

THE CORPORATION OF THE VILLAGE OF BURNS LAKE
BY-LAW NO. 807

A by-law of the Corporation of the Village of Burns Lake to regulate and control Mobile Vendors.

WHEREAS pursuant to Part 20, Division (1) of the Local Government Act, RS 1996, Chapter 323 and amendments thereto, the Village of Burns Lake is authorized to regulate the carrying on of a business.

AND WHEREAS the Village of Burns Lake desires to regulate mobile vendors.

THEREFORE BE IT RESOLVED THAT the Municipal Council of the Village of Burns Lake, in open meeting assembled, enacts as follows:

1. TITLE

This by-law may be cited for all purposes as the "Corporation of the Village of Burns Lake Mobile Vendors By-Law #807, 2002".

2. DEFINITIONS:

Village means the Village of Burns Lake.

Director

means the person duly appointed from time to time as the Director of Engineering and Development Services and includes any person appointed or designated by the Director to act on his behalf.

Licence

means a valid Village of Burns Lake business licence issued pursuant to the Village of Burns Lake Business Licence Bylaw No. 513, 1983 and amendments thereto.

Licence Inspector

Means the person duly appointed as such from time to time.

Permit

means a valid Mobile Vendor's Permit issued pursuant to By-Law No. 807, 2002 and amendments thereto.

Pushcart

means and includes any device designed to be moved by human power or towed by a motor vehicle and which may be used on a sidewalk, village owned parking lot, or any portion thereof for the purpose of selling or offering for sale any commodity to the public.

Vending area

means the area adjacent to a sidewalk or park, owned or leased by the Village of Burns Lake,

Mobile Vender

means a person who owns or operates a pushcart for the purpose of selling or offering for sale any commodity.

3. LOCATIONS.

- 1) Those areas shown on Schedule "A" attached hereto and forming part of this bylaw are designated as sites within a vending area on which a mobile vendor may set up a pushcart.
- 2) A person who desires to set up as a Mobile Vendor located on a site shown on Schedule "A" shall make application to the Director in accordance with Section 4 of this Bylaw.
- 3) A person who is issued a permit by the Director and licenced by the licence inspector shall operate only from the site for which the permit was issued.

- 4) The walkway portion of a sidewalk, crosswalk, or extension of a crosswalk, roadway or fire hydrant shall not be obstructed.
- 5) The location of the pushcart shall not cause any traffic problems, particularly visibility impediment to vehicles in its proximity.
- 6) When a pushcart is at a designated site, the permit holder or person designated by the permit holder shall be in attendance at all times.

4. APPLICATION.

- 1) Applications to set up as a mobile vendor from a pushcart located on one of the sites shown on Schedule "A" shall be made on the form in Schedule "B" attached hereto and forming part of this bylaw, and shall include such drawings and photographs as required by the Director so that the proposal may be evaluated.
- 2) Applications will be received up to October 31st in any year for permits to be issued for the following calendar year.
- 3) Following adoption of this bylaw, applications for the year 2002 will be received up to the end of one month following adoption of this bylaw.
- 4) A permit shall be valid for the balance of the year to December 31st of that year.
- 5) An application submitted to the Village shall be reviewed by the Director or his designate.
- 6) The Director shall review an application on the basis of quality of construction of the proposed pushcart, compatibility of the proposed use with the location, adjacent businesses and aesthetics affect.
- 7) A permit holder shall have first right of renewal for the same permit at the same site in any subsequent year, but such renewal applications shall be made by October 31st in the preceding year and shall be on the form in Schedule "B" attached hereto.
- 8) A permit holder is entitled to apply to renew a permit for the same site, and such application shall not be withheld unless the permit holder has violated the terms of this bylaw or the conditions of the previously held permit or licence.
- 9) A permit holder may apply to relocate to another site, and such application shall be considered in priority over any other new application for the same site.
- 10) A permit holder who applies to relocate to a new site shall relinquish his/her existing site if he/she is successful.
- 11) A decision on all applications will be made on or before November 30th for the following year, and the applicants are to be notified forthwith of the decision in respect of the application.
- 12) A person may apply for a permit at any time for any site for which a permit has not been issued. Such a permit (if granted) shall only be valid for the balance of the permit year.

5. PERMITS.

- 1) A permit shall be in the form set out in Schedule "C" attached hereto and forming part of this bylaw.
- 2) A permit issued under this bylaw shall be valid for one year from January 1st in a given year, or for a part of one year if an application is made after January 31st.
- 3) A permit is not transferable except with the permission of the Director.
- 4) The fee for a permit is \$180.00/year. If less than the full year remains in the permit, the fee shall be \$15.00 per month to the permit year end, and shall not exceed \$180.00.
- 5) A permit shall only be issued to a person, firm or corporation in respect of a pushcart designated in the permit, in which event the officers, servants or agents of the permit holder may operate as a mobile vendor from such pushcart during the subsistence of the permit without the necessity of obtaining individual permits.
- 6) A person issued a permit and licence to operate as a mobile vendor from a pushcart shall do so in accordance with the operating plan as outlined in Schedule "B" of this bylaw.

6. BUSINESS LICENCE (LICENCE)

- 1) A person, firm or corporation operating as a mobile vendor from a pushcart shall possess a licence.
- 2) Issuance of a Licence does not imply that a permit will be issued, and the issuance of a permit does not imply that a licence will be issued.
- 3) The licence inspector shall not issue a licence, and the Director shall not issue a permit until an applicant for a licence or permit has provided evidence that the applicant's business is insured under a comprehensive liability policy of insurance for two million dollars (\$2,000,000.00) inclusive of limits covering bodily injury, death and property damage including the loss of use of such property; such policy of insurance shall be in the joint name of the applicant for the permit and licence and the village as co-insured.

7. DISPLAY OF BUSINESS LICENCE AND PERMIT.

- 1) A permit and licence, or a photocopy of each of them, shall be displayed at all times on a pushcart.

8. PUSHCARTS.

- 1) A pushcart shall be no longer, higher or wider than:
2.0 m, 2.45 m and 1.2 m respectively.

The dimensions outlined in section 8 (1) above shall include all folding counters, wheels, fenders, awnings or canopies.

- 2) a) A pushcart shall be soundly constructed, kept clean and kept in good condition.
- b) A pushcart shall comply with all applicable municipal, provincial or federal legislation concerning food-handling, fuel structural safety and roadworthiness.

- 3) A pushcart shall be equipped with brakes or some suitable device or mechanism to prevent it from moving except under the control of the mobile vendor.

9. CLEANLINESS:

- 1) A mobile vendor shall supply a covered refuse container for use by the vendor and patrons.
- 2) A mobile vendor is responsible for ensuring that the site is kept clean, tidy and free of litter during and immediately following the vendor's hours of operation.
- 3) There shall be no discharge of fluids or solids from the pushcart to the surrounding ground.
- 4) a) A mobile vendor shall remove all refuse and litter from the site at the close of each day of operation.
b) Such refuse or litter shall not be disposed of in a village on-street litter container.

10. BUSINESS HOURS:

- 1) A person issued a permit and licence to operate as a mobile vendor from a pushcart shall do so in accordance with the operating plan as outlined in Schedule "B" of this bylaw

11. PERMIT REVOCATION

- 1) A mobile vendor who fails to operate for six months, or in accordance with the permit holders operating plan, may have his permit revoked by the Director.
- 2) Where the Director considers revoking a permit, the Director shall first inform the permit holder of the reasons for considering the revocation and afford the permit holder an opportunity to be heard.
- 3) A permit holder whose permit is revoked by the Director, may appeal to Council.
- 4) Where a permit is revoked:
 - a) The permit holder forfeits his right of renewal at the designated site:
 - b) No refund of permit fees shall be made to the permit holder.

12. MISCELLANEOUS

- 1) A mobile vendor shall not operate any noise or sound making or sound reproducing equipment so as to be a nuisance to any person.

13. SIGNS

- 1) All signs and advertisements shall be limited to painted fascia signs only, not exceeding a total surface area of 1.86 sq. m. (20sq. ft.)

14. OFFENCE AND PENALTY

- 1) Any person who violates any provisions of this bylaw or who allows, causes, or permits any violations of this bylaw shall be guilty of an infraction of this bylaw and shall be liable upon conviction of a fine of not more than \$2,000.00 and not less than \$100.00.
- 2) Each day that any violation is allowed to continue will be deemed to be a separate offence.

READ A FIRST TIME this 26th day of MARCH, 2002.

READ A SECOND TIME this 26th day of MARCH, 2002.

READ A THIRD TIME this 9th day of APRIL, 2002.

RECONSIDERED and adopted this 9th day of APRIL, 2002.


MAYOR


CLERK

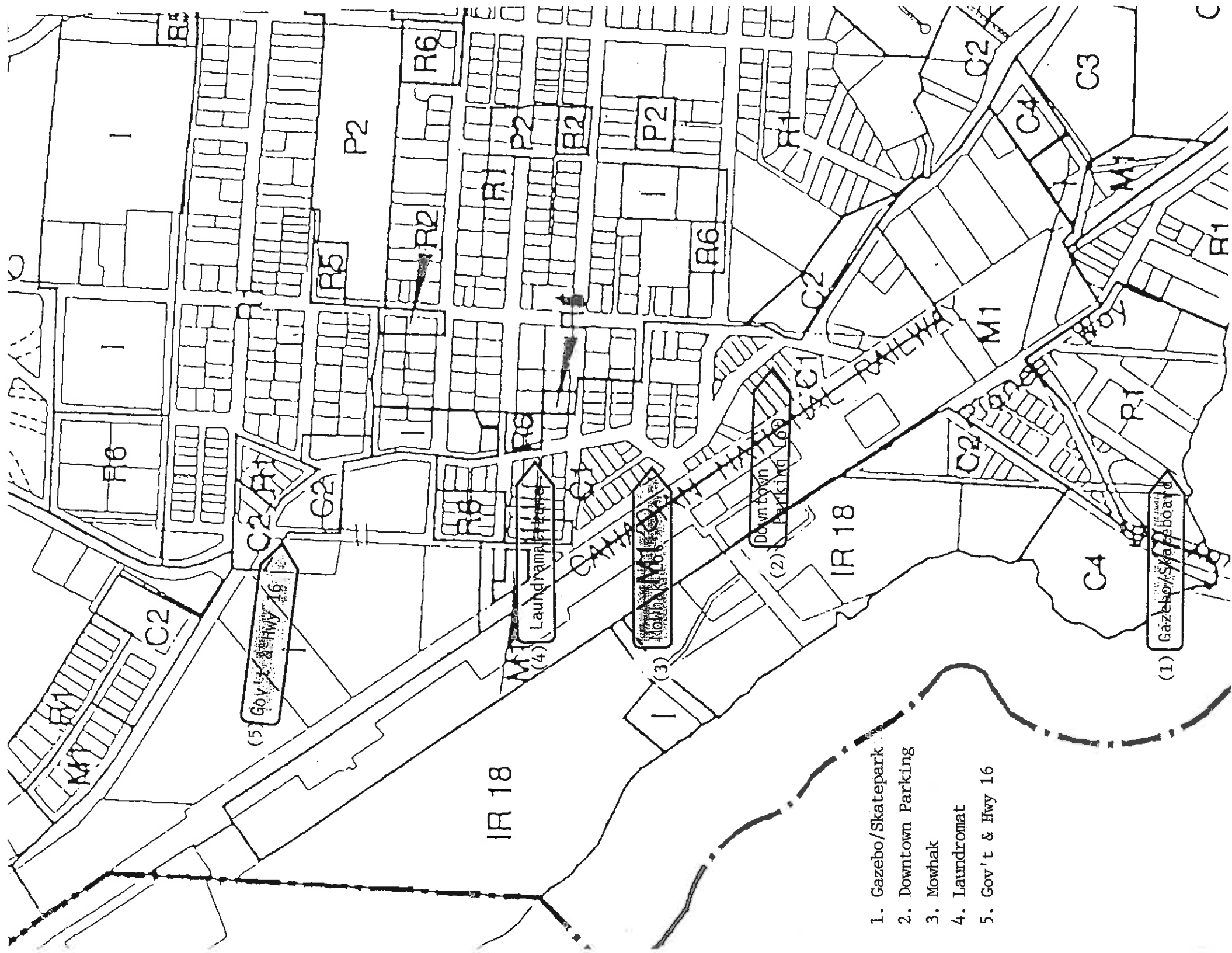
Certified to be a true copy of the "Corporation of the Village of Burns Lake Mobile Vendors By-Law #807, 2002".

CLERK

THE CORPORATION OF THE VILLAGE OF BURNS LAKE
BY-LAW NO. 807

SCHEDULE "A"

MAP OF MOBILE VENDOR LOCATIONS



1. Gazebo/Skatepark
2. Downtown Parking
3. Mowhak
4. Laundromat
5. Gov't & Hwy 16

BY-LAW NO.807

SCHEDULE "B"

Application for Mobile Vendor's Permit

(Please type or print in black ink)

Name: _____

Street Address _____

Mailing Address _____

Phone: Home _____ Business _____

Fax _____

Proposed site : _____ (number _____ Schedule A)

Description of proposed mobile vendor's business including a schedule of the hours of business.
(Attach supporting documents if necessary)

Declaration:

I, _____ apply for a Mobile Vendor's permit. I enclose photographs, drawings, and documentation in support of my application. I agree to obtain a valid business License (\$100.00) and pay the fee of \$ _____ for a mobile vendor's permit if my application is successful. I agree to obtain liability insurance as required in Section 6 (3) of the bylaw.

Signature _____

THE CORPORATION OF THE VILLAGE OF BURNS LAKE
BY-LAW NO. 807
SCHEDULE "C"

MOBILE VENDOR'S PERMIT

NAME _____

ADDRESS _____

is permitted to operate a mobile vendor's pushcart at site number _____.

as shown in Schedule "A" to the Mobile Vendors bylaw;

The permit holder is permitted to:

Date of Approval: _____

Director of Engineering & Development Services

Fee Paid: _____

Receipt No: _____

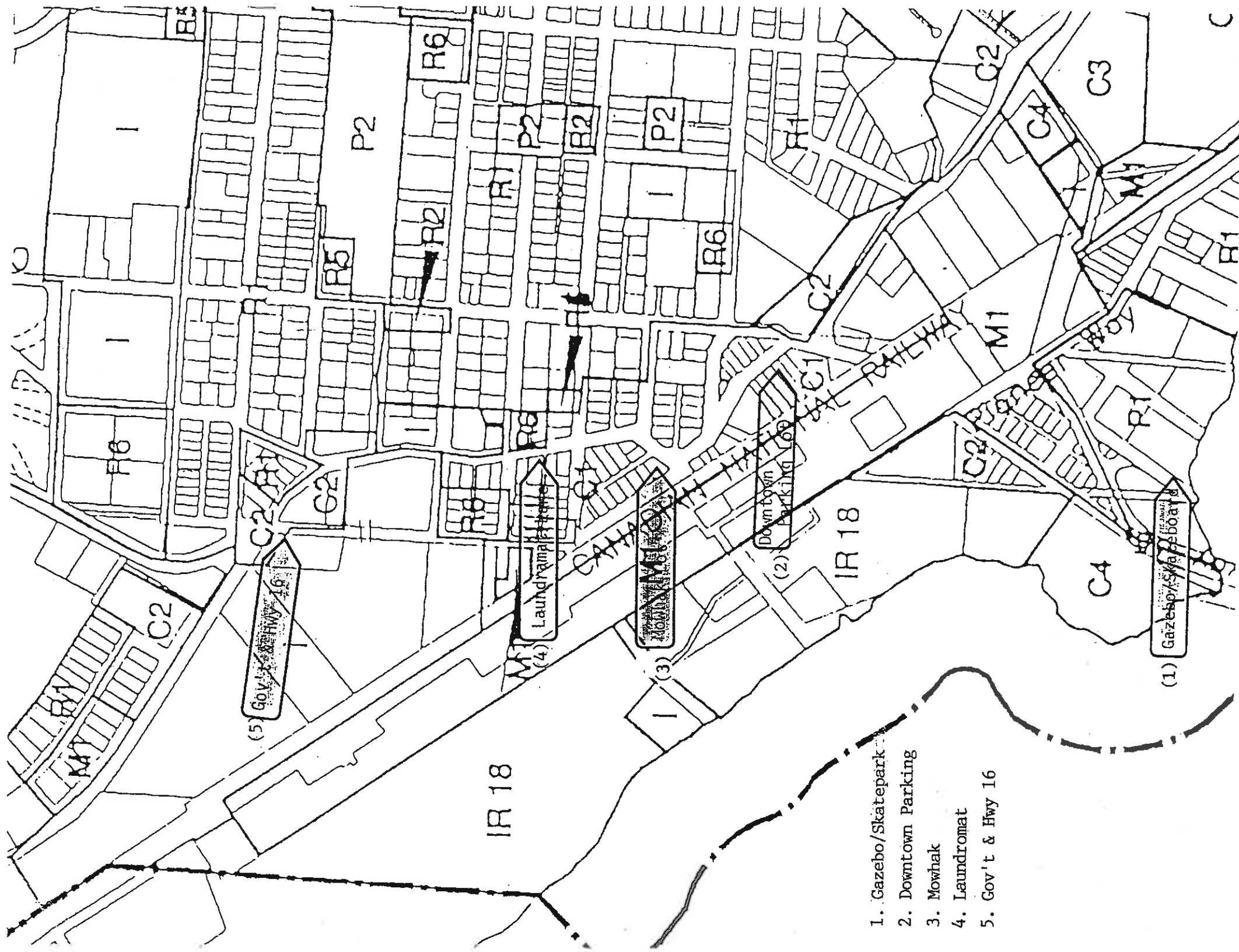
Permit No: _____

cc. Fire Chief J. McBride.
Health Inspector

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