

**TOWN OF AMHERST
A BY-LAW PROVIDING FOR
MOBILE VENDORS ON STREETS AND SIDEWALKS**

This by-law shall be known as, and may be cited as the **Vending By-Law**

1. In this by-law all words have the usual meaning from dictionaries of the English language except for the following:
 - a. "Vendor" means the owner, agent, operator or employee of a vending service
 - b. "Vending" means the sale or offering for sale outside an enclosed building of:
 - i. Food, beverages or other merchandise, unless they are immediately delivered to a residence or shop by the person selling them;
 - ii. Services, unless they are provided in a building
 - c. "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of curb lines or the edge of a roadway and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface.
 - d. "Mobile canteen" means a motorized vehicle used for the display, preparation or sale of food by a mobile vendor
 - e. "Vehicle" means any vehicle required to be licensed and registered pursuant to the **Nova Scotia Motor Vehicle Act** as well as any vehicle propelled by human power, whether required to be licensed or not
2. No person shall vend in the Town of Amherst on a public street, sidewalk, public parking area or park without having obtained permission from the Town of Amherst
 - a. Subject to sub-section 2(b) this by-law does not apply to a vendor who is also the occupier of a commercial premises in the town to which access is gained directly from the sidewalk and in respect of which the vendor is assessed a business occupancy tax, and who vends from a location in the sidewalk immediately in front of the premises
 - b. A person who vends pursuant to this section shall not obstruct pedestrian or other traffic on the sidewalk or street.
 - c. This by-law does not apply to events that are fund raisers approved by the Town of Amherst where permission has been obtained from the Town Clerk by the events organizers for vendors who are participating in the events and registered with the event organizers;
3. No vendor shall:
 - a. Leave any stand unattended;
 - b. Store, park or leave any stand overnight on a street or sidewalk;
 - c. Sell food or beverage for immediate consumption unless they have available their own or a public litter receptacle
 - d. Leave any location without first picking up, removing and disposing of all trash or refuse from their immediate location;
 - e. Solicit or conduct business with persons in motor vehicles; or
 - f. Vend within 75 feet of any restaurant unless permission is obtained from that commercial enterprise
 - g. Vend within 3 meters of a fire hydrant or a fire exit

- h. Vend in public places within 10 meters of any driveway entrance to a police or fire station or within 3 meters of any driveway entrance
 - i. Vend within 3 meters of any crosswalk
 - j. Sound or permit the sounding of any device which produces a loud and 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 cry their wares to the disturbance of the public
 - k. When vending from a mobile canteen:
 - i. Vend when the mobile canteen is situated in a no-parking area or in an area where parking is prohibited at that time;
 - ii. Vend where the mobile canteen obstructs a roadway, sidewalk or a crosswalk
 - iii. Vend in such a place that waiting customers are standing in a roadway or obstructing a sidewalk
 - l. When vending from a stand:
 - i. Vend from a stand situated in a roadway, unless the stand is a pedal stand
 - ii. Vend as to obstruct the traffic of pedestrians
 - iii. Vend in such a place that waiting customers are standing in a roadway or obstructing a sidewalk
4. Any stand or mobile canteen that uses a fuel fired appliance for the preparation or warming of food or drinks shall be inspected by the Fire Inspector prior to the issuance of a vending permit
5. Any stand or mobile canteen equipped with a fuel fired appliance shall be equipped with a minimum of a 2A10BC rated fire extinguisher or suitable alternative as direction by the Office of the Fire Marshall
6. An application for permission shall contain:
 - a. The name, home and business address of the applicant;
 - b. A description of the type of food and beverage to be sold;
 - c. A description of any stand/mobile canteen to be used;
 - d. In the case of a vehicle that is used as a mobile canteen:
 - i. The motor vehicle registration number
 - ii. Make, model and year of the vehicle
 - e. Confirmation that the applicant will only operate in accordance with the Nova Scotia Health Protection Act, Motor Vehicle Act and other applicable legislation
 - f. Proof of successful fire inspection required under section 4 of this by-law, if applicable
 - g. Photograph of the fire extinguisher required under section 5 of this by-law if applicable;
 - h. A photograph of each mobile canteen/stand
 - i. Be accompanied by a non-refundable application fee of 2 hundred dollars (\$200.00)
7. A Vending Permit issued under this bylaw shall be conspicuously displayed so as to be clearly visible from the street at all times during which goods or services are being offered for sale pursuant to this by-law
8.
 - a. Permission to vend on a street, public parking area, or sidewalk may be granted by the Chief of Police.
 - b. Permission to vent in a public park may be granted by the **Director of Parks, Recreation and Leisure Services**;

- c. Permission may be granted with such further terms and conditions as the Chief of Police or Director of Parks, Recreation and Leisure Services deems as pertinent in each circumstance and may include restrictions to the location of the operations.
 - d. All permission given shall expire on December 31 of the given year.
 - e. Permission granted may be revoked upon written notice for violation of any of the terms and conditions for which it was given.
9. Any person who violates any provision of this by-law shall be liable upon summary conviction of a penalty not exceeding \$500 **\$1000.00**, and in default of payment, to imprisonment for a period ~~not exceeding 30 days~~.

Where the vending stand or mobile canteen is to be used for the sale of food and beverages, the vendor may only operate the mobile canteen in accordance with the requirements of the Health Act and its Regulations

Will the Vending Stand or Mobile Canteen contain any fuel fired appliance?

yes no

If yes, please describe:

If yes, a photo of the required fire extinguisher is required

Further terms and conditions (if pertinent):

Fee to be paid at time of Application: \$200 Cash Cheque Other

I, _____ (print name) certify that I have read and understand the Town of Amherst Vending By-Law and will only operate my vending stand/mobile canteen in accordance with the conditions set out in the by-law.

I further certify that I will maintain my vending stand or mobile canteen in good working order and that it will at all times comply with all provincial food handling standards. I understand that failing to comply with the Town of Amherst Vending By-Law could result in a fine of up to \$1000 for each violation of the vending by-law and revocation of my vending permit.

Signature of Applicant: _____ Date: _____

Approved: Yes No

Chief of Police/Director of Parks/Rec/Leisure Services

Date: _____