

STAFF REPORT: Recreation Department



REPORT TO: Infrastructure and Recreation
MEETING DATE: April 28, 2009
REPORT NO.: DOR 09 18
SUBJECT: Commercial Enterprise Permits on Parks
PREPARED BY: Shawn Everitt, Director of Recreation

A. Recommendations

THAT Council approve Staff Report DOR 09 18 “Commercial Enterprise Permit for Parks” and designate the parks as permit able Commercial Enterprise locations and the Permit process and fees contained therein.

B. Background

As specified in the Parks Use By-Law 2008-44 PART VII – COMMERCIAL ENTERPRISES, no Sale of Merchandise, Trade or Business may take place unless authorized by Recreation Department Management, the Infrastructure and Recreation Committee, and or Council.

To obtain authorization to use a Park, a request must be made to the Director of Recreation for any Commercial Enterprise. Recreation Management will determine if the use is appropriate and provides a public benefit. Staff will provide a recommendation to the Infrastructure and Recreation Committee for the approval or denial of the request based on the appropriateness, and public benefit.

For those requests approved, an agreement will be signed between the Applicant and the Town. Proof of Insurance, Indemnification of the Town, and any other requirements the Town may deem appropriate will be the applicant’s responsibility to provide.

The Parks Use By-law also requires Council each year to designate Park(s) in the town where Commercial Enterprises may be requested. In Attachment “A” Staff has recommended the parks appropriate for requests.

Secondary to this report, fees for permits will be developed and recommended through the Town’s fee schedule as soon as possible. It is recommended that Service Clubs and Not for profit groups may request waive of permit fee, however approval/denial of waive of permit fee would be processed through the Finance and Administration Committee.

For the benefit of the Town to control the number of vendors, as well as the quality of vendor types, events with multiple vendors will be required to have each vendor apply for an individual vendor permit. The individual vendor will be responsible for the payment of permit fee. Often, events utilizing vendors at Town facilities require hydro

hook ups and additional amenities. Permit revenue will help capture Utility costs as well as staff costs.

C. The Blue Mountains' Strategic Plan

Providing a strong well managed municipal government

Supporting the development of social and recreational programs to meet the broad range of needs in the community

D. Environmental Impacts

Permit requirements will include the Towns preference to ensure that operational details be sustainable. Use of zero waste materials and healthy food choices will be requested as well as the programming of active lifestyle will take preference when reviewing for approvals or request

E. Budget Impact

Proposed by Staff for future fee By-law

- \$200.00 seasonal permit for requests longer than 3 days (no hydro required)
- \$50.00 permit for request less than 3 consecutive days per vendor

F. Attached

- 1) Attachment "A" list of parks for permits
- 2) Attachment "B" PART VIII of Parks Use By-law
- 3) Attachment "C" Park Permit Request Application
- 4) Attachment "D" Land Use Permission Agreement

Respectfully submitted,

Shawn Everitt

Signature

For more information, please contact:

Shawn Everitt, Director of Recreation
severitt@thebluemountains.ca
519-599-3131 ext 281

**DOR 09 18 COMMERCIAL ENTERPRISE PERMITS ON TOWN PARK LAND
Attachment "A"**

PROPERTIES FOR COMMERCIAL ENTERPRISE PERMITS

All properties will be subject to site plan approval by Recreation Department Management.

FOR LONGER THEN 3 CONSECTUTIVE DAY PERIOD

Property 1 Northwinds Beach June 1st to Sept 15th 2009

Property 2 Bayview Park

FOR 3 CONSECTUTIVE DAYS OR LESS (separate permit required for each individual event if requesting more than 1 event per season)

Property 3 Tomahawk Recreation Complex

Property 4 Moreau Park

Property 5 Thornbury Harbour

Property 6 Beaver Valley Community Centre

Property 7 Bayview Pavilion

Property 8 Craigleith Depot

Property 9 Little River Park

Property 10 Lions Park

**DOR 09 18 COMMERCIAL ENTERPRISE PERMITS ON TOWN PARK LAND
Attachment “ B”**

PART VII - COMMERCIAL ENTERPRISES

Sale of Merchandise, Trade or Business

- 39.** (1) Unless authorized by Recreation Department Management, Committee and/or Council, no person shall, while in a park, sell or offer or display for sale:
- (a) Any food, drink or refreshment;
 - (b) Any goods, wares, merchandise or articles, including promotional material, souvenir and novelties;
 - (c) Any flowers, fruits or vegetables; or
 - (d) Any art, skill, service or work.
- (2) Unless authorized by permit, no person shall, while in a park, practice, carry on, conduct or solicit for any trade, occupation, business, profession or charity.

Filming and Videotaping

- 40.** While in a park, no person shall take or permit to be taken for remuneration, any film, photograph, video tape or television broadcast unless:
- (1) Authorized by Recreation Department Management, Committee and/or Council;
 - (2) For media reporting purposes: or,
 - (3) Otherwise posted.

Circulars and Advertisements

- 41.** (1) Unless authorized by Recreation Department Management, Committee and/or Council, no person shall:
- (a) While in any park distribute, discard or display any handbill, notice or other circular, bill or advisement; or
 - (b) Post, nail, attach, stencil or otherwise fasten or erect any poster, sign, notice, placard of other circular, bill, advertisement or paper to any park property

Circulars and Advertisements

- 41.** (1) Unless authorized by Recreation Department Management, Committee and/or Council, no person shall:
- (a) While in any park distribute, discard or display any handbill, notice or other circular, bill or advisement; or

- (b) Post, nail, attach, stencil or otherwise fasten or erect any poster, sign, notice, placard of other circular, bill, advertisement or paper to any park property.

PART VIII - HOURS

- 42. All parks shall close at 10:00 p.m., local time and shall remain closed until 6:00 a.m., local time unless otherwise posted. This section does not apply to a Municipal By-Law Officer, Police Officer or Town Employee while on duty and for the purpose of carrying out their duties
- 43. No person shall be or remain in a park after the closing hour or before the opening hour unless authorized by the Director or designate. Any person remaining in a Town Park during the time period when the park is closed, including any person on or in a vehicle, shall be subject to the Trespass to Property Act.
- 44.
 - (1) No organized sport or activity shall commence before 8:00 a.m., local time, and shall cease all activities by 10:00 p.m., local time on all days including Saturdays, Sundays and statutory holidays unless authorized and posted.
 - (2) Notwithstanding 44. (1), the use of watercourses, tributaries and bodies of water for the purpose of angling in areas that are designated or approved for those activities is permitted.

PART IX - REGULATION AND ENFORCEMENT

Permits and Licenses

- 45.
 - (1) Authorization from the Recreation Committee and/or Council or Permits issued for activities contemplated in this By-law may be subject to such fees as Council shall from time to time establish by By-law.
 - (2) Authorization from the Recreation Committee and/or Council or Permits issued for activities contemplated in this By-law may include conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity and insurance coverage.
 - (3) Authorized persons or Permit holders requiring additional services that are above the regular services provided in parks may be subject to additional fees for such services as Council shall from time to time establish by By-law.
 - (4) The issuance of Authorization or a permit pursuant to the By-law shall not relieve any person from the necessity of acquiring any other license or permit required for such activity by any governmental or public authority.
 - (5) Authorized persons or Permit holders requiring assistance in obtaining regulatory approvals may be subject to such fees as Council shall from time to time establish by By-law.
 - (6) The authority to issue Authorization or permits referred to in the By-law is delegated to the Director or his or her designate.

Vending/Catering Truck Park Permit

46.1 For the purposes of Sections 46.1 to 46.5

- (1.) "Authorization" means approval of a specific request made to the Recreation Committee by means of a Recommendation by the Director of Recreation that can add or delete requirements of any request put forth.
- (2.) "First Year" means the period of time between June 1st of the year in which Authorization or a Park Permit is issued and May 31st, of the following year.
- (3.) "Owner" means the person certified as the owner of an ice cream truck by the Registrar of Vehicles for the Province of Ontario or a person who is a lessee of a Vending/Catering truck pursuant to a written lease agreement with the owner of the ice cream truck.
- (4.) "Park Permit" means Authorization or a permit that is issued by the Recreation Committee through a written request to this Committee to an owner of a Vending/Catering truck to operate a Vending/Catering truck in the designated parks that are located in the Town.

46.2 (1.) Each year, Council by recommendation of the Director shall designate the area(s) in the Town in which Vending/Catering trucks are permitted to operate in the Parks.

- (2.) Each year, Council by recommendation of the Director shall designate the Park(s) in the designated area(s) in the Town in which Vending/Catering trucks are permitted to operate.
- (3.) There shall be a maximum of one Authorization of Operation or a Park Permit issued for all the designated parks in each designated area of the Town.
- (4.) There shall be a maximum of one Authorization of Operations or a Park Permit issued to each owner of the Vending/Catering truck(s).

46.3 (1.) A written request for Authorization or a Park Permit must be submitted to the Recreation Committee.

- (2.) Each request for Authorization or a Park Permit must be submitted to the Recreation Department Office prior to 4:00 p.m. at least two weeks prior to the Recreation Committee meeting normally scheduled for the third Thursday of each month for Committee consideration.

46.4 (1.) In the event that more than one owner requests Authorization or a Park permit in the same area, a public tendering process will be conducted by the Recreation Department to determine the successful applicant.

- (2.) Council by Recreation Committee recommendation may issue Authorization or a Park Permit to the successful applicant of the public tendering process described in subsection (2).

(3.) The appropriate fees as submitted with the application(s) will be refunded in full without interest to the unsuccessful applicant(s) in the tendering process described in Subsection (2).

46.5 (1.) Each Authorization or Park Permit shall list the designated parks within the designated area where a Vending/Catering Truck is authorized to operate.

(2.) Each Authorization or Park Permit will be limited to exact dates, and a request will be required for each additional date and year.

46.6 Every Owner shall prominently display the Authorization or Park Permit when the Owner's Vending/Catering truck(s) is operating in a park.

Posting of Signage

47. The Director or designate is authorized to post signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in any park in accordance with the provisions thereof.



DOR 09 18 COMMERCIAL ENTERPRISE PERMITS ON TOWN PARK LAND Attachment "C"

Town of The Blue Mountains
P.O. Box 310, 26 Bridge Street East
Thornbury, ON N0H 2P0

Tel: (519) 599-3131 / Fax (519) 599-7723
Email: info@thebluemountains.ca
Website: www.thebluemountains.ca

COMMERCIAL ENTERPRISE APPLICATION

In accordance with Town By-law No. 2008-44, every Commercial Enterprise utilizing a Town Park shall require a permit from the Town and pay the fee as prescribed.

The purpose of a Park Permit is to ensure appropriate use of Town Parkland as well as ensuring the Town is not held responsible **or assumes any liability** for activities that the Town **has not approved or** may not be aware of that are taking place on Town lands.

The applicant is responsible to provide in writing a Park Permit Request for a Commercial Enterprise on a Town Park. The request must provide specific operational details including the application of zero waste practices, as well providing proof of a minimum of \$2,000,000.00 insurance, proof of indemnification **saving** the Town **harmless**, a Grey Bruce Owen Sound Health Unit Safe Food Handling Certificate (for food vending services only), provision of proposed site plan or operations plan as well as list of requirements for hydro, plumbing and water supply.

Please complete and return this form and all required documentation to Jody Hodgkinson, Recreation Department Administrative Assistant. Staff will consider the request and will provide written confirmation of the Park Permit Request acceptance or refusal within 60 days of the Request submission. By-Law 2008-44 requires the Park Permit Request to be approved by Council.

If approved **you will be notified and** the Park Permit Request will be provided to you with receipt of payment.

NAME OF APPLICANT (PLEASE PRINT)	
MAILING ADDRESS	
PHONE NUMBER	
EMAIL ADDRESS	
LOCATION APPLICATION IS REFERRING TO	
NATURE OF REQUEST	
PERIOD OF OPERATIONS (please check one below) <input type="checkbox"/> More than 3 consecutive days \$200.00 per request fee <input type="checkbox"/> Less than 3 consecutive days \$50.00 per request fee	
OTHER INFORMATION	

Signature



**DOR 09 18 COMMERCIAL ENTERPRISE PERMITS ON TOWN
PARK LAND Attachment "D"**

Town of The Blue Mountains
P.O. Box 310, 26 Bridge Street East
Thornbury, ON N0H 2P0

Tel: (519) 599-3131 / Fax (519) 599-7723
Email: info@thebluemountains.ca
Website: www.thebluemountains.ca

LAND USE PERMISSION AGREEMENT
COMMERCIAL ENTERPRISE
THE BLUE MOUNTIANS

The Corporation of the Town of The Blue Mountains does hereby grant to _____
Operate _____ (type of Operation) from _____ (DATE)

In accordance with Town By-law No. 2008-44, every Commercial Enterprise utilizing a Town Park shall require a permit from the Town and pay the fee as prescribed.

In consideration thereof, the Undersigned agrees as follows:

1. To maintain comprehensive third party liability insurance of not less than \$2 million dollars per occurrence to respond to claims made by anyone in respect of the operations of the Commercial Enterprise during the term of the Land Use Permission Agreement;
2. To hold the Town harmless for any vandalism/damage or stolen equipment;
3. To maintain the area(s) of operations in a good state of repair and cleanliness;
4. To be solely responsible for supervision of Commercial Enterprise operations;
5. No Commercial Enterprise operations will take place during _____

The undersigned and the Town mutually agree that the Town may terminate this Land Use Permission Agreement by notice in writing given not less than 15 days before the termination date and delivered to the municipal address of the Undersigned.

The Undersigned acknowledges that this Agreement is for **(the term specified)**. A Park Permit Request for additional term and each year must be completed and reviewed for approval. The Town holds the rights to approve or deny any and all Park Permit Requests.

In witness whereof, the parties have executed this Agreement as of the _____ day of _____, 2009.

Signed, sealed and delivered
In the presence of:

Name of witness

Name of Owner

The Corporation of the Town of The Blue Mountains
