

CITY OF SASKATOON COUNCIL POLICY

NUMBER
C10-026

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| POLICY TITLE <i>Seasonal Commercial Enterprise in Parks</i> | ADOPTED BY: <i>City Council</i> | EFFECTIVE DATE <i>January 26, 2015</i> |
| ORIGIN/AUTHORITY <i>Standing Policy Committee on Planning, Development and Community Services Report – January 26, 2015</i> | CITY FILE NO. <i>CK. 4205-5 and CK. 300-11</i> | PAGE NUMBER <i>1 of 8</i> |

1. PURPOSE

To enhance the enjoyment and usage of parks by providing opportunities for Seasonal Commercial Enterprise subject to the terms of this policy. The objectives of this policy are:

- a) To ensure the Seasonal Commercial Enterprise supports sport, recreation, and/or cultural events or opportunities.
- b) To ensure Seasonal Commercial Enterprise provides a complimentary service to the park users' experience.
- c) To ensure the Seasonal Commercial Enterprise supports the creation, enhancement, or continuation of tourism opportunities.

2. DEFINITIONS

For the purposes of this policy, the following definitions are used:

- 2.1 Adjudication Committee means a committee made up of representatives from the City of Saskatoon, Meewasin Valley Authority (MVA), Tourism Saskatoon, The Partnership, Broadway BID, Riversdale BID, and the Saskatoon Chamber of Commerce to review Seasonal Commercial Enterprise Applications.
- 2.2 City means City of Saskatoon Administration.
- 2.3 Commercial Enterprise means any organization engaged in the sale of goods or services to consumers.

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- 2.4 Operating Conditions are parameters established by the City and specified in the agreement as a requirement for the Seasonal Commercial Enterprise in Parks permit.
- 2.5 Operation means any activity associated with the Commercial Enterprise business including set-up, clean-up, and take-down time.
- 2.6 Park means Municipal Reserve or other lands maintained for recreational purposes owned by the City.
- 2.7 Permit means authorized to operate.
- 2.8 Seasonal means the Commercial Enterprise is temporary with specific start and end dates.
- 2.9 Vendor means any person(s) who owns and/or operates a Seasonal Commercial Enterprise in a park within city limits.

3. POLICY

The City shall have the authority to issue a permit to Seasonal Commercial Enterprise in Parks in accordance with the objectives and criteria set out in this policy.

3.1 Licensing

- a) All Seasonal Commercial Enterprise in parks shall be required to obtain a City Business License.
- b) A Business License must be obtained for each Seasonal Commercial Enterprise and is only valid for the location specified on the license.
- c) The Seasonal Commercial Enterprise shall not operate if the Business License has expired, been suspended, or revoked.

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- d) The Business License and Seasonal Commercial Enterprise in Parks Permit must be displayed in a prominent location at the place of business for which the license was issued.

3.2 Application Submission and Approval Process

All requests must be submitted in writing with the appropriate fees to the City using a standard application form. Once the application form has been received, the following process will follow:

- a) The City will review the application to ensure all documentation is complete and acceptable. An application will be deemed complete and acceptable when it contains the following:
 - i) A completed application form;
 - ii) A Business Plan;
 - iii) A map indicating the intended location;
 - iv) Plan of proposed site improvements;
 - v) Visual representation of the Seasonal Commercial Enterprise appearance;
 - vi) An application for a Business License; and
 - vii) Proof of Liability Insurance with a minimum liability limit of \$2,000,000.

Once the documentation is deemed to be complete, a copy will be sent to all members of the Adjudication Committee for review.

- b) The City will convene a meeting with the Adjudication Committee to review applications and recommend to the City approval to issue a permit to operate a Seasonal Commercial Enterprise in a park.
- c) If the application is approved by the Adjudication Committee, the City will generate a list of operating conditions. These conditions must be agreed to, in writing, by the applicant.
- d) Once the applicant has agreed, in writing, to the operating conditions, a permit will be issued.

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3.3 Selection Criteria

Applications will be reviewed and evaluated based on the following criteria:

- a) Compatibility with the Policy Purpose and Objectives;
- b) Compatibility with current park programming;
- c) Integration of temporary structure into park setting;
- d) Vendor's Business Plan;
- e) Vendor's experience and qualifications;
- f) Need for product or service; and
- g) Uniqueness of proposal.

3.4 Conditions of Operations

A selected applicant will be required to enter into an operating agreement with the City, which will include the following terms:

- a) The Vendor accepts full and complete responsibility for any and all loss of, or damage to, any item of Vendor's property from any cause whatsoever and expressly releases the City of Saskatoon, its officers, agents, and employees, from any liability therefore.
- b) No Vendor shall sell a product or service that directly competes with a like product or service by a Seasonal Commercial Enterprise within, or directly adjacent, to the park.
- c) The Vendor is responsible for ensuring that the space within a 6.0 metre radius of their operation is clean and litter free. The vendor shall provide refuse containers for litter generated by customers or other persons. All litter, refuse, and waste shall be removed from City property for proper disposal at Vendor's

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expense. The City shall charge for the costs of special clean up necessary should the Vendor fail to reasonably perform.

- d) The Vendor is confined to the areas specified in the permit unless subsequently agreed to, in writing, by the General Manager of the Community Services Department.
- e) The Seasonal Commercial Enterprise must be kept clean and aesthetically pleasing in appearance at all times.
- f) The City shall be under no obligation to furnish shelter, utilities, equipment, furniture, or fixtures.
- g) The Seasonal Commercial Enterprise shall supply its own power and water source if required. Generators are permitted providing they do not cause a disturbance and operate within the hours stipulated under Noise Bylaw No. 8244.
- h) The Vendor shall not place any signage in the park or adjacent right-of-way except which is directly affixed to the vendor's structure(s) or has been agreed to, in writing, by the City.
- i) Prices of items and/or services sold or offered shall be visibly posted.
- j) The Vendor shall be responsible for cost of repair or replacement for any damage to park property from Vendor's or its participants' activities.
- k) Seasonal Commercial Enterprise activities must be conducted in a safe, orderly manner and not interfere with other users' enjoyment of the park.
- l) All elements associated with the Seasonal Commercial Enterprise and its operations (including line-ups, signage, and trash receptacles) shall not obstruct any park trails or pathways or cause any potential hazards for passersby.

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- m) Seasonal Commercial Enterprise operations shall not create any disturbance or nuisance in terms of noise, vibration, smoke, dust, odour, air pollution, heat, glare, bright light, hazardous or unacceptable waste, etc. Lights, sounds, or actions which may detract from park users' enjoyment of the natural setting are not permitted. Failure to comply with these regulations may result in revoking of the Business License.
- n) The operator will be restricted to carrying on business in a defined zone and will not solicit business from park users outside of this zone except through approved advertising.

3.5 Hours of Operation

The Seasonal Commercial Enterprise must be in compliance with Facilities and Parks Usage Bylaw, 1998, No. 7767 and Noise Bylaw No. 8244.

3.6 Legislation

Seasonal Commercial Enterprise vendors must abide by all the laws and regulations, bylaws, and resolutions governing Seasonal Commercial Enterprise in parks.

3.7 Contraventions

Suspension or revocation of the Business License may result if the Vendor fails to meet one or more of the requirements outlined in this policy, or any other laws, regulations, or bylaws.

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4. RESPONSIBILITIES

4.1 Administration

- a) Administrative support will be provided to the Seasonal Commercial Enterprise in Parks Adjudication Committee to act as a liaison between the Administration and the Seasonal Commercial Enterprise in Parks Adjudication Committee and to perform such duties as may be required with regard to this policy.
- b) City Administration will recommend to City Council any changes to this policy required to reflect changing priorities or to correct inequities that may become apparent.

4.2 Seasonal Commercial Enterprise in Parks Adjudication Committee

- a) Review and evaluate each application to ensure that objectives of the policy are met.
- b) Conduct interviews with applicants (when necessary) to obtain or provide any additional information that may be required.
- c) Recommend approval to the City for Seasonal Commercial Enterprise in Parks Permits.
- d) Monitor and evaluate the effectiveness of each Seasonal Commercial Enterprise that was approved under this policy.
- e) Recommend to the Standing Policy Committee on Planning, Development and Community Services any changes to this policy required to reflect changing priorities or to correct any inequities that may become apparent.

4.3 Community Services Department

The General Manager, Community Services Department, or designate, will:

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- a) Administer this policy; and
- b) Ensure any Commercial Enterprise is licensed and operating in accordance with this policy.

4.4 Standing Policy Committee on Planning, Development and Community Services

- a) Recommend to City Council any changes to this policy required to reflect changing priorities or to correct any inequities that may become apparent.

4.5 City Council

- a) Review and approve amendments to this policy.