

MOBILE VENDORS BYLAW

TOWN OF ANTIGONISH

The Council of the Town of Antigonish enacts as follows:

1.
 - a) **“Stand”** means any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which may or may not be moved without the assistance of a motor and which may or may not be required to be licensed and registered pursuant to the Motor Vehicle Act, used for displaying, storing, transporting or sale of food and beverages by a vendor.
 - b) **“Vend”** means the sale or offering for sale of food or beverage on the public streets, sidewalks, and Town right of ways from a stand, unless the same are immediately delivered to a house or other residential premises or to a shop by the person selling the same.
 - c) **“Committee”** shall mean the Police & Licensing Committee for the Town of Antigonish.
2. A person who vends in the Town of Antigonish without having obtained a license to do so shall be guilty of an offense.
3. The Town Clerk shall be responsible for the administration and enforcement of this by-law and is authorized and empowered to grant or refuse any application for a license under this bylaw.
4.
 - (1) The applicant for a license shall make written application to the Town Clerk.
 - (2) The application shall be accompanied by the appropriate fee.
 - (3) The application for a license shall include:
 - (a) the name, home & business address of the applicant, and the name and address of the owner if other than the applicant of the stand.
 - (b) A description of the type of food and beverage to be sold
 - (c) a description of the stand to be used; and
 - (d) all health permits as required by Section 10.

(4) When the conditions of this bylaw have been complied with, the Town Clerk shall issue the license to the applicant.

(5) Every license issued under this bylaw shall specify the type of food and beverage permitted to be sold.

(6) A license issued under this bylaw shall be issued to a particular person and shall not be transferable.

(7) A license issued under this bylaw shall expire on the 31st day of March next following the date of issue.

(8) A license issued under this bylaw shall allow vendors to sell only on town streets, sidewalks, and rights of way thereof, and shall not apply to school lands, privately owned lands and other lands.

(9) Any license issued under this bylaw shall be conspicuously displayed at all times during the operation of the stand.

(10) Every license issued under this bylaw shall bear a number and the number of the license shall be included in the records of the Town Clerk.

(11) The Town Clerk shall keep a record of all licenses granted under this bylaw, setting out the name of the person to whom the license is issued, the particular business or trade authorized by the license and the expiry date of the license.

(12) A license granted under this bylaw may be revoked by the Town Clerk for violation of the terms of this bylaw.

5. (1) Any person who has been refused a license or whose license has been revoked by the Town Clerk shall receive notification in writing stating the reasons refusal or revocation and may appeal such a refusal or revocation to Town Council.

(2) Such appeal shall be in writing in the form of a notice, and shall be filed with the Town Clerk within fifteen (15) calendar days of such refusal or revocation and shall clearly state the grounds for such appeal.

(3) The Council shall hear such appeal at such time and place as it determines and may confirm such refusal or revocation by the Town Clerk or may direct the Town Clerk to issue or reinstate the license. The Council in hearing such appeal shall make its decision in

accordance with the Bylaw.

- (4) If Council directs the Town Clerk to issue or reinstate such license he/she shall immediately do so.
6. The annual license fee under this bylaw shall be five hundred (\$500.00) dollars for each stand.
7. No Vendor shall:
 - (a) Vend within three hundred (300') feet of any residential zone, as defined and delineated by the Zoning Bylaw of the Town of Antigonish between the hours of 10 o'clock in the evening and 10 o'clock in the forenoon of the following day;
 - (b) Vend on any street or sidewalk where vending is otherwise prohibited;
 - (c) Leave any stand unattended
 - (d) Store, park, or leave any stand overnight on any street or sidewalk;
 - (e) Sell food or beverages for immediate consumption unless he/she has available for public use his/her own public litter receptacle which is available for his/her patrons' use;
 - (f) Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by him/her;
 - (g) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on, or under the stand;
 - (h) Set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of his/her stand where such items have not been described in his/her application;
 - (i) Sell anything other than that which he/she is licensed to vend;
 - (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 his/her wares to the disturbance of the public;
 - (k) Sell within 100' of a building that houses a business entity that sells the same or a like product(s) where 100' shall be meant to include the same side of the street or sidewalk that the entity is on;

- (l) When vending from a stand in the sidewalk or next to the curb;
 - (i) vend within ten (10') feet of an entranceway to any building;
 - (ii) vend within twenty-five (25') feet of any driveway entrance to a police or fire station, or within fifteen (15') feet of any other driveway;
 - (iii) vend within twenty-five (25') feet of the crosswalk at any intersection;
 - (iv) allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's permission.
- 8. Vehicles vending products likely to attract children as customers shall park curbside when stopping to make a sale, as close as possible to a pedestrian crosswalk subject to Section 7 (l) (iii).
- 9. No stand shall exceed four (4') feet in width and eight (8') feet in length.
- 10. In addition to the requirements contained in this bylaw, a stand shall have in effect all permits required by the Board of Health of the Town of Antigonish.
- 11. Nothing in this bylaw shall prohibit the sale of goods, including food and beverages regulated by this bylaw, on the sidewalk in front of his place of business by any person who operates a commercial business from a permanent location with the permission of Town Council.
- 12. A person who violates any provision of this bylaw shall be liable on summary conviction to a penalty not exceeding Two Hundred and Fifty Dollars (\$250.00) and in default of payment to imprisonment for a period not exceeding thirty (30) days.

I, Brian R. MacNeil Town Clerk of the Town of Antigonish, do hereby certify that the foregoing is a true copy of a Bylaw to license Food Vendors, passed by the Town Council of the Town of Antigonish at a meeting duly held and convened on the 21st day of March A.D. 1988; and amended at its regular meeting on the 16th of June AD 1997.

Given under the hand of the Town Clerk and under the Corporate Seal of the said Town of Antigonish this _____ day of _____ AD 20__.

