

# Bylaw 18333 - Amendments to Business Licence Bylaw 13138: Recommended Public Market Category

## Recommendation

That Urban Planning Committee recommend to City Council:

That Bylaw 18333 be given the appropriate readings.

## Purpose

To amend the Business Licence Bylaw, Bylaw 13138 to create Public Market business licensing categories and requirements for the newly created categories.

## Readings

Bylaw 18333 is ready for three readings.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Bylaw 18333 be considered for third reading.”

## Position of Administration

Administration supports this Bylaw.

## Previous Council/Committee Action

At the October 18, 2016, Executive Committee meeting, the following motion was passed:

That Administration, in consultation with the Business Revitalization Zones and any other relevant stakeholders, review the regulatory framework for small markets and vendors, but not including farmers’ markets, in Main Street areas, and return to Committee in the Second Quarter of 2017.

## Report Summary

Bylaw 18333:

- Creates two new licence categories: Public Market Organizer and Public Market Vendor;
- Eliminates the Flea Market and Flea Market Vendor licence categories;
- Creates a requirement for Festivals to maintain a record of the vendors operating within a Festival; and
- Provides for some general housekeeping amendments to the Business Licence Bylaw. This includes clarifying the definitions for Farmer's Market and Festivals, as well as adding a clause to the powers of the City Manager to waive a licence requirement, which is similar to the powers already found under other City of Edmonton bylaws.

## **Report**

### **Background**

Following Executive Committee's motion at the October 18, 2016, meeting, Administration presented an information report discussing issues affecting markets to Urban Planning Committee on June 23, 2017.

The Business Licence Bylaw, Bylaw 13138 lacks a specific licensing category for Public Markets that are not Farmers' Markets, Festivals or Flea Markets. Markets which do not meet the criteria for existing market licence categories, such as those occasionally held in Business Improvement Areas, are licensed under the General Business or Flea Market categories. All vendors at these markets are required to obtain individual business licences.

Conversely, Festivals and Farmers' Markets organizers obtain a business licence and the individual vendors are not required to obtain business licenses. This discrepancy means that existing regulations for Public Markets are more onerous than those for Farmers' Markets/Festivals.

### **Public Market Licence Categories**

Bylaw 18333 creates two new Public Market licence categories: Public Market Organizer and Public Market Vendor.

Presently, under the Business Licence Bylaw, Bylaw 13138, markets that do not fall under the categories of Farmers' Markets or Festivals are licensed under the Flea Market or General Business licence categories.

- The General Business licence category does not satisfy the needs of market organizers as individual licences are required of all vendors operating in the market.

- The Flea Market category is intended to capture indoor markets where the goods for sale are new and used manufactured goods. This category requires market organizers, among other requirements, to obtain a licence and a police information check.

Bylaw 18333 eliminates the Flea Market and Flea Market Vendor categories. Markets and vendors previously licensed under these categories will be licensed under the Public Market categories.

The proposed fee for the Public Market Organizer licence is \$235; this is identical to the licence fee for Farmers' Markets and Festivals. The licence is valid for multiple dates in the same location.

The proposed fee for a Public Market Vendor licence is \$55; this is similar to the fee for the Flea Market Vendor licence under the Business Licence Bylaw, Bylaw 13138.

### **Regulations for Public Markets**

Bylaw 18333 also establishes regulations for Public Markets. A Public Market may be held indoors or outdoors and a Public Market Organizer is required to:

- Obtain a Public Market Organizer business licence; and
- Maintain a record of all vendors including the business owner name or trade name, business address and telephone number, and the type of goods sold.

### **Regulations for Public Market Vendors**

Bylaw 18333 establishes vendor licence requirements based on the goods sold by the vendor. This will allow Public Market Organizers to freely select their vendors and for Administration to maintain necessary requirements for specific vendors.

- A vendor only selling artisan goods will not require an individual business licence.
- All other vendors will require an individual business licence.
- All other vendors, except for food vendors, will require a police information check and have to maintain an inventory of goods sold.

Administration considers the requirements imposed on vendors who do not sell artisan goods to be necessary on public interest grounds and to align vendors with similar forms of retail sales in the city.

### **Festivals**

Bylaw 18333 clarifies the definition of Festivals and creates the following additional requirement for Festival organizers to ensure equity with Public Market organizers:

- Maintain a record of all vendors, including the business owner name or trade name, business address and telephone number, and type of goods sold.

### **General Provisions**

Among some general housekeeping amendments, Bylaw 18333 clarifies that a licensee must produce records that they are required to collect and maintain upon request by a bylaw enforcement officer.

Bylaw 18333 also adds a clause enabling the City Manager to waive any requirement for a licence or issuance of a licence. This clause is similar to powers found in other City bylaws, and will enable discretion to be exercised on licence requirements.

### **Related Amendments to Zoning Bylaw 12800**

In order to ensure consistency between bylaws, a number of associated amendments will be made to Zoning Bylaw 12800. Administration will bring forward proposed amendments to Urban Planning Committee as part of the Removing Barriers for Change of Use and Temporary Events in quarter two of 2018.

### **Corporate Outcomes and Performance Management**

| <b>Corporate Outcome: Edmonton has a globally competitive and entrepreneurial business climate</b> |   |  |           |
|--|---|--|-----------|
| Outcome (s)  | Measure(s)  | Result(s)  | Target(s) |
| Support the development of a liveable, safe and sustainable community                              | Number of licences issued to market organizers and vendors annually | 2017<br>Flea Markets - 3<br>Farmers' Markets - 6<br>Festival Markets - 24<br>Flea Market Vendor - 267<br>Travelling or Temporary Sales and Travelling or Temporary Food Sales* - 893 | N/A       |

\*Not exclusive to market vendors; this includes markets licensed under the General Business category which is not exclusive to markets.

### **Public Engagement**

Administration held a public engagement session on November 23, 2017. Administration sent approximately 227 invitations via email to stakeholders which included Business Improvement Areas, market organizers, vendors and members of the Edmonton Food Council. Fifteen stakeholders attended the session.

At the session, Administration presented the proposed amendments to the Business Licence Bylaw, Bylaw 13138 and received feedback from the stakeholders. Administration also received feedback via email from one stakeholder who did not attend the public consultation session.

In summary, the stakeholders:

- Welcomed the creation of a Public Market licence category;
- Viewed the proposed Public Market category regulations as creating equity with Festivals and provincially approved Farmers' Markets; and
- Provided suggestions for refining the amendments, for example, eliminating the proposed limitation on the type of goods that may be sold in a public market.

A summary of the public engagement discussion can be found in Attachment 2 - What We Heard.

### **Budget/Financial Implications**

As there have been challenges enforcing the current bylaw requiring individual vendors to obtain licences, the number of licences currently being obtained is low. As such, it is not anticipated that there will be significant financial implications resulting from the amendments addressed in these reports.

#### **Justification of Recommendation:**

Bylaw 18333 promotes equity between provincially approved and non-provincially approved markets by creating Public Market licensing categories and more streamlined regulations for the categories. The regulations created by Bylaw 18333 may promote vibrancy of markets while upholding public interest concerns.

### **Attachments**

1. Bylaw 18333
2. What We Heard Summary

### **Others Reviewing this Report**

- T. Burge, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- C. Campbell, Deputy City Manager, Communications and Engagement

- D. Jones, Deputy City Manager, City Operations
- R. G. Klassen, Deputy City Manager, Regional and Economic Development
- A. Laughlin, Deputy City Manager, Integrated Infrastructure Services
- R. Smyth, Deputy City Manager, Citizen Services