

The Municipality of the County of Colchester

Chapter # 12

Vendors Bylaw

1. Authority

This By-law is enacted pursuant to Section 172 of the *Municipal Government Act*, S.N.S. 1998, c. 18, and shall be known and may be cited as the “Vendors Bylaw” of the Municipality of the County of Colchester.

2. Purpose

This By-law is intended to permit vending on Municipal lands.

3. Interpretation

In this By-law:

"Applicant" means any person who makes application for any license under the provisions of this bylaw and includes Vendors.

"Artisan" means a painter, photographer, silversmith, weaver, jeweller, candle maker, leather worker or other like artisan who:

- i. manufactures their own products; or
- ii. vends locally made handmade products.

"Council" means the Council of the Municipality of the County of Colchester.

"Craftsperson" means a painter, photographer, silversmith, weaver, jeweler, candle maker, leather worker, like an artisan, who makes a work of art or craft.

"Development Officer" means the Development Officer appointed by the Council of Municipality of the County of Colchester.

"Farm-based primary or secondary products" means such animal products, fruit, fruit products, grains, honey, maple products, seeds, vegetables, vegetable products, flowers and articles of food or drink manufactured or derived in whole or in part from any of those products.

"Permit" means a permit issued pursuant to the By-law.

"Municipal lands" means any lands owned by the Municipality of the County of Colchester.

"Municipality" means the Municipality of the County of Colchester.

"Site" means a location designated by the Municipality on Municipal lands.

"Vendor" means any person who sells food, beverages, goods or amusements on Municipal lands as identified in a schedule to this Bylaw.

"Vending Unit" means any vehicle, cart, trailer, scooter, stand or other primary piece of equipment used to assist a vendor in the selling or distribution of products or services.

4. Area of Application

(1) This By-law shall apply all Municipal lands.

(2) The vendor site allocation is at the discretion of the Development Officer, in consultation with Recreation Services, as necessary.

(3) Enforcement of this By-law will be the responsibility of the Municipality.

5. Permit required to Vend

No person shall vend on Municipal lands without first having applied for and obtained a permit to do so, pursuant to this By-law.

6. Vending Requirements

The following requirements must be met by all Applicants:

(1) vendors can only occupy sites, as assigned by the Municipality;

(2) permits will only be issued for temporary (seasonal) uses from April 1st to November 1st, on an annual basis;

(3) acceptable retail merchandise for vending are food, beverage, local artisan & craftspeople and farm-based products and by-products (vegetables, flowers, honey, etc);

(4) each vendor selling food or beverages must have suitable litter & recycling receptacles available for the use of customers, and each vendor must remove and dispose of all litter and recycling associated in any way with the vending activity;

(5) one (1) sandwich board (A frame) style free-standing sign is permitted per vendor permit [maximum area 0.5 m² (5 ft²), total area of all faces 1 m² (10 ft²), maximum height 1 m (3 ft), maximum width 0.6 m (2 ft)];

(6) no person shall be granted a permit for more than one site;

(7) there shall be no vending between 11:00pm and 8:00am, daily;

(8) the use of any loud speaker, public address system, radio, sound amplifier or similar device resulting in excessive amplification is not permitted;

(9) generators used must be of quiet operation and have such features as sound-proofed casing, insulators or mufflers;

(10) the fees for the issuance of a permit shall be in accordance with the rates as set by the Municipality from time to time, and may vary depending on use of the site;

(11) no vendor can store, park or leave any stand or vehicle overnight in a park;

(12) a vendor must maintain the site and it must be free from clutter and hazardous conditions.

(13) a copy of the permit must be displayed at all times.

7. Enforcement

(1) The Development Officer or designates have control over the issuance of vending permits within the Municipality, and shall have the authority to prohibit any vending activity which does not meet the provisions of this By-law.

(2) Subject to Council Policy, as approved from time to time, the Development Officer or designate is authorized and empowered to:

- i. Grant a permit;
- ii. Refuse to Grant a permit;
- iii. Suspend a permit;
- iv. Revoke a permit;
- v. Issue a Notice or Order to comply with this By-law.

(3) For greater certainty, if the Development Officer determines that the stand or food service vehicle is a safety issue, danger or hazard or if there are reasonable grounds to believe there has been a violation of this By-law by the Applicant or an agent or employee of the Applicant, the Development Officer may, without notice to the Applicant, remove the stand or food service vehicle without compensation to the Applicant and can recover the cost of the removal from the Applicant.

8. Permit Not Transferrable

A permit issued pursuant to this By-law is not transferrable.

9. Maintenance of the site

The Applicant shall maintain the site, vehicle and any stand in a tidy and safe condition at all times and shall adhere to any direction from the Development Officer or designate to restore the site, vehicle or any stand to a tidy and safe condition.

10. Application Process

- (1) Every application for a permit shall be completed and submitted on the form provided by the Municipality and shall be accompanied by the appropriate fee;
- (2) Vendors must provide proof of liability insurance satisfactory to the Municipality;
- (3) If the applicant is proposing to sell food prepared on-site, any required permits issued by the Nova Scotia Department of Environment showing compliance with all Food Safety Regulations must be submitted with the application as well as with any other applicable statutes and regulations of the Province of Nova Scotia and with the Municipality of Colchester;
- (4) A photograph of the vending unit from which merchandise will be sold must accompany the application.

11. Indemnification

- (1) The Applicant agrees to indemnify and hold harmless the Municipality of the County of Colchester, its Mayor, Councillors and employees against all loss, claims, actions, damages, costs (including solicitor costs) liability and expense in connection with the loss of life, personal injury, damage to the property or other loss or injury whatsoever arising from their operations and/or issuance of a licence.
- (2) The Municipality is not liable for, nor responsible for the loss or damage to any property belonging to the Applicant or personal injury relating to the occupation of space or placement of displays.
- (3) The Municipality is not responsible for, nor liable for any loss or damage to the goods and services being offered by the Applicant and does not warrant their authenticity, content or design.

12. Notification to Permit Holders

Where a Notice or Order to comply with this By-law pursuant to Section 7 (b), it shall be delivered by hand or sent by regular mail to the permit owner's address to the attention of the permit holder as contained in the permit. Notice sent by regular mail is deemed to be have been delivered three (3) days after the date of mailing.

13. Offences and Penalties

Notwithstanding any other By-law of the Municipality, any person who contravenes any provision of this By-law is punishable on summary conviction by a fine of not less than

\$300.00 and not more than \$1,000, and in default of payment to imprisonment of not more than thirty (30) days in default of payment thereof.

14. Compliance with Other Acts and By-laws

Nothing in this By-law shall exempt any person from obtaining any license, permission, permit, authority or approval required under any other By-law or regulation of the Municipality or any statute or regulation of the Province of Nova Scotia. If this By-law is in conflict with any other statute or regulation of the Province of Nova Scotia the more restrictive statute shall apply.

15. Special Events and Festivals

Notwithstanding this By-law, any vendors involved in any special event or festival that is held on Municipal lands as authorized by the Municipality, shall be exempt from the requirement for a permit under this By-law.

THIS IS TO CERTIFY, that Chapter 12 – Vendors By-law, was duly approved at a duly called meeting of Municipal Council of the municipality of the County of Colchester, duly convened and held on the 28th day of April, A.D. 2016.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 1st day of June, A.D. 2016.

Rob Simonds

Municipal Clerk



I, Rob Simonds, Municipal Clerk of the Municipality of the County of Colchester, do hereby certify that the adjacent Notice of Approval is a true copy of the Notice of Approval of Chapter 12 of the By-laws of the Municipality of the County of Colchester, Vendors By-law, duly advertised in the Wednesday, May 6, 2016 issue of the Truro Daily News.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 1st day of June, A.D. 2016.

Rob Simonds
Municipal Clerk



Municipality of the County of Colchester
1 CHURCH STREET, TRURO, NOVA SCOTIA B2N 3Z5
Tel: 902-897-3170 Fax: 902-843-4061 www.colchester.ca

Schedule "A" Application for a Vendors Permit

Contact Information:

Company Name	<input type="text"/>				
Applicant Name	<input type="text"/>				
Address	<input type="text"/>				
City	<input type="text"/>	Prov.	<input type="text"/>	Postal Code	<input type="text"/>
Phone	<input type="text"/>	Alternate Phone	<input type="text"/>		
Email	<input type="text"/>				

Please indicate the type of product that best describes your service or wares:

- Amusement (rental of bikes, scooters, etc.)
- Entertainment (busking)
- Food and Beverage Service (prepared food)
- Ice Cream
- Other (art & crafts, clothing, jewelry, farm products, etc.)

List the feature products and/or services you intend to provide:

Please select the vending unit type below that best describes your unit:

- Mobile Vending Unit (mobile motor vehicle offering food, good or services)
- Push Cart Vending Unit (human powered stand for food, beverage, or merchandise)
- Stationary Vending Unit (stand for busking, amusement rentals, or merchandise)

What Location are you applying for:

What are the intended hours of operation?

Open

Close

Please provide the following information, if applicable:

Description and photos of
vending apparatus

Vehicle Make, Model
Year, License Plate

Health Permit No.

Classification

Date of Inspection

I hereby make application to the Municipality of Colchester for a Vendors Permit stating the information in this application is true and complete, and that I agree to comply with the provisions of the Municipality of Colchester's Vendors Bylaw.

Date

Signature of Applicant

Application fee
attached

[Mobile Food Service - \$250.00]

[Any other Vending Unit - \$125.00]



Permit #

Municipality of the County of Colchester
1 CHURCH STREET, TRURO, NOVA SCOTIA B2N 3Z5
Tel: 902-897-3170 Fax: 902-843-4061 www.colchester.ca

Schedule "B" Vendors Permit

Permit Information:

Date Issued

Expiry Date

Development Officer

Location

Permission is hereby granted to

of

to proceed with the vending operation of (check where applicable):

- Amusement (rental of bikes, scooters, etc.)
- Entertainment (busking)
- Food and Beverage Service (prepared food)
- Ice Cream
- Other (art & crafts, clothing, jewelry, farm products, etc.)

This permit is issued for the following vending unit type, and is subject to the applicable fees (check where applicable):

- Mobile Vending Unit (mobile motor vehicle offering food, good or services)
- Push Cart Vending Unit (human powered stand for food, beverage, or merchandise)
- Stationary Vending Unit (stand for busking, amusement rentals, or merchandise)

Vehicle License No.

Vending Permit No.

Provincial Food
Establishment Permit No.

The License Holder hereby acknowledges receipt of this Permit and agrees to conform and comply with the conditions of this Permit and all applicable requirements of the Municipality's Vendors Bylaw.

Date

Signature of Permit Holder

Signature of
Development Officer

<input type="text"/>
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