



TOWN OF TORBAY

PUBLIC CONSULTATION Mobile Vending Regulations, 2022

In accordance with Resolutions (RES 211 & 212- 2021) at the public Council meeting of July 26, 2021, the Town of Torbay has drafted Mobile Vending Regulations, and the public may review and provide comments to the Town, in writing, before Council considers adoption of the proposed regulations in accordance with the Municipalities Act, 1999, Section 414. (2)(c).

The public is invited to view a copy of the proposed Regulations on the Town's website at <https://torbay.ca/development-notices/> or at Town Hall, 10:00 am – 3:00 pm, Monday – Friday.

Written commentary may be submitted **no later than 12:00 noon Friday, April 1, 2022.**

Hard copy written submissions may be dropped off at the Town Hall, mailed or emailed to the Town's Planning Technician at the following address:

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Town of Torbay
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TOWN OF TORBAY



MOBILE VENDING REGULATIONS

2022

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1. Title

These regulations may be cited as “The Town of Torbay Mobile Vending Regulations, 2022”.

2. Interpretation

In these Regulations,

- a. **“Act”** means the *Municipalities Act, Statutes of Newfoundland, 1999, Chapter M-24* as amended.
- b. **“Food”** means edibles or liquids which are intended to be eaten or drunk in a raw or prepared state intended for consumption.
- c. **“Goods”** means wares and merchandise of all kinds intended to be sold or exchanged.
- d. **“Inspector”** means a person or persons appointed by Council to administer and enforce these Regulations.
- e. **“Litter”** means trash, such as paper, cans, and bottles, and other garbage that is left lying in an open or public place.
- f. **“Mobile Vending Unit”** means any motorized or non-motorized vehicle, trailer, kiosk, push or pedaled cart, stand, display, carried container, or other device designed to be portable and not permanently attached to the ground from which food, beverages, goods, wares, or merchandise are being offered for sale.
- g. **“Mobile Vending Permit”** means a Permit issued by the Town of Torbay to operate a “Mobile Vending Unit”.
- h. **“Operator”** means a person, also known as a “Vendor”, who owns, uses or operates a Mobile Vending Unit or who engages in the sale of food or goods other than in a premises located in a building on a permanent basis.
- i. **“Stand”** means any outside area or structure where goods or food are sold.
- j. **“Town”** means the Town of Torbay.
- k. **“Council”** means the Torbay Town Council.
- l. **“Resident”** means a person who resides within the boundaries of the Town of Torbay.
- m. **“Vendor”** shall have the same meaning as “Operator”.

3. Application of the Regulation

These Regulations shall apply to all areas within the boundaries of the Town of Torbay.

Permit Required

4. Any person proposing to use or operate any Mobile Vending Unit to be used for the sale of food or goods, within the boundary of the Town, shall require a Mobile Vending Permit to operate.
5. A Permit issued under these Regulations shall contain conditions that the Town may prescribe including, but not limited to, the following:
 - a. The location from which the Mobile Vending Unit may operate.
 - b. The hours which the Mobile Vending Unit may operate.
 - c. The types of food or goods that may be offered for sale.
 - d. The way such food or goods may be displayed.
 - e. The containers in which food or goods may be stored, sold, or distributed.
 - f. The way waste products are stored and removed for disposal.
 - g. The times and location that Mobile Vending Units may be moved or parked.
6. **Application**

An application to operate a Mobile Vending Unit shall require the following:

 - a. The name and business address of the Operator.
 - b. A description of the goods or food offered for sale.
 - c. The location(s) and duration from which the Mobile Vending Unit will operate from.
 - d. A general description of the Mobile Vending Unit including and license plate number if the vehicle is licensed under the *Highway Traffic Act*.
7. **Required Documentation from the Applicant**

The Town may require the following documentation as part of an application to operate a Mobile Vending Unit:

 - a. A copy of all applicable health permits where food is offered for sale issued under Service NL Food Establishment License.
 - b. A copy of certification issued by the Torbay Volunteer Fire Department verifying compliance with all applicable fire codes and where the Mobile Vending Unit is equipped with fuel burning appliances from a recognized propane agency.

- c. A certificate of insurance including liability insurance for any Mobile Vending Unit licensed under the *Highway Traffic Act* and documentation to verify that the Town of Torbay is listed as co-insured when a permit is issued for municipal property.
- d. A letter of approval from the landowner if the Mobile Vending Unit is located on private land.
- e. A Service NL Electrical Certificate for any new work required.
- f. A waste/recycling management plan acceptable to the Town.
- g. Any other requirements determined necessary by the Town of Torbay.

8. Duration of a Permit

A Permit issued under these Regulations shall be valid as specified below:

- Mobile Vendor – Special events permit - duration of the Event
- Mobile Vendor – Annual License - one year from date issued
- Mobile Vendor – Town hosted event - duration of the Event

9. Permit Fee

Council may prescribe a fee schedule from time to time for Permits issued under These Regulations. Applicable Mobile Vending Fees shall be in accordance with the Town of Torbay Tax and Fee Structure as adopted by Council.

10. Conditions to Operate a Mobile Vending Unit

- a. Mobile Vending Units shall be maintained in a condition acceptable to the Town.
- b. Mobile Vending Units that require electricity shall be the responsibility of the operator.
- c. Mobile Vending Units shall be inspected for life safety and approved by the Torbay Volunteer Fire Department.
- d. Mobile Vending Units shall supply litter and garbage containers and be responsible for disposal.

11. A Mobile Vendor shall not:

- a. Operate within 100 metres of the grounds of any school between ½ hour prior to the start of the school day and ½ hour after dismissal at the end of the school day.
- b. Operate on any street unless specifically approved by the Town.
- c. Operate between 10:00 p.m. on one day and 7:00 a.m. of the following day unless specifically permitted by the Town.
- d. Leave any Mobile Vending Unit unattended.

- e. Store, park or leave any Mobile Vending Unit overnight on any street or park any motor vehicle other than in a lawful parking place in conformance with provincial parking regulations or as agreed upon by the Town.
- f. Solicit or conduct business with persons in motor vehicles.
- g. Sell anything other than that which is licensed to under the Mobile Vending Permit.

12. Right of Inspection and Removal

- a. An inspector authorized by Council may enter upon land or a Mobile Vending Unit for the purpose of making inspections relative to these Regulations.
- b. The Town may issue a removal order for non-compliance with these Regulations to the Owner/Operator of a Mobile Vending Unit.

13. Enforcement of These Regulations

Enforcement of these Regulations may be undertaken by any Police Officer or by an official of the Town of Torbay.

14. Offences and Penalties

- a. Pursuant to Section 419 (2) of the *Municipalities Act, 1999*, each day upon which the same offence is committed or continued shall be considered as a separate offence.
- b. Any Person who is in violation of these Regulations or who fails to comply with any provision thereof:
 - i. Shall be considered guilty of an offense under Section 419 of *Municipalities Act, 1999*; and
 - ii. Shall be liable to penalties as stipulated in accordance with Section 420 of the *Municipalities Act, 1999*.

15. Coming into Effect:

These Regulations shall come into effect on the ___ day of ___, 2022.

16. Copy to the Minister:

A copy of these Regulations were sent to the Minister of Municipal and Provincial Affairs on the ___ day of ___, 2022

PUBLISHED BY AUTHORITY

These Regulations have been made by the Town Council of the Town of Torbay pursuant to the power conferred by Section 414(2)(c) and any other Section found enabling, of the *Municipalities Act, 1999*, as Amended.

Adopted by the Town Council of the Town of Torbay on the ____ day of _____ 2022 to come into effect as of the ____ day of _____ 2022.

MAYOR

TOWN CLERK

(Town Seal)