

MUNICIPALITY OF THE COUNTY OF KINGS



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BY-LAW # 90

VENDORS BY-LAW

The Council of the Municipality of the County of Kings under the authority vested in it by the *Municipal Government Act*, Section 173, does hereby enact as follows:

1. This By-law shall be known as the Vendors By-law.
2. This By-law shall apply within the Municipality of the County of Kings.

Definitions

3. In this By-law:
 - (a) "Mobile canteen" means a vehicle used for the display, storage, transportation or sale of food or beverages by a mobile vendor.
 - (b) "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 stand.
 - (c) "Vendor" means any person who engages in a temporary business of preparing and selling food products outside an enclosed building, either from a mobile canteen or mobile or non-mobile stand, and who, in furtherance of such purpose, hires, leases, uses or occupies any location for the exhibition, sale and delivery of such food products.
 - (d) "Licensing Authority" means the Development Officer of the Municipality of the County of Kings.

License Required

4. No person shall carry on the business of a Vendor without first obtaining a license from the Licensing Authority.

License Exemptions

5. Notwithstanding Clause 4, this By-law shall not apply to vending by any group or organization registered as a non-profit body.

License Application Requirements

6. Every application for a license to vend within the Municipality shall be made in writing to the Licensing Authority and shall contain the following information:

- (a) the name, mailing address and telephone number of the applicant;
- (b) a description of the merchandise to be sold as well as a photograph 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;
- (f) approval from the provincial Department of Transportation and Labour with respect to road access;
- (g) all required provincial approvals concerning the keeping and preparation of food.
- (h) if located within a Village, written response from the Village concerning the proposed operation;
- (i) if the applicant is proposing to sell food prepared on-site, a copy of the license issued by the Nova Scotia Department of Agriculture in compliance with its Regulations;
- (j) if the applicant is proposing to cook food to be prepared for consumption by the general public, a statement from the municipal Fire Inspector that the equipment to be used to cook the food is in compliance with all appropriate regulations.

Locational Requirements

- 7. All vending operations must be:
 - i. located on a property for which such commercial operations are permitted by the Land Use Bylaw; and
 - ii. located on a property that has frontage on an urban or rural collector road;
 - iii. 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.

Issuance of License

- 8. 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 shall 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 this 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.
- (d) Every licensee shall display his or her license so as to be visible at all times to the public.

Operational Requirements

9. No person to whom a license has been issued shall:
- (a) operate on any portion of the site except at the location approved on the license;
 - (b) sell food or beverages unless there is available for public use a suitable litter receptacle for the use of customers;
 - (c) leave any vending location without first picking up, removing and disposing of all litter, trash or refuse associated in any way with the vending activity;
 - (d) sound or permit the sounding of any device which produces a 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
 - (e) install more than one (1) advertising sign which shall be affixed to the mobile canteen or stand and shall not exceed more than sixteen (16) square feet in size.

Revocation of License

10. A license issued under this By-law may be revoked or suspended by the Licensing Authority where any of the provisions of this Bylaw are not being met.

Appeal

11. (a) The Licensing Authority may refuse to issue, renew or amend, or may revoke or suspend a vending license for breach of this or any other By-law or of the terms or conditions of a license upon notice to the applicant or license holder.
- (b) A person aggrieved by a decision of the Licensing Authority pursuant to Subsection 11 (c), may appeal that decision to Municipal Council within fifteen (15) days of its mailing to the applicant or license holder, by written notice to the Municipal Clerk.
- (c) After hearing an appeal, Municipal Council may confirm, rescind or vary the decision of the Licensing Authority.

Penalties

12. Every person who contravenes or fails to comply with any provision of this By-law shall be guilty of an offense and, upon summary conviction, liable to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and to imprisonment for a term of not more than thirty (30) days in default of payment thereof.

History of this By-law

Enacted - August 7, 2007