

PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Bay Roberts under the provisions of Section 414 (2) (c) of the Municipalities Act, 1999, as amended.

Amended and adopted by the Town Council of the Town of Bay Roberts on 15th day of August, 2006.

Glenn Littlejohn
Mayor

Shirley Hawe
Town Clerk

VENDOR REGULATIONS

Short Title

1. These regulations may be cited as the Town of Bay Roberts Vendor Regulations.

Definitions

2. In these regulations, unless the context otherwise requires:
 - (a) “Act” means Municipalities Act, 1999, as amended;
 - (b) “Council” means the Town Council of the Town of Bay Roberts;
 - (c) “Goods” includes food, wares, merchandise and/or other chattels personal of any nature and description;
 - (d) “Park” means to allow a vending vehicle, whether occupied or not, to remain in a stationary position, otherwise than in obedience to traffic regulations, traffic signs or the directions of a traffic officer;
 - (e) “Permit” means a vendor’s permit issued under these regulations to a person and includes a renewal permit;
 - (f) “Person” includes an individual, a corporation, partnership and/or other organization whether incorporated or not;
 - (g) “Stand” means any device, structure or temporary area used for the purpose of selling, or exposing for sale and/or other dispensing of food or goods or other chattels personal of any nature and/or description;

- (h) “Town” means the Town of Bay Roberts as defined by order in Council dated the 4th day of February, 1951;
- (i) “Town Clerk” means the Town Clerk of the Town of Bay Roberts;
- (j) “Vending Vehicle” means a device, including without limiting the generality of the foregoing, a motor vehicle as defined in the Highway Traffic Act, in, upon or by which persons or property may be transported or drawn upon a highway and used for the selling or exposing for sale of food or goods or other chattels personal of any nature and/or description;
- (k) “Vendor” means a person, corporation, partnership or any organization whether incorporated or not, which owns and/or operates and/or causes to be operated a stand and/or vending vehicle;
- (l) “Vend” or “vending” means the sale, or offering for sale, outside an enclosed building of food, beverages or other merchandise, unless they are immediately delivered to a residence or shop by the person selling them;
- (m) “Public place” includes streets, parks and entrances, hall, corridors, washrooms, parking areas, driveways, roads, streets, sidewalks and alleys of a shopping centre, shopping mall or other shopping complex, recreation center, restaurant and retail store;
- (n) “Garage/yard sale” means a sale of surplus household goods by the occupants or neighbours of the residential property at which the sale is carried on;
- (o) “Flea market” means an outdoor market or area at which a person or persons utilize public space or are provided space for a fee or rent for the purpose of selling new or used merchandise to the public;
- (p) “Farmers’ market” means the Farmers’ Market under existing arrangements with the Town, pursuant to Town Development Regulations.

General Provisions

3. The Town Clerk is authorized to issue, renew or refuse a vendor’s permit under these regulations.

4. (a) No person, corporation, partnership and/or organization whether incorporated or not, shall sell or otherwise cause to be sold or dispensed goods and/or food from a vending vehicle or stand within the limits of the Town unless such person is the holder of a valid permit.
- (b) Notwithstanding Section 4 (a) the following persons or groups are exempted from this regulation and will not require a permit:
 - (i) a person selling newspapers door to door;
 - (ii) a child or youth, being a person under the age of eighteen years, selling goods for the purpose of raising funds for school activities or non-profit youth raising activity has been approved by such school or non profit youth group;
 - (iii) canvassers or fund-raisers for not for profit groups and registered charities;
 - (iv) vending by the operator of a commercial business on the sidewalk in front of that commercial business;
 - (v) vending during Bay Roberts Special Events pursuant to a permit issued by the Bay Roberts Special Events Committee;
 - (vi) vending at the Farmers' Market does not contravene these regulations.
- (c) Garage/ yard sales on private property between 7:30 a.m. and 7:30 p.m. on Saturdays, Sundays and holidays do not contravene these regulations and does not require a permit provided that:
 - (i) the owner of the property upon which the flea market, yard/garage sale vending is occurring expressly authorizes such yard sale vending;
 - (ii) the property owner and the flea market, garage/ yard sale vendor do not set up or place, or allow to be set up or placed, outside in a location visible from a public place any flea market, garage/yard sale vending merchandise, stands or equipment before 12 hours in advance of the time that the yard sale vending is permitted to begin pursuant to these regulations;

- (iii) the property owner and the flea market, garage/yard sale vendor do not leave or allow to be left outside in a location visible from a public place any flea market, garage/yard sale vending merchandise, stands or equipment more than 12 hours after the time that the flea market, garage/yard sale vending is required to cease pursuant to these regulations;
- (iv) signs must be removed within two (2) hours of the end of the flea market, garage/yard sale;
- (v) under special circumstance, Council may by resolution prohibit flea market, garage / yard sales for specific days or periods of the year in the interests of public safety and/or movement of traffic within the Town;
- (vi) Council may by resolution designate properties upon which garage/yard sales or flea markets are not permitted to occur, upon recommendation or advice from the Municipal Enforcement Officer that garage/yard sales or flea markets at such properties are or may cause a safety hazard or an obstruction to traffic.

Application

- 5. (a) An application for a permit or any renewal thereof under these regulations shall be made to the Town Clerk upon an application in such form as may be approved by Council from time to time.
- (b) A permit fee shall be paid in accordance with the fee structure as set forth in Schedule "B".
- (c) The application shall be accompanied by a copy of all health and/or other authorizations which may be required to be issued by the Government of Newfoundland and Labrador in respect of the activity for which a permit is applied for hereunder.
- (d) Prior to the issuance of any permit hereunder the Town Clerk may require a copy of a consent from the Provincial Department of Health if in the opinion the Town Clerk such consent shall be deemed desirable and/or appropriate.

Permits

6. A person may be issued a permit to operate a stand or vending vehicle on the parking lot of private business establishments within the Town provided that the person files with the Town Clerk at time of submission of application for permit a written authorization from the owner of the private business establishment authorizing the parking lot for the particular use for which the permit is applied for, provided nevertheless that such permit, at any time following issuance thereof if the Council for any reason in its absolute discretion shall deem it advisable or appropriate to do so, may cancel and/or revoke and/or amend such permit upon such terms as Council may deem appropriate.
7. Where a permit has been refused, a further application for permit may be made upon new or other material facts and/or where material circumstances have changed.
8. A vendor, following the issuance of a permit and during the validity of any such permit, shall notify the Town Clerk in writing within five (5) days of any change of;
 - (a) vendor's address;
 - (b) vendors' name;
9. A permit may be issued or renewed subject to such terms, conditions and restrictions as may be prescribed by the regulations and to such additional terms, conditions and/or restrictions, if any, as the Town Clerk may deem appropriate.
10. A vendor shall comply with the terms, conditions and restrictions to which the permit is subject.
11. A Vending Permit issued under these regulations shall be conspicuously displayed on the stand, or mobile canteen, to which it relates so as to be clearly visible from the street.

Revoke

12. The Town Clerk may suspend or cancel a permit where in the opinion of the Town Clerk such suspension and/or cancellation is in the public interest, and without limiting the generality of the foregoing, the Town Clerk may suspend or cancel a permit where the vendor:
 - (a) has violated any provision of these regulations or has failed to comply with any one or more of the terms, conditions or restrictions to which the permit is subject;
 - (b) has made a material mis-statement in the application for the permit in any of the information or material submitted to the Town Clerk;

- (c) has been guilty of misrepresentation, fraud or dishonesty; or
 - (d) has demonstrated incompetency or untrustworthiness to carry on the business in respect of which the permit was issued.
13. When a person is dissatisfied with a decision of the Town Clerk respecting the issue, renewal or refusal of a permit, an appeal may be made to the Town Council.

Restrictions

13. A vendor shall not:
- (a) conduct business within 100 meters of the grounds of any school between ½ hour prior to the start of the school day and ½ hour after the dismissal at the end of the school day when schools are in session;
 - (b) conduct business in any area prohibited by Council and/or secure zones during Klondyke Concert;
 - (c) vend when customers or persons apparently waiting to become customers are standing in a roadway or are obstructing the traffic of pedestrians on a sidewalk;
 - (d) vend within 7 meters of any driveway entrance to a police or fire station, or within 5 meters of any other driveway other than a driveway for property on which the vending is lawfully occurring;
 - (e) leave a vending vehicle or stand, set-up for business, unattended;
 - (f) park or leave a vending vehicle overnight on any streets within the limits of the Town;
 - (g) sell food or beverage from a vending vehicle or stand in a fixed location unless adequate litter receptacles are available or provided by the vendor;
 - (h) leave any fixed location of operation without first picking up, removing or disposing of all trash and refuse;
 - (i) sell anything other than that which is indicated on the vendor's permit;

- (j) conduct business within 7 meters of any crosswalk, intersection or bus stop;
- (k) park a vending vehicle or set up a stand upon a sidewalk;
- (l) have a vending vehicle or stand pose an unsightly appearance.

Fines and Penalties

- 14. Pursuant to Section 404 (1) (a) of the Act, Council may order that a vehicle or stand used for the sale of food or goods and not operating in accordance with a permit issued by the Council be removed.
- 15.
 - (a) Every person who fails to comply with or otherwise contravenes any of the provisions of these regulations is guilty of an offence and is liable on summary conviction to the penalty as set out in the Section 420 of the Act.
 - (b) Each day that a person shall fail to comply with or otherwise contravenes any of the provisions of these regulations shall constitute a separate offence.
 - (c) Any person who violates any provision of these regulations is guilty of an offence and is liable, on summary 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 thereof to a term of imprisonment not to exceed thirty (30) days.
 - (d) A person who is alleged to have violated these regulations and where the notice so provides, may pay a penalty in the amount of \$75.00 to the office of the Town Clerk provided that said payment is made within a period of twenty-one (21) days following the day on which the activity alleged to constitute a violation took place and where the said notice so provides for a voluntary payment, said payment shall be in full satisfaction, releasing and discharging all penalties incurred by the person for said violation.

Repeal

- 16. All previous Vendor Regulations for the Town of Bay Roberts are hereby repealed.
- 17. These regulations were adopted by resolution of Council at a meeting on the 15th day of August, 2006, and shall come into effect on the 16th day of August, 2006.