

**TOWN OF THREE RIVERS, PEI**  
**LICENSING AND STREET VENDORS BYLAW**  
**BYLAW # 2021-12**

**BE IT ENACTED** by the Council of the Town of Three Rivers as follows:

**SECTION I: TITLE**

1. This bylaw shall be referred to as the “Licensing and Street Vendors Bylaw”

**SECTION II: DEFINITIONS**

2. In this Bylaw:

- 2.1 “Abutting Property” means a property that is adjoining or bordering another
- 2.2 “Agreement” means all agreements mentioned in this bylaw which shall be executed by the Mayor and Chief Administrative Officer of the Town of Three Rivers;
- 2.3 “Chief Administrative Officer (CAO)” means the Chief Administrative Officer appointed by Council pursuant to the act;
- 2.4 “Council” means the Council of the Town of Three Rivers;
- 2.5 “Goods” means goods, wares and merchandise and includes food and/or beverages;
- 2.6 “Food Truck/Trailer” means a motorized vehicle or trailer/structure with a kitchen built into it that is towed or moved by a motorized vehicle which is used for transporting, preparing, and selling food products at various locations from within the vehicle;
- 2.7 “Mobile Sales Establishment” means a business located in a motorized vehicle or in a moveable structure that is towed or moved by a motorized vehicle and where all of the goods or wares that are offered for sale are contained entirely within the motorized vehicle, moveable structure, or within the boundaries of the approved lot;
- 2.8 “Lunch Truck” means a motorized vehicle which is used or intended to be used for transporting to and selling prepared food products at various locations;
- 2.9 “Parking Lot” means an open area of land devoted to the temporary storage of motor vehicles;
- 2.10 “Parking Space” means an area of land that is suitable for the parking of a vehicle and accessible to vehicles without the need to move other vehicles on adjacent areas (generally 10 feet by 20 feet);

- 2.11** “Person” means any person, persons, partnership or company;
- 2.12** “Push Cart” means a hand-operated display device used or intended to be used for transporting, storing, displaying and selling of food and/or beverages or other retail items. The display device or hand-operated push cart may be towed to the site, but it must be small enough to be movable off the site by hand by the licensed operator;
- 2.13** “Sidewalk” means the portion of a street set aside for the use of pedestrians whether or not the surface is covered with gravel, concrete, asphalt, or other type of paving;
- 2.14** “Street” means a street designed to move vehicular traffic from different areas within the Town of Three Rivers and includes a lane, bridge, and a side walk;
- 2.15** “Street Vendor” means a food truck/trailer and/or mobile sales establishment and/or lunch truck and/or push cart;
- 2.16** “Selling” includes offering for sale and soliciting orders for the sale of goods;
- 2.17** “Town” means the Town of Three Rivers;
- 2.18** “Non Profit” means an organization that has been formed by a group of people in order to pursue a common not-for-profit goal.

### **SECTION III: LICENSE REGULATIONS**

#### **3.**

##### **3.1 General**

- a)** Street Vendors shall be required to apply for and obtain a license from Council before carrying out any business, art, trade in the Town.
- b)** Street Vendors shall be required to obtain a permit from Council before carrying out any business, art, trade in municipally owned parks and public spaces. Permits for the use of municipally owned parks and public spaces shall only be granted for a maximum period of seven days;
- c)** Any person wanting to operate longer than seven days on municipally owned land shall require a special permission permit from the Town;
- d)** Council will maintain a list of non-profit organizations that are exempt from permit fees. Non-profit organizations shall make application to the Town on the form attached as Schedule “F” and will be reviewed by the Town;
- e)** Any applicant whose operation is longer than one day, and is establishing its business within 100 feet of a residential property, must obtain input from the owner of that residential property;

- f) Any permit that has been approved pursuant to this Bylaw is non-transferable.
- g) The final approval of the application shall require that the applicant enter into an agreement with the Town (Schedule "C" to this Bylaw) that clearly releases the Town from any responsibility for the applicant's conduct of business and shall keep the Town free from harm for any activity arising from or caused by or to the Mobile Vendor while conducting business.

### **3.2 Licensing Length**

Licensing fees payable pursuant to section 4 shall be in effect from January 1 in each year to December 31 in the same year

### **3.3 License Category**

Where an application is for any business, art, trade in the Town that falls into more than one licensing category, the higher applicable license fee shall be charged.

### **3.4 License Forms and Insurance Certificates**

a) The Development Officer shall determine the form or forms of the licenses which are the subject of this Bylaw, and the license shall be prominently displayed by the vendor.

b) The applicant shall file with the Town a completed:

- i. Insurance Certificate – Schedule "A";
- ii. Street Vendor License Application – Schedule "B"; and
- iii. Hold Harmless Agreement – Schedule "C"

for consideration by the Town, along with the requirements as more particularly set out in the Application for Street Vendor License "Checklist", found at Schedule "D".

c) No street vendor is authorized to operate without a valid street vendor license

### **3.5 Licensing Authority**

The Town of Three Rivers Council delegates its authority under this bylaw to the Development Officer.

## **SECTION IV: PAYMENT**

### **4.**

#### **4.1 License Fees**

Payment of application and license fees required (per Schedule "E") in this bylaw shall be made to the Town of Three Rivers

#### **4.2 Payment Due**

Payment of licensing fees shall be due and paid to the Town within 5 business days of approval by Council, and before the Street Vendor commences operations within the Town.

## **SECTION V: UNPAID FEES**

5.

5.1 License fees not paid when due shall render the license null and void.

## **SECTION VI: LIABILITY**

6.

6.1 The agent or manager of any corporation carrying on business in the Town, which is the subject of this Bylaw, shall be personally liable for payment of the license fee in the manner set out herein, and upon default of payment shall be guilty of the offence set out in section 8 of this Bylaw.

6.2 It is the responsibility of the Street Vendor to obtain and hold valid Provincial and Federal licenses, permits, approvals, clearances, and/or insurances and produce copies of the same to the Licensing Authority with the submission of the application.

## **SECTION VII: OPERATIONAL REGULATIONS**

7.

### **7.1 Hours of Operation:**

Operational hours will be determined on a case-by-case basis and will be indicated on the license.

### **7.2 Location of Street Vendor**

Location where a Street Vendor can operate will be determined on a case-by-case basis and will be indicated on the license.

### **7.3 Waste/Litter Control/Disposal**

- a) The Street Vendor is responsible for providing their own clean garbage and recycling receptacles (ie. Garbage Cans) at the vending unit site and this unit shall be used by patrons and/or the Street Vendor to ensure the site remains clean and tidy.
- b) These receptacles must be emptied at the end of each day.
- c) The Street Vendor is responsible for the disposal of garbage and recycling collected in the waste receptacles (ie. Dumpsters) at least once a week.
- d) The Street Vendor shall not dispose of the waste in private property bins or Town owned waste collection receptacles.
- e) The Street Vendor shall dispose of grease/oil and water in accordance with all laws and regulations.

### **7.4 Operation of Street Vending Vehicle/Trailer/Lunch Truck/Push Cart**

- a) All permits and licenses shall be posted at the business site and clearly visible at all times.
- b) The vehicle, trailer or cart must retain its wheels at all times.

- c) The use of a generator or hook up to municipal utilities will be as approved at issuance of license only. If not approved, the use of a generator, or hook up to municipal utilities is not permitted.

#### **7.5 Noise**

- a) The Street Vendor shall operate in compliance with any noise and nuisance bylaw in effect.

#### **7.6 Seating**

- a) Street Vendors are not authorized to provide tables or chairs on Town-owned land at a vending location unless approved by Council.

#### **7.7 Requirements**

- a) The establishment shall not result in a traffic hazard.
- b) The development shall not interfere with the parking requirements of permanent users of the lot in which the establishment will be located.
- c) The establishment shall not create a public nuisance.
- d) The owner/operator shall provide a letter of approval from the owner of the lot on which the vending establishment is to be located, if the location is privately owned.
- e) Where required, the applicant shall provide proof of compliance with all health and/or environmental regulations.

### **SECTION VIII: OFFENCE**

#### **8.**

- 8.1** Any person who violates any provision of this Bylaw or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of an offence and liable on summary conviction, shall be ordered to pay the applicable license fee, and/or shall be subject to a fine not exceeding \$1,000. Each day the violation continues shall constitute a separate offence. The CAO shall have the authority to enforce this bylaw.
- 8.2** Any Street Vendor who operates without a valid license will be required to stop immediately and leave the premises. If the Street Vendor does not leave the premises, the mobile establishment will be subject to removal by the Town at the owner's expense, a fine of \$1000, and/or up to 12 months suspension of eligibility for a Street Vendor license.
- 8.3** Any Street Vendor found to be disposing of waste in a location not approved or authorized, or disposing of waste in a way that causes environmental concern or harm as deemed by Council, shall be subject to a fine of \$1000 by the Town and the concern shall be forwarded to the appropriate regulatory authorities.

## **SECTION IX: PUSH CART LICENSE**

### **9.**

- 9.1** Any person or company seeking a license to operate a Push Cart in the Town shall make application to Council
- 9.2** Council shall permit or deny the application based upon considerations of safety, desirability, impact on established businesses in the Town, public convenience and such other considerations as Council deems appropriate.
- 9.3** Council shall attach terms and conditions to the approval of the license, if granted, including but not limited to:
  - a)** hours and days of operation
  - b)** health code requirements
  - c)** litter control; and
  - d)** approved locations
- 9.4** The license for a Push Cart shall be valid for the calendar year in which the application is made only. A new application is required to Council for each calendar year.
- 9.5** Decisions of the Development Officer may be appealed to Council.

## **SECTION X: MOBILE SALES ESTABLISHMENT LICENSE**

### **10.**

- 10.1** Any person or company seeking a license to operate a Mobile Sales Establishment in the Town shall apply to Council.
- 10.2** Council shall require a letter of permission from the owner(s) of the property on which the Mobile Sales Establishment will be parked.
- 10.3** Council shall permit or deny the application based upon considerations of safety, desirability, impact on established businesses in the Town, public convenience and such other considerations as it deems appropriate.
- 10.4** Council shall attach terms and conditions to the approval of the license, if granted, including but not limited to:
  - a)** hours and days of operation;
  - b)** health code requirements;
  - c)** litter control; and
  - d)** approved locations.
- 10.5** The license for a Mobile Sales Establishment shall be valid for the calendar year in which the application is made only. A new application is required to council for each calendar year.
- 10.6** Decisions of the Development Officer may be appealed to Council.

## **SECTION XI: FOOD TRUCK/TRAILER LICENSE**

### **11**

- 11.1** Any person or company seeking a license to operate a Food Truck/Trailer in the Town shall apply to Council.
- 11.2** Council shall require a letter of permission from the owner(s) of the property on which the Food Truck/Trailer will be located.
- 11.3** Council shall permit or deny the application based upon considerations of safety, compatibility with the character of the surrounding community, conditions and the impact on established businesses in the Town, public convenience and such other considerations as Council deems appropriate.
- 11.4** Council shall attach terms and conditions to the approval of the license, if granted, including but not limited to:
  - a)** hours and days of operation;
  - b)** health code requirements;
  - c)** litter control;
  - d)** approved locations; and
  - e)** confirmation of safe operation
- 11.5** The license for a Food Truck/Trailer shall be valid for the calendar year in which the application is made only. A new application is required to Council for each calendar year.
- 11.6** Decisions of the Development Officer may be appealed to Council.
- 11.7** In the case of the operation of a Food Truck/Trailer, the provisions of the Highway Traffic Act and the Motor Vehicle Inspection Regulations must be met and maintained.

## **SECTION XII: LUNCH TRUCK LICENSE**

### **12**

- 12.1** Any person or company seeking a license to operate a Lunch Truck in the Town shall make application to Council.
- 12.2** Council shall permit or deny the application based upon considerations of safety, desirability, impact on established businesses in the Town, public convenience and such other considerations as it deems appropriate.
- 12.3** Council shall attach terms and conditions to the approval of the license, if granted, including but not limited to:
  - a)** hours and days of operation
  - b)** health code requirements
  - c)** litter control; and
  - d)** approved locations.



- 12.4** The license for a Lunch Truck shall be valid for the calendar year in which the application is made only. A new application is required to Council for each calendar year.
- 12.5** In the case of the operation of a Lunch Truck, the provisions of the Highway Traffic Act and the Motor Vehicle Inspection Regulations must be met and maintained.
- 12.6** Decisions of the Development Officer may be appealed to Council.

### **SECTION XIII: ADMINISTRATIVE**

#### **13**

- 13.1** This Licensing and Street Vendors Bylaw, 2021-12, is effective January 1, 2022.
- 13.2** The Town of Georgetown Licensing and Street Vendor Bylaw 2017 is repealed as of December 31, 2021.



**First Reading:**

This Licensing and Street Vendors Bylaw, Bylaw 2021-12, was read a first time at the Council meeting held on September 13, 2021.

This Licensing and Street Vendors Bylaw was approved by a majority of Council members present at the Council meeting held on September 13, 2021.

**Second Reading:**

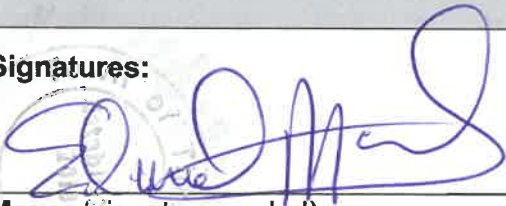
This Licensing and Street Vendors Bylaw, Bylaw 2021-12, was read a second time at the Council meeting held on October 12, 2021.

This Licensing and Street Vendors Bylaw was approved by a majority of Council members present at the Council meeting held on October 12, 2021.

**Approval and Adoption by Council:**

This Licensing and Street Vendors Bylaw was adopted by a majority of Council members present at the Council meeting held on October 12, 2021.


**Signatures:**

  
\_\_\_\_\_  
**Mayor** (signature sealed)

  
\_\_\_\_\_  
**Chief Administrative Officer** (signature sealed)

This Municipal Offence and Enforcement Bylaw adopted by the Council of the Town of Three Rivers on October 12, 2021, is a true and certified copy.

  
\_\_\_\_\_  
**Chief Administrative Officer Signature**

  
\_\_\_\_\_  
**Date**

**Schedule "A"**  
**INSURANCE CERTIFICATE**

During the period of the term of this license agreement,

\_\_\_\_\_ (*Street Vending Business & Applicant*) shall maintain a policy of public liability and property damage insurance, including liquor liability coverage if applicable, in the amount of Two Million Dollars (\$2,000,000) and containing endorsements showing the "Town of Three Rivers" as an additional insured within 30 days notice of termination and having a cross-liability clause, in a form satisfactory to the Town of Three Rivers. Proof of insurance shall be made available to the Town of Three Rivers with this application.

Name of Applicant (Must be incorporated or an individual):	
Name and Title of Applicant (Print):	Signature of Applicant or Authorized Representative:
Name of Witness (Print):	Signature of Witness:
Date:	

**Protection of Privacy** - The personal information requested on this form is collected under the authority of Section 11(1)(b) of the Bylaw to Regulate Access to Information and Protection of Personal Information, Three Rivers Bylaw 2020-02, and will be protected under Section 16 of that Bylaw. It will be used for the purpose of issuing street vendor licenses and related documents. Direct any questions about this collection to Access to Information and Protection of Privacy Coordinator, 172 Fraser Street, PO Box 546, Montague, PE C0A 1R0 Phone: (902) 838-2528.

**Schedule "B"**  
**STREET VENDOR LICENSE APPLICATION**

Name of business?
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Have you applied for an application before? <input type="checkbox"/> Yes <input type="checkbox"/> No	Number of years in business?
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Applicant:	
Mailing Address & Postal Code:	
Primary Phone #:	Other Phone #:
Email:	

Description of goods being sold:
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Location(s) Requested:  Location 1:  Location 2:  Location 3:
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Start Date:	End Date:
Open for Business: <input type="checkbox"/> 7 days a week <input type="checkbox"/> Weekdays Only <input type="checkbox"/> Weekends Only <input type="checkbox"/> Other:	Operating Hours: Opening: Closing:

**... Continuation of Schedule "B"  
STREET VENDOR LICENSE APPLICATION**

<p>Vendor Power Supply</p> <p>Does the operation of the establishment require connection to electrical?  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>Is the operation of the establishment proposing the use of a generator?  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>Does the operation require connection to municipal services?  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>If no, how will the wastewater be disposed of? _____</p>		
<p>Vendor Establishment Type:</p> <p><input type="checkbox"/> Push Cart                      <input type="checkbox"/> Food Truck/Trailer                      <input type="checkbox"/> Mobile Sales Establishment</p> <p><input type="checkbox"/> Lunch Truck                      <input type="checkbox"/> Other: _____</p>		
Make:	Model:	Year:
Serial #:		
License Plate #:		
Inspection Valid Until:		
<p>Does the vehicle/equipment require Provincial Vehicle Registration?  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>If YES has it been registered yet?  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p>		

<p><b>Attachments Required:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Site Plan/Set Up at Proposed Location(s) <ul style="list-style-type: none"> <li><input type="checkbox"/> Proposed Customer Parking</li> </ul> </li> <li><input type="checkbox"/> Permission (Letter) from Property Owner of Proposed Set Up Location</li> <li><input type="checkbox"/> Photographs of Mobile Food Establishment</li> <li><input type="checkbox"/> Certificate of Insurance</li> <li><input type="checkbox"/> Public Health Certificate</li> <li><input type="checkbox"/> Electrical Inspection Certificate</li> <li><input type="checkbox"/> Hold Harmless Agreement</li> </ul>
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Direct any questions about this collection to Access to Information and Protection of Privacy Coordinator, 172 Fraser Street, PO Box 546, Montague, PE C0A 1R0 Phone: (902) 838-2528.

**Schedule "C"**  
**HOLD HARMLESS AGREEMENT**

The applicant acknowledges that they have read the Licensing and Street Vendor Bylaw in its entirety, fully understand the terms and conditions as outlined and have fully disclosed all details and components related to the application for Street Vendor Licensing.

Business Name:	Applicant Name:
Date:	Applicant Signature:

**Hold Harmless Agreement**

\_\_\_\_\_ (name of applicant) shall indemnify and hold the Town of Three Rivers harmless from and against all liability, loss, claims, demands, costs, and expenses, including reasonable legal fees, occasioned wholly or in part by any negligence or acts or omissions by the above named, their officers, agents, employees, or others for whom they are responsible at law arising out of any cause whatsoever, either direct or indirect, through its use and/or operation of Town property in connection with \_\_\_\_\_ (street vending business) excluding only such liability as may solely rise out of the negligence of the Town of Three Rivers, its employees, officers, or agents.

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**Schedule “D”**  
**APPLICATION FOR STREET VENDOR LICENSE “CHECKLIST”**

1.  Application (Schedule “B”)  
 Insurance Form (Schedule “A”)
2. Full description and photograph (or an artist’s concept) of any push cart, food truck/trailer, mobile sales establishment, mobile vending unit, Lunch Truck or other.
3. Approvals/Certifications
  - Electrical Inspection Certification
  - Public Health Certificate
  - Hold Harmless Agreement
  - Property Owner’s Permission Letter
  - Proof of Insurance
    - Insurance for at least two million dollars (\$2,000,000) liability with the Town of Three Rivers named as a third party and with notice given by the insurance company to the Town of Three Rivers if the insurance is ever cancelled.
4. Permits
  - a. Push Carts
    - i. Public Health
    - ii. Electrical
  - b. Food Trucks/Trailers
    - i. Public Health
    - ii. Electrical
    - iii. Fire
  - c. Mobile Sales Establishment
    - i. Public Health
    - ii. Electrical
  - d. Lunch Trucks
    - i. Public Health
    - ii. Electrical
  - e. Other (as required and/or)
    - i. Public Health
    - ii. Electrical
5. Fees: Cash, Credit (Visa or Mastercard), Debit, and/or certified cheque payable to the Town of Three Rivers (refer to Schedule “E” License Fee Schedule).

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**Schedule “E”  
License Fee Schedule**

Application fee per application:       \$50 (non-refundable)

The application fee is charged for each application. Various dates within the year may be included on one application. A separate application for additional dates will require that another application fee be paid.

Push Cart per space (or other similar)	\$50 (January 1 <sup>st</sup> to December 31 <sup>st</sup> )
Food Truck/Trailer per space (or other similar)	\$400 (January 1 <sup>st</sup> to December 31 <sup>st</sup> )
Mobile Sales Establishment (or other similar)	\$100 (January 1 <sup>st</sup> to December 31 <sup>st</sup> )
Lunch Cart	\$100 (January 1 <sup>st</sup> to December 31 <sup>st</sup> )

Applies to all – in lieu of a season license, you can purchase a Daily or Weekly License in the Town of Three Rivers. \*Schedule “A”, “B” & “C” must be completed and approved. Prices as follows:

All	\$20 – Daily
All	\$50 – Weekly

**Additional Fees**

Written request will be required if other Town services or utilities are requested to be utilized by the applicant. Additional fees will be required to utilize Town of Three Rivers utilities (i.e. electricity, water etc.) costs/fees to be determined by Council on a case by case basis where deemed approved by Council. Location changes must be applied for by applicant and request submitted to Council along with a new site plan. Re-application fees may be deemed necessary by Council.

If the applicant operates in an area not authorized or operates on approved site longer than was approved the applicant will be required to stop immediately and leave the premises. If the applicant continues to operate again without the proper approval or longer than approved the applicant’s mobile establishment will be subject to removal by the Town at the owner’s expense, a fine of \$1000, and/or immediate revoking of their Street Vendor License.



**Schedule "F"**  
**Application for Exemption from Permit Fees**  
**For Non-Profit Organizations**

**Non-Profit Organization** \_\_\_\_\_

**Purpose of Non-Profit Organization** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Year established** \_\_\_\_\_

**Contact Name** \_\_\_\_\_

**Phone** \_\_\_\_\_ **Email address** \_\_\_\_\_

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