



AMHERST TOWN COUNCIL

RFD# 2023069

DATE: April 24, 2023

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Dwayne Pike, Chief of Police

DATE: April 24, 2023

SUBJECT: Mobile Vendors on Streets and Sidewalks Bylaw 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 ByLaw 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 second reading to the recommended amendments made to the current Mobile Vendors on Streets and Sidewalks Bylaw C-10.

BACKGROUND: The current Town of Amherst Mobile Vendors on Streets and Sidewalks Bylaw was developed in September of 1998. This bylaw 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 bylaw 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 bylaw, there are numerous recommendations for change, many of which are a result of comparisons with similar bylaws in other jurisdictions as well as changes in relation to liabilities and other concerns.

Changes include:

1. Removing the words “streets and sidewalks” from the title and name of the bylaw and replace with Town Property, and change the word “vendors” to “vending”;
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;
10. Waive the \$200 application fee for youth entrepreneurs.

FINANCIAL IMPLICATIONS: There are no financial implications to amending this bylaw.

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

ENVIRONMENTAL IMPLICATIONS: No environmental implications.

COMMUNITY ENGAGEMENT: Notice of Intent appeared in the Cumberland Wire on April 5, 2024. If approved, notice of publication will appear in the Cumberland Wire.

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 Bylaw

ATTACHMENTS:

1. Town of Amherst Mobile Vending on Town Property Bylaw proposed;
2. Current Mobile Vendors on Streets and Sidewalks Bylaw existing.