



TOWN OF SHELBURNE

VENDING BY-LAW

BYLAW

THIS BY-LAW SHALL REPEAL AND SUPERCEDE ANY AND ALL PREVIOUS REGULATIONS AND/OR BY-LAWS HELD BY THE TOWN OF SHELBURNE REGARDING THE VENDING OF GOODS AND SERVICES.

Short Title

1. This By-Law shall be cited as "**Vending By-Law**".

Interpretation

2. In this By-Law unless the context otherwise indicates:
 - (a) "**auto-dealer**" means any individual selling an automobile, or like vehicle, including motorcycles and all terrain vehicles, for profit, which are not their personally registered or owned vehicles;
 - (b) "**Council**" means the Mayor and Town Councillors;
 - (c) "**event**" means a recurring annual event coordinated under a single organizing group;
 - (d) "**home-based sales**" means sales where potential purchasers are invited or receive invitation to a private residential location by invitation of home owner;
 - (e) "**license**" means document issued and authorized by Town of Shelburne staff which permits the specific person or organization to carry on trade within the Town of Shelburne;
 - (f) "**market**" means a regular seasonal vending location, with multiple vendors, coordinated under a single organizing group;
 - (g) "**premises**" means any place of business, or place to which the public has access;
 - (h) "**staff**" means Town of Shelburne staff who are authorized to issue, enforce or verify licenses;
 - (i) "**vend**" means to provide for sale goods or services.

Licensing Requirements

- 3.** All persons wishing to provide for sale goods or services within the Town of Shelburne are required to obtain a license in accordance with this By-Law; it is an offence to operate without a license. Authorized Town of Shelburne staff will issue licenses under this By-Law upon compliance with all requirements and payment of the fees prescribed herein. A license issued under this By-Law may be suspended or revoked by the staff if the holder thereof is guilty of an offence against this By-Law.
- 3.1** Every license issued under this By-Law shall remain in force unless revoked or suspended under the provisions of this By-Law until the first day of the year following the year in which it was issued. Every license shall expire on December 31st of each calendar year. Every license issued hereunder shall be signed by Town staff and shall bear the date of issuance.
- 3.2** A license shall be personal to that person, business or organization to which it is issued and shall not entitle any other person, business or organization to engage in or exercise the activity, occupation or privilege granted by it. A license issued to one person, business or organization is not transferrable to another.
- 3.3** A license authorizes a trade or business to be conducted in the location specified and approved in the application; being granted a license does not confer permission to conduct business on private property within Town. "Door to door" vending is considered an acceptable location specification. Changes in initially authorized locations require additional authorization. Vending on a roadway or sidewalk is not permitted except with an approved Street Activity application.
- 3.4** Town of Shelburne staff will notify the holder of the license of any cancellation or revocation via mail to the address provided on the application.
- 3.5** A revoked or cancelled license can be appealed to Council. The licensee must provide written notice of intention to appeal the cancellation/revocation to Town staff within 30 days of the cancellation/revocation being received.
- 3.6** Every license under this By-Law shall be on display while the person, business or organization is engaged in the trade, calling or activity for which they are licensed. Every licensee shall display the name and the number of the license on related vehicles and automatic machines at the location of sales.
- 3.7** A lost, stolen or destroyed license can be replaced by the licensee at the Town Office free of

charge once; fee is re-applied thereafter upon duplicate replacement.

- 3.8** Where it appears to the Council that it is in the public interest to do so, Council may, by motion, instruct Town staff to cancel any license issued under this By-Law.

Obtaining a License

- 4.** Every application for a license under this By-Law shall be made in writing on an application form provided by Town Office staff and signed by applicant.
- 4.1** The application shall require, but not be limited to, the following information and identification:
- Full name and address of applicant; individual, business, organization
 - Whether applicant is a resident of the Town of Shelburne
 - Name of trade or activity applicant is engaged in
 - Type of goods and services being sold
 - Location(s)/site(s) where activity will be conducted, including "door to door"
 - Photo identification (this identification will be photocopied and kept on file)
 - Such information that staff deem to be required to issue a license
 - Permission to conduct business on public or private land
- 4.2** It shall be an offence for any applicant to make false statements in their application and will result in immediate cancellation/revocation of the license.
- 4.3** Display of false license shall be an offence to this By-Law.

General Conditions

- 5.** It shall be an offence for anyone licensed under this By-Law to:
- a. Provide for sale any goods or services between the hours of 11:00 pm and 9:00 am excepting on Friday and Saturday when such is permitted until 1:00 am the following day;
 - b. Provide for sale any goods or services in front of a commercial property without the prior written consent of the person occupying or using said commercial property;
 - c. Leave any premises unattended when open for business;
 - d. Sell food or beverages for immediate consumption unless they have available for public use their own or public waste receptacles and recycling receptacles;
 - e. Leave any location without first picking up, removing and disposing of all garbage and refuse remaining from sales made by them;
 - f. Sell anything other than the type of goods or services for which they are licensed.

- g. Cry their wares or otherwise cause any sound to be made to the disturbance of the public;
- h. Obstruct use of a sidewalk or roadway;
- i. Obstruct access to a property.

5.1 It shall be an offence for anyone to obstruct the lawful sale of goods or services by someone licensed under this By-Law.

Conditions on Sales from Motor Vehicles

- 6.** In addition to the general conditions outlined in this policy it shall be an offence for anyone licensed under this By-Law providing for sale any goods or services from a motor vehicle to:
- a. Conduct their business in such a way as would increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to access for emergency vehicles;
 - b. Park any motor vehicle except in conformance with all applicable Municipal or Provincial parking statutes, regulations or by-laws.

Conditions on Sales on Sidewalks

- 7.** In addition to the general conditions outlined in this policy it shall be an offence for anyone licensed under this By-Law providing for sale any goods or services on a sidewalk to:
- a. Conduct business within five (5) feet of an entrance to any building;
 - b. Conduct business within twenty-five (25) feet of any driveway entrance to a police or fire station or within five (5) of any other driveway.
 - c. Conduct business within ten (10) feet of the crosswalk at any intersection.

Licensing Fees

- 8.** The fees provided for in this By-Law shall be payable for a license for the calendar year in which it is issued.
- 8.1** All fees shall be due and payable the day the application is submitted and will be refunded should the application be denied and/or the license not issued to the applicant.
- 8.2** Fees collected for the issue of trade licenses within the Town of Shelburne shall be paid to Town staff for the purposes of the Town.

8.3 If the applicant is found to be in violation of this By-Law, through false statements or documentation submitted with the application, fees will not be refunded to the applicant.

8.4 SCHEDULE OF FEES

Individuals, businesses and organizations applying for a Trade License in the Town of Shelburne for the following trades shall submit the fees listed below:

- a) License fee of \$50.00 for "door to door" vending, arts and crafts vending for all stationary locations, unrefined products (products from the land, forest and sea) and auctioneers who are filling the role for the purpose of an estate sale or private gain.
- b) For all other vending, a license fee of \$200.00 for all stationary locations. This fee also applies to the operation of a "Market" recognized by a motion of Council; see policies under this By-Law.
- c) License fee of \$1,500.00 per year for auto-dealing.
- d) The fee to re-issue a lost or stolen license is \$25.00/each additional license.

8.5 When conducting business outside of a primary business location, where applicant has an existing place of business within the Town of Shelburne, against which property taxes are charged at the commercial rate, licensing fees shall be waived.

Penalties

- 9.** Applicants who are found to be in violation of the provisions of this By-Law may be held liable, and, on the discretion of Town staff, may:
- can have their license revoked by the Town of Shelburne
 - be served with a Summary Offence Ticket
 - not be refunded their application fee
 - not be issued subsequent licenses within the Town of Shelburne
 - be barred from applying for a license within the Town of Shelburne for a fixed period of time
 - may be interrupted in their activity and required to cease trade
 - may be reported to the RCMP for activities which are in violation of the Criminal Code of Canada

EXEMPTIONS

10. The provisions of this by-law shall not apply to:

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- a. The sale of any goods to wholesalers or retailers resident within the Town;
- b. Any sheriff, bailiff or other officers of the law selling under legal process;
- c. Any sales benefiting a registered non-profit or any other cause deemed by motion of _____ Council to be benevolent;
- d. Home-based sales involving private residence, invitation-only events and activities;
- e. Sale of used goods by individuals at their private residences (e.g. yard sales);
- f. Individual vendors operating within a market recognized by motion of Council, while the market is open for business (e.g. Shelburne Farmers Market);
- g. Any sales within an event recognized by motion of Council, where the sales specifically relate to the purpose of the event as specified in the motion (e.g. sale of whirligigs at the annual Whirligig festival); see policies under this by-law.

BY-LAW ENFORCEMENT

11. It shall be the duty of any By-Law Enforcement Officer and of any Special Constable appointed for the Town of Shelburne under the Nova Scotia Police Act, to report all violations of this By-Law and to enforce them under the Municipal Government Act, Section 505.

THIS IS TO CERTIFY that the By-Law of which the foregoing is a true copy and was duly passed at duly called meeting of the Council of the Town of Shelburne, held on the _____ day of _____, 2015.

GIVEN under the hand of the Clerk and the corporate seal of the said Town this _____ day of _____, 2015.

Mayor, Karen Mattatall

Town Clerk, Lauren Robinson

Town of Shelburne Exemptions Under the Vending By-Law

<u>Event</u>	<u>Group/Individual</u>	<u>Sale of</u>	<u>Passed On</u>
Wind, Wit & Whimsy: Art on the Waterfront	Wind, Wit & Whimsy Committee	Arts and Crafts	June 3rd, 2015
Annual Christmas Craft Show	Shelburne Lions Club	Arts and Crafts	October 21st, 2015
Annual Christmas Craft Show	Wanda Bower, Organizer Community Centre	Arts and Crafts	October 21st, 2015
Shelburne Founder's Days	Town of Shelburne	Hand-crafted products Relating to the history of Shelburne under Section 10 of the Vending By-Law	April 7th, 2016
Town-Wide Yard Sale	Town of Shelburne	Arts and Crafts products And unrefined products Of the land, forest and sea	June 1st, 2016
Tall Ships Event	Town of Shelburne	Arts and Crafts	May 3rd, 2017
Whirligig Festival	Town of Shelburne	Arts and Crafts	May 3rd, 2017
Art Day	Town of Shelburne	Arts and Crafts	August 18th, 2018
Cruise Visits Market	Town of Shelburne	Handmade Items	April 4th, 2018
Guild Hall Summer Arts Series	Town of Shelburne	Arts	April 1st, 2019