SEASONAL VENDORS IN PARKS PROGRAM GUIDELINES

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The City of Calgary - Parks & Open Spaces

Seasonal Vendors in Parks Program Guidelines

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SEASONAL VENDORS IN PARKS PROGRAM OVERVIEW

Purpose and Objectives

The City of Calgary - Parks and Open Spaces launched the Seasonal Vendor Program in 2015 on park stewarded land with the goal of offering park users opportunities that enhance the park experience. This program aims to support and complement existing park amenities, while ensuring the offerings align with the intended use of the park.

The Parks and Pathways Bylaw (11M2019) as amended from time to time, governs this program, and all Seasonal Vendors ("Vendor") must sign a Vendor Agreement and obtain a Parks Vendor Permit ("Permit") which acts as approval from the Director of Parks and Open Spaces to engage in a commercial activity on City land. This may include, but is not limited to:

- rental of game and/or equipment to encourage activity and play;
- bicycle rentals and/or repairs;
- skate, snowshoe, and cross-country ski rentals;
- guided walking tours;
- food and beverage sales which does not include Food Trucks or alcohol sales. More information on Food Truck bookings can be found here: Booking Food Truck Stalls at Athletic Parks, Playfields and Parks (calgary.ca).

1. Vendor Type

1.1 Type A, B, C, D

A Permit is required for each Vendor unit operating on City land. All Vendors acquiring a Permit fall under one of the following Vendor Types, as assigned by the Seasonal Vendor Program based on application and operational requirements:

- **Type A**

  No set up, minimal footprint, tours, educational programming, and non-profit groups.

  Artists are also included in this category. An artist is defined as any Vendor business that sells art created by an employee of the business. A Vendor business that sells art created by individuals not employed by the business does not qualify as an Artist vendor type.

- **Type B**

  Pushcart style, limited set-up, compact operation.

- **Type C**

  Mobile/Medium Operation Set up (Tent(s)/Table(s), motorized vehicle(s), operation in City Asset).

- **Type D**

  Complex/Fixed Set Up (Structure(s), power, sea-can(s), trailers(s)*

*Special permits, including but not limited to Development Permits and/or Building Permits, may be required and are the responsibility of the Vendor applicant. These permit processes may require additional time and costs. Please refer to the following link for additional information: Building permit process - Frequently asked questions (calgary.ca)

IMPORTANT NOTE:

All applications for Vendor Type D are temporarily suspended until further notice. This suspension is in place to allow for a comprehensive review of operational impacts, site capacity, and community feedback regarding sea can structures and fixed set ups in parks. The program is assessing concerns related to congestion, environmental effects, and alignment with park usage goals to ensure future placements support both vendor needs and public enjoyment of park spaces

Returning Vendor Type D applicants with historical placement will continue to receive support during this review period.

2. Application and Approval Process

Application timelines: Applications can take 6 - 8 weeks to review and approve. Applications are processed in the order they were received.

All required documents must be completed in full and must be attached within the application portal. All required application documents can be added into one upload document package.

All applications are subject to a non-refundable $50 administration fee, which will be included in the vendor fee invoice.

***Amendments to fully executed agreements will also be subject to a $50 administrative fee.**

2.1 Application Submission

If a returning Vendor was approved for a specific location the previous year, they will have first priority for that location if no significant changes are being sought. *

Returning Vendors who seek to duplicate the previous year's approved application and location (with no changes) must submit their full application for operational review and approval **by March 15th,** for the Spring/Summer intake. Vendors will be notified via email, typically in mid-February, when they can start submitting their applications.

New Vendor applications will be received beginning **April 1st**, for the Spring/Summer intake.

Returning and new vendor applications will be received beginning **September 1st,** for the Fall/Winter intake.

If multiple Vendors wish to vend at the same location, the first Vendor to submit a full application will receive priority in the review and approval process.

*This does not apply where the location is no longer available due to construction or other factors. One Vendor shall have no more than a maximum of 3 approved locations.

2.1.1 Site Location Requests & Limitations

Vendors are encouraged to operate in many of the City's parks and greenspaces. However, due to capacity such as parking and congestion, some Parks cannot accommodate any further Vendors. Several of our Parks are at capacity, and Vendors may be directed to Parks' sites other than their preferred choice.

The following Parks sites are not available through this program:

- ***River Park***
- ***Prince's Island Park***
- ***Glenmore Reservoir or lands adjacent for activation in the Reservoir***
- ***East Village***
- ***The Confluence Historic Site & Parkland***
- ***St. Patrick's Island***
- ***Poppy Plaza***

* River Parks water-activity vendor permit applications may be considered; however, approvals are limited and subject to site capacity and operational constraints.

2.1.2 Site Location Assessment

When an application is reviewed, several factors are taken into consideration before a location is approved and/or denied, including but not limited to:

• Number of Vendors: The optimal number of Vendors is assessed;

• Operational Requirements and Expertise: Several City subject matter experts are consulted on the location and business functions as applicable (Superintendents, Parks Community Strategists, Ecologists, Pathway Technicians, etc.);

• Proximity and Product or Service: The proximity of the requested location to other businesses is taken into consideration in the approval process. A location will not be approved if it is:

- closer than 50 meters to a business that sells a similar product or service;
- otherwise deemed to be too close to an existing business that sells a similar product;
- visibly obstructing the entryway or primary signage of a permanent business;
- closer than 400 meters to any school unless the school has invited the Vendor to their location.

• Location and Environment: The ground surface, surrounding area and other aspects of the requested location are considered in the approval process. The following location requests will not be approved:

- metered parking locations for Vendor units other than motorized vehicles;
- locations with surfaces or other aspects of the area that may be damaged by the Vendor operation.

2.1.3 Approved Permit Area

Once a Permit has been approved, the Vendor must operate the approved vendor unit **only** at the exact approved location(s) identified as the approved Permit Area(s) in the Vendors executed agreement.

If a Vendor moves outside of the approved Permit Area(s) without prior approval, the Vendor will be considered in default under the terms of their agreement. Operating outside of your approved Permit Area may result in termination. See section 5.2 for additional information.

2.1.4 Multiple Vendor Locations

Vendors have the option of receiving up to three (3) approved locations, however each Vendor unit requires a Permit and therefore Vendors operating more than one vendor unit will be required to pay Permit fees for each approved location.

2.2. Vendor Site Requirements (site visit language)

2.2.1. Cleanliness

All Vendors are required to maintain a clean and neat Permit Area. This includes taking measures to ensure no stains, garbage or other unwanted pollutants or damage negatively affect the area. In all circumstances, if applicable, all Vendors are required to:

- provide garbage and recycling receptacles for customers;
- place mats underneath Vendor units to protect the area from spillage and other pollutants;
- securing any wrappers or items that may blow away;
- clean the ground and surfaces surrounding the Vendor unit before leaving the area to ensure no spillage, debris or other unwanted pollutants are left behind.

2.2.2. Obstruction Restrictions

All permitted Vendor locations are subject to the following restrictions:

- The Vendor operation must not create any visual or physical obstruction that blocks pedestrians from viewing or accessing restaurant signs, storefronts, advertising objects or other objects or areas that compromise the safety of pedestrians or limit access to objects and areas including:

  -Traffic lights, doorways, transit zones, fire hydrants, driveways, loading zones, emergency access routes, roadways, roadway shoulders or areas deemed high congestion by subject matter experts leading to safety concerns;

  -The Vendor operation must allow clearance on all sides of the Vendor unit such that pedestrians are able to easily and safely pass by without congestion;

  -Additional tents and canopies are not permitted to be used in the Vendor operation unless approved in the application or by special request. This includes Vendors allowing additional pop-up tents for other business promotion.

• Generators used to provide power to the Vendor unit are only permitted, if approved in application process. Approved generator is included in the agreement as a permitted chattel.

• Type D Vendors are required to ensure they have the appropriate and accurate Building/Development Permits in place for temporary structures. Unapproved additions and/or modification to an approved Building Permit shall be deemed breach of agreement and may result in default.

2.2.3. Signage

The Vendor agrees that all signage must receive prior approval regarding location and size during the application process, and must adhere to the following requirements:

• All signage must be portable and shall not be affixed to posts, sidewalks, infrastructure, or any permanent objects.

•The signage must be designed and constructed to remain stable and maintain its positioning under all weather conditions

• Removed from the approved Permit Area when the Vendor unit is closed or if the Vendor is absent from the location.

The Vendor is responsible for ensuring their signage complied with the requirements during the term of their agreement. Failure to follow the requirements may result in default.

2.2.4. Tables and Chairs

Vendors are not authorized to provide tables and/or chairs in the approved Permit Area unless they are approved and contained within the equipment chattels, included in the Vendor agreement.

2.2.5. Hours of Operation

Approved Vendors are permitted to operate on City lands between the hours of:

• 7:00AM – 10:00PM

2.2.6. Operation - Other

Vendors are not permitted to:

• smoke/vape within 5 meters of the Vendor unit. Additionally, smoking/vaping is not permitted within five meters of outdoor pools, outdoor skating rinks, playgrounds, skate parks or sports fields;

• leave the Vendor unit unattended during operation;

• leave the Vendor unit or any operational items overnight, unless authorized;

• sell illegal products such as counterfeit or stolen goods.

2.3. Appeals

Due to the short-term nature of this program, there is no appeal process for when The City has terminated the agreement and/or denied a site location.

If an agreement has been terminated due to Vendor default, the Vendor will not be permitted to activate again in the same season and will be considered a NEW applicant.

3. Required Documents

Vendors are required to submit on online application. The following documents are necessary to apply for a Permit:

- A copy of a Business License or a 'License Not Required' letter from The City's Chief License Inspector. Please visit Business licensing and permits (calgary.ca) to learn more;
- A current copy of Insurance Certificate, naming The City of Calgary as "Additional Insured". The amount of liability required can range from $2M -$10M dependent on the Vendors specific operational activities;
- Site Plan for each eligible Park Location should include:
- • Park Name and a map indicating the proposed location within the subject park;
    - Location number - required if you intend on operating from more than one park location (e.g., Location 1 of 2);
    - North arrow.
- A site plan with existing and/or proposed elements such as:
    - Temporary equipment and/or structures; include dimensions;
    - Existing structures and/or infrastructure;
    - Adjacent pathways.

*A sample site plan can be found in the Required Documents document.

- Proposed entry and exit route for motorized vehicles, including how often you intend on entering and exiting the park (e.g., daily, weekly, monthly, once/twice per season);
- Colour photographs of all proposed temporary equipment and/or structures. Label and identify each photograph;
- Approved AHS Food Handling Permit (if applicable to business operation);
- A copy of WCB Clearance Letter (if applicable to business operation);
- An Environmental Plan (required if accessing and/or utilizing Calgary's waterways);
- Required Building Permits, determine through Planning Services Centre the type of permits are required for any structure/equipment that will be onsite.

*Sample Site and Environmental Plans can be found at : Vendors in Parks (calgary.ca)

* **Incomplete applications will be declined. Vendors will be required to re-submit with ALL applicable documents.**

4. Fees

4.1. Vendor Permit Fees

The fees for a Permit are as follows:

Vendor Type	Base Fee	Additional Operating Unit Fee (Fee/structure. Max 3.)
Type A Vendor	$500	N/A
Type B Vendor	$1,200	N/A
Type C Vendor	$1,750	N/A
Type D Vendor	$2,500	$1000 per additional structure (trailer, C-can)

Fees are standardized for the entire seasonal operation, from approximately May – October, or November – April. Specific operational dates are noted in vendor agreement and will vary from vendor to vendor.

All Base Fees are subject to GST.

4.2. Supplementary Fees

All supplementary ad-hoc utility requirements will be a pay for service if available at site location.

4.2.1. Administration Fee

Vendor shall pay a non-refundable administration fee of $50 + GST. The administration fee is not part of the Permit Base Fee.

5. Permit Revocation, Relocation and Fines

5.1. Relocation

The City of Calgary reserves the right to revoke or change the approved Permit Area(s) on any Permit issued by The City of Calgary, Parks and Open Spaces with or without reimbursement of fees, as per the vendor agreement. The City will give as much advance notice as possible in these instances.

Often, permit revocation or relocation is due to a conflict with an existing business construction/upgrade or other unforeseen event.

5.2 Revocation Process

Lack of adherence to the Vendor Guidelines and/or the executed Vendor agreement may result in Permit revocation.

If lack of adherence is observed by site checks and/or complaints:

- Vendors will be verbally notified as to lack of adherence observed, followed by an email or letter;
- If continued and/or additional lack of adherence is observed, revocation of the Permit will occur with appropriate notice as per the terms of the agreement. No refund will be given, if Permit is revoked.

6. Cancellation

As per the terms of the Vendor Agreement, the City, in its sole discretion, may terminate the Agreement upon thirty (30) days written notice to the vendor.

If a vendor cancels 30 days after the execution of the Agreement, no refund will be issued. A daily rate may be assessed if canceled within the first 30 days.

7. Fines

In addition to the revocation of the Permit, a vendor operating without adhering to all City of Calgary bylaws may be fined.

Relevant bylaws include:

- Parks and Pathways Bylaw #11M2019

Fines for failing to adhere to bylaws range in fine amount per bylaw violation.

*Other bylaws and fines may apply.

8. Approved Vendor List

The Community Parks Initiatives team maintains an Approved Vendors List which is reviewed seasonally that includes vendors who are compliant with City Bylaws, Vendor Guidelines, and the Vendor Terms and conditions.