

TEMPORARY VENDORS LICENSE POLICY

APPROVED May 8, 2012

CONDITIONS OF THE LICENSE

5. General Conditions

A vendor shall not:

- a. Vend on a public street within three hundred (300) feet of the grounds of any school between ½ hour prior to the start of the school day and ½ hour after dismissal at the end of the school day;
- b. (i) Vend between the hours of 11:00pm and 10:00am of the following day for a period from Sunday evening to Saturday morning;
(ii) Vend between the hours of 11:00pm Saturday to 11:00am Sunday;
- c. Display the food, beverages, goods, wares, produce, merchandise or services which the vendor is purporting to sell or set-up his or her premises before the hour of 10:00am on Sunday morning.
- d. Leave any premises unattended when open for business;
- e. Sell food or beverages for immediate consumption unless they have available for public use their own or public waste receptacles and recycling receptacles which are available for the patron's use;
- f. Leave any location without first picking up, removing and disposing of all garbage or refuse remaining from sales made by them;
- g. Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under his or her premises;
- h. Set up, maintain, or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of temporary vending business where such items were not described in the application for the license;
- i. Sell anything other than that which he or she is licensed to vend;
- j. Cry their wares to the disturbance of the public, or sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the public's attention;
- k. Obstruct a sidewalk with five (5) feet of the curb or roadway; and
- l. Vend in front of commercial property without the prior written consent of the person occupying or using said commercial property.
- m. Vend upon any Street or Sidewalk or other public property within the Town unless expressly permitted by the Clerk of Licenses.
- n. Erect any signage of any kind unless such signs and locations are approved in writing by the Director of Operators.

6. Classification of Vendors

Vendor Classifications shall include the following:

a. <u>Class</u>	<u>Description</u>	<u>License Fee</u>
C1	Weekly Vendor-Non Festival Week	\$125.00/Week
C2	*Weekly Vendor – Festival Week/Weekend	\$200.00 /Week
C3	Monthly Vendor- Non Festival Week	\$400.00/month
C4	*Monthly Vendor – Includes Festival Week	\$500.00/month
C5	Yearly Vendor	\$2,400.00/year
C6	Boat Tours/Commercial Walking Tours	\$250.00/season
F1	*Festivals	\$25.00/Year
F2	*Organizations considered part of a licensed festival included in festival license	
NP1	*Weekly Vendor-In Town/Not for Profit Organization	\$5.00/Week
NP2	*Weekly Vendor – Other/Not for Profit Organization	\$25.00/Week
NP3	Seasonal Flea Market /Not for Profit Organization	\$25.00/Year
NP4	Farmer's Market – Seasonal (Society)	\$25.00/Year
NP5	Flea Markets –Residential (maximum 4 per year)	FREE
NP6	Flea Markets – Non Profit (maximum 4 per year)	FREE
NP7	School Fund Raising Activities sanctioned by the School	FREE
NP8	Church Fund Raising Activities sanctioned by the Church	FREE

- b. *During a festival in the Town, each Vendor shall obtain the following from the festival governing body prior to a license being issued by the Town:
 - 6. b.1. Certification on the application form signed by the festival governing body that the vendor is part of the festival's official events, included in the festival's program or advertising and is covered by the festival's liability insurance policy; or
 - 6. b.2. Certification that the festival governing body has no objection to the vendor operating in the Town during the time frame the festival is held in the Town.

7. Vending During Festivals Concept

In respect to vending during festivals:

- a. The Town recognizes that the governing body of any festival held in the Town puts in a lot of time and expense to organize and promote each festival. It is not right for an individual, business or organization to take the advantage of the governing body by operating in the Town during the festival without making a contribution to the festival.
- b. It is the Town's position that individuals, businesses, or organizations wishing to operate in Town during a festival either be part of the festival or at least communicate with the festival to get their blessing before licenses are issued. That being said, the festival governing body has an obligation to treat all vendors in a fair and non bias manner and not to prevent a vendor from operating for any discriminating reason.

8. Vending on Private Property

Unless otherwise permitted:

- a. Vendors shall locate their goods for sale on private property and the property owner shall sign the vendor's application form granting the vendor permission to use the property during the effective dates of the license.
- b. Even though the Vendor may be located on private property, and the private property owner may process various licenses and permits, the vendor is required to obtain a license to vend under this bylaw.

9. Restrictions on Sidewalk Vendors

In addition to the General Conditions outlined in Policy 5, a vendor selling from a premises on the sidewalk shall not:

- a. Vend within five (5) feet of an entranceway to any building;
- b. Vend within twenty-five (25) feet of any driveway entrance to a police or fire station, or within five (5) feet of any other driveway;
- c. Vend within ten (10) feet of the crosswalk at any intersection;
- d. Vend within twenty (20) feet of any bus stop sign.

10. Insurance

Vendors under the following classifications shall provide proof of Liability Insurance

- a. Yearly Vendors; Festivals, Boat Tours/Walking Tours; Seasonal Flea Markets; Seasonal Farmer's Markets
- b. Coverage shall be in the amount of not less than \$5,000.000

TEMPORARY VENDORS LICENSE

INFORMATION SHEET

EXTRACTS FROM THE TEMPORARY VENDORS BY-LAW

Location

22. A vendor may engage in temporary vending only at the location and in the premises specified on the license, and provided that the vendor is in compliance with the other provisions of this By-Law.

Vending on Sidewalks

23. Vending is not permitted on sidewalks except as authorized by Council by Policy pursuant to this By-Law.

Sponsoring Organizations

24. A sponsoring individual, group or organization may obtain a license or licenses for multiple vendors to be located at specific location.

Additional Requirements

25. In addition to all the requirements contained in this By-Law, a vendor shall have in effect all permits required by any other applicable Municipal, Provincial and Federal statute, regulation or licensing.

Penalty

26. Anyone who violates or fails to comply with any provision of this By-Law shall be guilty of an offence and, upon summary conviction, shall be liable to fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00) and, in default of payment, to imprisonment for a period not exceeding ninety (90) days.
27. Any person who violates any provision of this By-law and who is given notice of the violation may pay to the Town, at the place specified on the notice, the sum of \$200.00 as stated in the notice, within 14 days of the date of the notice and shall thereby avoid prosecution for that violation.

TOWN OF MAHONE BAY

APPLICATION for TEMPORARY VENDORS LICENSE

Applicant's Name:

Company/Organization Name (if different from above):

Civic & Mailing Address:

Contact Numbers:

Email:

Description the goods or services offered (please list all items):

Specify period of time for which the license is requested:

Description of stand, cart or other premises to be used for vending (attach a photograph if applicable):

Proposed Location of Vending Activities:

Property Owner's Name:

Contact Numbers:

Email:

Owner Certification:

I hereby certify that I am the owner of the land on which this vending is proposed, and I consent to the use of the above described location for the above described vending.

Date: _____

Signature: _____

Application Fees (must accompany application):

(See Classification List on Schedule "A")

Class of License _____

Description _____

License Fee _____

(All licenses expire March 31st following the date of issue unless an earlier date is specified on the license)

I/We, hereby make application for a permit in accordance with the particulars as stated above, and declare that the above statements are true and correct and I/we will comply with all relevant Municipal, Provincial and Federal laws, regulation and By-laws, including the Town's Vending By-law a copy of which was provided to me.

DATE OF APPLICATION

SIGNATURE OF APPLICANT (S)

*Signature of the Chair of the Festival Committee is required if your vending activity is during an organized Festival. (One of the following boxes must be marked (x))

The above vendor is part of the official Festival and covered by the Festival's insurance policy. No additional permit is required, or

The vendor has permission of the Festival Committee to operate during the Festival.

Mahone Bay Wooden Boat Society Chairperson

Date

PLEASE NOTE:

1. Letter of affiliation from not-for-profit organization required for discounted permit fees.
2. If vending involves the preparation of food a copy of your Provincial Food Vendors Permit, obtained from the Department of Agriculture *Food Safety Section*, must be provided.
3. It takes approximately five business days to process an application for a permit.
4. Return completed application and applicable fees to: Town of Mahone Bay, PO Box 530, 493 Main Street, Mahone Bay, NS B0J 2E0.