

**Subject:** Special Event Permit and Vendor Licensing By-laws

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2024-0140 Special Event Permit and Vendor Licensing By-laws, for information;**

**AND THAT Council approve, in principle, the appended Special Event Permit By-law;**

**AND THAT Council approve, in principle, the appended Vendor Licensing By-law;**

**AND THAT Council direct the Town Clerk to prepare and present the Special Event Permit By-law and Vendor Licensing By-law for consideration at the next Regular Meeting of Council.**

**Background:**

This report provides an overview and offers recommendations for developing a new Special Event Permit By-law alongside proposed enhancements to the Itinerant Sellers Licence By-law, which is proposed to be renamed the Vendor Licensing By-law. The primary objective is to refine and streamline the permitting process, regulation, and facilitation of special events and travelling vendors within the Town. This initiative aims to support and facilitate safe, enjoyable, and well-regulated events that enhance community engagement, prioritize public safety, and support economic growth.

Special events, including temporary markets and agritourism events, promote local culture and drive economic activity. As the demand for outdoor events has increased post-pandemic, these social gatherings are essential in supporting small businesses and leveraging the popularity of food trucks. Additionally, travelling vendors, such as food trucks and pop-up shops, make a valuable economic impact, contributing both through participation in special events and independent operation.

**Analysis:**

**Special Event Permit By-law**

The draft by-law establishes a permit system for special events held on public and private property within the Town. Currently, special events are managed through an internal process led by the Clerk's Department, which the proposed by-law seeks to formalize. The absence of a specific by-law has led to inconsistencies in permitting and enforcement, and ambiguity regarding when a permit is required.

Key provisions of the by-law include:

1. **Permit requirement:** The by-law requires obtaining a special event permit for events: (i) with a duration of five (5) consecutive calendar days; (ii) that augment the ordinary business or operations of the property where they are held; (iii) that are open to the public and/or invitees; and (iv) that are expected to attract more than two hundred (200) attendees and/or participants during their duration. Exemptions are granted for (i) Town special events; (ii) events that constitute normal farm practices; and (iii) events necessitating a temporary zoning by-law amendment or zoning by-law amendment.
2. **Application process:** Special event permits will be designated for staff approval and must be applied for at least 45 days in advance of the special event. The application requires standard documentation, including an event description, venue plan, and proof of insurance. Staff may impose additional application requirements as necessary.
3. **Duration:** The Town's Official Plan policy, currently under review, supports an annual agricultural-related exhibition. The proposed by-law allows for up to three (3) special events to be held on any public or private property within a calendar year. This aligns with current requests, which have not exceeded three (3) events annually, and is consistent with the scheduling of spring, fall, and winter markets. Although this provision contradicts the OP policy, the intention is for the new OP to rely on the Special Event Permit By-law for direction.

Additionally, this by-law applies only to events or functions with a duration of five (5) consecutive days. Extended events will need to pursue alternative options, such as a temporary zoning by-law amendment or a zoning by-law amendment, which will initiate the planning process and require Council approval.

4. **Fee:** There is no application fee for obtaining a Special Event Permit. However, the Special Event By-law serves as a blanket process to ensure that all relevant permits are identified and obtained. If the special event requires any additional permits or authorizations from the Town, applicable application

fees will be charged in accordance with the Fees and Charges By-law.

5. **Compliance and Penalty:** The by-law establishes a framework for enforcement and administrative penalties to ensure compliance.

### **Special Event By-law Consultation**

The Agricultural Advisory Committee (AAC) was consulted for insight and expertise on special events and natural farm practices. Committee members provided valuable, experience-based recommendations, such as:

1. Clarifying the definition of a special event and determining what triggers the need for permits for “pick-your-own” establishments.
2. Requiring additional supporting documentation, such as a site remediation plan for events held on public property.
3. Identifying permit requirements for temporary food and refreshment vendors, which are now included in the proposed Vendor Licensing By-law.

The AAC emphasized that the by-law should not be overly restrictive, as it is important to support and encourage agritourism.

A copy of this report and the proposed by-laws has been circulated to all 2024 special event permit holders, inviting them to submit correspondence for consideration by Council at the November 20th meeting.

### **Vendor Licensing By-law**

Currently, travelling vendors are regulated under the Itinerant Sellers By-law 3186(2011), which was originally crafted to address vendors operating within the Town for extended periods, such as seasonal chip trucks or cable company sales representatives. As a result, only three (3) licences were issued annually from 2011 to 2021.

However, By-law 3186(2011) no longer effectively meets the needs of modern travelling vendors. There has been a significant increase in vendors attending temporary special events, reflected by the 21 licences issued so far in 2024.

As the vast majority of travelling vendors now operate within the Town for short-term events rather than extended periods, the Clerk's department has received several complaints regarding the \$250.00 (food vendor) and \$200.00 (non-food vendor) licence fee. Although this fee is designed to cover a vendor's operation for a full year, many vendors are attending only a single event, making the fee appear disproportionately high and creating a deterrent for participation.

The proposed Vendor Licensing By-law introduces several significant updates to better manage the growing number of travelling vendors. Key provisions of the by-law include:

1. **Licensing System:** The by-law mandates a licensing system for all travelling vendors and food vendors, which includes refreshment vending carts and refreshment vending vehicles.
2. **Enhanced Compliance Requirements:** Safety certifications, including a Safety Standard Certificate from the Ministry of Transportation and an inspection certificate from the Technical Standards and Safety Authority (if applicable), are required.
3. **Insurance:** Vendors must maintain a commercial general liability insurance policy with a minimum coverage of \$3,000,000 per occurrence.
4. **Operating Conditions:** Specific locations for vending activities are regulated, prohibiting operations on highways, street allowances, and within daylighting triangles. Subject to obtaining a licence, vendors are now permitted to operate on Town property.
5. **Exemptions:** The by-law includes several exemptions, such as local resident farmers selling their own produce, local retailers selling directly from their own premises, non-food vendors with a valid permit participating in special events, and non-food vendors involved in a Town special event.
6. **Licensing Structure:** Two licensing structures are proposed: an Annual Vendor Licence and a Limited Vendor Licence. The Annual Vendor Licence, valid for the full calendar year, is ideal for vendors operating seasonally or consistently throughout the year, such as chip trucks or cable sales representatives. The Limited Vendor Licence, issued for the duration of a specific event, is designed to be more cost-effective for vendors seeking short-term operation within the Town.
7. **Fee:** The proposed fee structure will be provided in the forthcoming 2025 Town of Pelham Fees and Charges By-law. A tiered fee model is recommended, allowing short-term vendors to pay a reduced fee compared to the annual licence rate.

Once a comprehensive Special Event Permit and Vendor Licensing system is established, staff will develop dedicated webpages to clearly communicate expectations and the regulatory framework.

### **Financial Considerations:**

Staff recommend proceeding without implementing a Special Event Permit fee. While fees are currently collected and allocated to the departments responsible for the relevant inspections, licences, and permits, introducing additional fees could discourage special event organizers from obtaining the permit. This reluctance in obtaining a permit by special event organizers due to additional fees could increase the Town's risk exposure. By maintaining the current fee structure, Pelham encourages compliance and ensures that all safety and regulatory measures are met, thereby protecting the Town from potential liabilities.

Implementing a reduced licence fee for Limited Vendor Licences may result in decreased revenue. However, this reduction is expected to incentivize more vendors and special event organizers to obtain the licence. This, in turn, ensures that their operations are properly regulated, and that the Town is protected from liability. The existing fee structure no longer accurately reflects a cost-recovery model, as the process has significantly been expedited and involves less staff. Encouraging compliance through a more affordable fee structure will likely enhance vendor participation and contribute to the overall success and safety of community events.

### **Alternatives Reviewed:**

The structure for permitting special events varies across municipalities, clearly reflecting the unique characteristics of each community. Staff have dedicated considerable time to reviewing how the proposed definitions and practices impact the special events hosted in the Town. Staff believe that the proposed components effectively address our needs. However, staff remain open to direction from Council to adjust any of the proposed elements, including the fee structure, duration of events, and permit requirements.

### **Strategic Plan Relationship: Enhancing Capacity and Future Readiness**

The proposed by-laws fulfill the strategic plan action item aimed at establishing a new system for special events. By developing a streamlined permit process, the Town is better equipped to manage higher volumes of event and vendor applications. This increase in capacity directly supports the efficient delivery of special events, ensuring organization and regulatory compliance.

Clear guidelines within the new processes provide transparency, making it easier for event organizers and vendors to understand their requirements and expectations. This clarity encourages applicants to submit complete and accurate application packages, which in turn expedites the permitting process.

**Consultation:**

Senior Leadership Team  
Community Planning and Development Staff  
Agricultural Advisory Committee

**Other Pertinent Reports/Attachments:**

By-law 3186(2011) Itinerant Sellers By-law  
Proposed Vendor Licensing By-law  
Proposed Special Event Permit By-law

**By-laws Prepared and Recommended by:**

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