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CITY OF KELOWNA

MEMORANDUM

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**Date:** August 26, 2008  
**File No.:** BL10061  
**To:** City Manager  
**From:** Manager, Community Development & Real Estate  
**Subject:** **Bylaw Amendments for On-Street Mobile Store**

*Report Prepared by: Stuart Evans, Parking Coordinator*

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**RECOMMENDATION:**

**THAT** Council approve the requested amendments to Business License and Regulation Bylaw No. 7878 as identified in the report by the Community Development and Real Estate Department dated July 31, 2008;

**AND THAT** Bylaw No. 10061 being Amendment No. 15 to Business License and Regulation Bylaw No. 7878 be advanced for reading consideration;

**AND THAT** Council considers the form of advertising as outlined in the report of the Community Development & Real Estate department dated August 26, 2008 to be sufficient.

**BACKGROUND:**

In early July 2008 the Transportation department was approached by the RCMP requesting that parking be restricted in front of all the downtown night clubs to allow for emergency access to these venues. Subsequently, Transportation has restricted the requested areas but in doing so has had to relocate some of the mobile stores that are located on Leon Avenue and Lawrence Avenue. Also it was realized that there was a stall for a **mobile store** on Bernard Avenue that has not been used and has been replaced by a **mobile store** sidewalk location therefore eliminating the need for this stall. Therefore, it is requested that Business License and Regulation Bylaw No. 7878 Mobile store section 17.1 be changed from;

17. Mobile Store

17.1 No person shall carry on **business** as a **mobile store** on a highway, sidewalk or boulevard within that area outlined in Schedule 'D' attached to and forming part of this bylaw, unless the **mobile store** is located entirely within a designated **mobile store** space shown on Schedule 'E' attached to and forming part of this bylaw, and the person holds a valid sidewalk/roadway occupancy permit pursuant to **City** of Kelowna Traffic Bylaw 4495-78, as amended or replaced from time to time. To;



17. Mobile Store

17.1 No person shall carry on **business** as a **mobile store** on a highway, sidewalk or boulevard within that area outlined in Schedule 'D' attached to and forming part of this bylaw, unless the **mobile store** is located entirely within the designated areas on Bernard Avenue and does not exceed the maximum allowable **mobile stores** of two per street on Leon Avenue and Lawrence Avenue shown on Schedule 'E' attached to and forming part of this bylaw, and the person holds a valid sidewalk/roadway occupancy permit pursuant to **City** of Kelowna Traffic Bylaw 8120, as amended or replaced from time to time.

By allowing this amendment it will allow City staff to relocate the mobile stores on Leon Avenue and Lawrence Avenue as needed from time to time.

Staff recommends that notice of the amending bylaw be published once in both the Kelowna Daily Courier and the Kelowna Capital News and be posted to the public notice board at City Hall prior to adoption of the bylaw.

City Council's approval of this proposal is respectfully requested.

**LEGAL/STATUTORY AUTHORITY:** *Community Charter*, Section 8 (6) and *Motor Vehicle Act*, Section 124 (c)

**LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:** Under Section 59 (2) and (3) of the *Community Charter*, notice must be provided in the form and manner, at the times and as often as Council considers reasonable.

**INTERNAL CIRCULATION TO:**

Bylaw Enforcement  
RCMP

Considerations that were not applicable to this report:

**FINANCIAL/BUDGETARY CONSIDERATIONS:**

**PERSONNEL IMPLICATIONS:**

**TECHNICAL REQUIREMENTS:**

**EXTERNAL AGENCY/PUBLIC COMMENTS:**

**COMMUNICATIONS CONSIDERATIONS:**

**ALTERNATE RECOMMENDATION:**

Submitted by:

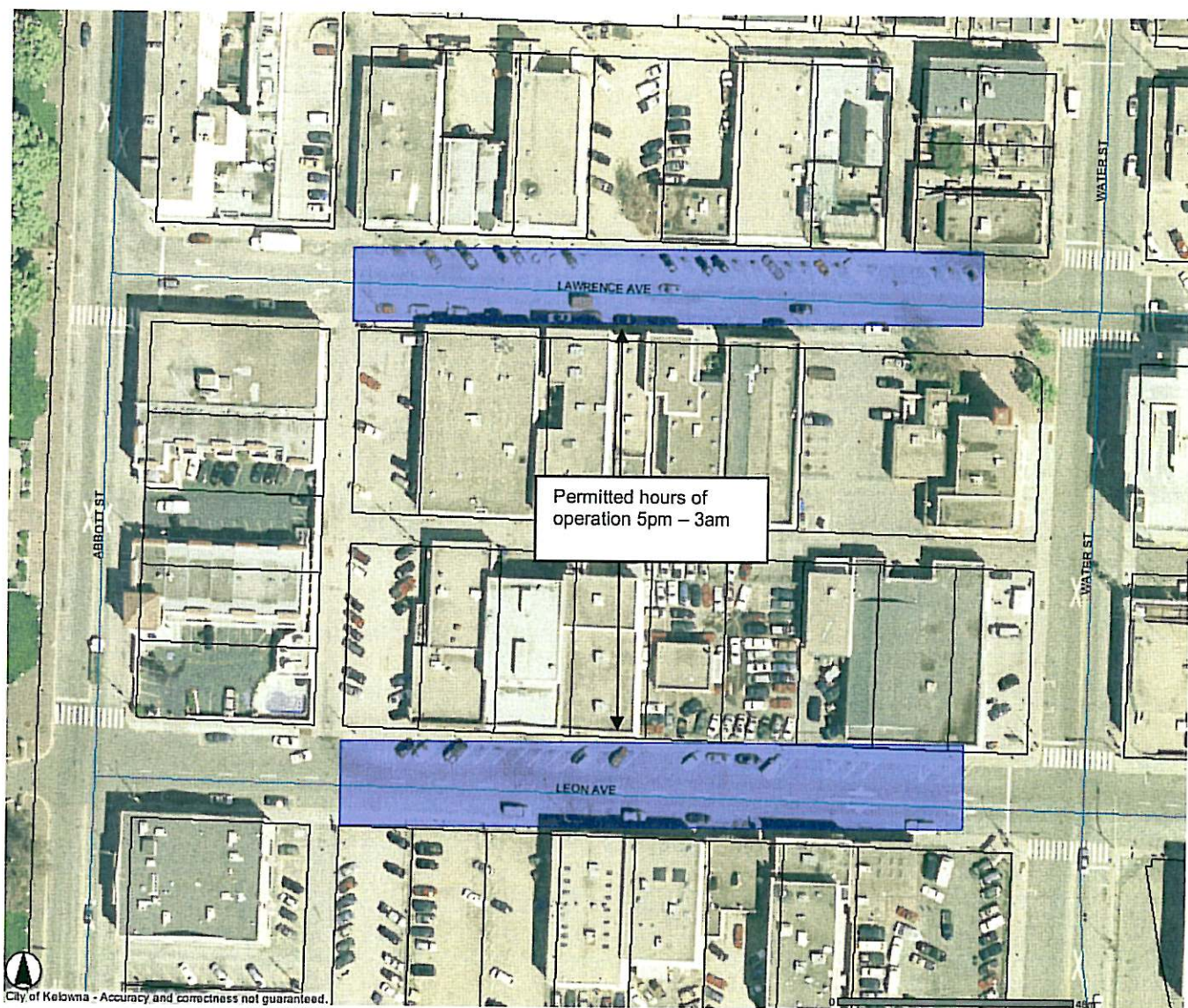
  
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Doug Gilchrist, RIBC, PMP  
Manager, Community Development & Real Estate

Approved for Inclusion:



John Vos, Director of Corporate Services

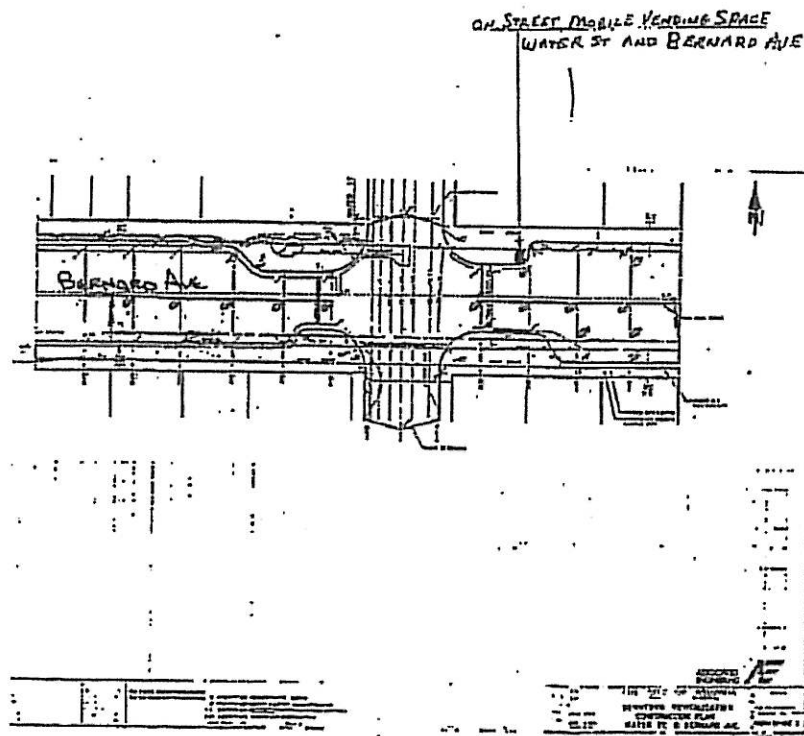
SCHEDULE "E"  
MOBILE STORES (designated area downtown)



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SCHEDULE 'E'

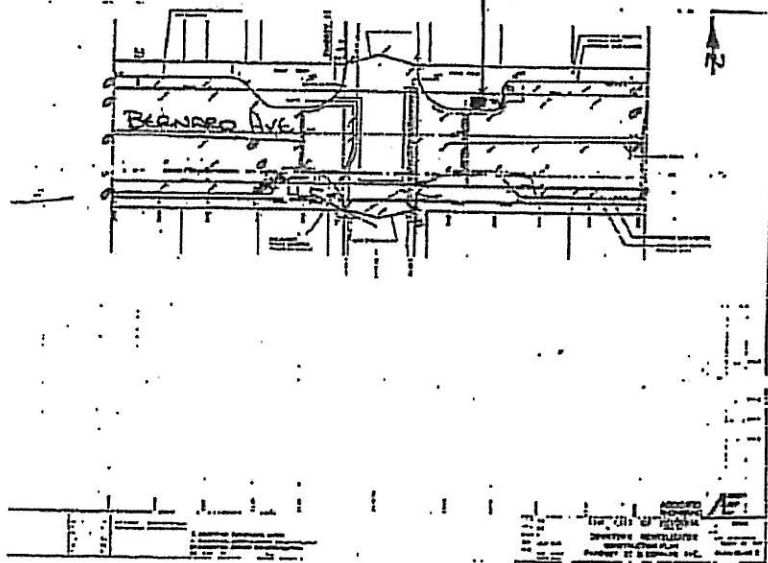
MOBILE STORES (designated spaces downtown)





**MOBILE STORES (designated spaces downtown)**

ON STREET MOBILE VENDING SPACE  
| PARK 14 ST AND BERNARD AVE



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SCHEDULE 'E'  
MOBILE STORES (designated spaces downtown)

