

## **PUBLISHED BY AUTHORITY**

**Pursuant to the Municipalities Act, 1990 as amended, the Town Council of Happy Valley-Goose Bay has made the following regulations.**

**Amended and adopted by the Town Council of the Town of Happy Valley-Goose Bay on 27th day of March, 2012.**

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**Mayor**

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**Town Clerk**

## **VENDOR REGULATIONS**

1. These regulations may be cited as the Town of Happy Valley-Goose Bay Vendor Regulations.
2. In these regulations unless the context otherwise requires:
  - “ACT” means the Municipalities Act, 1990 as amended;
  - “COUNCIL” means the Town Council of the Town of Happy Valley-Goose Bay;
  - “PARK” means to permit 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;
  - “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;
  - “STAND” means any device or temporary area used for the purpose of selling, or exposing for sale, food or goods;
  - “TOWN” means the Town of Happy Valley-Goose Bay;
  - “TOWN CLERK” means the Town Clerk of the Town of Happy Valley-Goose Bay;
  - “VENDOR’S PERMIT” means a permit issued under these regulations to a vendor and includes a renewal permit;

- “VENDING VEHICLE” means a device in, upon or by which a 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
  - “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 foods 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 of non-profit youth groups
    - iii. A child or youth who is engaged in summer or after school self employment initiatives.
    - iv. Organizations involved in fundraising activities.
  5. The Council may order the removal of a vending vehicle or stand used or located without a permit.
  6. 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 “D”. 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 31<sup>st</sup> next following the date of issue.

The application must include a copy of all health permits required by the Provincial Government. If no health permits are 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 to be necessary.

7. A person will be granted a permit at no cost under these regulations if
  - 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 again or;
  - A person or group who is already paying Town of Happy Valley-Goose Bay business tax on a similar type of business.

- A person or one of a particular class of person exempted by a decision by Council based on extenuating circumstances.
8. Persons selling firewood and/or forest products, farm products, fish, or meat shall not conduct business in the Town owned parking lots of any business establishments within the limits of the Town. Vendors of these products will 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, on company letterhead, authorizing the parking lot for that particular use (only original letters will be accepted). Council, however, reserves the right to revoke this permit if problems arise as a result of this arrangement.

“This section also applies to mobile vendors including mobile food stands and vehicles. Notwithstanding this, however, mobile food vendors will be permitted to operate at special events in accordance with a separate permit issued by the Town. Exceptions will be made to allow mobile food vendors representing charitable organizations and student businesses to operate in additional locations at the discretion of Council.”

Notwithstanding Section 8, all vendors, including mobile vendors, will be permitted to operate in a designated area on the Town’s parking lot, ballfields and playgrounds, subject to the following special conditions:

- i. The vendor will vacate the area upon a 24-hour notice provided by Town Personnel. The Town agrees to exercise this option only when the parking area is required by the Town for a special event, or if the Town or a sponsoring group using the facility has entered into agreement with a third party to provide canteen and/or food and product concessions at the facilities. This section applies to all Town owned parking lots, ballfields and playgrounds.
  - ii. Any vendor who creates disruption or refuses to move from the designated areas when requested by the Town, will have his/her vendor permit revoked under Section 15 of these Regulations.
9. 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.
10. 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.
11. 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.

12. 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.
13. A vendor shall notify the Town Clerk within five (5) days, in writing, of any change in:
  - Address;
  - Corporation or partnership; and
  - Salesperson
14. 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 “C”)
15. 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.
16. A vendor or salesperson shall comply with the terms, conditions and restrictions to which the vendor permit is subject.
17. The Town Clerk may suspend or cancel a vendor permit where in the Towns 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:
  - Has violated any provision of 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;
  - 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;
  - Has been guilty of misrepresentation, fraud or dishonesty; or
  - Has demonstrated incompetency or untrustworthiness to carry on the business in respect of which the permit was issued.
18. Where the vendor permit is suspended or cancelled, all salespersons acting on behalf of the vendor shall likewise be automatically suspended.
19. When a person is dissatisfied with a decision of the Town Clerk respecting the issue, renewal or refusal of a permit, appeal may be made to the appropriate board. Council

will provide the aggrieved with a written statement of the exact procedures to be followed.

20. A salesperson shall not:

- 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 dismissal at the end of the school day when schools are in session;
- Conduct business in any area prohibited by Council;
- Leave a vending vehicle or stand, set-up for business, unattended;
- Park or leave a vending vehicle overnight on any street within the limits of the Town;
- Sell food or beverage from a vending vehicle or stand in a fixed location unless litter receptacles are available or provided by the vendor;
- Leave any fixed location without first picking up, removing and disposing of all trash or refuse;
- Sell anything other than that which is indicated on the vendor permit;
- Conduct business within 30 metres of any driveway entrance of a police or fire station;
- Conduct business within 7 metres of any crosswalk or intersection; and
- Park a vending vehicle upon road shoulders or walkways.

21. Every person who acts as a vendor and carries out a vending business as outlined in these regulations, without having obtained a permit to do so or any vendor or salesperson fails to comply with or otherwise contravenes any of these regulations, is guilty of an offence, and is liable on summary conviction to the penalty set out in the Act.

22. These regulations shall come into effect on the 1st day of June, 2012, A.D.

**SCHEDULE "A"**

**APPLICATION FOR VENDOR PERMIT**

NAME: \_\_\_\_\_  
(Individual, Corporation or Partnership)

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

NAME: \_\_\_\_\_  
(Holder of Vendor Permit)

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

AUTHORIZED SALESPERSONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of goods or food to be sold: \_\_\_\_\_  
\_\_\_\_\_

Proposed location of business: \_\_\_\_\_  
\_\_\_\_\_

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

Vending vehicle licence if registered under the Highway Traffic Act: \_\_\_\_\_

Permit issued by the Department of Health: \_\_\_\_\_  
(Attach Copy)

Term of vendor Permit:      Daily      \_\_\_\_\_  
   Seasonal      \_\_\_\_\_      (Check One)  
   Annual      \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE**

## **SCHEDULE “D”**

Vendor Permit fees for:

### **Vending Vehicle Business**

Daily Rate	-	\$50.00 (plus \$10.00 for each unit)
*Seasonal Rate	-	\$125.00 (plus \$10.00 for each unit)
Annual Rate	-	\$225.00 (plus \$10.00 for each unit)

### **Vending Stand Business**

Daily Rate	-	\$50.00 per stand
*Seasonal Rate	-	\$125.00 per stand
Annual Rate	-	\$225.00 per stand

### **Permit Fee Schedule**

\* A seasonal permit will be defined as a period of 4 months beginning from the date of issue of the permit.

\* For vendors of Christmas trees that are Labrador grown, a seasonal permit fee of \$10.00 will apply.