

## Vending By-law

- 1) This By-law may be cited as the “Vending By-law.”
- 2) Unless otherwise indicated, the following definitions shall apply:
  - a) “**Goods**” shall mean new and used products and manufactured items, services, food and beverage.
  - b) “**License**” shall refer to a letter of approval to carry on a specific activity;
  - c) “**Town**” shall mean the Town of Antigonish;
  - d) “**Stand**” means any table, showcase, seating, rack, pushcart, wagon or any other wheeled vehicle or device which may or may not be moved without the assistance of a motor and which may or may not be required to be licensed and registered pursuant to the Motor Vehicle Act, used for displaying, storing, transporting or sale of goods by a vendor, or for the purposes of attracting customers.
  - e) “**Vend or Vending**” means the sale, or offering for sale, outside an enclosed building, on public or private property, food, beverages, or other services or merchandise, unless they are immediately delivered to a residence or shop by the vendor. For the purposes of this by-law, vending shall also mean auctions.
  - f) “**Vendor**” means an owner, agent, operator or employee of a vending business, including mobile vendors for the purposes of this by-law, vendor shall also mean auctioneer.

### GENERAL REQUIREMENTS

- 3) No person shall, on their own behalf or as the agent of another, vend goods of any kind on private property, public streets, sidewalks and/or Town right of ways, or use the title of vendor or related title without first having obtained a license in accordance with this By-law.
- 4) A license issued under this By-law shall be issued to a particular person or business entity and shall not be transferable.
- 5) Every completed application for a license under this By-law shall be directed to the By-law Enforcement Office.

- 6) After reviewing the application, the By-law Enforcement Office is authorized and empowered to grant or refuse any application for a license under this By-law upon such terms and conditions as set forth herein.
- 7) A decision shall be communicated in writing to all applicants who apply for licenses under the terms of this By-law within thirty (30) days of the receipt of a fully completed application.
- 8) A license granted under this By-law may be revoked by the By-law Enforcement Office for violation of the terms and conditions of this By-law.

#### **APPLICATION INFORMATION**

- 9) The license applicant shall submit a completed Vending Application form and submit it to the By-law Enforcement Office.
- 10) Every application for a Vending License shall contain the following information:
  - a) The specific location (a site plan may be required) and timeframe where vending will occur.
    - i) If vending is occurring on private property, a letter of permission from the property owner.
    - ii) If vending is occurring in a location as outlined in Section 19(a), a letter of permission from the impacted business or businesses is required.
  - b) The owner's name and contact information and provincial motor vehicle registration number and description by make, model, and year of any vehicles to be used by the applicant as a mobile vendor;
  - c) A description of the foods and beverages or other merchandise to be sold;
  - d) Proof of insurance (general liability inclusive of bodily injury and property damage) with a minimum of \$2,000,000;
  - e) Description of power sources, if applicable;
  - f) A description of any planned signage and its location; and,
  - g) Photographs or detailed drawings of the stand or vending operation.
  - h) Any other supporting information that may be required by the By-law Enforcement Office.

11) Application assessments will include but not be limited to the appropriateness of the proposed location, safety considerations, cleanliness and neatness of the proposed vending operation, and any other relevant factors outlined within this By-law.

## **AUCTIONEERS**

12) No person shall, on their own behalf or as the agent for another, sell at a public estate auction, real estate, goods, or other merchandise of any kind whatsoever without first being licensed under this by-law.

13) Nothing herein contained shall extend to the sheriff or other office of the law or person selling under legal or equitable process, or to any other person selling under distress of rent or power of sale.

## **LICENSE DURATION**

14) Vending licenses will be issued on a yearly basis and remain valid for the fiscal year.

## **FEES**

15) License fees pursuant to this by-law shall be as outlined in the Town's *Municipal User Fees Policy*.

## **TERMS AND CONDITIONS**

16) Vendors wishing to vend on privately owned lands must do so with the written permission of the owner of the property, and while conducting business on private property shall have such documentation, shall produce such documentation upon request, or produce proof of property ownership if the vendor is also the property owner.

17) Any license issued under this By-law shall be conspicuously displayed at all times during the operation of the stand.

18) Every license issued under this By-law shall bear the number of the license which matches the records of the By-law Enforcement Office.

19) Vendors shall not:

- a) vend within thirty metres (30m) of a building that houses a business entity that sells the same or like goods, where thirty metres (30m) shall be meant to include the same side of the street or sidewalk that the entity is on, except when permission to operate within this proximity is granted in writing by the impacted business or businesses.

- b) vend within ninety metres (90m) of any residential zone, as defined and delineated by the Land Use By-law of the Town, between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- c) vend on any street or sidewalk where vending is otherwise prohibited.
- d) leave any stand unattended overnight, unless otherwise permitted by the By-law Enforcement Office.
- e) vend goods for immediate consumption unless they possess their own waste sorting receptacle(s) available for patrons' use.
- f) leave any location without first picking up, removing and properly disposing of all trash or refuse remaining from sales made by him/her.
- g) Dump trash, refuse, fat or any other food substance into the municipal sewer system.
- h) allow any items relating to the vending operation to be placed anywhere other than in, on, under, or near the stand as described in their application.
- i) vend anything other than that which he/she is licensed to vend.
- j) sound or permit the sounding of any device which is in violation of the *Noise Control By-law*.
- k) when vending from a stand on the sidewalk or next to the curb;
  - i) vend within Three Metres (3m) of an entranceway to any building.
  - ii) vend within Eight Metres (8m) of an entranceway to a police or fire station, or within Five Metres (5m) of any other driveway.
  - iii) vend within Five Metres (5m) of any crosswalk.
  - iv) Vend within Seven and a Half Metres (7.5m) of an intersection.
- v) allow the stand or any other item relating to the vending operation to lean against or hang from any building or other structure lawfully placed on a property, without the owner's permission.

20) Vendors shall park curbside when stopping to vend, as close as possible to a pedestrian crosswalk subject to Section 19 (k)(iii) and shall face toward the sidewalk to vend.

21) In addition to the requirements contained in this By-law, a stand shall have in effect all permits required to operate, including but not limited to:

- a) those issued by the Province of Nova Scotia; and,
- b) all By-laws, policies, and regulations of the Town.

## **EXEMPTIONS**

22) The following activities shall be exempt under the terms of this By-law and no application need be made for a license:

- a) Car wash or vehicle cleaning activities related to fundraising by a non-profit organization;
- b) Neighbourhood or residential yard sale;
- c) Any activity carried on in conjunction with the Eastern Nova Scotia Exhibition;
- d) Any activity carried on in conjunction with the Antigonish Highland Games;
- e) Any activity related to the Antigonish Farmer's Market;
- f) Community events within the Town that have been sanctioned by Town Council;
- g) School, university or university student union fundraising activities where the school or the persons involved thereof is located within or are from the Town or County of Antigonish;
- h) All non-profit organizations including religious groups and organizations who are carrying out fundraising activities and/or solicitations;
- i) Activities carried out by religious groups under the auspices of those religious organizations that have assessed property in the Town.

## **OFFENCE**

23) The By-law Enforcement Officer for the Town has the authority to enforce all aspects of this By-law.

24) It shall be an offence for any person to solicit or carry on business requiring a license under this By-law without first having obtained a valid license therefore.

25) It shall be an offence for any person to contravene the terms and conditions of any license issued or any of the terms of this By-law.

26) Any person found guilty of having contravened or failing to comply with any of the terms of this By-law shall, on conviction, have their license revoked and be liable to a penalty of \$410.00 for each offence.

## **APPEALS**

- 27) Any person who has been refused a license, or whose license has been revoked by the By-law Enforcement Office, shall receive written notification stating the reasons for refusal or revocation and may appeal such a refusal or revocation to the Police and License Committee.
- 28) Appeals shall be in writing and shall be filed with the Chief Administrative Officer, or designate, within Fifteen (15) calendar days of refusal or revocation and shall clearly state the grounds for appeal.
- 29) The Police and License Committee shall hear the appeal at such time and place as it determines and, in accordance with this By-law, may confirm the refusal or revocation by the By-law Enforcement Office, or may recommend that the presentation be heard by Council.
- 30) Council, after hearing the appeal, may confirm the refusal or revocation of the license, or may direct the By-law Enforcement Officer, through the Chief Administrative Officer, to issue or reinstate the license.

#### **PREVIOUS BY-LAWS**

- 31) Any previous Trade and Licensing By-law, Mobile Vendors By-law, and amendments thereto are repealed upon the coming into force of this By-law.



**Proposed Vending Location (map, if available)**

**NOTE:** Please indicate whether this is a mobile vending operation and identify any other locations where vending may occur.

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**Supporting Documentation**

Please check supporting documentation that is included as part of the application package.

- Proof of Insurance (required)
- Letters of Permission (if required)
- Motor Vehicle Registration information (if required)

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