

Town of Truro – Bylaws

Subject:	Street Vendors
Bylaw Number:	B160-008
Approval Date:	April 5, 2004
Departments:	Planning & Development

The Council of the Town of Truro enacts as follows:

1.
 - (1) “Stand” means any table, showcase, bench, rank, pushcart, wagon or any other wheeled vehicle or device which may be moved with, or without the assistance of a motor, used for the displaying, storing, transporting or sale of food, beverages or merchandise by a vendor;
 - (2) “Vend” means the sale or offering for sale of food, beverages, or merchandise on Town lands, 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.
 - (3) “Chief of Police” includes the Deputy Chief of Police.
 - (4) “Development Officer” means the officer appointed by the Town of Truro.
2. Throughout this By-law, the metric system has been used followed by the approximate imperial system equivalent in brackets. Should any case arise where there appears to be a discrepancy between the two figures, the metric figure shall prevail.
3. A person who vends in the Town of Truro without having obtained a permit to do so shall be guilty of an offence.
4. The Development Officer shall be responsible for the administration of this By-law and is authorized and empowered to grant or refuse any application for a permit under this By-law. The Chief of Police shall be responsible for enforcement and is authorized and empowered to revoke any permit under this By-law.
5.
 - (a) The Applicant for the permit shall make written application to the Development Officer.
 - (b) The application shall be accompanied by the appropriate fee.
 - (c) The application for a permit shall include:
 - (i) The name, home and business address of the Applicant, and the name and address of the Owner if other than the Applicant, of the stand or vehicle;
 - (ii) A description of the type of food, beverage, or merchandise to be sold;
 - (iii) A description of any stand to be used; and

- (iv) All permits as required by Section 13 of this By-law.
 - (d) When the conditions of this By-law have been complied with, the Development Officer shall issue the permit to the Applicant.
 - (e) Every permit issued under this By-law shall specify the type of food, beverage or merchandise permitted to be sold.
 - (f) A permit issued under this By-law shall be issued for a particular stand or vehicle and shall not be transferable.
 - (g)
 - (i) A permit issued under this By-law shall expire on the 31st day of March next following the date of issue;
 - (ii) No vendor shall vend within Victoria Park without having obtained the written permission from the Parks and Recreation Committee of the Town of Truro, which Committee is further authorized hereby to grant such permission to unpermitted Vendors upon such terms and conditions as the Committee deems expedient;
 - (iii) A description of the desired location or locations must be provided to the Development Officer if the stand(s) or vehicle is to be moved from place to place, and the general area in which they wish to vend.
 - (h) A permit issued under this By-law shall be conspicuously displayed at all times during the operation of the stand.
 - (i) Every permit issued under this By-law shall bear a number and the number of the permit shall be included in the records of the Chief of Police.
 - (j) The Development Officer shall keep a record of all permits granted under this By-law, setting out the name of the person to whom the permit is issued, the particular business or trade authorized by the permit and the expiry date of the permit.
- 6.
- (a) A permit granted under this By-law may be revoked by the Development Officer upon recommendation of the Chief of Police.
 - (b) Any person who has been refused a permit, or whose permit has been revoked by the Chief of Police or Development Officer, shall receive notification in writing stating the reasons for the refusal or revocation and may appeal such a refusal or revocation to Council.
 - (c) Such appeal shall be in writing in the form of a notice, and shall be filed with the Town Clerk within fifteen (15) days of such refusal or revocation and shall clearly state the grounds for such appeal. A copy of such notice shall be served within such time upon the Chief of Police and Development Officer.

- (d) The Council shall hear such appeal at such time and place as it determines and may confirm such refusal or revocation by the Development Officer of the Chief of Police or may direct the Chief of Police or Development Officer to issue or reinstate the permit. The Council, in hearing such appeal, shall make its decision in accordance with the By-law. The decision of Council is final and not appealable.
 - (e) If the Council directs the Chief of Police or Development Officer to issue or reinstate such permit, the Chief of Police or Development Officer shall immediately do so.
 - (f) Vendors wanting to do business on private property shall be required to obtain a Development Permit under the Town of Truro's Land Use By-law.
 - (g) Vendors wanting to do business in connection with a special event (i.e. Tulip Festival, etc.) shall also be required to obtain written permission from the organization hosting the special event.
7. (a) Any stand that uses a fuel fired appliance for the preparation/warming of food or drinks shall be inspected by the Fire Inspector prior to issuance of a permit.
- (b) Any stand equipped with a fuel fired appliance must be equipped with a minimum of a 2A10BC rated fire extinguisher or other as per the direction of the Fire Inspector.
- (c) No stand shall be located within three (3) metres or nine (9) feet and eight four (84) inches of a fire hydrant or Fire Exit.
- (d) No vendor shall park their car or vehicle within 15 m (50ft) of any business conducting a similar business.
8. The annual permit fee under this By-law shall be two hundred fifty dollars (\$250.00) for each stand. A one day permit fee under this By-law shall be one hundred dollars (\$100.00) for each stand.
9. No Vendor shall:
- (a) Vend within ninety two (92) metres or three hundred and two (302) feet of any residential zone, that is measured along the street right of way, as defined and delineated by the Land Use By-law of the Town of Truro 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 or vehicle unattended;
 - (d) Store, park or leave any stand or vehicle overnight on any street or sidewalk;

- (e) Sell food or beverages for immediate consumption unless they have available for public use their own or public litter receptacle which is available for their patrons' use;
- (f) Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by them;
- (g) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the stand or vehicle;
- (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 their stand where such items have not been described in their application;
- (i) Sell anything other than that which they are permitted 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 wares to the disturbance of the public;
- (k) When vending from a stand on the sidewalk:
 - (i) Vend within one (1) metre and fifty (50) centimetres or four (4) feet and eleven (11) inches of an entranceway to any building;
 - (ii) Vend within seven (7) metres and sixty two (62) centimetres or twenty-five (25) feet of any driveway entrance to a police or fire station, or within four (4) metres and fifty seven (57) centimetres or fifteen (15) feet of any other driveway;
 - (iii) Vend within seven (7) metres and sixty two (62) centimetres or twenty-five (25) feet of the crosswalk of 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 the structure lawfully placed on public property, without the owner's permission.
 - (v) Vend within ninety one (91) metres and forty four (44) centimetres or three hundred (300) feet of the grounds of any school between ½ hour prior to the start of the school day and ½ hour after dismissal at the end of the school day;
 - (vi) Including 7(e).
- (l) Not display items for sale in a way that pedestrian traffic is obstructed.

10. No vendors permit shall be issued to Junk Dealers, Second Hand Dealers, or Pawn Brokers.

11. 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.
12. No stand shall exceed one (1) metre and twenty two (22) centimetres or four (4) feet in width and two (2) metres and forty four (44) centimetres or eight (8) feet in length.
13. In addition to the requirements contained in this By-law, a stand or vehicle shall have in effect all permits required by the Nova Scotia Department of Agriculture and Fisheries Food Safety Section. The Applicant shall be bound by all By-laws and regulations of the Town as well as by any applicable statutes and regulations of the Province of Nova Scotia.
14. Nothing in this By-law shall prohibit the sale of goods on the sidewalk in front of a place of business by the person who operates that business from its permanent location.
15. Nothing in this By-law shall apply to:
 - (a) Any person offering for sale the products of the farm, the forest or the sea; or
 - (b) Any person offering to sell to any person doing business in the Town goods intended to be resold by such person in his business;
 - (c) Any proposed activity proven to be a social or commercial benefit to the Town on Town owned lands such as Farmers' Markets, Tulip Festivals, Busker Festivals or the like.
16. A person who violates any provision of this By-law shall be liable on summary conviction to a penalty not exceeding Two Hundred Fifty Dollars (\$250.00) and in default of payment to imprisonment for a period not exceeding thirty (30) days.