

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER COMMUNITY SAFETY
SUBJECT: **INCLUSION OF FAIRS, FESTIVALS AND CULTURAL EVENTS AS “NOT-FOR-PROFIT” BUSINESSES FOR THE PURPOSE OF ISSUING A BURNABY BUSINESS LICENCE**
PURPOSE: To provide a response to the March 11, 2025, Notice of Motion regarding business licences issued to small-scale food vendors.

RECOMMENDATION

THAT staff be authorized to include festivals, fairs and cultural events as “Not-for-Profit” businesses for the purpose of issuing a business licence, as outlined in the report titled “Inclusion of Fairs, Festivals and Cultural Events as ‘Not-for-Profit’ Businesses for the Purpose of Issuing a Burnaby Business Licence” dated April 22, 2025.

1.0 POLICY SECTION

Staff confirmed with the Legal Department that should the recommendation be authorized by Council, the City would remain compliant with Fraser Health regulatory requirements.

2.0 BACKGROUND

At the March 11, 2025, Council meeting, Council passed a Notice of Motion requesting that staff research the feasibility and advisability of creating and implementing a new business licence category and corresponding fee to encourage more small-scale food vendors to operate at festivals, farmers markets, craft fairs and other similar types of venues. The motion also noted that in situations where both a Fraser Health permit and a City of Burnaby Business Licence also needs to be obtained by a food vendor, the additional cost of a Burnaby Business Licence has been cited as a barrier for food vendors wanting to participate in local events, particularly cultural festivals. This report is in response to Council’s request.

3.0 GENERAL INFORMATION

3.1 Business Licensing Process

To ensure that all businesses are treated equitably whenever a new business licence application is received, staff apply the same processes on each occasion. Similar regulatory measures and fees are applied to each business within that business licence category. The fees charged by the City for any business licence category are determined on a cost recovery basis. These licence fees include all

the cost the City incurs to process the application, notify various departments and agencies, inspect the premises, and provide annual renewals.

The requirement for a business to obtain a licence before commencing activity provides the City with an opportunity to ensure that the business premises, as well as the products offered for sale, have been brought to the attention of appropriate agencies and/or departments. New business licence applications are routinely referred to the Building and Fire departments as well as Fraser Health Authority (FHA) for review and potential inspections as part of the approval process. Once an agency or department has been sent a referral, Licensing will not approve the licence until the referral is returned confirming the department’s and/or agencies’ approval. This practice ensures the City is meeting regulatory responsibilities when approving a business licence application.

Business licence referrals are particularly important for businesses selling food or other products that are designed to be ingested. Cooperation between the City and FHA helps ensure public safety is maintained. The communication between the City and FHA through the referral process ensures coordination to ensure new business operations are compliant with regulatory requirements in respect to public health.

3.2 BC Centre for Disease Control Regulations – Low and High-Risk Food Vendors

The BC Centre for Disease Control (BCCDC) has published guidelines for the sale of foods at temporary food markets (Attachment 1). This document outlines recommendations and regulations for the safe preparation and display of food intended for sale at temporary food markets. The guidelines differentiate between foods that are deemed to be low-risk and those that are higher risk (for a fulsome list of low-risk and high-risk foods see Appendix I and II in the BCCDC document). The BCCDC guidelines are enforced by FHA.

Low-risk foods mean “food in a form or state that is not capable of supporting the growth of disease-causing organisms or the production of toxins”. It includes products such as bread, buns, candy and honey. Vendors of low-risk foods are allowed to sell home-prepared products at temporary food markets without contacting or receiving prior approval from FHA. The guidelines also provide recommendations for home-prepared foods regarding the safe practices for cooking, handling and selling food.

Higher risk foods, which include dairy products, fish and shellfish, and foods prepared with eggs as ingredients, among others, may also be sold at temporary markets. However, these foods have greater potential for causing food-borne illness and are not permitted to be prepared in a home kitchen. High-risk foods are required to be prepared in commercial food premises, like a restaurant or food production facility, and are subject to the standard inspection and approvals required by FHA before the products can be offered for sale.

3.3 Temporary Food Market Types

Temporary Food Markets come in different forms and attract a diverse range of vendors. In some cases, the participating vendors are experienced business operators that are aware of the regulations related to their products. In other cases, the vendors are one-time operators that are conducting business only for the specific event and are unfamiliar with the requirements.

3.3.1 Farmers Markets

Farmers markets are venues that offer locally grown conventional and organic produce, craft items, as well as other prepared foods. These markets bring together farmers, small-scale food producers and craft retailers to sell their goods directly to end consumers. Farmers markets are more permanent than other food markets and normally occur at the same location year after year, operating outdoors (e.g. a vacant parking lot) during weekends and statutory holidays in the spring and summer months.

In Burnaby there are two farmers markets, both of which are operated by Artisan Farmers Market Society (AFMS), a provincially registered non-profit organization. One market is located in the “Amazing Brentwood” at 4567 Lougheed Highway, and the other is located on City-owned property at 4949 Canada Way, Burnaby City Hall. The Artisan Farmers Market Society has been issued a Burnaby business licence as a “Not-for-Profit” for each location. The fees are \$80.00 for the first year and subsequent renewals are \$37.00 annually. The individual vendors do not require a separate business licence and instead operate under the licence issued to AFMS.

As part of the licensing requirements for AFMS Burnaby operations, the organizer is required to provide the City with a list of all vendors, identifying low and high-risk. This same list is provided to FHA by the operator. In addition, the organizer provides email confirmation acknowledging that the society works directly with FHA to ensure health regulations are complied with. As a result of this action, and in recognition of the operator’s long history and experience, Licensing does not send or require an approved licence referral to FHA to issue a business licence.

3.3.2 Fairs, Festivals and Cultural Events

A fair is a gathering for entertainment or commercial activities, often featuring exhibitions, games, and food, while a festival is a celebration, typically with a specific theme or occasion, like music, art, or a holiday. Cultural events, on the other hand, are normally organized to represent religion, music, art or any other aspect of culture which is common among a specific group of people. People participate in these events to interact, socialize, connect, create, inspire, as well as to eat. Cultural events also provide people of different backgrounds with an opportunity to invite others

to experience their unique heritage. These events add to a vibrant community and diverse community.

Unlike farmers markets, fairs, festivals, and cultural events are less established and usually operate for a brief period, typically a few days. These events take place at both public and private venues and food sales often play a large part. In many cases, the food vendors are not established businesses but instead are small-scale single event operators that may not be aware of regulations.

Fairs, festivals, and cultural events are currently licensed under the category of “Special Event”. The fee is \$160, and the licence is valid for 30 days. Most vendors are permitted to operate under the Special Event licence; however, vendors selling high-risk foods are currently required to obtain a separate licence and approval must be provided by FHA through the referral process.

3.3.3 Food Trucks

One other food vendor that can at times operate at various fairs, festivals, and cultural events, as well as farmers markets are food trucks. However, unlike the typical food vendors that may operate at these events, food trucks are for profit businesses that serve as mobile take-out restaurants.

All food trucks operating in Burnaby must have a business licence under the category “Peddler – Food”. The fees are \$491.00 for the first year and \$214.00 for annual renewals. Food Services also charges food trucks an additional fee of \$160 plus GST when these businesses operate on City-owned properties.

All new business licence applications for food trucks are referred to both the Fire Department and FHA for possible inspection of the vehicle and food preparation area. The business cannot operate until all referrals are returned to Licensing, indicating the department and/or agency has granted approval.

3.4 Proposed Business Licence

Rather than creating and implementing a new business licence category and corresponding fee for small-scale food vendors, staff recommend using the existing “Not-for-Profit” category to include “fairs, festivals and cultural events”. This would meet Council’s objective of removing financial barriers for small food vendors while also ensuring the City retains the ability to inform FHA of an event. Currently, only businesses that have a registered society number issued by the province, like the AFMS, are eligible for a not-for-profit business licence.

Similar to the existing licensing process applied to farmer’s markets, all fair, festival or cultural event licence applications will require an applicant to appoint a person as the event organizer, submit a list of all vendors, identify low-risk and high-risk

food vendors, and submit documentation acknowledging that vendors are compliant with health regulations, before the licence is issued.

Upon receipt of an application for a fair, festival or cultural event, Licensing staff will provide each applicant with the BCCDC information and the contact information of FHA. Licensing staff will also ensure that the list of food vendors submitted by the applicant is provided to FHA for information purposes.

The fee for a not-for-profit business licence is \$80.00 for the first year and subsequent renewals are \$37.00 annually. FHA does not charge a fee for inspecting farmers market vendors or the organizer. In addition, FHA does not charge a fee for inspecting any event that operates less than 14 days at the same place and individual vendors will be issued a temporary permit at no charge.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

Not applicable.

5.0 FINANCIAL CONSIDERATIONS

It is anticipated that the financial impact will be minimal.

Respectfully submitted,

Dave Critchley, General Manager Community Safety

ATTACHMENTS

Attachment 1 – BCCDC Guidelines for Temporary Food Markets

REPORT CONTRIBUTORS

This report was prepared by Dan Layng, Chief Licence Inspector.