

## BYLAW NO. 16

### A BYLAW RESPECTING VENDING

**BE IT ENACTED** by the Council of the Region of Queens Municipality, under the authority of the Municipal Government Act, S.N.S. 1998, Chapter 18, as follows:

1. This Bylaw shall be known as Bylaw Number 16 and may be cited as "The Vending Bylaw" and applies to certain vending within the Region of Queens Municipality, notwithstanding Sec. 3 of the Public Market Bylaw.

#### DEFINITIONS

2. For the purposes of this bylaw, the following words shall have their normal dictionary and contextual meanings, except as follows:
  - a) **Abutter** means the owner, lessee or occupier of any building or lot that abuts a Municipal street and is within 15.2 meters (50 feet) of a vending location;
  - b) **Competition** means selling goods or providing services that are, in the opinion of the Bylaw Enforcement Officer, the same or similar at the time of the initial application for a Vending Permit.
  - c) **Crosswalk** means that portion of a roadway ordinarily included within the prolongation or connection of curb lines or the edge of a roadway and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface;
  - d) **Door-to-door** vending means a person engaged in business by the offering of any goods for sale by going door to door;
  - e) **Group Vending** means two (2) or more Vendors operating under one (1) permit held by a Permit Holder for a specified time and location.
  - f) **Mobile Canteen** means a motorized vehicle used for the display, preparation or sale of food or beverages by a mobile vendor;
  - g) **Not for Profit** means an organization operated on a cost-recovery basis and not seeking profit;
  - h) **Owner of Land** means a part owner, joint owner, tenant in common, or joint tenant of the whole or any part of the land and, in the absence of proof to the contrary, means the person assessed for the land;

- i) **Permit** means a Vendor's Permit issued pursuant to this Bylaw;
- j) **Public place** includes all municipally owned property including streets, parks and entrances, parking areas, driveways, roads, and sidewalks;
- k) **Roadway** means that portion of a public right of way between the regularly established curb lines or that part improved and intended to be used for vehicular travel;
- l) **Sidewalk** means that portion of a public right of way between the curb line and adjacent property line or any part of the roadway especially set aside for pedestrian travel and separated from the roadway;
- m) **Stand** means any table, bench or rack, which is not required to be licensed and registered pursuant to the Motor Vehicle Act, used for the display, preparation or sale of food, beverages or other merchandise by a vendor;
- n) **Stand vending** means a person offering goods for sale from a stand or directly from a vehicle;
- o) **Street** means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith;
- p) **Vehicle** means any vehicle required to be licensed and registered pursuant to the Motor Vehicle Act of Nova Scotia as well as any vehicle propelled by human power, whether required to be licensed or not;
- q) **Vending** means the sale and offering for sale of food, beverages or other merchandise or services from outside of an enclosed building, or in a public place but, for greater clarity, does not include permitted sales of goods and services on private property;
- r) **Vendor** means an owner, agent, operator or employee of a vending business.

### PROHIBITIONS

3. No person shall engage in vending:

- a) In the case of vending other than door to door vending, in any public place within the Region of Queens Municipality, without:
  - i. first having obtained a permit to do so pursuant to this Bylaw; and
  - ii. having that permit conspicuously displayed at all times;

- b) In the case of door to door vending within the Region of Queens Municipality, without:
  - i. first having obtained a permit to do so pursuant to this Bylaw; and
  - ii. having that permit available for display when vending door to door.

### **CATEGORIES**

- 4. In accordance with, and subject to, the provisions of this Bylaw, Vending Permits may be obtained for vending in the following categories:
  - a) Outdoor sales of prepared food;
  - b) Outdoor sales of art or handcrafted goods;
  - c) Outdoor sales of unprepared food;
  - d) Mobile canteens;
  - e) Sale of other goods or services not mentioned above, with the approval of the Bylaw Enforcement Officer; and
  - f) Door to door sales of goods.

### **GENERAL REGULATIONS**

- 5. No person or group licensed under this Bylaw shall:
  - a) vend between 11:30 p.m. and 6:30 a.m. of the following day;
  - b) occupy a vending location before 6:00 am or after 12:00 am;
  - c) leave any stand unattended while open for business;
  - d) store, park or leave any stand or mobile canteen overnight;
  - e) sell food or beverages for immediate consumption without ensuring that appropriate waste receptacles are readily available;
  - f) leave any location without first cleaning up and disposing of all garbage, litter or refuse in the immediate area and caused by their operation;

- g) allow any items associated with the operation to be placed anywhere other than in, on or under the stand or vehicle, unless it is stated on the application and approved by the Region prior to use;
- h) setup, maintain or permit the use of any table, crate, carton, rack or any other device intended to increase the selling or display capacity of a stand where such device has not been described in the application;
- i) use a stand which exceeds 1.22 meters (4 feet) in width or 2.44 meters (8 feet) in length, except where the stand is a self-contained building or structure;
- j) vend within 3 meters (10 feet) of a fire hydrant or a fire exit;
- k) sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry his wares to the disturbance of the public;
- l) install more than one (1) portable sign. The portable sign must conform to the requirements listed in Section 7.2.11 of the Land Use By-Law. In the case of mobile canteens vending from the Open Vending Area, signs shall be placed within 30.48 meters (100 feet) of the vending stall. For all other vending, signs shall be placed within 3 meters (10 feet) of the vending location;
- m) when vending from a stand on the sidewalk:
  - i. vend within 3 meters (10 feet) of the entranceway of any building;
  - ii. vend in competition with an abutter;
  - iii. vend within 15.2 meters (50 feet) of any driveway entrance to a police or fire station, or within 3 meters (10 feet) of any other driveway entrance;
  - iv. vend within 3 meters (10 feet) of the crosswalk of any intersection;
  - v. allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's permission;
  - vi. place the stand in a location which interferes with pedestrian traffic. To avoid obstruction, a minimum width of 0.91 meters (3 feet) of sidewalk must be left unobstructed between the curb and a stand situated on a sidewalk, or between the stand and the nearest building or other obstruction to the interior of the sidewalk
  - vii. vend when customers are standing in a roadway.

- n) when vending from a mobile canteen:
- i. all vendors who wish to vend in the vicinity of the Liverpool Waterfront shall vend from a location within the Open Vending Area identified on Appendix A attached hereto;
  - ii. The vending stalls within the Open Vending Area shall be available on a first come first serve basis;
  - iii. Notwithstanding Section *n) i.* above, in circumstances where the Open Vending Area is unavailable due to a special event taking place in the Waterfront park area, the Municipal Bylaw Enforcement Officer shall have the discretion to relocate mobile canteen vendors to other areas on the Waterfront. In such circumstances, vendors may be exempt from the requirements of the Parking Lots Bylaw #8.
- o) Any stand or mobile canteen equipped with a fuel fired appliance shall be equipped with a minimum of one (1) 5# ABC rated fire extinguisher.

#### APPLICATION

6. a) Any person desiring to have a vending permit; shall complete an application form; a copy is attached hereto as Appendix B; including the following information:
- i. the name, and both home and business (if any) addresses of the applicant, as well as the name and business address of the owner of the business if other than the applicant;
  - ii. a description of the type of goods to be sold;
  - iii. a description of any stand or vehicle to be used, including dimensions.
  - iv. Copies of any federal and / or provincial permits or licenses as may be required for the vending operation,
- b) Group Vending Permit may be issued upon application to a person, persons or association. The form of the Group Vending Application shall be consistent with that set out in Appendix C attached hereto. The conditions of the Group Permit shall include those contained in Appendix C and such other conditions as may be reasonably applied under the circumstances, at the discretion of the Municipal Bylaw Enforcement Officer. Copies of any applicable federal or provincial permits that may be required in connection with the group permit must be submitted upon application for the permit.

## EXCEPTIONS

7. This bylaw shall not apply to:
- a) vending by the operator of a commercial business on the sidewalk in front of that commercial business,
  - b) vending or yard sales on private property, and
  - c) sale of goods and services undertaken at the Queens Place Emera Centre (QPEC) property. Vending at QPEC shall be at the discretion of the Queens Place Manager.

## FEEES

8. The fees for a vending permit shall be as follows:
- a) The fee for a permit under this Bylaw shall be:  
\$25.00 weekly;  
\$75.00 monthly; or  
\$150.00 yearly  

Or

For a mobile canteen utilizing electrical hookup: \$100.00 monthly; or  
\$200.00 yearly
  - b) The fee for a permit for a non-profit festival or events which have vendors who are vending on municipal property, shall be \$50.00. Organizers of the non-profit festival or event shall be required to apply for only one vending permit for the duration of the event. The organizers shall also be required, at the time of licensing, to supply a list of vendors participating in their event.
  - c) The fee for a group vendors permit shall be \$200.00 per year.

## WAIVER OF FEES

9. The permit fee shall be waived for, although a permit shall still be obtained and all other provisions of this Bylaw shall apply to, the following:
- a) non-profit groups; and
  - b) vending by a student where it is shown on the application that all of the profits accrue to that student.

**PERMITS**

10. A permit issued under this bylaw shall not be transferable and shall expire on the 31<sup>st</sup> of March following date of issuance.

**PENALTY**

11. Any person found to be in violation of this bylaw shall be liable, upon conviction, to a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) and, in default of payment, to a term of imprisonment not to exceed Thirty (30) days.

12. Every day during which an offence continues is a separate offence.

**REPEAL**

13. Bylaw Number 16 Respecting Vending, adopted by the Council of the Region of Queens Municipality, on the 20<sup>th</sup> day of May, 2014, is hereby repealed.

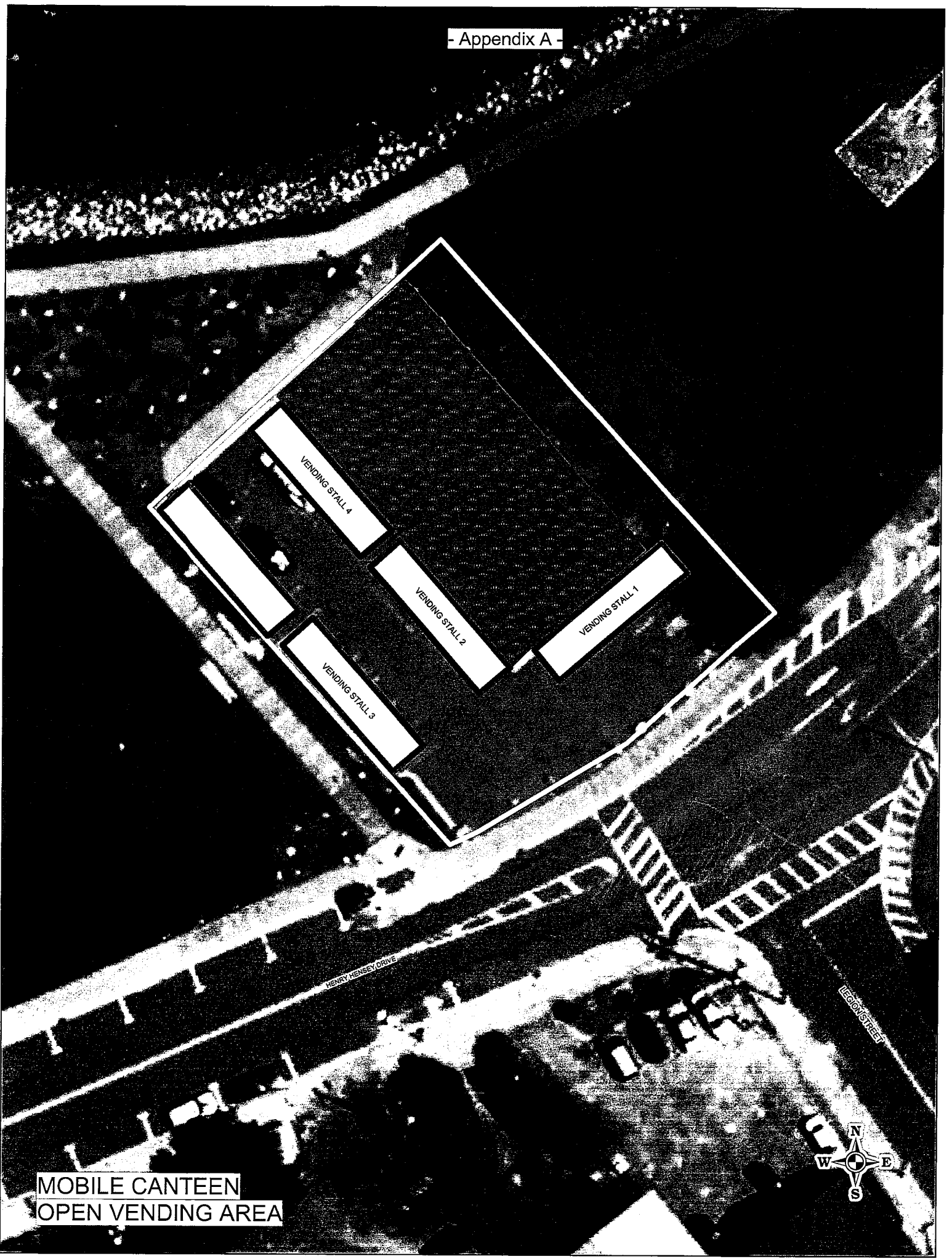
**THIS IS TO CERTIFY THAT** this Bylaw was passed by the Council of the Region of Queens Municipality at a duly constituted meeting of said Council held the 9<sup>th</sup> day of May, 2017.

**SIGNED** by the Mayor and the Chief Administrative Officer this 11<sup>th</sup> day of May, 2017.

David Day  
Mayor  
[Signature]  
Chief Administrative Officer

**READINGS:**

First: April 11, 2017  
Second: May 9, 2017  
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Office of the Minister of Municipal Affairs  
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MOBILE CANTEEN  
OPEN VENDING AREA







# REGION OF QUEENS MUNICIPALITY VENDING PERMIT APPLICATION

**Vendor Type:**

- Individual Vendor
- Mobile Canteen Vendor
- Group Vendor
- Not for Profit
- Student

**Fees:**

- Weekly Permit Fee - \$ 25.00
- Monthly Permit Fee - \$ 75.00
  - Mobile Canteen with Electrical Hookup - \$100.00
- Yearly Permit Fee - \$150.00
  - Mobile Canteen with Electrical Hookup - \$200.00
- Group Fee (Yearly) \$200.00
- Non Profit Festival of Event \$ 50.00

(Please Print)

1. Name of Applicant: \_\_\_\_\_
2. Group / Association or Business (if applicable): \_\_\_\_\_
3. Mailing Address: \_\_\_\_\_
4. Telephone Numbers: Primary \_\_\_\_\_ Alternate \_\_\_\_\_
5. E-mail Address: Primary \_\_\_\_\_ Alternate \_\_\_\_\_
6. Description of Stand, including dimensions (if applicable) \_\_\_\_\_  
\_\_\_\_\_
7. Description of Goods or Services being sold: \_\_\_\_\_  
\_\_\_\_\_
8. Will you be using a vehicle as part of your stand? Yes \_\_\_\_\_ No \_\_\_\_\_  
If "yes", please state make, model, year and license plate number: \_\_\_\_\_  
\_\_\_\_\_
9. Please state the municipal location(s) where you would prefer to do conduct your vending: \_\_\_\_\_  
\_\_\_\_\_

**\*NOTE:**

Council, from time to time, authorizes the use of municipal lands for special events and festivals. During such times, Vendors may be required to relocate to other areas to conduct their business. Vendors may have an opportunity to participate in these special events on municipal lands; however, this shall be at the discretion of the event organizer. Should a Vendor be required to relocate, attempts will be made to give as much advance notice as possible of the dates of these events.

10. I, \_\_\_\_\_, acknowledge that I have received a copy of the Vending Bylaw and agree to comply with all of its requirements on my behalf and on behalf of my business or association, if applicable. I understand that failure to comply with these requirements may result in this license being revoked.

Dated at Liverpool, Nova Scotia this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
POSITION

\*\*\*\*\*  
(OFFICE USE ONLY)

Date received \_\_\_\_\_  
 Date permit issued \_\_\_\_\_ By whom? \_\_\_\_\_  
 Date payment received \_\_\_\_\_ Amount \_\_\_\_\_  
 Receipt number \_\_\_\_\_

### Group Vending Application

The Region of Queens Municipality hereby grants permission to \_\_\_\_\_ (the Permit Holder) to make temporary use of certain Municipal properties identified as \_\_\_\_\_ hereinafter referred to (the Permit Site) for the operation of a \_\_\_\_\_ for the sale of Vendors goods; farm products, fish, crafts, etc.; to the public (the Permitted Use) subject to the terms and conditions hereinafter enumerated.

The Permitted Use authorized by this Permit shall not commence until on or after the \_\_\_\_\_ day of \_\_\_\_\_ and shall be permitted until the \_\_\_\_\_ day of \_\_\_\_\_ when this Permit shall expire and the permitted use shall cease.

The following are the conditions of this Permit:

- a) The Permit Holder shall be responsible for keeping the Permit Site and adjacent areas in a clean and tidy condition with the proper removal and disposal offsite of all garbage, litter, and debris on each day that the Licensed Use continues;
- b) The Permit Holder shall be responsible for the activities and conduct of all vendors that the Permit Holder has allowed upon the Permit Site and, in particular, shall be responsible to ensure that each Vendor is aware and abides by the terms and conditions of the this permit;
- c) The Permit Holder shall be responsible to repair and restore any damage done to the Permit Site and any adjacent public or private property arising from the Permitted Use;
- d) The Permit Holder shall be responsible for preventing any unreasonable nuisance from being created that may interfere with the quiet enjoyment of adjacent or nearby properties as a result of the Permitted Use;
- e) That prior to the issuance of this permit, the Permit Holder shall produce and thereafter maintain a valid Liability Insurance Policy in the amount of not less than Two Million (\$2,000,000) with the Region of Queens named as an additional insured.
- f) This permit shall not allow more than \_\_\_\_\_ Vendors to carry on business upon the Permit Site with the authorization of the Permit Holder.

- g) The Permit Holder shall maintain a list of all Vendors authorized to carry on business upon the Permit Site and shall provide a copy of the list to the Region's Bylaw Enforcement Officer.

A breach of any of the conditions of the permit shall, at the option of the Region of Queens, result in the immediate termination of this permit without the prior notice to the Permit Holder and without any liability or responsibility of the Region of Queens to the Permit Holder or any of the vendors authorized by the Permit Holder for any claim for damages or loss as a result of said termination.

Dated at Liverpool, in the Region of Queens Municipality and Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_, 20 .

Region of Queens Municipality  
Per:

\_\_\_\_\_  
Bylaw Enforcement Officer

I, \_\_\_\_\_ (Permit Holder) hereby accept this permit with all of the terms and conditions as set out herein.

Dated at Liverpool, in the Region of Queens Municipality and Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_, 20 .

\_\_\_\_\_  
Permit Holder