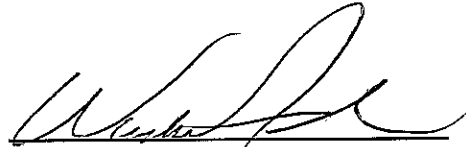


MOBILE CANTEEN AND VENDOR REGULATIONS

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the Municipalities Act, 1999, chapter M-24, Section 414(2) (c), the Town of Conception Bay South has made the following Regulations.



**WOODROW FRENCH
MAYOR**

1. TITLE

These Regulations may be cited as "Town of Conception Bay South Mobile Canteen and Vendor Regulations".

2. INTERPRETATION

In these Regulations:

- (a) "Council" means the Town Council of the Town of Conception Bay South.
- (b) "Approved Vending Site" means a site approved by Council where multiple mobile canteens or vendors are permitted to operate.
- (c) "Food" means materials of all sorts which are intended to be or are capable of being consumed regardless of whether such food is in a raw or prepared state and without limiting the generality of the foregoing shall be deemed to include fish or farm produce and other products whether natural or artificial.
- (d) "Goods" means wares and merchandises of all kinds intended to be or capable of being sold or exchanged.
- (e) "Mobile Canteen" means any vehicle or trailer, whether self-moving or drawn by another vehicle or person, from which goods, foods or services are sold.
- (f) "Operator" means the operator of a mobile canteen, an approved vending site or a vending operation.

- (g) "Permit" means a permit issued by the Town of Conception Bay South.
- (h) "Person" means any individual, corporation, company, partnership, club, society or association.
- (i) "Stand" means an outside area or structure where food or goods are sold.
- (j) "Street" means any publicly owned road and includes alleys, boulevards, bridges, courts, walkways, highways, lanes, parks, public drives, sidewalks, squares, and any part of them open to the public.
- (k) "Town" means the Town of Conception Bay South.
- (l) "Vendor" means a person who sells or offers for sale food, goods or services from a stand or mobile canteen.
- (m) "Vending Operation" means the selling goods or food from a stand.

3. CONFORMINTY WITH REGULATIONS

No person shall operate a mobile canteen, approved vending site or vending operation except in accordance with these Regulations.

4. PERMIT REQUIRED

4.1 No person shall, at any time, operate a mobile canteen, an approved vending site or a vending operation in the Town without a permit issued by Council with the exception of:

- (a) A person:
 - (i) selling newspaper door to door; or
 - (ii) a child or youth selling goods to raise funds for school activities or non-profit youth groups;
- (b) Selling goods or foods on behalf of an organization located within the Town that is of a benevolent, religious, charitable, philanthropic, educational nature and that the sale of goods

is to support the purposes of the organization and is not for personal gain;

- (c) Occasional selling of goods or 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.

- 4.2 A permit placard issued to the operator must be displayed in full view to the public.
- 4.3 Permits for mobile canteens, approved vending sites or vending operations shall be issued to an owner or operator or agent of such mobile canteen, approved vending site or vending operation and shall not be transferable.

5. FORM OF APPLICATION

- 5.1 An application to operate a mobile canteen, approved vending site or vending operation on such form as may be prescribed by Council. Each application shall include the following:
 - (a) The name and home and business address of the vendor;
 - (b) A description of the food or goods intended to be sold; and
 - (c) The location from which the applicant proposes to operate the mobile canteen, approved vending site or vending operation.
- 5.2 Written permission from the property owner must accompany the application if the proposed location of the mobile canteen, approved vending site and vending operation is not owned by the applicant.

6. FEES

- 6.1 The application must be accompanied by the fee prescribed by Council.
- 6.2 The permit fee shall be set by Council and Council may set different fees for different types of mobile canteens, approved vending sites and vending operations.

7. APPROVAL

- 7.1 Conditions may be prescribed and attached to any permit issued under these Regulations.
- 7.2 A mobile canteen, approved vending site and vending operation may only operate in accordance with these Regulations and the terms and conditions of a permit issued pursuant to these Regulations.
- 7.3 A permit for the operation of any mobile canteen, any approved vending site or any vending operation shall not be issued if the mobile canteen, approved vending site or vending operation is deemed unsafe or unfit for the purposes for which it is intended.
- 7.4 Permits for mobile canteens, approved vending sites, or vending operations shall be valid for a period not exceeding twelve (12) months and shall expire on the 31st day of December following the date of issue.

8. FREE OF DEBRIS

- 8.1 All owners and operators of mobile canteens, approved vending sites or vending operations and their employees or agents shall keep their mobile canteens, approved vending sites or vending operations and the surrounding areas, clean and free of litter, garbage, cartons, wrappers, paper, rubbish, and other debris, and shall dispose of any such materials in an authorized garbage receptacle.
- 8.2 Each operator of a mobile canteen, approved vending site or vending operations shall provide a garbage receptacle for the disposal of garbage, rubbish and other debris.

9. CONDITIONS

- 9.1 A Vendor shall not:
 - (a) Vend between 10:00 p.m. and 7:00 a.m. of the following day unless specifically permitted to do so by Council or its representative;
 - (b) Leave any mobile canteen unattended;

- (c) Use a mobile canteen or a vending operation for the purpose of either temporary or permanent habitation;
 - (d) Use the mobile canteen or a 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.
- 9.2 The operator of a mobile canteen containing cooking and/or heating equipment shall obtain approval from the Fire Department confirming:
- (a) Availability of a 6 litre Class “K” and a 5 lbs Class “ABC” extinguisher accessible within the mobile canteen;
 - (b) Certification for all propane equipment; and
 - (c) Satisfactory fire separations.

10. OTHER APPROVALS

- 10.1 All vendors operating under these Regulations shall be subject to the approval of all other required regulatory authorities.
- 10.2 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 Department of Government Services.

11. ENFORCEMENT

- 11.1 Where a mobile canteen, an approved vending site or a vending operation is being operated contrary to any or all of the conditions attached to the permit allowing its operation, Council or its representative may cancel the permit and may order the removal of a vehicle or stand.
- 11.2 The representative may enter upon any public or private land and, may at all reasonable times, inspect any mobile canteen, approved vending site or vending operation for the purpose of obtaining information relative to the vending operations.

12. PENALTIES

Every 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:

- (a) Shall be liable to penalties as stipulated in accordance with section 420 of the *Municipalities Act, 1999*; or
- (b) Shall be subject to a violation notice issued under section 421.1 (1) of the *Municipalities Act, 1999*; or
- (c) Shall be issued to a ticket under the *Provincial Offences Act* in accordance with section 421.2 of the *Municipalities Act, 1999*.

13. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS

All previous Town of Conception Bay South Mobile Canteen Vendor Regulations and amendments are repealed.

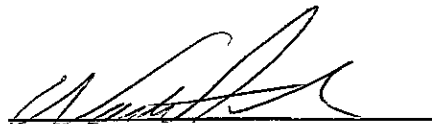
14. COMPLIANCE WITH OTHER ACTS AND REGULATIONS

Nothing in these Regulations serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other regulation of the Town or any statute or regulation of the Province of Newfoundland and Labrador, and in such cases where more than one regulations or statute applies the more restrictive regulation or statute shall apply.

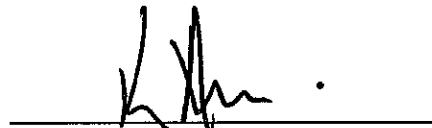
15. EFFECTIVE DATE

These Regulations shall come into force on the 31st day of December, 2010.

In witness whereof the Seal of the Town of Conception Bay South has been affixed hereto and these Regulations have been signed by the Mayor and the Chief Administrative Officer on behalf of Council on this 22 day of December, 2010.



Woodrow French
Mayor



Keith Arns
Chief Administrative Officer