

**TOWN OF STEWIACKE
BY-LAW NUMBER 2015 - 22**

1. Short Title

This by-law may be cited as the “**Vendors By-law**”

2. Definitions

In this by-law:

- a) “Licensing Authority” means the Development Officer or designate of the Town of Stewiacke;
- b) "Mobile Canteen" means a vehicle used for the display, storage, transportation or sale of food or beverages by a mobile vendor;
- c) “Mobile Stand” means a stand having any wheels in excess of 10 cm. or having or designed to have removable wheels of such diameter, and each such stand capable of being moved as a separate unit shall be counted as a separate mobile stand;
- d) “Public Places” includes all Town owned property including streets, parks and entrances, parking areas, driveways, roads and sidewalks;
- e) “Vend” or "Vending" means the sale, or offering for sale, outside an enclosed building of food, beverages or other merchandise.

License Required

- 3.** No person shall carry on the business of vending without first obtaining a license from the Licensing Authority. Organizations and or groups who are registered as a non-profit body will have to make application but their fees shall be waived.

License Application Requirements

- 4.** Every application for a license to vend within the Town shall be made in writing to the Licensing Authority and shall contain the following information:
- a) the name, mailing address and contact phone number of the applicant;
 - b) a description of the merchandise to be sold as well as a photo of the stand or vehicle from which merchandise will be sold;

- c) the location of the site and if not owned by the applicant, written permission from the property owner;
- d) the location on the site where the vending will occur;
- e) the period of time during which the applicant proposes to be in operation and the hours of operation; and
- f) all required provincial approvals concerning the keeping and preparation of food.

Location Requirements

- 5. All vending operations must be situated on a property in such a manner as to not interfere with the traffic of pedestrians on a sidewalk or with the movement of vehicular traffic entering or exiting the site.

Exceptions

- 6. This by-law shall not apply to:
 - a) Vending by the operator of a commercial business on the sidewalk in front of that commercial business; and
 - b) Yard sales on private property;
 - c) Approved yard sales in Dennis Park with the following conditions;
 - 1) between May 1st and October 31st annually
 - 2) Tables NOT to be set up in the parking lot
 - 3) authorized locations only as identified in Schedule "A"
 - 4) no yard sales during Town Days; and
 - d) Town sanctioned events.

Issuance of License

- 7. Upon the receipt of a completed application that complies with the provisions of this By-law, the Licensing Authority shall issue a license pursuant to the following:
 - a) Unless otherwise specified on the license, all licenses terminate on the 31st day of March next after the date of the license, unless sooner cancelled or revoked;
 - b) Payment by the applicant of the license fee set out in the Municipal Policy for Fees;

- c) A license issued under the By-law shall be personal to the person to whom it is issued and shall not entitle any other person to engage in or exercise the activity, occupation or privilege granted by it, except for an agent or employee of the license holder; and
- d) Every licensee shall display his or her license so as to be visible at all times to the public.

Operational Requirements

8. No person to whom a license has been issued shall:

- a) Operate in any area of the Town of Stewiacke listed in Schedule "B";
- b) Vend between 1:00 a.m. and 8:00 am daily;
- c) Leave any stand or mobile canteen unattended;
- d) Operate on any portion of the site except at the location approved on the license;
- e) Sell food or beverages unless there is available, for public use, suitable source separation litter receptacle for the use of customers;
- f) Leave any vending location without first picking up, removing and disposing of all refuse associated in any way with the vending activity; and
- g) Vend on a sidewalk.

Appeal

9. The Licensing Authority may refuse to issue, renew or amend, or may revoke or suspend a Vending permit for breach of this or any other By-Law or of the terms or conditions of a permit upon written notice to an applicant or permit holder.

10. A person aggrieved by a decision of the Licensing Authority pursuant to section 8 may appeal that decision to Town Council within fifteen (15) days of its mailing to the applicant or license holder, by written notice of appeal to the CAO.

11. After the hearing of an appeal, Town Council may confirm, rescind or vary the decision of the Licensing Authority.

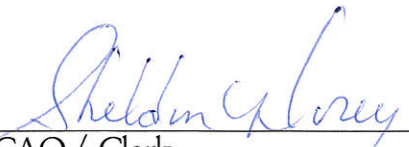
Penalties

12. Any person who contravenes any provision of this By-Law is punishable on summary conviction of a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars and to imprisonment of not more than thirty (30) days in default of payment thereof.

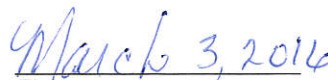
Annotations for Official Bylaw Book

Date of first reading:	<u>December 17th 2015</u>
Date of advertisement of Notice of Intent to Consider:	<u>January 14th 2016</u>
Date of second reading:	<u>January 28th 2016</u>
Date of advertisement of Passage of By-law:	<u>February 6th 2016</u>
Date of mailing to Minister a certified copy of By-law:	<u>March 3rd 2016</u>

I certify that this *By-law to Repeal By-law* was adopted by Council and published as indicated above.



CAO / Clerk



Date

SCHEDULE "A"



SCHEDULE "B"

1. The trail heads for Stewiacke River Walk Trail
 - a. Entrance near Mastodon Ridge
 - b. Entrance near soccer fields

2. The trail head for John Crawford Trail