replicas of his work or the work of others.
- (2) **A hawker that uses spray paint to produce art must not produce or sell the art at a location other than part of the causeway that is below the sidewalk at the corner of Government Street and Belleville Street, excluding the stairways in the causeway. (No. 4)**
13. **A person may carry on the business of a designated area hawker**
- (a) **at least from Victoria Day to September 15 of the same year; and**
- (b) **at the location specified on the licence issued for the business.**
14. (1) **Subject to section 13(a), and as weather permits, a designated area hawker must carry on business at least between the hours of 11:00 a.m. and 5:00 p.m. of each day**
- (2) **A designated area hawker must notify the City Manager's Office if that hawker's business is temporarily not being carried on at the location specified in that hawker's licence.**
- (3) **A designated area hawker must not cause or permit that hawker's vending cart to remain on the street between 2:00 a.m. and 6:00 a.m. of the same day.**
- (4) **A hawker described in section 12(1) may carry on business on any day only between 11:00 a.m. and 10:00 p.m.**
15. (1) **A designated area hawker who is entitled to the renewal of a hawker's licence for a second or subsequent licensing year or carrying on business is entitled to have the renewal apply to the same location as that of the previous year only if that location is a designated area for that second or subsequent year.**
- (2) **A designated area hawker may apply to carry on business at any location that is newly created by the City for that purpose.**
- (3) **A designated area hawker who is licensed to carry on that business at a location that is newly created under subsection (2) must not carry on business at the hawker's previous location.**
- (4) **If a designated area hawker sells the vending cart used for carrying on that business at a licensed location, the buyer of the cart may carry on business as a designated area hawker at the same location**
- (a) **after the buyer has obtained a separate licence to carry on business as a designated area hawker; and**
- (b) **for the remainder of the term of the buyer's licence to carry on business as a designated area hawker. (No.8)**

16. (1) Any vending cart used by a designated area hawker shall not exceed

- (a) 1.83 m in length**
- (b) 1.22 m in width**
- (c) 2.44 m in height, where an awning is included.**

(2) The design and finishing of any vending cart and signs placed on any vending cart shall be approved by the City Engineer.

17. (1) In any year, the number of hawker's licences issued for each area included as a designated area in Schedule A shall be the number set out in Schedule A. (No.2)

(2) Subsection (1) does not apply to a hawker described in section 12 that offers art for sale at the locations described in section 12. (No. 4)

18. Any applicant for a **designated area** licence, prior to obtaining a hawker's licence, shall exhibit appropriate approvals from the Health Department where foodstuffs are to be sold and from the Fire Department where fuel is used or carried in the vending cart.

19. Prior to obtaining a **designated area** hawker's licence, any applicant shall provide proof of valid public liability insurance in an amount not less than \$1,000,000.00.

20. (1) Any **designated area** hawker shall not deposit or cause to be deposited on any City street or sidewalk any rubbish or litter and shall promptly pick up any such material dropped by patrons within sight of the **designated area** hawker's vending cart.

(2) A hawker that uses spray paint to produce art must

- (a) not be located so closely to another hawker so as to interfere with that other production or sales;**
- (b) not obstruct pedestrian traffic;**
- (c) not cause or allow the obstruction of pedestrian traffic by the hawker's audience;**
- (d) cordon off the area where the art is produced or sold;**
- (e) around the area where the art is produced or sold, place signs that warn of spray paint drifting;**
- (f) keep the area where the art is produced or sold clean and free of rubbish, litter, paint and used paint containers;**
- (g) deposit the rubbish, litter and used paint containers in the hawker's own garbage containers.**

(3) At the time of applying for a hawker's licence, a hawker that uses spray paint to produce art must give to the City a damage deposit of \$500.00.

(4) If a hawker that uses spray paint to produce art does not carry out the cleaning and depositing required under subsection (2), the City may do that work and apply the damage deposit to the expenses of doing the work.

(5) If, at the time of expiry of the licence for a hawker that uses spray paint to produce art, any part of the hawker's damage deposit has not been applied as described under subsection (4), that remaining part must be returned to that hawker. (No.4)_

21. Repealed Amendment No. 8

22. Repealed Amendment No. 8

23. Any person found to be carrying on the business of a peddler or a hawker shall, on demand by the Licence Inspector or his lawful deputy, or by any member of a Police Force, forthwith exhibit the licence applicable to such business and to the place where it is conducted and shall produce documentary identification of himself so as to satisfy that person that he is authorized by the hawker's or peddler's licence.

24. (1) Where the Licence Inspector, his lawful deputy, or any member of a police force, has demanded production of any licence and identification and is not shown the licence and identification and afforded an opportunity to inspect them, he may seize all goods in the possession of the person, and transport them to City Hall for safe keeping until such time as the person from whose possession he has removed them either produces his licence and identification for inspection or produces evidence that he has been convicted or acquitted of a charge of carrying on such business without a licence.
- (2) Where a person whose goods have been seized pursuant to this section is not, within 30 days after the seizure of the goods, formally charged with an offence pursuant to this bylaw, he shall, on demand and on production of his licence and identification, be entitled to pick up and remove such goods.
- (3) Where any person fails to pick up and remove any goods seized pursuant to this section within 90 days of being entitled to do so, the Licence Inspector may cause the same to be sold by public auction to the highest bidder for the benefit of the City.
25. (1) Except as expressly permitted in this bylaw, no person shall carry on the business of hawker anywhere in the City.
- (2) No person shall carry on the business of a peddler on any highway, square, park or any land the property of the City.
26. Notwithstanding the provisions of this bylaw, no hawker's licence shall be required from the holder of a retail trading licence, issued pursuant the Business Licence Bylaw, who displays fresh fruit, vegetables or cut flowers upon the part of the sidewalk that is not more than 60 cm from the nearest wall of the building in which he sells the same, provided that such encroachment does not exceed more than one -fifth of the width of the sidewalk, measured from the wall of the building to the curb, notwithstanding the provisions of the Streets and Traffic Bylaw.
27. Except as otherwise provided in this bylaw, an application for a hawker's or peddler's licence shall contain a description of the goods to be hawked or peddled and the licence issued shall be deemed to confine the holder to the sale of such goods and to the location specified, if any.
28. Any person who contravenes any provision of this bylaw is guilty of an offence and liable, upon conviction, to the penalties prescribed by the offence Act and a fine of not less than \$100.00.
29. Bylaw No. 85-120, the Street Vendors Bylaw, and any amendments are repealed.
- 30. (1) The Business Licence Bylaw, excluding sections 26 and 29, applies to the licensing of a street entertainer.**
- (2) If a provision in sections 30 to 37 conflicts with the Business Licence Bylaw, excluding sections 26 and 29 of that Bylaw, the provision in sections 30 to 37 prevails.**
- 31. No person may carry on the business of a street entertainer unless that person has applied for and obtained a valid street entertainer's licence.**
- 32. (1) In addition to the power to refuse or revoke a licence under the Business Licence Bylaw or any other law, the Council, by the affirmative vote of at least two thirds of its members, may refuse to issue or renew or may revoke a street entertainer's licence if that entertainer has**
- (a) obstructed pedestrian traffic while performing as a street entertainer, or**
- (b) caused or allowed the street entertainer's audience to obstruct pedestrian traffic.**
- (2) The City's Director of Administration is authorized to suspend any street entertainer's licence for a period that the Director of Administration decides if the licence holder has, in the opinion of the**

Director of Administration, been guilty of such gross misconduct in respect of the business or in respect to the premises named in the street entertainers licence that it warrants a suspension of the licence.

(3) Any person whose licence has been suspended by the Director of Administration may appeal to City Council which may confirm or set aside the suspension on any terms it thinks fit.

- 33. A street entertainer may perform only between the hours of 10:00 a.m. and 10:00 p.m. of the same day.**
- 34. While performing, a street entertainer must wear the identification badge that is issued by the City with the street entertainer's licence.**
- 35. (1) The Noise Abatement Bylaw applies to a performance by a street entertainer.**
- (2) Notwithstanding the provisions of any other Bylaw, no street entertainer may use any amplification, recorded or broadcast music or any other means of increasing the volume of their performance at any time. (No. 7)**
- 36. The number of street entertainers performing under the authority of one licence is limited to the number shown on that licence.**
- 37. While performing. A street entertainer must**
- (a) not be located so closely to another street entertainer so as to interfere with that other street entertainer's performance,**
 - (b) not obstruct pedestrian traffic**
 - (c) not cause or allow the obstruction of pedestrian traffic by the street entertainer's audience, and**
 - (d) not excessively or unreasonably disturb another operation of another business to which the street entertainer is adjacent.**
- 38. Sections 23 and 24 apply with the necessary modifications to a street entertainer and a street entertainer's goods.**
- 39. A person who contravenes a provision of sections 30 to 38 including a provision of the Business Licence Bylaw and the Noise Abatement Bylaw concerning a street entertainer's licence, is guilty of an offence and is subject to the penalties imposed by this Bylaw or by the Offence Act.**
- 40. The minimum penalty for a contravention of a provision of section 30 to 38, including a provision of the Business Licence Bylaw and the Noise Abatement Bylaw concerning a street entertainer or a street entertainer's licence, is a fine of \$100.00.**
- 41. (1) A person:**
- (a) who is authorized by the Council or under a valid and subsisting contract with the City; and**
 - (b) who has reason to believe that any person has committed an offence under sections 30 to 38 of this bylaw or the Noise Abatement Bylaw concerning a street entertainer or a street entertainer's licence,**
- may deliver an offence notice to a person believed to have committed an offence.**
- (2) An offence notice may be delivered by giving it to the person believed to have committed the offence.**
- 42. (1) An offence notice may indicate the alleged offence and the amount of the voluntary penalty that may be paid to the City in respect to the alleged offence.**
- (2) If a voluntary penalty is paid under an offence notice in the amount and within the applicable time period set out in section 43 before an information has been sworn and a summons issued, a prosecution shall not be instituted in respect of the offence described in the offence notice.**

43. (1) The voluntary penalty for a contravention of a provision in sections 30 to 38, including an offence under the Business Licence Bylaw or the Noise Abatement Bylaw concerning a street entertainer or a street entertainer's licence, is

- (a) \$75.00 if paid within 14 days from the date of the offence notice;**
- (b) \$85.00 if paid after 14 days but within 45 days from the date of the notice;**
- (c) \$100.00 if paid after 45 days from the date of the notice.**

Passed and received third reading by the Municipal Council the 8th day of June 1989.

Reconsidered and adopted by the Municipal Council the 22nd day of June 1989.

Schedule A
DESIGNATED AREA

AREA	NUMBER OF LICENCES
1.the corner of Government and Wharf Streets	2
2. The Government Street entrance to Bastion Street, commonly known as Bastion Square	2
3. In front of the property known as 1108 Government Street	1
4. Government Street on the northwest corner of Fort Street	1
5.Government Street mid-block between Humboldt and Courtney Streets	1
6. The corner of Government and Yates Streets on the west side of Government Street	1
7. Bastion Street, commonly known as Bastion Square	1
8. On that part of the causeway directly below the intersections of Government and Belleville Streets	1
9. On that part of causeway directly below the property known as 470 Belleville Street	1
10. On the south side of 700 Block Yates Street, across from the property known as 734-738 Yates Street	1