



PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the *Municipalities Act, 1999*, SNL 1999 c M-24, s 414(2)(c) and any other enabling sections of the Act, the following Regulations have been made by the Town Council of the Town of Holyrood on the 18 day of July, 2017.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 20 day of July, 2017.


Gary Goobie, Mayor


Gary Corbett, Town Clerk

MOBILE CANTEEN AND VENDOR REGULATIONS

TITLE

1. These Regulations shall be known and cited as the Town of Holyrood *Mobile Canteen and Vendor Regulations*.

DEFINITIONS

2. In these Regulations, unless context requires otherwise
 - (a) **"Act"** means the *Municipalities Act, 1999*, SNL 1999 c M-24;
 - (b) **"Approved Vending Site"** means a site approved by Council where multiple Mobile Canteens or vendors are permitted to operate;
 - (c) **"Council"** means the Council of the Town of Holyrood;
 - (d) **"Defined Area"** is an area in the Town where council has given approval to operate a mobile canteen or vending operation;
 - (e) **"Fire Department"** means the fire department in the Town;
 - (f) **"Food"** means materials of all sorts that are intended to be or are capable of being consumed, regardless of whether such food is in a raw or prepared state and without limited the generality of the foregoing shall be deemed to include fish or farm produce and other products whether natural or artificial;

Town of Holyrood

- (g) **"Mobile Canteen"** 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 or without the assistance of a motor and used for the displaying, storing, transporting or sale of food, beverages and articles of all kind by a vendor, regardless of whether self-moving or drawn by another vehicle or person;
- (h) **"Operator"** means the operator of a Mobile Canteen, an Approved Vending Site, or a Vending Operation;
- (i) **"Permit"** means a permit issued by Council;
- (j) **"Person"** means a person, firm, partnership, association, corporation, company, or organization of any kind;
- (k) **"Provincial Regulation Department"** Departments within Provincial Government which are involved with regulation of a mobile canteen or vending operations;
- (l) **"Stand"** means any outside area or structure where food or goods are sold;
- (m) **"Street"** means any publicly owned road, including alleys, boulevards, bridges, courts, walkways, highways, lanes, parks, public drives, sidewalks, squares, and any part thereof open to the public;
- (n) **"Town"** shall mean the Town of Holyrood;
- (o) **"Vehicle"** includes cars, trucks, motorized vehicles.
- (p) **"Vendor"** means a person who sells or offers for sale food, beverages, vegetables and articles of all kinds on town streets, private and public places from a stand or mobile canteen;
- (q) **"Vending Operation"** means the operation of all vendors in selling their articles and includes stand or device used for displaying, storing, transporting or selling of these articles;

APPLICATION

- 3. These Regulations shall apply to the municipal area of the Town of Holyrood.

CONFORMITY WITH REGULATIONS

- 4. No person shall operate a Mobile Canteen, Approved Vending Site, or Vending Operation, except in accordance with these Regulations.

PERMIT REQUIRED

- 5. No person shall, at any time, operate a Mobile Canteen, Approved Vending Site, or Vending Operation in the Town without a Permit, with the exception of:
 - (a) a person
 - i. selling newspaper door to door; or,
 - ii. selling of goods to raise funds for school activities or non-profit groups;

- (b) selling goods or foods on behalf of an organization located within the Town that is of a benevolent, religious, charitable, philanthropic, or educational nature and is not for personal gain;
 - (c) occasional selling of foods and foods on a business property outside the building where those goods or foods are usually sold by that business; or,
 - (d) door to door sales of goods or services.
6. A Permit issued to an Operator must be displayed conspicuously in full view to the public.
7. Permits for Mobile Canteens, Approved Vending Sites, or Vending Operations shall be issued to an owner, agent, or Operator of such Mobile Canteens, Approved Vending Sites, or Vending Operations and shall not be transferable to other persons.

APPROVAL

8. Council may attach terms or conditions to a Permit issued to any owner, agent, Vendor, or Operator of a Mobile Canteen, Approved Vending Site, or Vending Operation, including limiting the geographic area in which an owner, agent, Vendor, or Operator may operate such Mobile Canteen, Approved Vending Site, or Vending Operation.
9. A Permit shall not be issued for any for Mobile Canteens, Approved Vending Sites, or Vending Operations where:
- (a) it appears, in the opinion of Council or staff, unsafe or unfit for the purposes for which it is intended; or
 - (b) there is inadequate off-road parking such that the regular flow of traffic in the Town may be impeded.
10. Permits for Mobile Canteens, Approved Vending Sites, or Vending Operations shall be valid for a period not exceeding twelve (12) months.

TOWN SERVICES

11. The Town is under no obligation to provide Town services, including water and sewer, or utility services, including power, telephone, or personal communications, to a Mobile Canteens, Approved Vending Sites, or Vending Operations.

DEBRIS

12. All owners, agents, Vendors, or Operators of a Mobile Canteen, Approved Vending Site, or Vending Operation shall keep their said a Mobile Canteen, Approved Vending Site, or Vending Operation, as well as the surrounding area, free from litter, garbage, cartons, wrappers, paper, rubbish, and other debris, and shall dispose of any such materials in an garbage receptacle.
13. All owners, agents, Vendors, or Operators of a Mobile Canteen, Approved Vending Site, or Vending Operation shall provide a garbage receptacle for the disposal of garbage, rubbish, and other debris.

RESTRICTIONS

14. A Vendor shall not:

- (a) vend between the hours of 11:00 p.m. and 7:00 a.m. of the following day, unless specifically permitted to so by Council;
- (b) leave any Mobile Canteen unattended;
- (c) use a Mobile Canteen or Vending Operation for the purpose of either temporary or permanent habitation;
- (d) use the Mobile Canteen or Vending Operation for overnight accommodation; or,
- (e) install a temporary or permanent sign, except for a sign affixed to the Mobile Canteen or Vending Operation.

15. The Operator of a Mobile Canteen containing cooking and/or heating equipment shall obtain approval from the Fire Department confirming:

- (a) availability of a six (6) litre class "K" and a five (5) pound Class "ABC" extinguisher accessible within the Mobile Canteen;
- (b) certification for all propane equipment; and,
- (c) satisfactory fire inspections.

OTHER APPROVALS

16. All Vendors operating under these Regulations shall be subject to the approval of all other required regulatory authorities.

17. In the case of a Vendor selling prepared food, beverages, or consumables, a Permit will not be issued by the Town until the Vendor has provided a copy of a license or Permit from the appropriate Provincial Regulation Department, unless such a license or Permit is not required from the Provincial Regulation Department in which case the Vendor shall provide a letter from the Provincial Regulation Department indicating that such a license or Permit is not required.

ENFORCEMENT

18. Where a Mobile Canteen, Approved Vending Site, or Vending Operation is operating contrary to any or all conditions attached to its Permit or these Regulations, Council may cancel the Permit and order the removal of the vehicle or stand.

19. A Mobile Canteen, Approved Vending Site, or Vending Operation may be subject, at all reasonable times, to inspection for the purpose of obtain information relevant to operation of such a Mobile Canteen, Approved Vending Site, or Vending Operation.

OFFENCES

20. Any person who contravenes the provisions of these Regulations or who fails to comply with any provision thereof including orders made pursuant to these Regulations, or neglects or refuses to do so, is guilty of an offence.

PENALTIES

21. Any person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof or neglects or refuses to do so shall
- (a) be liable to penalties as stipulated in accordance with section 420 of the Act; or,
 - (b) be subject to an order under section 404(1) of the Act; or,
 - (c) be subject to a violation notice issued under section 421.1 of the Act; or,
 - (d) be issued a ticket under the *Provincial Offences Act* in accordance with section 421.2 of the Act.

SEVERABILITY & COMPLIANCE WITH OTHER ACTS

22. If a Court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remaining portions of the Regulation and the remainder of these Regulations should be valid and shall be in force and effect.
23. Where conflict exists between these Regulations and any provincial law or regulation, the provincial law or regulation shall apply.

REPEALING OF PREVIOUS REGULATIONS AND AMENDMENTS

24. All previous Town of Holyrood *Mobile Canteen and Vendor Regulations* and amendments are repealed.

EFFECTIVE DATE

25. These Regulations come into force on the **5** day of **September**, 2017.