



Mobile Vendor Regulations

Pursuant to the authority conferred by the Municipalities Act, 1999, chapter M-24, Section 414 the Town of Grand Falls-Windsor has made the following Mobile Vendor Regulations.

1. These Regulations may be cited as “The Grand Falls-Windsor Mobile Vendor Regulations.
2. For the purpose of these Regulations unless the context otherwise requires:
 - a) “Council” means the Town Council of the Town of Grand Falls-Windsor.
 - b) “Authority” means the decision makers of the Town of Grand Falls-Windsor, otherwise known as Council, the Chief Administrative Officer, or Department Heads.
 - c) “Mobile Vending Unit” means any vehicle or trailer, whether self-moving or drawn by another vehicle or person, from which goods, foods or services are sold.

Garage sales operated by homeowners on an occasional basis on private property are excluded from this definition.
 - d) “Operator” means the operator of a mobile vending unit, an approved vending site or a vending operation.
 - e) “Permit” means a permit issued by the Town of Grand Falls-Windsor.
 - f) “Person” means any individual, corporation, company, partnership, club, society or association.
 - g) “Representative” means any employee or agent of Council designated by Council to enforce the provisions of these regulations and shall include a Building Inspector and a Municipal Enforcement Officer.
 - h) “Approved Vending Site” means an open area either privately or publicly owned and limited to the following areas:
 - i. 14 High Street (Farmer’s Market area)
 - ii. Joe Byrne Memorial Stadium Parking Lot, Town Recreation Facilities, Town Park facilities and publicly owned lots (at specific locations determined by the Authority). Additional restrictions and/or

conditions may apply if it conflicts with Town or other user group events. These restrictions may include removing the mobile vending unit, or remaining closed

- iii. Where there is available parallel public parking, commercial street locations where adjacent businesses within 75 meters provide written letters of support. The parking must first be approved by the Authority to ensure the safety of the public.
- iv. For privately owned lots (and privately owned commercial spaces), the Vendor shall still require approval from both the owner and Authority. Additional restrictions and/or conditions may apply if it conflicts with Town events. These restrictions may include removing the mobile vending unit, or remaining closed.

The Authority may limit the number of mobile vending units at any one specific location at their own discretion.

- i) "Vendor" means a person who sells or offers for sale food, beverages and articles of all kinds, on town streets, private and public open places from a stand or mobile vending unit. It also includes a person set up in a private commercial property on a temporary basis (for example, a pop-up shop).
 - j) "Vending Operations" means the operations of all vendors in selling their articles and includes stand or device used for the displaying, storing, transporting or selling of these articles.
 - k) "Street" means any publicly owned road and includes alleys, boulevards, bridges, courts, walkways, highways, lanes, parks, public drives, sidewalks, squares, and any part of them open to the public.
 - l) "Town" means the Town of Grand Falls-Windsor, Newfoundland.
3. No person shall, at any time, operate a mobile vending unit in the Town without a permit issued by the Authority, as per Schedule A & B attached. Approval will be given once the Authority has reviewed the application form and the applicant has complied with all of the regulations. This process can take up to 5 days.
- a) A person will be exempted from this Regulation and will not require a permit if they are:
 - i. selling newspaper door to door
 - ii. a child or youth selling goods to raise funds for school activities of non-profit youth groups.
 - b) A person will be granted a permit at no cost under these Regulations if they are:
 - i. selling goods or foods on behalf of an organization or corporation having objects of a benevolent, religious, charitable, philanthropic, educational, or other useful nature and not profit or;
 - ii. A person or group that is already paying business tax on a similar type of business in the Town.

4. A permit placard issued to the operator of a mobile vending unit, an approved vending site or vending operation must be displayed in full view to the public.
5. (a) The Authority shall not issue a permit for the operation of any mobile vending unit, any approved vending site or any vending operation that it deems unsafe or unfit for the purposes intended.

(b) The sale of fireworks is prohibited from any mobile vending unit or mobile operation or from any approved vending site or temporary parking lot location. Fireworks are allowed to be sold out of a private commercial property under these regulations under article 2.h.(iv).
6. The Authority may prescribe and attach conditions to any permit issued under these regulations and the holder of such a permit, or an operator, employee agent or any person operating a mobile vending unit, an approved vending site or a vending operation must adhere strictly to any and all conditions specified in such permit.
7. The Authority may require an operator, or his/her employees or agents, to operate a mobile vending unit, an approved vending site or a vending operation only in approved vending sites as defined in these Regulation and these areas will be clearly defined on any permit issued to the operation, or his/her employees or agents, and the operator, or his employees or agent, may not operate a mobile vending unit, an approved vending site or vending operation outside of any such defined area.
8. Permits for mobile vending units, approved vending sites, or vending operations shall be issued to an owner or operator or agent of such mobile vending units, approved vending site or vending operation and shall not be transferable.
9. Permits for mobile vending units, approved vending sites, or vending operations shall be valid for a period not exceeding twelve (12) months, and the Authority shall specify in such a permit, the date of commencement and cessation.
10. All owners and operators or mobile vending units, approved vending sites or vending operations and their employees or agents shall keep their mobile vending units, approved vending sites or vending operations and the surrounding areas, clean and free of litter, garbage, cartons, wrappers, paper, rubbish, and other debris, and shall dispose or any such materials in an authorized garbage receptacle.
11. All staff working in a mobile vending unit at or near a Town Parks and Recreation facility must provide the Authority with a current criminal reference check that's acceptable to the authority

12. Where a mobile vending unit, an approved vending site or a vending operation is being operated contrary to any or all of the conditions attached to the permit allowing its operation, the Authority may revoke the permit and may order the removal of a mobile vending unit or stand.
13. The representative may enter upon any public or private land and may, at all reasonable times, inspect any mobile vending unit, approved vending site or vending operation for the purpose of obtaining information relative to the vending operations.
14. Restrictions:
- i. No person, or operator, or any employee or agent, or casual acquaintance of a person or operator, or any other person, shall use a mobile vending unit or a vending operation for the purpose of either temporary or permanent habitation, nor shall any person use a mobile vending unit or vending operation for overnight accommodation.
 - ii. Mobile vendors shall not provide any seating areas on public land.
 - iii. Mobile vending units or stands set up for business shall not be left unattended for any reason.
 - iv. Mobile vendors shall not sell anything other than that which is indicated on the vendor permit.
 - v. Mobile vendors shall not conduct business within seven (7) meters of any crosswalk, intersection or bus stop.
 - vi. Mobile vending units shall not be parked upon a sidewalk.
15. (a) All vendors operations under these Regulations shall be subject to the approval of all other required regulatory authorities. In the case of a vendor selling food, beverages or consumable items, the vendors operation shall likewise be subject to the approval of all other required regulatory authorities but in no case will a permit be issued until the vendor has obtained a permit from the Department of Health and/or Service NL. Approval must also be provided by the Town Fire Inspector when the mobile vending unit is equipped with a cooking and/or heating apparatus.
- (b) Only one type of good, service or food may be sold by a mobile vending unit in an approved location unless the Authority approves more than one mobile vending unit to a designated area as part of a Town organized festival or event.
- (c) If a mobile vending unit that's approved for a primary designated location fails to provide services in that location, then the permit may be revoked.
16. The Authority may prescribe a fee schedule from time to time for permits issued under these Regulations. The types and duration of the permits shall be as follows:
- i. Daily (24 hour period)
 - ii. Monthly (for 30 calendar days from the original permit date)
 - iii. Monthly - weekends only (6:00pm Friday – 6:00am Monday)
 - iv. Special event rate

17. Condition of Mobile Vending Unit:
- i. Mobile vending units shall be maintained in a manner acceptable to the Authority.
 - ii. Mobile vending units that require power shall have their own power source, which power source shall be approved by the Representative.
 - iii. Mobile vending units shall display the owner's name in lettering which shall be no smaller than 7cm in height and which shall be affixed to the mobile vending unit in such a manner as to be clearly visible while the mobile vending unit is in operation.
 - iv. Mobile vending units shall, where they offer food or beverages, have both a litter receptacle and recycling receptacle within five (5) feet of the mobile vending unit available for the disposal of garbage, refuse and recyclable material.
 - v. Mobile vending units that use propane shall comply with CAN/CGA – B149 – M95 "Propane Installation Code" and shall be certified annually by a recognized agency.
18. The Authority may suspend or revoke a vendor permit where such action is in the public interest, and without limited the generality of the foregoing, the Authority may suspend or revoke a vendor permit where it is evident that the vendor or person:
- i. 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;
 - i. Has made a material mis-statement in the application for the permit or in any of the information or material submitted to the Authority;
 - ii. Has been guilty of misrepresentation, fraud or dishonesty; or
 - iii. Has demonstrated incompetency or untrustworthiness to carry on the business in respect of which the permit was issued.
19. All previous Mobile Canteen/Vendors Regulations are hereby rescinded.
20. Violation Notice
- a) Where a person contravenes a provision of these regulations, the Council may issue a Violation Notice in accordance with section 3 of the Town of Grand Falls-Windsor Violation Notice Regulations, NLR 12/15.
 - b) Where the Council issues Violation Notice to a person in respect of a contravention of these Regulations, that person may make a voluntary out of court payment to the Council in respect of the contravention.
 - c) Where the person makes a voluntary payment to the Council under section 14(b) the amount of the voluntary payment shall be:
 - i. \$50.00 if the person makes the voluntary payment to the Council no later than seven (7) days from the date of issuance of the Violation Notice; or
 - ii. \$75.00 if the person makes the voluntary payment after the expiration of the time period in subsection (i), but not later than fourteen (14) days from the date of issuance of the Violation Notice

- d) Where the person makes a voluntary payment to the Council under section 14(b), no further action will be taken by the Council in respect of the contravention.
- e) Where the Council issues a Violation Notice to a person, and that person fails to make a voluntary payment pursuant to subsection 14(b), the Council shall issue a Summons with respect to the contravention noted in the Violation Notice.
- f) The Council may charge the person referred to in s. 14(e) by way of a summons, including a summons that is issued by means of a ticket under the Provincial Offences Act, pursuant to section 421.2(1) of the Municipalities Act, 1999, SNL 1999, c. M-24;
- g) Where a person has received a Violation Notice and is convicted of an offence with respect to the same subject matter for which the Violation Notice was issued, the penalty for that offence shall be \$100.

21. Offence and Penalties

- a) Pursuant to section 419(2) of the Municipalities Act, each day upon which the same offence is committed or continued is a separate offence.
- b) Every person who commits an offence under these Regulations or who acts in the contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
 - i. May be liable to penalties as stipulated in accordance with section 420 of the Municipalities Act; or
 - ii. May be subject to an order under section 404(1) of the Municipalities Act; or
 - iii. May, where the Council has not issued a Violation Notice, charge that person by way of summons, including a summons that is issued by means of a ticket under the Provincial Offences Act, pursuant to section 421.2(2) of the Municipalities Act, 1999, SNL 1999, c. M-24 and section 2(b.6) of the Provincial Offences Regulations.



Darren Finn
Chief Administrative Officer

Approved by Council at Meeting #538 on
February 16th, 2021.

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) or/and stand(s): _____

Vending vehicle license if registered under the Highway Traffic Act: _____

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

Term of Vendor Permit: Daily _____
Monthly _____ weekend only? Y__ N __
Special event _____

APPLICANT SIGNATURE

SCHEDULE B

VENDOR PERMIT

Permit No. _____

This is to certify that _____ of _____
(Permit Holder) (Address)

_____ is hereby permitted to conduct a Vendor's
business in the Town of Grand Falls-Windsor at the following location(s):

Primary: _____

Additional: _____

Additional: _____

This permit is in force from the _____ day of _____, 20__ until
the _____ day of _____, 20__.

The permit is issued subject to the provisions of the Regulations of the Town of Grand
Falls-Windsor relating to Vendors conducting business within the limits of the Town of
Grand Falls-Windsor. This permit is not transferable.

The following salespersons are authorized to act on behalf of the above named holder of
this permit:

(Name) (Address)

(Name) (Address)

(Name) (Address)

(Name) (Address)

Special Conditions: _____

Dated this _____ day of _____, 20__, AD.

Received the sum of \$ _____ for Vendor Permit.

On behalf of the Town of Grand Falls-Windsor

SCHEDULE C**VENDOR PERMIT FEE SUMMARY:**

TYPE OF FEE	AMOUNT
Vending Vehicle Business (in a first primary location)	
Daily Rate	\$50.00 (plus \$10.00 for each additional unit)
Monthly Rate	\$150.00 (plus \$10.00 for each additional unit)
Monthly Rate - Weekends only: (6:00pm Friday – 6:00am Monday)	\$75.00 (plus \$10.00 for each additional unit)
Special Event Rate	Determined by the Authority depending on the event.
Vending Stand Business (in a first primary location)	
Daily Rate	\$50.00 (per stand)
Monthly Rate	\$150.00 (per stand)
Monthly Rate - Weekends only: (6:00pm Friday – 6:00am Monday)	\$75.00 (per stand)
Special Event Rate	Determined by the Authority depending on the event.
Christmas Trees	
Grown in Newfoundland	\$10.00
Grown outside of Newfoundland	Regular fees as above
Additional notes:	
- Mobile vending units that wish to operate from more than one location shall pay an additional \$75 per additional location per month. Access to secondary locations is only permitted if the product, good, service or food is unique in the opinion of the Authority of the Town.	

The above fees are effective as of May 26th, 2020 and are subject to change at the discretion of Council as per Regulation 18.