

Town of Three Rivers, PE
Street Vendors Bylaw
Bylaw # 2024-01

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

1. TITLE

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

2. DEFINITIONS

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 Development Officer;

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 “Event Organizer” means a person or organization responsible for the management of an event, attended by the public, where two or more individual street vendors will be present;

2.6 “Commercial Floating Dock” means a moveable/mobile structure which incorporates a flotation system that is attached to land and is used for commercial purposes.

2.7 “Goods” means goods, wares and merchandise and includes food and/or beverages;

2.8 “Parking Lot” means an open area of land devoted to the temporary storage of motor vehicles;

2.9 “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);

- 2.10 "Permit" means any permit, certificate, license or other form of authorization or approval issued by the Town of Three Rivers pursuant to this Licensing and Street Vendors Bylaw.
- 2.11 "Person" means any person, persons, partnership or company;
- 2.12 "Preferred Site" means any site on Town owned land specifically identified as available for Street Vendors or Event Organizers.
- 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 sidewalk;
- 2.15 "Street Vendor" means a single vendor operating from a food truck, trailer, pushcart, or temporary mobile sales establishment.
- 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.

3. PERMIT REGULATIONS

3.1 General

- a) A Street Vendor, or Event Organizer, shall be required to apply for and obtain a Permit from the Town before carrying out any business, art, or trade in the Town.
- b) A Street Vendor or Event Organizer's permit is valid only for the period stated on the Permit.
- c) Non-profit organizations shall declare their status and file relevant papers with their application.
- d) Any Permit that has been approved pursuant to this Bylaw is non-transferable.

- e) Each Permit shall be conditional upon the execution of an Agreement between the Applicant and the Town, which Agreement releases and indemnifies the Town from any responsibility for the applicant's conduct and operation of business caused by or as a result of the Street Vendor or Event Organizer.
- f) The issuance of a Permit does not constitute consent to conduct business from any public or private land without the landowner's consent.

3.2 Licensing Length

- a) Street Vendor Permits shall be valid for a 20-day period unless otherwise stated on the permit.
- b) Event Organizer Permits shall be valid for the event period only unless otherwise stated on the Permit.

3.3 Permit Category

- a) Where an application is for a single vendor and is not associated with an organized public event, the Street Vendor fee shall apply, unless otherwise exempt.
- b) Where an application is for two or more Street Vendors and associated with an organized public event, the Event Organizer fee shall apply, unless otherwise exempt.

3.4 Forms and Insurance Certificates

- a) The Development Officer shall determine the form or forms of the Permit, and the Permit shall be prominently displayed by the vendor.
- b) The applicant shall, on request by the Development Officer or other Town personnel, produce the following documentation.
 - i Valid insurance certificate, with a limit of \$5 Million naming the Town of Three Rivers as additional insured.
 - ii The insurance certificate shall be in the name of the applicant and shall also show coverage for all participating vendors, when submitted by an Event Organizer.
 - iii Insurance coverage to remain valid for the duration of the agreement.

- iv Any other applicable Provincial and Federal permits, permits, approvals, clearances, and/or insurances.
- c) No Street Vendor or Event Organizer is authorized to operate without a Permit.

3.5 This Bylaw does not apply to:

- a) A person who sells door to door either as part of a charitable or non-profit organization or non-profit group.
- b) Sidewalk or parking lot sales held on private land by abutting retail shops and services.
- c) Yard sales and garage sales held on private residential property.
- d) Seasonal Christmas Tree sales on private property.
- e) Sports events held as part of a regular schedule by an established organization.
- f) Home Based Businesses operating in accordance with the Town of Three Rivers Development Bylaw 2023-2035.

3.6 Licensing Authority

Council delegates their authority under this Bylaw to the Development Officer.

3.7 Commercial Floating Dock

- a) A Commercial Floating Dock shall only operate with approval from the Town per the requirements herein and are subject to the following regulations, if applicable:
 - i Compliance with all federal, provincial and municipal Acts, Regulations and Standards including the Public Health Act and Regulations and the Liquor Control Act and Regulations, if applicable;
 - ii A fully executed Lease Agreement between the applicant and the Montague Waterfront Development Corporation, or other applicable body, which includes provisions for period of operation, hours of operation, garbage disposal, utilities and wastewater disposal, at minimum;

A certificate from a qualified engineer certifying that the design and construction of the Commercial Floating Dock and the access/egress thereto satisfies any applicable building, fire and life safety codes and is safe and fit for its intended use, including, but not limited to, occupancy capacity;

4. PAYMENT

4.1 Application Fees

Payment of application fees required in this Bylaw shall be made to the Town of Three Rivers. Fee shall be charged as per Schedule A of the Municipal Fees Bylaw #2019-09.

4.2 Payment Due

Payment of fees shall be due at the time of application, and before the Street Vendor or Event Organizer commences operations within the Town.

5. UNPAID FEES

5.1 Application fees not paid at the time of submission will render the application void.

6. LIABILITY

6.1 The authorized personnel of any corporation carrying on business in the Town, which is the subject of this Bylaw, shall be personally liable for payment of the permit 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 or Event Organizer 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 upon request. For the duration of the agreement, the applicant must require third parties to be covered under their insurance or for the third parties to supply proof of insurance naming the Town of three Rivers as Additional insured.

7. OPERATIONAL REGULATIONS

7.1 Hours of Operation.

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

7.2 Location of Vendors.

- a) The location where a Street Vendor can operate, including those who request a Preferred Site, will be determined on a case-by-case basis and will be indicated on the permit.
- b) The location of Preferred Sites shall be determined by the Town and are as outlined in Schedule "A" hereto.
- c) Event Organizers shall be responsible for ensuring that Vendors operate within the event area indicated in the Permit.

7.3 Waste/Litter Control/Disposal.

- a) Permit holders are responsible for providing their own clean garbage and recycling receptacles (ie. Garbage Cans) at the vending site to ensure the site remains clean and tidy.
- b) Garbage and recycling collected in the waste receptacles must be disposed of daily.
- c) No waste shall be disposed of in private property bins or Town owned waste collection receptacles.
- d) Grease/oil and wastewater shall be disposed of in accordance with all applicable laws and regulations.

7.4 Operation of Street Vending Equipment.

- a) Permits shall be posted at the business site and prominently displayed and visible at all times.
- b) All wheeled vehicles, carts, stands and similar shall retain their wheels and general mobility at all times.
- c) The use of a generator or hook up to municipal utilities must be approved and subject to the terms of the Permit, if any. If not approved, the use of a generator, or hook up to municipal utilities is not permitted.

7.5 Noise

Permit holders shall operate in compliance with any noise and nuisance bylaw in effect.

7.6 Seating

Street Vendors are not authorized to provide tables or chairs at a vending location, unless indicated on the permit.

7.7 Requirements.

- a) The operations of a vendor shall not result in a traffic hazard.
- b) The operations of a vendor shall not interfere with the parking requirements of permanent users of the lot in which the vendor will be located.
- c) The operations of a vendor shall not create a public nuisance.
- d) Vending equipment and facilities shall be maintained in a clean and presentable manner for the duration of the Permit.

8. OFFENCE

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 application 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 or Event Organizer who operates without a Permit will be required to stop immediately and leave the premises. If the Street Vendor or Event Organizer do not leave the premises immediately upon request, 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 Permit.

8.3 Any Street Vendor or Event Organizer 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 the Town, shall be subject to a fine of \$1000 by the Town and the concern shall be forwarded to the appropriate regulatory authorities.

9. STREET VENDOR PERMIT

9.1 Any person or company seeking a Permit to operate as a Street Vendor in the Town shall make application to the Town.

- 9.2 The Town 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 deemed appropriate.
- 9.3 The Town shall attach terms and conditions to the approval of the permit, if granted, including but not limited to:
- a) hours and days of operation;
 - b) noise;
 - c) litter control; and
 - d) the approved location.
- 9.4 The Permit for a Street Vendor shall be valid for a 20-day period, unless otherwise stated on the permit.
- 9.5 Decisions of the Development Officer may be appealed to Council by an applicant.

10. EVENT ORGANIZER PERMIT

- 10.1 Any Event Organizer seeking a Permit as part of an organized public event shall make an application to the Town.
- 10.2 The Event Organizer shall be responsible for all participating vendors and the production of any other valid Provincial and Federal permits, permits, approvals, clearances, and/or insurances when requested by the Town.
- 10.3 The Town 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 The Town shall attach terms and conditions to the approval of the permit including but not limited to:
- a) duration, including operating times;
 - b) litter control; and
 - c) the approved location.
- 10.5 The Permit for an event shall be valid for the period of the event only. A new application is required to be submitted to the Town for each event.

- 10.6 Decisions of the Development Officer may be appealed to Council by an applicant.
- 11. Repeal of Existing Bylaw
 - 11.1 On adoption, this Bylaw replaces any Vendor Bylaw or provisions in effect.
- 12. Effective Date
 - 12.1 This Licensing and Street Vendor Bylaw, Bylaw # 2024-01, shall be effective on the date of approval and adoption below.

First Reading:

This Licensing and Street Vendor Bylaw, Bylaw# 2024-01, was read a first time at the Council meeting held on the 12th day of August, 2024.

This Licensing and Street Vendor Bylaw, Bylaw# 2024-01, was approved by a majority of Council members present at the Council meeting held on the 12th day of August, 2024.

Second Reading:

This Licensing and Street Vendor Bylaw, Bylaw# 2024-01, was read a second time at the Council meeting held on the 9th day of September, 2024.

This Licensing and Street Vendor Bylaw, Bylaw# 2024-01, was approved by a majority of Council members present at the Council meeting held on the 9th day of September, 2024.


Approval and Adoption by Council:

This Licensing and Street Vendor Bylaw, Bylaw# 2024-01, was adopted by a majority of Council members present at the Council meeting held on the 9th day of September, 2024.

Signatures

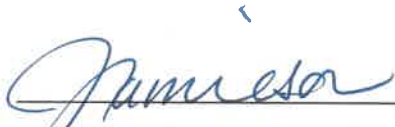


Mayor
(signature sealed)




Chief Administrative Officer
(signature sealed)

This Licensing and Street Vendor Bylaw adopted by the Council of the Town of Three Rivers on September 9, 2024, is certified to be a true copy.



Chief Administrative Officer Signature



Date

Licensing and Street Vendor Bylaw Schedule "A"

Preferred Sites

Water St. Montague PID 196246



Chapel Rd. Cardigan PID 160333



Water St. Georgetown PID 170001

