

Operating a Mobile Vending Unit in Grand Falls-Windsor?

Mobile Vendor
Regulations

You will have a
| **perfectly centered** |
“Sense of Place”



Grand Falls · Windsor
| perfectly centered |

Looking ahead to the future of the community, the **vision** for Grand Falls-Windsor is outlined as follows:

“Grand Falls-Windsor will be a welcoming, healthy and complete community in central Newfoundland that maintains and enhances its unique quality of life, while building a sustainable strong local economy in unison with protecting and preserving the natural environment, and creating expanded arts, cultural, heritage, recreation and social opportunities for local residents and visitors.”

Anyone wishing to conduct sales from a stand/cart, table, bike or motorized vehicle outdoors, on a public street or from private property, must apply for a Mobile Vendor Permit.

This document is prepared in a question and answer format to assist with questions regarding Mobile Vending Operations, permits, fees and proceses.

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Legal Disclaimer

This guide provides a general overview of the regulations, permits and procedures applicable to doing business in the Town of Grand Falls-Windsor. The Town of Grand Falls-Windsor does not guarantee, warrant or make any representations that the information contained herein is the complete authority on regulations, permits, taxes and processes as they apply to business.

How do I register/apply for Mobile Vending Operations in Grand Falls-Windsor?

The following information is to be submitted to the Cashier's Office:

1. Application for Vendor Permit Form (page 11);
2. License/s or approvals from all other required regulatory authorities. refer to regulation 15(a).
3. If applicable, Mobile Vendor Permission Letter For Privately Owned Lots (page 12) Also refer to regulation 2 h)iv.
4. Approval by the Town Fire Inspector when the mobile vending unit is equipped with a cooking and/or heating apparatus. See page 4 for contact information.

How long does the registration process take?

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.

What are the 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 Mobile Vendor Regulations (page 4)

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Are there other permits or approvals required?

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.

What happens when my Application for Vendor Permit is approved?

When an application is approved, the Public Works & Development Department will notify the applicant. The Vendor Permit (with any related documents) will be issued when the applicable fee is received by the Cashier's office.

Can a Vendor Permit be revoked?

As per Section 3.6.9 (6) Development Permit and Policy #E-16 Permit Revocation Process, the Town of Grand Falls-Windsor can revoke a permit for failure by the holder to comply with these regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.

What are the Vendor Permit fees and how do I pay for it?

The Vendor Permit Fee Summary is located on page 11 . The fees are effective as of May 26th, 2020 and are subject to change at the discretion of Council as per Regulation 18.

Payment options for the Vendor Permit is located on page 12.

Who can I contact if I have questions?

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For general questions regarding the application process, help with completing the application:

Department	Contact	Phone	e-mail
Public Works & Development	Planning/GIS Technician	709-489-0211	planning@townofgfw.com

For Town approval of vending units equipment and/or apparatus:

Department	Contact	Phone	e-mail
Fire Department & Municipal Enforcement	Fire Inspector	709-489-0432	fireinspector@townofgfw.com

Town Cashier

Department	Contact	Phone	e-mail
Corporate Services	Cashier	709-489-0402	cashier@townofgfw.com

Department of Health and/or Digital Government and Service NL:

Department	Contact	Phone	website
Service NL.	Environmental Health Officer	709-292-4259	https://www.gov.nl.ca/dgsnl/licenses/env-health/food/



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.

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- 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. 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.

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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

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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.



P.O. Box 439, 5 High Street, Grand Falls-Windsor, NL A2A 2J8
Phone: (709) 489-0211 Fax (709) 489-0465
planning@townofgfw.com www.grandfallswindsor.com

Permit #: _____
Date Received: _____
Permit Fee: _____

Application for Vendor Permit

Name _____
(Individual, Corporation or Partnership)

Address _____

Name _____
(Holder of Vendor Permit)

Address _____

Phone _____ Email Address _____

Authorized Salespersons:

Description of goods or food to be sold: _____

Proposed location(s): _____

Number of vending unit(s): _____

Term of Vendor Permit:

Daily _____ weekend only?
Monthly _____
Special event _____ Y__ N__

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)

Approval from required regulatory authorities: _____
(Attach Copy/Copies)

Date

Applicant Signature

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VENDOR PERMIT FEES

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:	
<ul style="list-style-type: none"> - 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. 	

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



Mobile Vendor Permission Letter for privately owned lots

I, _____ owner of _____
(Name of property owner) (Name of Business)

located at _____ grant permission to _____
(Location of business) (Name of Vendor)

of _____
(Full mailing address)

to sell the following items on the property listed above.

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1. _____

2. _____

3. _____

4. _____

(Date)

(Signature of property owner)

DID YOU KNOW that we offer several different ways to pay taxes?

Online/Telephone Banking:

Residents can set the Town up as a payee in their online banking by searching for "Grand Falls-Windsor" in your online banking payee list. See table for your specific bank's payee code.

Scotiabank	Grand Falls-Windsor Twn Taxes
Royal Bank	Grand Falls-Windsor (Twn) Taxes
CIBC	Grand Falls-Windsor Tax
Bank of Montreal	Grand Falls Windsor Town Tax

Alternatively, residents can request a form to set up automatic preauthorized payments from their account.



By Cash, Debit, or Credit Card:

Town Hall is open to the public every weekday from 8:30 AM-4:30 PM.

We will continue to temporarily accept credit card payments over the phone at (709) 489-0402 or (709) 489-0400.

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By Cheque:

Cheques can be made payable to the Town of Grand Falls-Windsor and sent via regular mail to:
5 High Street Grand Falls-Windsor, NL, A2A 2J8.



Coming Soon!

Online access to view account balance and pay online.

TOWN OF GRAND FALLS-WINDSOR
ENGINEERING & PUBLIC WORKS POLICY # E-16

Policy Subject:	Permit Revocation Process	
Date Approved:	October 1, 2019	Revised:
Purpose:	To establish procedure and guidelines in revoking a permit that had previously been issued to a resident or business.	

Policy

The Town of Grand Falls – Windsor has procedures and guidelines in place to review applications for various permits including but not limited to residential and commercial permits, business permits (including home based business permits), sign installation, etc. (Hereafter referred to as the *permit*). Included in the approval of permits are some strict guidelines and/or conditions which ***must*** be adhered to in order to maintain in good standing.

If there is a concern or condition that puts the resident or business in violation that would potentially have the permit revoked, the following steps are to be followed:

1. A written notice is to be issued to the business/resident that must contain the following:
 - a. The details of the violation(s) (include photos where possible).
 - b. State that corrective action **MUST** be taken and specify a deadline to have such action completed that is determined by the Chief Administrative Officer (CAO) or designate.
 - c. State that the business/resident must provide the Town with their planned corrective action and schedule to have such work completed.
 - d. Note that if correspondence with a satisfactory plan of corrective action is not received by the deadline or the work is not completed by the date set by the CAO or designate, a second notice will be issued.

2. If the business/resident fails to comply with the requirements in 1 above to come in compliance with the permit as issued, a second notice (as referred in 1(d) above) is to be issued. This second notice must contain the following:
 - a. Details of the violation(s) and a description of continuing issues if any (include photos where possible).
 - b. Statement of a due date that applies if certain actions are not completed. The due date is determined by the CAO or designate (3 weeks maximum) and if the matter is not resolved in the opinion of the CAO or designate it will be referred to a Public Works & Planning Committee meeting or a Committee of the Whole (COW) meeting for review.
 - c. The second notice shall include the date of the next applicable Public Works Committee or the Committee of the Whole meeting where the matter will be discussed.


3. If the business/resident fails to comply with the requirements of the second notice then the matter shall be referred to the Public Works Committee or a Committee of the Whole meeting,
 - a. The business/resident has one opportunity to address this issue with Council and ***must*** notify the CAO or designate within 7 calendar days prior to the meeting date set in the letter. Late notifications ***will not*** be accepted. At this meeting the business/resident has an opportunity to present their case if they have met the deadline. There will not be any other opportunities to present their case to Council. The Public Works and Planning Committee or the Committee of the Whole will deliberate the information presented in committee and make its recommendations, in the absence of the business/resident, to Council that will be voted upon in a subsequent public meeting.

- b. The date and time of the subsequent public Council meeting where the permit is to be discussed and voted upon shall be communicated in writing to the business/individual with not less than 3 days' notice.
4. All Committee members **MUST** be present at the Public Works & Planning Committee meeting (or a majority of Council at COW) where this is addressed. Committee meeting will give an opportunity for discussion or presentations to be given by the business/resident (if conditions are met in 2 above); information provided by the CAO or designate; and the conditions of the original permit will be reviewed and discussed.
5. After the Public Works and Planning Committee (or the COW) review the matter and make a recommendations to Council this recommendation will be referred to a regular or special Public Council Meeting where a vote will occur on revoking (or not) a permit. The vote of Council in a public meeting to revoke a permit is a **FINAL** decision and there will be no further review by Council. If the decision of Council is to apply strict conditions, then these conditions shall be given as a one-time extension with a date set by the Authority where all outstanding issues must be resolved.
6. If Council allows a one-time extension with strict conditions as per 5 above and the business/resident does not comply or meet the deadline, the CAO or designate is to revoke the permit immediately without the matter being put to Council for another vote.
7. Once Council makes a decision, the business/resident has an opportunity to appeal the decision through the Municipal Appeals Board. The appeal information shall be forwarded to the business/resident with the letter that communicates the decision in 5 above.

The Town of Grand Falls-Windsor acknowledges that this policy is to be followed in all cases in the revocation of a permit. However, the Town reserves the right to move directly into step 2 if the CAO or designate determines the violation to be of a serious nature or a life and safety issue. The timelines may be moved up and a special meeting can be called in these cases.

All information in this process is to be kept confidential and adhere to the *Access to Information and Protection of Privacy Act*.

This procedure is to be considered retroactive and will apply to all permit holders, regardless of when the permit is issued. The Town will take steps to ensure that permit holders are notified of this new procedure before any action is taken by the Town with respect to revocation.



Darren Finn, CAO/Clerk

***Approved by Council at Meeting #515
on October 1, 2019***