

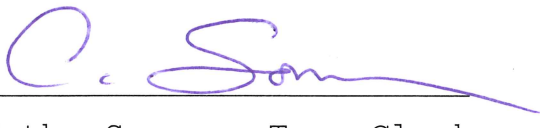
PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Carbonear under the provisions of Section 414(2)(c) of the Municipalities Act, 1999, as amended.

Amended and adopted by, the Town Council of the Town of Carbonear on the 10th day of August, 2016.



Mayor George Butt



Cathy Somers, Town Clerk

VENDOR REGULATIONS

1. These regulations may be cited as the Town of Carbonear Vendor Regulations.
2. In these regulations, unless the context otherwise requires:
 - (a) "Act" means *Municipalities Act, 1999*, as amended;
 - (b) "Certificate" means a certificate issued by the Town Clerk to a salesperson;
 - (c) "Council" means the Town Council of the Town of Carbonear;
 - (d) "Goods" includes food, wares, merchandise and/or other chattels personal of any nature and description;
 - (e) "Park" means to allow a vending vehicle, whether occupied or not, to remain in a stationary position, otherwise than in obedience to traffic regulations, traffic signs or the directions of a traffic officer;
 - (f) "Permit" means a vendor's permit issued under these regulations to a person and includes a renewal permit;
 - (g) "Person" includes an individual, a corporation, partnership and/or other organization whether incorporated or not;
 - (h) "Salesperson" means any person who is employed by or otherwise acts as agent of a Vendor and operates a vending vehicle or stand on behalf of the vendor, selling or exposing for sale goods;

- (i) "Stand" means any device, structure or temporary area used for the purpose of selling, or exposing for sale and/or other dispensing of food or goods or other chattels personal of any nature and/or description;
 - (g) "Town" means the Town of Carbonear as defined in the *Town of Carbonear Order O.C. 96-170*;
 - (k) "Town Clerk" means the Town Clerk of the Town of Carbonear;
 - (l) "Vending Vehicle" means a device, including without limiting the generality of the foregoing, a motor vehicle as defined in the *Highway Traffic Act*, in, upon or by which persons or property may be transported or drawn upon a highway and used for the selling or exposing for sale of food or goods or other chattels personal of any nature and/or description;
 - (m) "Vendor" means a person, corporation, partnership or any organization whether incorporated or not, which owns and/or operates and/or causes to be operated a stand and/or vending vehicle.
3. The Town Clerk is authorized to issue, renew or refuse a vendor's permit under these regulations.
- 4(a) No person, corporation, partnership and/or organization whether incorporated or not, shall sell or otherwise cause to be sold or dispensed goods and/or food from a vending vehicle or stand within the limits of the Town unless such person is the holder of a valid permit and in the case of a salesperson a certificate pursuant to regulation 13 hereof.
- (b) Notwithstanding Section 4(a) the following persons are exempted from this regulation and will not require a permit:
- (i) a person selling newspapers door to door;
 - (ii) a child or youth, being a person under the age of eighteen years, selling goods for the purpose of raising funds for school activities or non-profit youth groups activities, which fund raising activity has been approved by such school or non profit youth group.
- 5(a) An application for a permit or any renewal thereof under these regulations shall be made to the Town Clerk upon an application in such form as may be approved by the Council from time to time.

- (b) A permit fee and/or certificate fee shall be paid in accordance with the fee structure as set forth in Schedule "C".
 - (c) The Town Clerk shall keep record of all permits and/or certificates issued.
 - (d) The expiry date of the permit shall appear on the permit when issued and such expiry date shall be December 31st next following the date of issue.
 - (e) The application shall be accompanied by a copy of all health and/or other authorizations which may be required to be issued by the the Government of Newfoundland and Labrador in respect of the activity for which a permit is applied for hereunder.
 - (e) Prior to the issuance of any permit hereunder the Town Clerk may require a copy of a consent from the Provincial Department of Health if in the opinion the Town Clerk such consent shall be deemed desirable and/or appropriate.
6. A person may be granted a permit at no cost under these regulations if such person is:
- (a) exposing for sale or selling goods on behalf of an organization or corporation having objects of a benevolent, religious, charitable, philanthropic, educational, agricultural, scientific, artistic, social, political, professional, fraternal, sporting, athletic, or other useful nature and not formed for gain;
 - (b) a person or organization which is already paying business tax on a similar type of business to the Town of Carbonear;
 - (c) a person or one of a particular class of person exempted by a decision of Council based on extenuating circumstances which Council in its absolute discretion shall deem appropriate for such exemption.
7. A person may be issued a permit to operate a stand or vending vehicle on the parking lot of private business establishments within the Town provided that the person files with the Town Clerk at time of submission of application for permit a written authorization from the owner of the private business establishment authorizing the parking lot for the particular use for which permit is

applied for, provided nevertheless that such permit, at any time following issuance thereof if the Council for any reason in its absolute discretion shall deem it advisable or appropriate to do so, may cancell and/or revoke and/or amend such permit upon such terms as Council may deem appropriate.

8. A vendor shall not operate a vending vehicle or stand as agent or otherwise on behalf of another vendor, which other vendor is not the holder of a valid permit and/or otherwise than in compliance with all regulations herein including, without limiting the generality of the foregoing, compliance with regulation 9 hereof.
9. A salesperson employed by a vendor may only act on behalf of a vendor if the name of such salesperson is endorsed on the permit by the Town Clerk and such salesperson is subject to the same terms, conditions and restrictions as the holder of the permit.
10. Every application for a permit shall designate at least one individual as a salesperson and the permit, if issued, shall be in the name of the person so applying and there shall be designated thereon the name of the individual or individuals who are authorized to act as salesperson.
11. Where a permit has been refused, a further application for permit may be made upon new or other material facts and/or where material circumstances have changed.
12. A vendor, following the issuance of a permit and during the validity of any such permit, shall notify the Town Clerk in writing within five (5) days of any change of;
 - (a) vendor's address;
 - (b) vendor's name;
 - (c) any change in vendor's corporate status under the Corporations Act;
 - (d) vendor's partnership members
 - (e) salespersons.
13. Every salesperson shall have on their person whenever operating a vending vehicle and/or stand, a certificate issued by the Town, authorizing them to act as a salesperson for a specified vendor to whom a valid permit

is issued in respect of such vending vehicle and/or stand.

14. A permit and/or certificate may be issued or renewed subject to such terms, conditions and restrictions as may be prescribed by the regulations and to such additional terms, conditions and/or restrictions, if any, as the Town Clerk may deem appropriate, including but not limited to:
 - (1) Location(s) of operation;
 - (2) Type of goods which, may or may not, be sold;
 - (3) Exclusion of specific goods from sale;
 - (4) Hours of operation;
 - (5) Days of operation;
 - (6) Restriction of operation to specific and or special event(s).
15. A vendor or salesperson shall comply with the terms, conditions and restrictions to which the permit and/or certificate is subject.
16. The Town Clerk may suspend or cancel a permit or certificate where in the opinion of the Town Clerk such suspension and/or cancellation is in the public interest, and without limiting the generality of the foregoing, the Town Clerk may suspend or cancel a permit or certificate where the vendor or salesperson:
 - (a) has violated any provision of these regulations or has failed to comply with any one or more of the terms, conditions or restrictions to which the permit or certificate is subject;
 - (b) has made a material mis-statement in the application for the permit and/or certificate and/or in any of the information or material submitted to the Town Clerk;
 - (c) has been guilty of misrepresentation, fraud or dishonesty; or
 - (d) has demonstrated incompetency or untrustworthiness to carry on the business in respect of which the permit and/or certificate was issued.
17. Where a permit is suspended or canceled, all certificates of salespersons acting on behalf of the vendor shall thereby be deemed suspended or cancelled accordingly.

18. Where a person is aggrieved with a decision of the Town Clerk respecting the issue, renewal, refusal or cancellation of a permit, the applicant or person to whom such permit had been issued may file a written request with Council within five days of such decision for a review of such decision by Council and the Council may in its absolute discretion confirm, alter or vary such decision in such manner as it may deem appropriate.
19. A salesperson shall not:
 - (a) conduct business within 100 metres of the grounds of any school between 1/2 hour prior to the start of the school day and 1/2 hour after the dismissal at the end of the school day when schools are in session;
 - (b) conduct business in any area prohibited by Council;
 - (c) leave a vending vehicle or stand, set-up for business, unattended,
 - (d) park or leave a vending vehicle overnight on any streets within the limits of the Town;
 - (e) sell food or beverage from a vending vehicle or stand in a fixed location unless adequate litter receptacles are available or provided by the vendor;
 - (f) leave any fixed location of operation without first picking up, removing or disposing of all trash and refuse;
 - (g) sell anything other than that which is indicated on the vendor's permit;
 - (h) conduct business within 7 metres of any crosswalk, intersection or bus stop; and
 - (i) park a vending vehicle or stand upon a sidewalk.

20. The Council may ,in its absolute discretion, limit the number of permits which may be issued for sale of any particular goods or type of goods during any particular time period.
21. All previous regulations of the Town of Carbonear are hereby repealed.
22. These regulations were adopted by resolution of Council at a meeting on the 10th day of August, 2016 and shall come into effect on the 11th day of August, 2016.