



BY-LAW REQUIRING LICENCING OF STREET FOOD VENDORS

Amended
2023-09-11

The Council of the Town of Stellarton enacts as follows:

1. This by-law shall be known as and may be cited as the “Street Food Vendor’s By-Law.”
2. (a) “Stand” means any table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor, and which is not required to be licenced and registered pursuant to the Motor Vehicle Act, used for the displaying, storing, transportation or sale of food and beverages by a vendor;

(b) “Truck” means any vehicle or trailer which can be moved with the assistance of a motor, and which is required to be licenced and registered pursuant to the Motor Vehicle Act, used for displaying, storing, transportation or sale of food and beverages by a vendor, equipped with facilities for cooking and selling food;

(c) “Vend” means the sale or offering for sale of food or beverages on public streets, from a stand or truck, unless the same are immediately delivered to a house or other residential premises or to a shop by the person selling the same or unless it is the sale or offering of ice cream or other frozen confectionaries from a stand designed for and used exclusively for the sale of such ice cream or other frozen confectionaries;

(d) “Chief of Police” includes the Deputy Chief of Police.
3. A person who vends in the Town of Stellarton without having obtained a licence to do so shall be guilty of an offence against this By-law.
4. The Chief of Police shall be responsible for the administration and enforcement of this by-law and is authorized and empowered to grant or refuse any application for a licence under this by-law.
5.
 - 1 The Applicant for a licence shall make written application to the Chief of Police.
 - 2 The application shall be accompanied by the appropriate fee.
 - 3 The application for a licence shall include:

- (a) 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;
 - (b) A description of the type of food and beverage to be sold;
 - (c) A description of any stand to be used;
 - (d) A Food Establishment Permit (Provincial) and a Food Handlers Certificate;
 - (e) A copy of proof of insurance; and
 - (f) A copy of the Vehicle Registration Permit
- 4 When the conditions of this by-law have been complied with, the Chief of Police shall issue the licence to the Applicant.
 - 5 Every licence issued under this by-law shall specify the type of food and beverage permitted to be sold.
 - 6 A licence issued under this by-law shall be issued to a particular person and shall not be transferable.
 - 7 A licence issued under this by-law shall expire on the 31st day of March next following the date of issue.
 - 8 A licence issued under this by-law shall be conspicuously displayed at all times during the operation of the stand or truck.
 - 9 Every licence issued under this bylaw shall bear a number and the number of the licence shall be included in the records of the Chief of Police.
 - 10 The Chief of Police shall keep a record of all licences granted under this by-law, setting out the name of the person to whom the licence is issued, the particular business or trade authorized by the licence, and the expiry date of the licence.
 - 11 A licence granted under this by-law may be revoked by the Chief of Police for violation of the terms of this by-law.
6. 1 Any person who has been refused a licence or whose licence has been revoked by the Chief of Police, shall receive notification in writing stating the reason for the refusal or revocation and may appeal such refusal or revocation to Council.

- 2 Such appeal shall be in writing in the form of a notice, and shall be filed with the Chief Administrative Officer 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.
 - 3 The Council shall hear such appeal at such time and place as it determines and may confirm such refusal or revocation by the Chief of Police or may direct the Chief of Police to issue or reinstate the licence. The Council in hearing such appeal shall make its decision in accordance with the by-law.
 - 4 If the Council directs the Chief of Police to issue or reinstate such licence he shall immediately do so.
7. The annual licence fee under this by-law shall be One-Hundred Dollars (\$100.00) for each stand or truck.
8. No Vendor shall:
- (a) Vend on any street or sidewalk where vending is otherwise prohibited;
 - (b) Leave any stand or truck unattended;
 - (c) Store, park, or leave any stand or truck overnight on any street or sidewalk;
 - (d) Sell food or beverage for immediate consumption unless they have available for public use their own or public litter receptable which is available for their patron's use;
 - (e) Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by them;
 - (f) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on, or under the stand or truck;
 - (g) 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 the stand or truck where such items have not been described in their application;
 - (h) Sell anything other than that which they are licenced to vend;
 - (i) 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 their wares to the disturbance of the public;
 - (j) When vending from a stand or truck on the sidewalk:
 - 1 Vend within five (5') feet of an entranceway to any building;
 - 2 Vend within twenty-five (25') feet of any driveway entrance to a police or fire station, or within fifteen (15') feet of any other driveway;
 - 3 Vend within twenty-five (25') feet of a crosswalk at any intersection;

- 4 Allow the stand, truck, or other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's permission;
 - 5 Vend within seventy-five (75') feet of an entranceway to a permanent eating establishment.
-
9. 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.
 10. Nothing in this by-law shall prohibit the sale of goods on the sidewalk in front of the place of business by any person who operates a commercial business from a permanent location with the permission of the Town Council.
 11. A person who violates any provision of this by-law shall be liable on summary conviction to a penalty as provided by the By-law for the breach of Stellarton By-laws.

CAO's Annotation for Official By-Law Book

Date of amendment first reading: July 11, 2023

Date of advertisement of Amendment Notice of Intent to Consider: August 2, 2023

Date of amendment second reading: September 11, 2023


Chief Administrative Officer

September 12, 2023
Date