

PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Carbonear under the provisions of the 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 day of , 2002.

MAYOR

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) “Council” means the Town Council of the Town of Carbonear;
 - (c) “Park” means to prevent 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;
 - (d) “Salesperson” means any person who is employed by a vendor and operates a vending vehicle or stand on behalf of the vendor, selling or exposing for sale, food or goods;
 - (e) “Stand” means any device or temporary area used for the purpose of selling, or exposing for sale, food or goods;
 - (f) “Town” means the Town of Carbonear as defined in the *Town of Carbonear Order O.C.96-170*.
 - (g) “Town Clerk” means the Town Clerk of the Town of Carbonear;
 - (h) “Vendor’s Permit” means a permit issued under these regulations to a vendor and includes a renewal permit;
 - (i) “Vending Vehicle” means a device in, upon or by which person or property may be transported or drawn upon a highway and used for the selling or exposing for sale of

food and goods; and

- (j) “Vendor” means the individual, corporation or partnership whose name appears as the holder of the permit for the vending vehicle or stand.
3. The Town Clerk is authorized to issue, renew or refuse a vendor’s permit under these regulations.
 4. (a) Any person who acts as a vendor or salesperson, and sells goods or food from a vending vehicle or stand within the limits of the Town, shall be deemed to be carrying on a vending business and shall be subject to and shall comply with these regulations.
 - (b) Notwithstanding Section 4 (a), a person will be exempted from this regulation and will not require a permit if:
 - (i) selling newspapers door to door,
 - (ii) a child or youth selling goods to raise funds for school activities or non-profit youth groups.
 4. A vendor shall apply for a permit or any renewal thereof to the Town Clerk upon an application form (Schedule “A”) provided by the Town. Permit fee structure is outlined in Schedule “C”. The Town Clerk shall keep record of all permits granted. The expiry date of the permit will appear on the permit when issued. Expiry date shall be December 31st next following the date of issue.

The application must include a copy of all health permits required by the Provincial Government, the Town Clerk may require a copy of a permit from the Provincial Department of Health if he/she deems it necessary.
 5. A person shall be granted a permit at no cost under the these regulations if:
 - (b) exposing for sale or selling goods or food 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 or;
 - (c) a person or group who is already paying business tax on a similar type of business;
 - (d) a person or one of a particular class of person exempted by a decision of Council based on extenuating circumstances.
 6. Vendors may be permitted to conduct business on the parking lots of private business establishments within the Town provided that the vendor supplies the Town Clerk with

written permission from the owner of the property authorizing the parking lot for that particular use. Council, however, reserves the right to revoke this permit if problems arise as a result of this arrangement.

7. The holder of a vendor's permit may carry on the business in every respect and act as a salesperson for the business, except that he may not act as a salesperson for another vendor.
8. A salesperson employed by a vendor may only act on behalf of the vendor whose vendor's permit, his name appears on. A salesperson is subject to the same terms, conditions and restrictions as the holder of the vendor permit.
9. A corporation or partnership which applies for a permit as a vendor shall designate one individual who shall act as its representative, and the permit, if issued, shall be in the name of the corporation or partnership and there shall be designated thereon the name of the individual who is authorized to act as the holder of the vendor permit on behalf of the corporation or partnership.
10. Where a permit has been refused, a further application for it may be made upon new or other material facts or where it is clear that material circumstances have changed.
11. A vendor shall notify the Town Clerk within five (5) days, in writing, of any change in:
 - (b) address;
 - (c) corporation or partnership; and
 - (d) salespersons.
12. Every salesperson shall have on their person whenever operating a vending vehicle or stand, a certificate provided by the Town, authorizing them to act as a salesperson for a specified vendor. (Schedule "B").
13. A permit is issued or renewed subject to such terms, conditions and restrictions, if any, as the Town Clerk deems necessary and such terms, conditions and restrictions as may be prescribed by the regulations.
14. A vendor or salesperson shall comply with the terms, conditions and restrictions to which the vendor permit is subject.
15. The Town Clerk may suspend or cancel a vendor permit where, in the Town Clerk's opinion such action is in the public interest, and without limiting the generality of the foregoing, the Town Clerk may suspend or cancel a vendor permit where it is evident that the vendor or salesperson:
 - (b) has violated any provision of the these regulations or has failed to comply with any

one or more of the terms, conditions or restrictions to which the vendor permit is subject;

- (c) has made a material mis-statement in the application for the permit or in any of the information or material submitted to the Town Clerk;
 - (d) has been guilty of misrepresentation, fraud or dishonesty; or
 - (e) has demonstrated incompetency or untrustworthiness to carry on the business in respect of which the permit was issued.
16. Where the vendor permit is suspended or canceled, all salespersons acting on behalf of the vendor shall likewise be automatically suspended.
17. When a person is dissatisfied with a decision of the Town Clerk respecting the issue renewal or refusal of a permit, an appeal may be made to the Town Council.
18. A salesperson shall not:
- (b) conduct business within 100 metres of the grounds of any school between ½ hour prior to the start of the school day and ½ hour after the dismissal at the end of the school day when schools are in session;
 - (c) conduct business in any area prohibited by council;
 - (d) leave a vending vehicle or stand, set-up for business, unattended;
 - (e) park or leave a vending vehicle overnight on any streets within the limits of the Town;
 - (f) sell food or beverage from a vending vehicle or stand in a fixed location unless litter receptacles are available or provided by the vendor;
 - (g) leave any fixed location without first picking up, removing or disposing of all trash and refuse;
 - (h) sell anything other than that which is indicated on the vendor permit;
 - (i) conduct business within 7 metres of any crosswalk, intersection or bus stop; and
 - (j) park a vending vehicle upon a sidewalk .
3. Pursuant to Section 404(1)(a) of the Act, Council may order that a vehicle or stand used for the sale of food or goods and not operating in accordance with a permit issued by the council be removed.

4. Every person who fails to comply with or otherwise contravenes any of the provisions of these regulations is guilty of an offence and is liable on summary conviction to the penalty as set out in the Section 420 of the Act.
5. All previous Vendor Regulations for the Town of Carbonear are hereby repealed.
6. These regulations were adopted by resolution of Council at a meeting on the th day of , 2002 and shall come into effect on the th day of , 2002.

Application for Vendor Permit

Name

(Individual, Corporation or Partnership)

Address

Name

(Holder of Permit)

Address

Authorized Salespersons:

Description of goods or food to be sold :

Proposed location of business:

Description of vending vehicle(s) or/and stand (s) (include number):

Permit issued by the Department of Government Services and Lands:

(attach copy)

Term of Vendor Permit (Check one): Daily

Seasonal

Annual

Signature of Applicant _____

VENDOR PERMIT

Permit No.

Permission is hereby given to _____ to operate a
(Permit Holder)
vending machine/vehicle from the following location(s):

This permit is issued subject to the conditions of any or all requirements of the Town of
Carbonear Vendor Regulations.

This permit is in force from the _____ day of _____, until the 31st
day of December following

This permit is not transferable.

Dated this _____ day of _____, 200__.

_____ Town Clerk

Salespersons Certificate

This is to certify that _____ of
(Name)

is hereby authorized as a salesperson for _____
(Permit Holder)

This certificate is issued subject to the conditions of any or all of the requirements of the Town
of Carbonear regulations related to vendors.

This certificate is in force from the _____ day of _____, until the 31st
day of December following

This certificate is not transferable.

Dated this _____ Day of _____, 200__.

Town Clerk

SCHEDULE "C"

Vendor Permit Fees

Daily Rate	\$ 10.00
Quarterly	\$ 50.00
Annual Rate	\$150.00

For vendors of Christmas Trees that are Newfoundland grown, a seasonal permit fee of \$10.00 will apply.

Note: Fees revised August 4, 2005.