

TOWN OF WABUSH



VENDING REGULATIONS

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1.0 REGULATIONS

These Regulations shall be known as the Town of Wabush Vending Regulations.

2.0 ADOPTION

These Regulations are made and adopted under Section 414(2)(c) of the *Municipalities Act, Chapter M-34, S.N. 1999.*

3.0 APPLICATION

These Regulations shall apply to all areas where vending is carried out within the municipal boundary of the Town of Wabush.

4.0 ROADSIDE VENDING REGULATIONS

4.1 These regulations shall be known and cited as the Town of Wabush Vending Regulations.

Interpretations:

- A). **“Act”** means Municipalities Act 1999, Chapter M-24;
- B). **“Council”** means the Town Council for the Town of Wabush;
- C). **“Town”** shall mean the Town of Wabush;
- D). **“Mobile Vending Unit”** means any vehicle, trailer, portable booth, tables, truck beds, showcase, bench, rack, pushcart, wagon or other wheeled vehicle or device which may be moved with/without the assistance of a motor and used for the displaying, storing, transporting or sale of food, beverages and articles of all kinds by a vendor;
- E). **“Vending Operation”** means the operations of all vendors in selling their articles and includes stand or device used for displaying, storing, transporting or selling of these articles;
- F). **“Operator”** means the operator of a mobile canteen or a vending operation;

- G). **“Permit”** means a permit issued by The Town of Wabush;
 - H). **“Vendor”** means a person who sells or offers for sale food, beverages, vegetables and articles or all kinds on town streets, private and public open places from a stand or mobile canteen;
 - I). **“Vehicle”** cars, trucks, motorized vehicles;
 - J). **“Employees”** means people employed through the operation of a mobile canteen or vending operation;
 - K). **“Defined Area”** is an area in the town where council has given approval to operate a mobile canteen or vending operation;
 - L). **“Provincial Regulatory Department”** Departments within Provincial Government which are involved with regulation of mobile canteen or vending operations; and
- 4.2 No person shall, at any time, operate a mobile vending unit or vending operation in the town without a permit issued by Council.
- 4.3 A permit issued to the operator of a mobile vending unit or vending operation must be displayed in full view to the public.
- 4.4 Council shall not issue a permit for the Operation of any mobile vending unit or any vending operation that seems unsafe or unfit for the purposes for which it is intended.
- 4.5 Council may prescribe and attach conditions to any permit issued under these regulations and the holder of such a permit, or an operator, employee or any person operating a mobile vending unit or a vending operation must adhere strictly to any and all conditions specified in such permit.
- 4.6 Council may require an operator, or his employees to operate a mobile vending unit or a vending operation only in certain defined areas of the town, and the mobile vending unit or vending operation may not operate outside of any defined area.
- All vending site locations must provide for adequate off road parking and this location must not impede with the regular flow of traffic on our town roads in accordance with the *Highway Traffic Act*.
- 4.7 No town services (water or sewer) or utility services may be connected to a mobile vending unit or vending operation.

- 4.8 All applications submitted to Council for Operation of a mobile vending unit or vending operation must be accompanied by supplementary documentation in accordance with provincial department regulatory bodies. Required supplementary documentation that must accompany the permit application is as follows:
- a) description of mobile vending unit to include photo and licence plates where the vehicle is required to be licensed under the *Highway Traffic Act*;
 - b) Proof of vehicle insurance;
 - c) Complete list of all products (primary and secondary) and brands to be sold;
 - d) Department of health and community services approval letter;
 - e) Department of environment and conservation approval letter;
 - f) Department of Transportation and Works approval letter;
 - g) certification from the town of Wabush fire department for fire and safety systems, verifying inspection of portable fire extinguishers;
 - h) a copy of the written agreement between the vendor and property holder;
 - i) certification from a recognized fuel burning appliance agency verifying compliance with all applicable codes where a mobile vending unit is equipped with a fuel burning appliance;
- 4.9 No changes to a mobile vending unit or vending operation (previously approved by Council) may take place without prior council approval. A revised application will have to be submitted to council.
- 4.10 Permits for mobile vending unit or vending operations shall be issued to an owner or operator or agent of such vending operations and shall not be transferable.
- 4.11 Permits for mobile vending unit or vending operation will be issued for a period of six (6) months. The applicant for a mobile vending unit or vending operation will be required to state commencement & cessation dates of the vending operation.
- 4.12 Any particular Mobile Vending unit and/or vending operation may operate on a 24/7 basis at the discretion of Council. Hours of operation must be specified in the application prior to approval;
- 4.13 No mobile vending unit and/or vending operation facilities and/or materials associated with each will be allowed to be left on vending site overnight.
- 4.14 Council may order that any mobile vending unit or vending operation be removed or relocated and may allow the owner, operator or employees a maximum of twenty four (24) hours to remove or relocate his mobile vending unit or vending operation.
- 4.15 All owners and operators of Mobile vending units or vending operations and their employees shall keep their area of operation and surrounding areas that may be affected by their operation clean and free of litter, garbage, cartons, wrappers,

paper, rubbish and other debris and shall have on site suitable containers to collect and dispose on a daily basis.

- 4.16 Where a mobile vending unit or a vending operation is being operated contrary to conditions of the permit allowing its operation, Council may order the owner, operator, or employees to stop the operation pending final adjudication in any prosecution connected with the said operation under section 420 of the *Municipalities Act, 1999*.
- 4.17 Council may enter upon any public or private land and may at all reasonable times inspect any mobile vending unit or vending operation to ensure compliance to the said regulations.
- 4.18 Any Person who contravenes any of these regulations is guilty of an offence and liable on summary conviction to a fine of not less than \$100.00 and not exceeding \$500.00 or a term of imprisonment of not more than 1 month or to both the fine and imprisonment.
- 4.19 The permit fee for mobile vending unit to partake in vending operation shall be \$450.00 or a daily fee of \$10.00.
- 4.20 Vendors shall not:
- a) discharge fat or other waste into the environment;
 - b) sell any products other than that which the vendor is licenced to sell and/or as outlined in the permit application;
 - c) operate within 100 m of an another mobile vending unit;
 - d) operate in areas that are zoned residential;
 - e) within 100 m of any grade school.

Under section 414 of the *Municipalities Act 1999*, the Town Council of Wabush adopts the Town of Wabush Vending Regulations as approved (or as amended).

SIGNED AND SEALED this 19 day of September, 2013

Mayor:  (Council Seal)

Clerk: 