



AMHERST TOWN COUNCIL

RFD# 2023031

DATE: March 27, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Dwayne Pike, Chief of Police

DATE: March 27, 2023

SUBJECT: Mobile Vendors on Streets and Sidewalks By-Law Review

ORIGIN: Staff are completing a review of all Town of Amherst By-Laws and Policies to ensure they are relevant and updated appropriately. Every document is to be reviewed on a 4-year cycle. The Vending By-Law was reviewed as a result of this initiative.

LEGISLATIVE AUTHORITY: MGA Sections 47 and 48 authorize council to make, amend and repeal by-laws and policies.

RECOMMENDATION: That Council give first reading to the recommended amendments made to the Vending Bylaw.

BACKGROUND: The current Town of Amherst Mobile Vendors on Streets and Sidewalks By-Law was developed in September of 1998. This by-law was designed to deal with mobile vendors on public streets, sidewalks, public parking areas and parks, and provided a mechanism for regulating such activities including an application and approval process. In the current by-law, the application process is either approved by the Chief of Police when the request is to vend on public streets, parking areas or sidewalks. Permission to vend in public parks is granted by the Director of 'Parks, Recreation and Leisure Services'. The application fee is \$200. Vending is defined as "the sale and offering for sale of food, beverage or other merchandise in the public streets or sidewalks". This by-law does not apply to events/fundraisers approved by the town of Amherst where vendors are participating and registered in the event. It also does not apply to commercial businesses who may from time to time, sell merchandise directly in front of their business. The penalty for violating the vending by-law is a fine not exceeding \$500 or imprisonment not exceeding 30 days.

DISCUSSION: As a result of a review of this by-law, there are numerous recommendations for change, many of which are a result of comparisons with similar by-laws in other jurisdictions as well as changes in relation to liabilities and other concerns.

Changes include:

1. Removing the word “mobile’ from the title and name of the bylaw
2. Adding new definitions that include:
 - a. Vendor
 - b. Vending
 - c. Crosswalk
 - d. Mobile Canteen
 - e. Vehicle
3. Prohibiting vending within specific distances of fire hydrants, fire exit, driveways, police/fire stations, or crosswalks;
4. Prohibiting the use of loud speakers or devices to use attract the attention of the public;
5. Prohibiting the use of a mobile canteen or a stand where:
 - a. Parking is prohibited,
 - b. It creates an obstruction for vehicular or pedestrian traffic
 - c. It would place waiting customers in a roadway or in such a way as to obstruct a sidewalk
6. Use of a fuel fired appliance requires an inspection by the fire inspector prior to approval and must have the appropriate fire extinguisher on site
7. Numerous changes to the application which documents information on the equipment used. Information about the applicant and necessary approvals or applicable insurance
8. Vending permit issued by the town must be displayed
9. Penalty changed to a fine not exceeding \$1000 and deleted the default imprisonment portion.

FINANCIAL IMPLICATIONS: There are no financial implications to amending this by-law.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications to this decision.

ENVIRONMENTAL IMPLICATIONS: No environmental implications.

COMMUNITY ENGAGEMENT: No Community engagement at this time, a notice will appear in the local newspaper 14 days before Council gives second reading advising of their intent to do so.

ALTERNATIVES:

1. Direct staff to do a further review or make specific changes to this by-law
2. Do not make changes to the current Mobile Vendors on Streets and Sidewalks By-Law

ATTACHMENTS:

1. Town of Amherst Vending By-Law Draft and proposed application;
2. Current Mobile Vendors on Streets and Sidewalks By-law