

# MOBILE CANTEEN AND VENDOR REGULATIONS

## PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Section 414 of the Municipalities Act, 1999 SNL Chapter M-24 as amended, the Town of Clarendville hereby enacts the following Regulations which were adopted at a Public Council Meeting held on the 14<sup>th</sup> day of March A.D. 2017.



MAYOR



TOWN CLERK

---

### TITLE

1. These Regulations may be cited as "The Town of Clarendville Mobile Canteen and Vendor Regulations."

### DEFINITIONS

2. For the purpose of these Regulations unless the context otherwise requires:
  - (a) "**Act**" means the Municipalities Act, 1999 SNL Chapter M-24 as amended.
  - (b) "**Council**" means the Town Council of the Town of Clarendville.
  - (c) "**Approved Vending Site**" means an open area either privately or publicly owned or limited to the following areas:
    - (i) 135 Trans Canada Highway, Clarendville Inn
    - (ii) 69 Manitoba Drive, Random Square Mall
    - (iii) Memorial Drive, Shopping Centre Parking Lot
    - (iv) 15 Blackmore Avenue, Eastlink Events Center Parking Lot
    - (v) 40 Tilley's Road, Elizabeth Swan Park
    - (vi) 33-35 Huntley Drive, Riverside Ball Park

For publicly owned lots, the Vendor shall still require Town Council approval. For privately owned lots, the Vendor shall require written approval from the property owner(s).

- (d) "**Food**" means materials of all sorts which are intended to be or are capable of being consumed regardless of whether such food is in a raw or prepared state and without limiting the generality of the foregoing shall be deemed to include fish or farm produce and other products whether natural or artificial.
- (e) "**Goods**" means wares and merchandises of all kinds intended to be capable of being sold or exchanged.

- (f) **“Mobile Canteen”** means any vehicle or trailer, whether self-moving or drawn by another vehicle or person, from which goods, foods or services are sold.

Garage sales operated by homeowners on an occasional basis on private property are excluded from this definition.

- (g) **“Operator”** means the operator of a mobile canteen, an approved vending site or a vending operation.
- (h) **“Permit”** means a permit issued by the Town of Clarendville.
- (i) **“Person”** means any individual, corporation, company, partnership, club, society or association.
- (j) **“Representative”** means any employee or agent of Council designated by Council to enforce the provisions of these regulations and shall include a Municipal Enforcement Officer.
- (k) **“Stand”** means any outside area or structure where food or goods are sold.
- (l) **“Street”** means any publicly owned road and includes alleys, boulevards, bridges, courts, walkways, highways, lanes, parks, public drives, sidewalks, squares, and any part of them open to the public.
- (m) **“Town”** means the Town of Clarendville as defined by O.C. 96-170.
- (n) **“Vendor”** means a person who sells or offers for sale food, beverages and articles of all kinds, on town streets, private and public open places from a stand or mobile canteen.
- (o) **“Vending Operations”** means the operations of all vendors in selling their articles and includes stand or device used for the displaying, storing, transporting or selling of these articles.

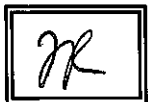
### CONFORMINTY WITH REGULATIONS

3. No person shall operate a mobile canteen, an approved vending site or a vending operation except in accordance with these regulations.



**PERMIT REQUIRED**

4. No person shall, at any time, operate a mobile canteen, an approved vending site or a vending operation in the Town without a permit issued by Council with the exception of:
  - (a) A person:
    - (i) selling newspapers door to door;
    - (ii) a child or youth selling goods to raise funds for school activities of non-profit youth groups; or
    - (iii) an organization as defined under Section 5(a) selling baked goods to raise funds.
5. A person will be granted a permit at no cost under these regulations if:
  - (a) Exposing for sale or selling goods or foods on behalf of an organization or corporation having objects of a benevolent, religious, charitable, philanthropic, educational, agricultural, scientific, artistic, social, political, professional, fraternal, sporting, athletic, or other useful nature and not form for gain; or
  - (b) A person or group who is already paying business tax on a similar type of business; or
  - (c) A person or one of a particular class of person exempted by a decision by Council based on extenuating circumstances.
6. A permit placard issued to the operator of a mobile canteen, an approved vending site or vending operation must be displayed in full view to the public.
7. Permits for mobile canteens, approved vending sites or vending operations shall be issued to an owner or operator or agent of such mobile canteen, approved vending site or vending operation and shall not be transferable.
8. Permits for mobile canteens, approved vending sites, or vending operations shall be valid for a period not exceeding twelve (12) months, and Council or its representative shall specify in such a permit, the date of commencement and cessation.
9. Where a mobile canteen, an approved vending site or a vending operation is being operated contrary to any or all of the conditions attached to the permit allowing its operation, Council or its representative may cancel the permit and may order the removal of a vehicle or stand.
10. Council or its representatives shall not issue a permit for the operation of any mobile canteen, any approved vending site or any vending operation that it deems unsafe or unfit for the purposes intended.
  - (a) The sale of fireworks is prohibited from any mobile canteen or mobile operation or from any approved vending site or temporary parking lot location.



**CONDITIONS**

11. Council or its representative may prescribe and attach conditions to any permit issued under these regulations and the holder of such a permit, or an operator, employee agent or any person operating a mobile canteen, an approved vending site or a vending operation must adhere strictly to any and all conditions specified in such permit.
12. Council or its approved representative may require an operator, or his/her employees or agents, to operate a mobile canteen, an approved vending site or a vending operation only in approved vending sites as defined in these regulations and these areas will be clearly defined on any permit issued to the operation, or his/her employees or agents, and the operator, or his/her employees or agent, may not operate a mobile canteen, an approved vending site or vending operation outside of any such defined area.
13. All owners and operators or mobile canteens, approved vending sites or vending operations and their employees or agents shall keep their mobile canteens, approved vending sites or vending operations and the surrounding areas, clean and free of litter, garbage, cartons, wrappers, paper, rubbish, and other debris, and shall dispose of any such materials in an authorized garbage receptacle.
14. The representative may enter upon any public or private land and may at all reasonable times, inspect any mobile canteen, approved vending site or vending operation for the purpose of obtaining information relative to the vending operations.
15. No person, or operator, or any employee or agent, or casual acquaintance of a person or operator, or any other person, shall use a mobile canteen or a vending operation for the purpose of either temporary or permanent habitation, nor shall any person use a mobile canteen or vending operation for overnight accommodation.

**OTHER APPROVALS**

16. All vendors operations under these regulations shall be subject to the approval of all other required regulatory authorities. In the case of a vendor selling food, beverages or consumable items, the vendors operation shall likewise be subject to the approval of all other required regulatory authorities but in no case will a permit be issued until the vendor has obtained a permit from the Department of Health.

**COMPLIANCE WITH OTHER ACTS AND REGULATIONS**

17. Nothing in these regulations serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other regulation of the Town or by any statute or regulations in the Province of Newfoundland and Labrador, or of Canada.



**FAILURE TO COMPLY / OFFENCE AND PENALTIES**

18. Pursuant to Section 404 of the Act, Council may make an 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.
19. Every person on which an Order has been served under this Act who refuses to comply with the Order within the time specified by Council may be liable to penalties as stipulated in accordance with Section 420 of the Act.
20. Pursuant to Section 408 of the Act, a person aggrieved by an order made under Subsection 404 of the Act, may within fourteen (14) days of the service or posting of the order, appeal to the appropriate regional appeal board established under the *Urban and Rural Planning Act* and the board may make an order with respect to the matter that appears just.
21. Enforcement of these regulations may be taken summarily by any Municipal Enforcement Officer, Police Constable, and/or Town employee specially authorized for such purpose and/or by any other individual duly appointed as an agent representing the Town for such a purpose.

**PERMIT FEE SCHEDULE**

22. Council may prescribe a fee schedule from time to time for permits issued under these regulations. The fees and durations of these permits are as outlined in Schedule 'C'.

**REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS**

23. All previous Town of Clarendville regulations, policies, and amendments pertaining to "Mobile Canteen/Vendor Regulations" are hereby rescinded.

**ENACTMENT**

24. These regulations shall come into force on the 31<sup>st</sup> day of March A.D. 2017.

Adopted: March 14, 2017

Motion No: 17-032



Mayor

 Clerk

SCHEDULE 'A'



VENDOR PERMIT APPLICATION FORM

TOWN OF CLARENVILLE

99 Pleasant Street, Clarenville NL A5A 1V9

Phone: (709) 466-7937 Fax: (709) 466-2276 Email: publicworks@clarenville.net

CONTACT INFORMATION

Business Name: \_\_\_\_\_ Date: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street Address Unit #

City Province Postal Code

VENDOR INFORMATION

Proposed Location(s): \_\_\_\_\_  
Street Address

Property Owner's Name: \_\_\_\_\_

Description of unit (eg. stand/vehicle): \_\_\_\_\_ Number of Unit(s): \_\_\_\_\_

Description of Sales (eg. food/retail): \_\_\_\_\_

Proposed Duration:  ONE DAY  ONE MONTH  ONE SEASON  ONE YEAR

\_\_\_\_\_ From Date To Date

The following must accompany this application:

- 1) Required Approvals:  
Written letter of permission from property owner (if other than applicant)
- 2) Payment of Applicable Fees:  
\$10.00 daily rate (24 hours), \$15.00 monthly rate (31 days), \$25.00 seasonal rate (four months), \$150.00 annual rate (12 months)

APPLICANT SIGNATURE OF AGREEMENT

I hereby acknowledge that I have read this application, state the information herein is correct and will not commence business occupancy until approval has been received by the Town.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

OFFICE USE ONLY

PERMIT FEE  
\$

CUSTOMER CODE

Public Works Approval

SCHEDULE 'B'

Vendor Permit

Town of Clarendville

Permit No. 6248	Date Applied 01/24/2017	Date Issued 01/24/2017
-----------------	-------------------------	------------------------

Location(s) Applicant Name Mailing Address	Phone No.
--	-----------

Type of Vendor
----------------

Remarks / Conditions
----------------------

Permit Fee \$	Permit Duration	Applicant
		Authorized Signature

Permit must be displayed in a publically visible place.

Permit void unless validated by cashier's stamp.

Please be advised that such permission to operate does not relieve the applicant from full responsibility of obtaining all other permits or approvals from other applicable regulatory bodies. Council reserves the right to revoke the permit at any time should the conditions of the permit not be adhered to.

CONTROL COPY

SCHEDULE 'C'

Vendor Permit Fees for:

Vending Mobile Canteen & Stands

Daily Rate	\$10.00
Monthly Rate	\$15.00
Seasonal Rate	\$25.00
Annual Rate	\$150.00

Permit Fee Schedule

- (a) A **daily permit** will be defined as a period of not more than twenty-four (24) hours, beginning from the date of issue of the permit.
- (b) A **monthly permit** will be defined as a period of not more than thirty-one (31) days, beginning from the date of issue of the permit.
- (c) A **seasonal permit** will be defined as a period of not more than four (4) months, beginning from the date of issue of the permit.
- (d) An **annual permit** will be defined as a period of not more twelve (12) months, beginning from the date of issue of the permit.

\* For vendors of Christmas trees that are Newfoundland grown, a seasonal permit fee of \$10.00 will apply.