

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
A By-law Respecting
Vendors in Municipal Parks

Be it Enacted by the Council of the Municipality of the District of Lunenburg under the authority vested in it by the *Municipal Government Act*, Section 172, does hereby enact as follows

1.0 Short Title

This Bylaw shall be known as the A By-law Respecting Vendors in Municipal Parks and may be cited as "Vendors in Municipal Parks By-law".

2.0 Interpretation

- 2.1 "Act" means the *Municipal Government Act*, S.N.S, Chapter 18 of the Acts of 1998.
- 2.2 "Council" means the Council of the Municipality of the District of Lunenburg.
- 2.3 "Concessions/Vendors" means the offering of goods and/or services for sale and/or rent to the public in municipal parks.
- 2.4 "Concessions/Vendor Services" includes but is not limited to the following:
- a) "Fitness and Recreation" may include equipment rental compatible with the park experience. Including but not limited to non-motorized equipment such as canoes, kayaks, paddle boats, bicycles, and surf boards;
 - b) "Mobile Food Service" means the sale of food or non-alcoholic beverages from a motorized, non motorized vehicle or stand;
 - c) "Sales and Offering of Merchandise" including but not limited to yard sales, handcrafts, arts.
- 2.5 "License" means a license issued pursuant to this By-Law;
- 2.6 "License Administrator" means the Municipal Clerk of the Municipality or designate as appointed by the Chief Administrative Officer;
- 2.7 "Mobile Vendor" means any vehicle used for the displaying, storing, transportation or sale of food and non-alcoholic beverages by a vendor which may be required to be licensed and registered pursuant to the Motor Vehicle Act;
- 2.8 "Municipal Park" means parks owned by the Municipality;
- 2.9 "Municipality" means the Municipality of the District of Lunenburg;
- 2.10 "Stand" includes any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device used for the display, storage, transportation or sale of food, non-alcoholic beverages or other merchandise by a vendor and which may be moved without the assistance of a motor and which is not required to be licensed and registered pursuant to the Motor Vehicle Act;
- 2.11 "Vend" or "Vending" means the sale and offering for sale of food, non-alcoholic beverages, flowers, or handcrafts on municipally-owned property;

3.0 Cancellation/Revocation/Appeal

3.1 Concessions/vendor services may be cancelled/revoked by:

- a) the vendor , or
- b) the License Administrator.

Cancellation factors may include but are not limited to a vacated spot or non-compliance of any licensee responsibilities or any other provision set out in the by-law.

3.2 Any refunds for cancellation will be at the discretion of the License Administrator.

3.3 Any person who has been refused a license, or whose license has been revoked by the administrator, shall receive notification in writing stating the reasons for the refusal or revocation and may appeal such a refusal or revocation to Council.

3.4 Such appeal shall be in writing in the form of a notice, and shall be filed with the Clerk within fifteen (15) days of such refusal or revocation and shall clearly state the grounds for such appeal.

3.5 The Council shall hear such appeal at such time and place as it determines and may confirm such refusal or revocation or may direct the administrator to issue or reinstate the license. The Council, in hearing such appeal, shall make its decision in accordance with the by-law. This decision of Council is final and not appealable.

3.6 If the Council directs the administrator to issue or reinstate such license, the administrator shall immediately do so.

4.0 Application for License

4.1 No person shall carry on the business of a Vendor in a municipal park without first obtaining a license from the Licensing Administrator.

4.2 Every application for a license to vend within municipal parks shall be made in writing to the Licensing Administrator and shall contain the following information:

- a) Name, mailing address and telephone number of the applicant;
- b) A description of the merchandise to be sold and/or services to be provided, as well as a photograph of the stand or vehicle from which the merchandise will be sold;
- c) The municipal park(s) for which they are requesting vending services;
- d) The period of time during which the applicant proposes to be in operation and hours of operation;

4.3 No licensees shall vend unless they are vending in compliance with all Federal and Provincial requirements;

4.4 All licensees shall have the appropriate liability insurance satisfactory to the Licensing Administrator;

4.5 The License Administrator may request additional evaluation details from the proponent to support a proposed activity.

5.0 License Consideration

- 5.1 The Municipality may solicit proposals or accept unsolicited proposals for consideration under this by-law at Municipal Parks;
- 5.2 All proposals received shall be evaluated based upon:
 - a) compatibility with park objectives;
 - b) impact to park users;
 - c) impact to park infrastructure;
 - d) enhancements provided and consistency with existing municipal policies and by-laws.
 - e) past performance of the proponent on previous park activities will be considered.
- 5.3 All licenses shall be issued upon availability within designated locations shown on park site plans.

6.0 License

License will be issued in accordance with the following:

- 6.1 Licenses shall be issued for a (one) 1 year period for seasonal licenses during a calendar year;
- 6.2 The dates and times of operation will be in accordance with park hours;
- 6.3 The Municipality reserves the right to vary park hours and season of operation at any time;
- 6.4 The fee structure for a single license under this by-law shall be:
 - a) annual license (seasonal) - two hundred fifty dollars (\$250.00)
 - b) event license (one day) – twenty five dollars (\$25.00)
 - c) event license fees shall be waived for non-profit organizations upon proof of incorporation and/or non-profit status.
- 6.5 Every licensee shall display their license so as to be visible at all times to the public;
- 6.6 Licenses are required for each park if a proponent wishes to vend in more than one municipal park location.

7.0 Licensee Responsibility

- 7.1 The licensee shall remove and dispose of all litter, trash or refuse associated in any way with the vending activity at the close of the day or event;
- 7.2 The licensee shall not sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate a loud speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public which may disturb the public;
- 7.3 The licensee shall not store, park, leave or have any stand or mobile vendor on any municipal lands when not being used, unless the license states otherwise;
- 7.4 The licensee shall provide for solid waste storage facilities immediately adjacent to the vending operation adequate to receive the trash, refuse and recyclables generated, which facilities shall be emptied on a regular basis to prevent overflowing and spillage;

- 7.5 The licensee shall not set up, maintain or permit the use of any table, crate, carton, rack, sign, or any other device to increase the selling or display capacity of the vendor's stand or mobile vendor, unless otherwise stated on the license;
- 7.6 The licensee shall not conduct business other than that which the vendor is licensed to vend;
- 7.7 The licensee shall not vend in an obstructive manner which would include, but not limited to:
 - a) the ingress or egress of the abutting property owner or tenant;
 - b) increasing traffic congestion or delay;
 - c) constituting a hazard to traffic, life or property; or
 - a) obstructing adequate access to fire, police or sanitation vehicles;
- 7.8 At the end of each operating season, and prior to October 31st of that same year, the licensee shall provide a report to the License Administrator indicating the estimated number of clients served.

8.0 Penalties

- 8.1 Unless otherwise provided in the by-law, a person who commits an offence is liable, upon summary conviction, to a penalty of not less than one hundred dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of not more than two months.
- 8.2 In addition to a fine imposed for contravening a provision of this by-law made pursuant to the Municipal Government Act, a judge may order the person to comply with the provision, order, regulation or by-law under which the person was convicted, within the time specified in the order.
- 8.3 Any person who fails to comply with an order under subsection (8.2) is guilty of an offence.

Annotation for Official By-law Book	
Date of First Reading:	<u>June 8, 2010</u>
Date of advertisement of Notice of Intent to Consider:	<u>June 15, 2010</u>
Date of Second Reading:	<u>June 30, 2010</u>
*Date of advertisement of Passage of By-law/Amendments to Bylaw	<u>July 6, 2010</u>
Date of mailing to Minister a Certified copy of By-law:	<u>July 7, 2010</u>
I certify that this " <i>Vendors in Municipal Parks By-law</i> " was adopted by Council and published as indicated above.	
_____ April Whynot-Lohnes, Municipal Clerk	_____ Date
*Effective Date of the By-law unless otherwise specified in the text of this By-law	



Vendors in Municipal Parks

APPLICATION FORM

Applicant/Organization _____

Contact Person _____

Mailing Address _____

Business telephone _____

Home telephone _____

Email _____

Organization Details

Is Organization a Non-Profit-Society? Yes No Registration # _____

Facility Information (Please identify which Municipal Park(s) you are Requesting to Provide Vending Services)

- | | |
|---|--|
| <input type="checkbox"/> Municipal Activity and Recreation Complex (MARC) | <input type="checkbox"/> Miller Point Peace Park |
| <input type="checkbox"/> Saw Pit Wharf | <input type="checkbox"/> Mushamush Beach |
| <input type="checkbox"/> Indian Falls | <input type="checkbox"/> Sand Dollar Beach |
| <input type="checkbox"/> Hirtle's Beach | |

Please Provide an Overview of the Merchandise to be sold and/or Services to be provided

Please Provide the Date and Time during which you propose to be Operating and the hours of Operation

Insurance Details

Do you have Liability Insurance? Yes No

Please include insurance provider name and coverage limits

Date of application: _____

Signature: _____

Print name: _____

The Municipality may request additional evaluation details from the applicant supporting any proposed activity.

This Application Includes:

- | | |
|---|---|
| <input type="checkbox"/> Completed Signed Application | <input type="checkbox"/> Copy of Provincial Authorization if Applicable |
| <input type="checkbox"/> Photograph of stand / vehicle to be used | <input type="checkbox"/> Copy of Liability Insurance |
| <input type="checkbox"/> Insurance Provider name and coverage | |

**** Attach any additional supportive information****

Return to: Office of the Municipal Clerk
210 Aberdeen Rd.
Bridgewater, NS B4V 4G8
Fax: (902)543-7123

For information: (902) 541-1323 email sconrad@modi.ca