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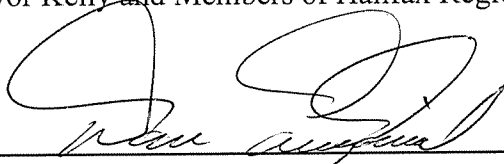


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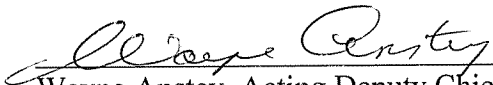
Halifax Regional Council
January 17, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Acting Deputy Chief Administrative Officer

DATE: January 9, 2006

SUBJECT: Proposed Bylaw C-500 - Commerce and Vending on Municipal Lands

ORIGIN

Committee of the Whole, June 28, 2005.

RECOMMENDATIONS

It is recommended that Regional Council approve in principle:

1. By-law C-500, respecting Commerce and Vending on Municipal Lands and commence the process for giving first reading for the adoption of the by-law.
2. Administrative Order 37, Respecting Commerce and Vending on Municipal Lands (Site Locations) and commence the process for the adoption of the administrative order.
3. An amendment to Administrative Order 15, Respecting License, Permit and Processing Fees and commence the process for the adoption of the amendment.

and direct staff to arrange for the formal adoption of the By-law, and Administrative Orders.

BACKGROUND

As requested by members of Regional Council and as part of the Bylaw Rationalization process, staff was tasked with developing a by-law that would rationalize all former municipal by-laws that deal with commercial or retail activity, such as vending, on HRM-owned properties. The by-laws to be repealed are By-Law V-100 of the former City of Dartmouth, the Vending By-Law; Parts VII and VIII of Ordinance 180 of the former City of Halifax, the Streets Ordinance; and Part XI of By-Law P-600, Respecting Municipal Parks, and any amendments thereto.

DISCUSSION

This process required research and consultation with staff from several business units and external organizations including the Capital District Task Force, Business Commissions, Alderney Landing Association, vendors, and publishers in the HRM. Meetings were held with various other stakeholders as well. The proposed by-law is attached as Appendix "A".

Key Implications

1. Removal of "Buffer Zone" and Establishment of "Designated Sites"

There currently exists a "buffer zone" in the former City of Halifax where vending is not permitted. The zone is a horseshoe-shaped area of land which surrounds the downtown core. It was designed to prohibit vending in the more residential areas of peninsular Halifax and have vending activities concentrated in the downtown business district. No such buffer zone exists in the former City of Dartmouth.

As part and parcel of this new by-law, staff recommends the removal of the "buffer zone" established in Schedule "D", Ordinance 180 and only allow vending at approved designated sites throughout HRM. The list of designated sites would be in the form of an Administrative Order and a current, proposed list is attached as Appendix "B". Removing the buffer zone and establishing designated sites allows for easier monitoring and enforcement, and also recognizes the ever-expanding central business district, currently designated as the Capital District.

Should the by-law be approved, there would be two methods by which a prospective vendor could obtain a vending licence for a stand or mobile canteen (bicycle wagon licenses are issued annually and expire on December 31st of the year in respect of which they are issued). The vendor could bid, as part of a tendering process, for an existing site designated in the Administrative Order, or the vendor could make an application for a new site to be "designated"

by way of an amendment to the Administrative Order.

In the case of a proposed designated site within the street right of way (i.e. one not already listed in the Administrative Order), staff would inspect the site to ensure that it meets the criteria approved by Regional Council for the designation of sites. From there, a recommendation for or against the amendment to the Administrative Order would be made to Regional Council, in addition to further consideration of other HRM policies and by-laws. Amongst other traffic and safety considerations, the proposed criteria for designating a new site within the street right of way would be established in a Policy and Procedures document which would entail that a person not vend:

- (1) within 90 metres of the grounds of any school
- (2) within 90 metres of the Public Gardens
- (3) on the sidewalk
 - (i) where the paved portion of the sidewalk is less than 2.1 metres in width
 - (ii) within 1.5 metres of any doorway of a building
 - (iii) within 4.6 metres of any driveway
- (4) within 9.2 metres of any doorway of a restaurant or other permanently established prepared food outlet for the vending of food or beverages or within 9.2 metres of any doorway of a permanent business establishment for the vending of similar products as the permanent business establishment
- (5) within 7.6 metres of any driveway entrance to a police or fire station or within 4.6 metres of any other driveway
- (6) within 7.6 metres of the crosswalk at any intersection
- (7) within 19 metres in advance of or within 3.0 metres beyond a bus stop
- (8) within 4.0 metres of another vendor vending from a stand on the sidewalk
- (9) on the travelled way of a street within 9.2 metres of any intersection

2. Vending in Rural/Suburban Areas

This by-law is designed to meet the needs of the entire municipality. While street vending is predominantly an urban-based activity, the criteria for the allowance of street or roadside vending, as articulated in Attachment "A", is also applicable to areas outside the urban core of HRM.

3. Vending by Abutting Business

As indicated above, this by-law is being created through the rationalization of By-Law V-100 of the former City of Dartmouth, the Vending By-Law; and Part VII of Ordinance 180 of the former City of Halifax. There is a fundamental difference in the way these former by-laws deal with

vending by an abutting business owner. In the case of By-Law V-100, a business owner, like any other vendor, must have a permit in order to vend anywhere in the City of Dartmouth. This is not the case in the former City of Halifax, where the Ordinance 180 has no requirement for a person who vends from the sidewalk abutting his or her business.

After consultation amongst various business units, the Capital District Project Team, and the Downtown Business Commissions for Halifax and Dartmouth, it was determined that, under this newly proposed by-law, a person who vends from an abutting business will not require a permit to set up a stand outside their business. They must, however, adhere to strict guidelines, and violations of this section of the by-law would carry the same penalty as any other violation.

In addition to other criteria established in the by-law, the provisions for vending by abutting business include:

- (1) *A business owner may only vend on the sidewalk and from a stand located on the sidewalk immediately in front of that part of the premises during the months of May through October in any year.*
- (2) *The business owner must maintain a minimum of 2.1 metres of open space for the use of pedestrians between the stand and the nearest edge of the sidewalk immediately adjacent to the roadway. This is to allow proper clearance for pedestrian traffic and is based upon the draft Urban Design Guidelines brought forward by the Capital District group on May 18, 2004.*
- (3) *The business owner must incorporate a solid base perimeter on the stand to facilitate identification of the stand by visually impaired individuals. This is designed to address specific concerns raised by the Committee for Persons with Disabilities.*
- (4) *The business owner cannot vend at any time when the abutting business is not open;*
- (5) *The business owner cannot vend any food or merchandise other than food or merchandise of a type which the person sells from the abutting business;*
- (6) *The business owner cannot vend items from second hand shop or pawn broker; This does not include however, an operator of an antique store, as defined in "Definitions" section of the proposed by-law.*
- (7) *The business owner cannot set up a sidewalk café. The set-up of a sidewalk café requires the acquisition of a permit from Traffic & Right of Way Services, Transportation & Public Works.*

4. Vending in Association with Festivals or Events

There are two scenarios involved with vending at Special Events - HRM (Internal) festivals and events and non-HRM (External) festivals and events.

Internal Special Events

There are three major annual events organized and implemented by HRM Committees of Council and HRM Civic Events and Festivals staff - Natal Day, Canada Day, and Bedford Days. All of these events take place on HRM owned property and include vending activity. Prospective vendors undergo an application and approval process as follows:

- Call for Expressions of Interest from local vendors interested in vending at specified events;
- Each Committee of Council screens the applications received and selects vendors based on completeness of application, suitability, need of product, space available, etc;
- Each selected vendor receives a contract letter which outlines the approved products / services, location, dates, and other relevant conditions. Each letter is accompanied by a Confirmation of Vendor form;
- Each vendor signs and returns the Confirmation of Vendor form which confirms the vendor has received and agreed to the content of the contract letter.

Note: There are other annual events organized and implemented by HRM staff (New Year's Eve in the Grand Parade, Dartmouth Christmas Tree Lighting, HRM Christmas Tree Lighting, etc.) which do not currently allow vending. However, the proposed by-law would allow for vending at these events in the future, should the respective HRM committees deem it appropriate. In addition, HRM staff occasionally organize and implement non-annual events on HRM property. If vending is required at such an event, the process for application would be similar to that outlined above.

External Special Events

External events involve those organized by non-HRM personnel or organizations but take place on HRM owned property. An example of an external event would be a softball tournament, hosted by a school, on the HRM Commons. The proposed by-law allows for festivals or events held on HRM owned property, but organized and implemented by external event organizers in the following fashion:

- A group or organization that wishes to use an HRM owned outdoor facility for a special event must make application to the Outdoor Sport and Community/ Special Event Scheduling (Recreation, Culture & Tourism) office;
- Upon approval of use, a successful applicant is required to sign an Outdoor Facility Usage Contract which includes clauses related the selling of alcoholic beverages on public land and the installation of tents, canopies or temporary structures within the facility;
- Once the event is approved, the applicant is required to provide names and products for all anticipated vendors as well as sign contractual agreements pursuant to waste management,

electricity requirements, installation of tents or structures, plans to sell alcohol or food/concessions, and liability insurance. It is the organizer's responsibility to ensure vendors have all applicable licenses. The organizers and participants of any special event must adhere to HRM by-laws;

- If successful applicants indicate that they will be selling alcohol or food/concessions and/or installing a tent or other structure, they will receive copies of the appropriate procedural documents which clearly outline the required steps, fees, schedules, insurance, permits, and regulations and contact information for the organizer.

Removal of Licensed Vendors from Special Event Sites

Licensed (annual) vendors may be removed from their regular approved sites during Internal and External special events. This is as per the original vending contract with HRM, and is stipulated on the vending license.

Before a special event takes place, a letter is sent to the vendor(s) who will be affected and advises that vending is not permitted at that site for the duration of the event, unless they have made application through the event organizer. The letter outlines the site(s) affected and the dates and times for which the restriction applies. In addition, the letter provides a contact number to arrange for an alternative location if relocation is a viable option for the vendor.

Management Agreements

Exceptions to the by-law occur where the municipality has a 3rd party management agreement for an HRM owned property. The proposed By-law does not apply to events such those where booking of the site is not controlled by the Outdoor Sport and Community/ Special Event Scheduling section of HRM. The Alderney Landing Events Plaza is an example of this type of 3rd party arrangement.

Also, large scale external events or festivals which utilize a combination of HRM owned and non-HRM owned land (i.e. Tall Ships, Buskers, etc.) are not subject to the provisions of this by-law. Special Events that occur at locations managed by 3rd party agreement (such as the Halifax Waterfront) would take place only with the permission of that 3rd party.

5. Vending in Parks (i.e. Municipal Lands Other than Streets)

Some sale of goods currently takes place in Lake Banook Park, Dingle Park, Point Pleasant Park, and the Public Gardens. However, these commercial activities are restricted to within buildings located in those parks, and which are designed for that particular purpose. These sites are

licensed via an agreement subsequent to a tender call process and are not subject to the provisions of this by-law.

Vending in parks is currently governed by By-law P-600 Respecting Municipal Parks, Section 11 and states that vending in any municipal park shall only take place by permission of the Director. The intent is to repeal this section of By-Law P-600, to allow for a more clear and simplified delineation of vendor responsibilities, under the auspices of proposed By-Law C-500.

As is the process with designating a new site within the street right of way, a vendor desiring a space in a municipal park could bid, as part of a tendering process, for an existing site designated in the Administrative Order, or the vendor could make an application for a new site to be “designated” by way of an amendment to the Administrative Order.

In the case of a proposed designated park site, staff would inspect the site to ensure that it meets the criteria approved by Regional Council for the designation of sites. From there, a recommendation for or against the amendment to the Administrative Order would be made to Regional Council, in addition to further consideration of other HRM policies and by-laws.

For purposes of this by-law, there are currently no designated sites for motorized vehicles or newspaper boxes in any HRM park. There are, however, 22 designated sites for Artisans/Craftspeople at Nathan Greene Square and Sackville Landing. All three of these areas are located on the Halifax Waterfront. (See Appendix “B” for a full list of proposed designated sites.)

6. Vending by Artisans/Craftspeople

Section 36 of the proposed by-law (attached) also provides for people who sell or offer for sale Nova Scotia-made handcrafts from stands located near the Public Gardens. These vendors are approved (by license) on a first come, first served basis but, like any other vendor, must adhere to strict guidelines. Violations of this section of the by-law would carry the same penalty as any other violation.

7. Enforcement

From an enforcement perspective, maintaining a list of designated public vending and newspaper box locations allows for a clear delineation of allowable sites, thereby making it much easier for enforcement staff to monitor and respond to complaints. In addition, the issuance of a vendor badge during the licensing process will allow for easy identification of an appropriate vendor or newspaper box, for any inspector or enforcement officer.

The process involved for enforcing the by-law would be as follows:

- (1) Identify the problem to the vendor (either oral or written) and offer a reasonable time frame to comply. This is discretionary and typically ranges from immediate to seven (7) days, depending on the violation.
- (2) If there is no compliance after the stated time frame, a Summary Offence Ticket is issued.
- (3) If there is still no compliance after the issuance of a Summary Offence Ticket, HRM may seize the cart or box and/or revoke the license.

Generally speaking, enforcement of this by-law, as with the former municipal by-laws related to street vending, would primarily be complaint-driven unless an obvious infraction presents itself to By-law or police officers. Parks patrol will act upon violations that occur within HRM parks. HRP/RCMP will provide assistance to enforcement officers and Parks patrol when required. Additionally, although not part of this by-law, HRP/RCMP will act upon individual complaints from property owners who find their properties occupied by unauthorized vendors.

Citizens may lodge a complaint through the HRM Call Centre (490-4000) or after-hours to the Police non-emergency line (490-5020).

8. Litter and Waste Control

The new By-Law reflects the proper guidelines for handling and disposing of solid waste according to By-Law S-600 - Solid Waste Collection and Disposal. During the application process, a license holder must agree to keep an area within a nine (9) metre radius of the site free and clear of trash, refuse, and recyclables, and agrees that on failure to do so, the municipality may clean the said area at the expense of the license holder.

In the case of a newspaper box, the applicant must agree to construct boxes that are equipped with self-closing doors sufficient to prevent littering. Also, the license holder must agree to keeping boxes in good repair, in a neat, clean, rust-free and sanitary condition which is free of graffiti. The license holder shall remove any box from the street when damaged and not effect repairs to the box on the street.

9. Newspaper Boxes

The approval of licenses and locations of newspaper boxes will essentially work the same way as licensing for mobile vendors. That is, staff recommends that newspaper boxes only be allowed at designated sites. The proposed list of sites are included in Appendix "B".

Should the by-law be approved, there would be two methods by which a prospective publisher

could obtain a license for a newspaper box. The publisher can apply for a license for an existing site designated in the Administrative Order, or the publisher could make an application for a new site to be “designated” by way of an amendment to the Administrative Order.

In the case of a proposed designated site (i.e. one not already listed in the Administrative Order), staff would inspect the site to ensure that it meets the criteria approved by Regional Council for the designation of sites. From there, a recommendation for or against the amendment to the Administrative Order would be made to Regional Council, in addition to further consideration of other HRM policies and by-laws.

Amongst other traffic and safety considerations, the proposed criteria for designating a new site within the street right of way would be established in a Policy and Procedures document which would entail that staff shall only approve a location for a newspaper box where the location:

- (1) is set forth in Administrative Order 37;
- (2) is situated more than 5.0 metres from an intersection or more than 7.6 metres from a marked or unmarked crosswalk;
- (3) is situated where there is sufficient space to accommodate a cluster of four (4) newspaper or periodical boxes on the unoccupied municipal property, and (i) is such that at least 2.0 metres of unobstructed sidewalk space remains and (ii) unless otherwise authorized by the Engineer, is situated within an area next to the curb;
- (4) is not within 10 metres of a stop or yield sign or traffic signal control lights;
- (5) would not constitute a visual obstruction for a vehicle driver or pedestrian;
- (6) would not constitute a safety hazard or physical obstruction for a vehicle or pedestrian or a highway maintenance operation;
- (7) would not constitute an interference in any way with the work of cleaning a street or clearing or removing snow from a roadway or sidewalk;
- (8) is not within 19 metres in advance of or within 3.0 metres beyond a bus stop sign.

There are currently no designated sites for newspaper boxes within any park. With respect to the street right of way, it is intended that the number of sites be limited in order to prevent an unnecessary proliferation of boxes within the street scape.

Other Issues and Polices Regarding Right of Way Usage

Use of municipally-owned property, in particular the street right of way, is in high demand. This by-law is intended to provide a fair and equitable system for commercial and vending activities, while still allowing for entrepreneurial opportunities and a healthy vibrancy of the street scape.

Aside from vending and the placement of newspaper boxes, there are four primary issues that impact on the right of way: Telecommunications (i.e. Aliant) equipment; Canada Post mail boxes; signage and; sidewalk cafes and rickshaws.

Telecommunications Equipment

With respect to the placement of telecom equipment, a Council Report entitled “Permitting Process for Aliant Telecommunication Cabinets in HRM Right of Ways” (Item 10.1.9) was presented to Regional Council on August 9, 2005.

Canada Post Mail Boxes

Further to the ability of this by-law to address mail boxes owned by Canada Post, the Canada Post Corporation is an agent of the federal Crown created to run the federal postal service. Under the Canada Post Corporation Act, the Corporation has the power to adopt regulations respecting the design, placement and use of any receptacle or device intended for the posting, insertion, reception, storage, transmission or delivery of mail. The legislation is binding upon the federal and provincial crown, and therefore indirectly on municipalities as creatures of the provincial crown. The placement of these boxes must only comply with these regulations. Therefore, municipal by-laws would have no authority to restrict their placement.

Signage

Although the placement of various types of signs in the street right of way has been a long-standing issue, this is being addressed through the development of the “By-law for Temporary Signs”, which is currently under development. An oral presentation regarding the Temporary Signs by-law was made by Planning & Development staff to Committee of the Whole in April, 2005.

Sidewalk Cafes and Rickshaws

The municipality currently has regulations in place for rickshaws (2002) as well as a Sidewalk Café Policy. Staff intends to review these regulations with a view to incorporating them, if necessary, into the by-law C-500. Any draft amendments will be brought forward to Regional Council as they are completed and reviewed by the By-Law Rationalization Committee.

BUDGET IMPLICATIONS

Accepting the recommendations would have no significant budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

BYLAW RATIONALIZATION COMMITTEE

The proposed by-law and respective Administrative Orders were reviewed by the By-law Rationalization Committee on August 20, 2004, September 3, 2004, October 1, 2004, April 15, 2005, and May 13, 2005. The documents have also been "approved to form" by Legal Services.

ALTERNATIVES

There are no recommended alternatives.

ATTACHMENTS

Appendix "A" - Proposed By-law C-500 Respecting Commerce and Vending on Municipal Lands

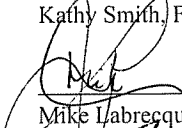
Appendix "B" - Administrative Order 37 Respecting Commerce and Vending on Municipal Lands

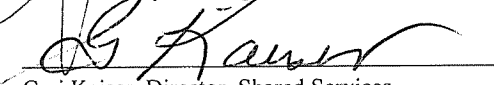
Appendix "C" - An amendment to Administrative Order 15 Respecting License, Permit and Processing Fees


Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Appendix "A"

HALIFAX REGIONAL MUNICIPALITY BY-LAW C-500 RESPECTING COMMERCE AND VENDING ON MUNICIPAL LANDS

The Council of the Halifax Regional Municipality under the authority vested in it by Section 172(2)(b) and Section 173 of the *Municipal Government Act*, enacts as follows:

Short Title

1. This By-Law may be cited as By-Law C-500, the "Commerce and Vending on Municipal Lands By- Law".

Definitions

2. In this By-Law
 - (a) "Annual Site License" means a license to vend at a specific site for a term not exceeding one year;
 - (b) "Artisan (Craftsperson)" is defined as a painter, silversmith, weaver, jeweller, candle maker, leather worker or other like artisan who resides in Nova Scotia and who manufactures their own products within Nova Scotia. This includes artisans who provide a service such as henna tattoos, braiding, palm reading, face painting, and vendors selling recordings of their own music;
 - (c) "Bicycle Wagon License" means a license to vend from a site for no longer than 10 minutes;
 - (d) "Council" means the Regional Council of the Municipality;
 - (e) "Designated Site License" means a license to vend at a specific site for a term not exceeding five (5) years;
 - (f) "Engineer" means the Director of Transportation and Public Works or the Director's designate;
 - (g) "handcraft" means a work of art or craft made by a painter, silversmith, weaver, jeweler, candle maker, leather worker or other like artisan who resides in Nova Scotia and who manufactures the work of art or craft within Nova Scotia;
 - (h) "License" means a license issued pursuant to this By-Law and includes a Street & Services Permit issued for Sidewalk Cafes;

Appendix “A”

- (i) “License Administrator” means the License Administrator appointed by the Chief Administrative Officer or designate;
- (j) "Inspector" means the Inspector appointed by the Chief Administrative Officer or designate;
- (k) "mobile canteen" means any vehicle used for the displaying, storing, transportation or sale of food and beverages by a vendor which is required to be licensed and registered pursuant to the Motor Vehicle Act or propelled by human power whether required to be licensed or not, and includes a stand for food and beverages;
- (l) “municipal lands” means any lands owned by Halifax Regional Municipality;
- (m) “municipality” means the Halifax Regional Municipality;
- (n) “newspaper" means a daily publication that contains world, national or local news, weather and classified advertisements, and includes a periodical;
- (o) "newspaper box" means an unattended coin operated box for the purpose of vending or distributing newspapers or periodicals;
- (p) "pawnbroker" means a person, firm, corporation or partnership whose business it is to lend money on goods left, pledged or deposited as security for a loan;
- (q) "periodical" means a magazine or other publication published at regular intervals but does not include a newspaper;
- (r) "school" does not include a university;
- (s) "Second Hand Shop" means a building or part of a building in which used goods, merchandise, substances, articles, or things are offered or kept for sale. This is deemed to exclude used bookstores, antique stores, sports card shops, used clothing stores, and the sale of used bicycles as an accessory to a new bicycle shop or repair shop;
- (t) “Sidewalk café” means a group of tables and chairs and other accessories situated and maintained upon a public sidewalk or pedestrian mall for the use and consumption of food and beverages sold to the public from or in an adjoining indoor food and beverage establishment;

Appendix “A”

- (u) "Site" means a location designated in Administrative Order 37 or in accordance with Section 33;
- (v) “Special Event” is defined as either an HRM (internal) festival or event or a non-HRM (external) festival or event that is held on lands owned by the municipality and approved by the Special Events Coordinator;
- (w) “Special Events Coordinator” means the Special Events Coordinator appointed by the Chief Administrative Officer or designate;
- (x) "stand" includes 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 licensed and registered pursuant to the Motor Vehicle Act, used for the display, storage, transportation or sale of food, beverages or other merchandise by a vendor;
- (y) "street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith;
- (z) “vend” or "vending" means the sale and offering for sale of food, beverages, flowers, or handcrafts on a street or on municipally-owned property;

PART 1 - GENERAL

License Administrator Empowered To Grant Licenses

3. The License Administrator is authorized and empowered to grant or refuse any application for a license under this By-Law, except where the authority to grant or refuse licenses is specifically given to another official of the Municipality.

License Fees

4. The annual license fees pursuant to this By-Law shall be those established from time to time by Administrative Order.

License Not Transferrable

5. A license pursuant to this By-Law shall be issued to a particular person, and is not transferrable.

Appendix “A”

Revocation Of License

6. A license may be revoked by the License Administrator, or where in this By-Law, the authority to grant or refuse licenses is specifically given to another official of the Municipality, that official may revoke a license

- (a) for violation of the terms of this By-Law or of any agreements or conditions subject to which the license was issued;
- (b) where there has been a conviction for a violation of that other By-Law of the municipality; or
- (c) where there has been a conviction for a violation of the provisions of the Motor Vehicle Act or any regulations made thereunder with respect to the operation of a mobile canteen;

Appeals

7. (1) Any person whose application for a license is refused, or any person whose license is suspended or revoked, may appeal from such refusal, suspension or revocation to the Appeals Committee pursuant to By-Law A-100 as amended from time to time.

(2) If the Appeals Committee directs the License Administrator or such other person who has authority to issue a license pursuant to this By-Law to issue or reinstate such license they shall immediately do so.

Seizure and Removal

8. (1) A Police Officer or Inspector may seize and remove from municipal lands any stand, mobile canteen, bicycle wagon, or newspaper box if the officer has reasonable grounds to believe that the person vending is in violation of any section of this By-Law.

(2) A person may reclaim the stand, mobile canteen, bicycle wagon, or newspaper box within seven (7) days after the seizure and upon payment in full for impoundment and storage fees, as set out by Administrative Order, as prescribed by the Municipal Government Act and the Mechanics Lien Act.

(3) In the case of a newspaper box, if the impoundment and storage fees are not paid within seven (7) days of the seizure, the municipality may destroy or sell the box to recover the expense of its seizure, removal and storage.

Appendix “A”

Penalty

9. A person who does anything prohibited by this by-law, neglects or fails to do anything required according to this by-law, or permits anything to be done in violation of this by-law is guilty of an offence, and, upon summary conviction, be liable to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five (5) Thousand Dollars (\$5,000.00), and, in default of payment, to imprisonment for a period not exceeding 60 days.

Repeal Of By-Laws

10. By-Law V-100 of the former City of Dartmouth, the Vending By-Law, Parts VII and VIII of Ordinance 180 of the former City of Halifax, the Streets Ordinance, and Part XI of By-Law P-600 Respecting Municipal Parks and any amendments thereto are hereby repealed.

PART 2 - VENDING

License Required To Vend

11. No person shall vend in the municipality without having obtained a license to do so pursuant to this Part.

Vendors Required To Comply With By-Law

12. No person shall vend in the municipality except in accordance with the provisions of this Part.

Vending Permitted Only At Designated Sites

13. (1) No person shall vend in the municipality except at a site for which the vendor holds a license.

(2) Subsection (1) shall not apply to a Bicycle Wagon licensed pursuant to this Part.

Application For License

14. (1) The applicant for a license shall make written application to the License Administrator.

(2) A separate application shall be made for each vending license.

(3) The application for a vending license shall include:

(a) the name, home and business street address and the telephone number of the applicant, and the name and street address and the telephone number of the

Appendix "A"

owner, if other than the applicant, of the vending business, stand or mobile canteen to be used in the operation of the vending business;

- (b) the written consent of the owner of the vending business, stand or mobile canteen to be used in the operation of the business, if other than the applicant;
- (c) the type of merchandise to be sold;
- (d) a description and photograph of any stand or mobile canteen to be used in the operation of the business, including the license and registration number of any motor vehicle;
- (e) two prints of a full-faced photograph of the applicant of a size three (3) cm square (passport photo), taken not more than 30 days prior to the date of the application;
- (f) proof of insurance as required by Section 29, including proof of compliance with Section 29(2);
- (g) copies of all health permits as required by Section 30.

(4) If the application is for a license to vend at a site, in addition to the requirements of subsection (3), the application shall include:

- (a) identification of the site for which the applicant wishes to apply;
- (b) a statement of the amount which the applicant is prepared to pay the municipality for the use of the site identified pursuant to clause (a) hereof for the period of the license but not less than five (5) times the license fee prescribed by Section 4;
- (c) payment in advance to the municipality in an amount equal to two (2) percent of the amount stated in clause (b) hereof;
- (d) a copy of the signed tender document.

(5) If the application is for a license for a Bicycle Wagon, in addition to the requirements of subsection (3), the application shall include payment in advance to the municipality in the amount equal to the license fee prescribed by Section 4.

(6) The application for a license for a site shall be made on or before the second Monday in January of the year for which the license is sought.

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Processing Of Application

15. Prior to the 31st day of January of the year for which a Designated Site License is sought, where the conditions of Section 14 have been complied with,

- (a) the License Administrator shall notify the applicant who offered the highest price for the site that the applicant's bid was successful, provided, if more than one applicant offered the same price, the License Administrator shall notify the applicant whose application was first submitted;
- (b) the successful applicant shall within 10 days of being notified pursuant to clause (a), deliver to the License Administrator
 - i payment in advance to the municipality in an amount equal to one-fifth of the amount which the applicant bid for the site, less the amount of the deposit submitted;
 - ii an agreement with the municipality signed by the applicant and in a form approved by the municipality whereby the applicant and if the applicant is not the owner of the business, stand or mobile canteen, the owner, in consideration of the applicant being granted a license for the particular site, undertakes to keep an area within a nine (9) metre radius of the site free and clear of trash, refuse, and recyclables, and agrees that on failure to do so, the municipality may clean the said area at the expense of the applicant and, if applicable the owner; and
 - iii the stand or mobile canteen in respect of which the application was made for inspection by the License Administrator; and on the receipt thereof and on the Inspector being satisfied that the stand or mobile canteen complies with the requirements of this Part, the License Administrator shall issue the license for the site to the successful applicant,

provided however, if the successful applicant does not comply with the provisions of this clause, the bid of the successful applicant shall be treated as unqualified and the provisions of clause (a) hereof shall apply to the remaining bids; and

- (c) the License Administrator shall refund to any unsuccessful applicant the license fee paid pursuant to clause (c) of subsection (4) of Section 14.

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Annual Site Licenses

16. Where no application is submitted for a site prior to the second Monday in January, or for a newly designated site, an application may be made for an Annual Site License, provided that the license fee required to be paid pursuant to Section 4 and the license shall be issued to December 31st of that year.

Annual Payments By Site Licensee

17. The person to whom a license is issued pursuant to Section 15 shall, prior to the 31st day of December of the second, third, fourth and fifth years of the term for which the license is issued deliver to the License Administrator payment in advance to the municipality in an amount equal to one-fifth of the amount which the licensee bid for the site.

License For Bicycle Wagon

18. If the applicant for a Bicycle Wagon meets all of the requirements of this Part, the License Administrator shall issue a license for the Wagon to the applicant.

Display Of License

19. Every license shall bear a number and shall be affixed to the stand or mobile canteen in a conspicuous place by the License Inspector and shall not be removed.

Expiration of Licenses

20. Every license shall expire according to the following:

- (i) Designated Site License - on the 31st day of December of the fifth calendar year following the date of issue
- (ii) Annual Site License - on the 31st day of December of the year in respect of which it is issued.
- (iii) Bicycle Wagon License - on the 31st day of December of the year in respect of which it is issued.

Limit Of One Site Per Person

21. No person shall be granted a license for more than one site.

Revocation Of Site

22. The Council may revoke or suspend a license in respect of any site if, in the opinion of Council, the site is required for the purposes of the municipality and the municipality shall refund

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to the applicant a portion of the license fee paid by the applicant pro-rated in proportion to the amount of time that the license is revoked or suspended. In addition, the municipality does not assume responsibility for any loss of revenue pursuant to this Part.

Vendor Badge

23. (1) It shall be the responsibility of the licensee to obtain a badge and the municipality shall only furnish the badge after the licensee provides the License Administrator with:

- (a) name, telephone number and street address of the person who will wear the badge; and
 - (a) two prints of a full-faced photograph, three (3) cm square (passport photo), taken not more than 30 days prior to the date of application of the person who will wear the badge.
 - (b) a fee according to Administrative Order 15.
- (2) The badge shall expire on the 31st day of December in the year the badge was issued.

Conditions Applicable to Vending Generally

24. No person shall:

- (a) vend between the hours of 4:00 a.m and 9:00 a.m. of any day;
- (b) leave any mobile canteen or stand unattended;
- (c) store, park, leave or have any stand or mobile canteen on any municipal lands between the hours of 4:30 a.m. and 8:30 a.m. of any day;
- (d) leave any location without first picking up, removing and disposing of all trash, refuse, or recyclables remaining from sales made by the person;
- (e) allow any items relating to the operation of the vending business other than a litter receptacle to be placed anywhere other than in, on or under the stand or mobile canteen;
- (f) set up, maintain or permit the use of any table, crate, carton, rack, sign, or any other device to increase the selling or display capacity of the vendor's stand or mobile canteen, with the exception of one cooler no greater than 75 cm x 45 cm x 45 cm in size;
- (g) solicit or conduct business with persons in motor vehicles;

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- (h) vend anything other than that which the vendor is licensed to vend;
- (i) use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry the vendor's wares;
- (j) vend any merchandise other than
 - (i) food;
 - (ii) beverages;
 - (iii) handcrafts; and
 - (iv) flowers;
- (k) vend from a motor vehicle any merchandise other than food and beverages;
- (l) vend from a motor vehicle at other than the sidewalk side of the vehicle;
- (m) allow a stand or any item relating to the operation of the vending business to lean against, hang from, or otherwise be affixed to any building on private property or any structure lawfully placed on public property without the owner's permission;
- (n) vend in an obstructive manner which would include, but not be limited to:
 - (i) the ingress or egress of the abutting property owner or tenant;
 - (ii) increasing traffic congestion or delay;
 - (iii) constituting a hazard to traffic, life or property; or
 - (iv) obstructing adequate access to fire, police or sanitation vehicles;
- (o) vend in such a way as to interfere with performances being conducted in the Grand Parade (i.e. the area bounded by Argyle, Prince, Duke, and Barrington Streets);
- (p) vend without a vendor badge in full view at all times pursuant to Section 23;
- (q) set up a stand within four (4) metres of another stand legally located pursuant to this Part;
- (r) set up a stand without incorporating a solid base perimeter on the stand to facilitate identification of the stand by visually impaired individuals.

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Conditions Relating To Vending From Bicycle Wagons

25. A person vending from a Bicycle Wagon licensed under this By-Law shall not
- (a) stop at any location for longer than 10 minutes;
 - (b) vend within 90 metres of the grounds of any school between one-half hour prior to the start of the school day and one-half hour after the dismissal at the end of the school day;
 - (c) make a sale except where the Wagon is parked curbside;
 - (d) vend merchandise other than frozen treats;
 - (e) set up a stand within four (4) metres of another stand legally located pursuant to this Part.

Persons Making Purchases From A Vendor

26. Persons making purchases from a vendor or waiting in any municipal lands to make a purchase from a vendor shall do so in an orderly manner so as not to obstruct the use of the municipal lands nor the approach to any adjacent property.

Maximum Size of Stands and Mobile Canteens

27. No person shall vend with:
- (1) a stand which exceeds two (2) metres in length and a maximum one (1) metre cart width excluding the wheel base;
 - (2) a motor vehicle which exceeds seven (7) metres in length;
 - (3) a mobile canteen which is equipped with an umbrella or other similar device which overhangs a sidewalk unless the umbrella or device is two (2) metres or more above the level of the sidewalk;
 - (4) a total operating space larger than four (4) square metres for a stand and 14 square metres for a mobile canteen.

Litter And Waste Control

28. No person shall:
- (1) vend unless Solid Waste storage facilities are provided immediately adjacent to the mobile canteen adequate to receive the trash, refuse and recyclables generated by sales made from

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the mobile canteen. The facilities shall be emptied on a regular basis to prevent overflowing and spillage.

(2) dispose of Solid Waste contrary to methods prescribed in By-Law S-600 - Solid Waste Collection and Disposal.

(3) dump any trash, refuse, fat, or any other food substance, generated by the mobile canteen, into the municipal sewer system.

Insurance Required

29. (1) The owner of a mobile canteen shall place and keep in effect, during the term of the license, Automobile Liability insurance in the amount of not less than Two (2) Million Dollars inclusive Bodily Injury and Property Damage (with a maximum Property Damage deductible of \$500). Said owner shall also place and keep in effect, during the term of the license, a Commercial General Liability insurance policy in the amount of not less than Two (2) Million Dollars inclusive Bodily Injury and Property Damage (with a maximum Property Damage deductible of \$500) in connection with the presence and operation of a mobile canteen within the street, including the municipality as an additional named insured and with a cross liability clause.

(2) The insurance policies required in subsection (1) shall be endorsed by the insurer so that the insurer shall notify the License Administrator of any cancellation or material change in the insurance coverage provided pursuant to subsection (1).

(3) The owner of a mobile canteen shall provide to the License Administrator or the License Inspector upon demand from time to time evidence that the policies remain in force.

(4) Compliance with subsection (1) to (3) shall be a condition of the owner's license remaining in force and if the owner fails to comply with the said provisions, the License Administrator may suspend the mobile canteen license until the license holder submits satisfactory proof to the Inspector that the insurance has been reinstated or renewed.

(5) The license shall be revoked if insurance has not been re-instated and notice thereof given to the License Administrator within three months of the date of suspension.

Health Permits Required

30. No person shall vend unless they are vending in compliance with all Province of Nova Scotia Agriculture and Fisheries (Food Safety) requirements, including the acquisition of public health permits.

Safety Requirements For Motorized Mobile Canteens

31. No person shall prepare or sell food from a motor vehicle unless:

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- (a) all equipment installed in any part of the vehicle is secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn;
- (b) all utensils are stored in order to prevent their being hurled about in the event of a sudden stop, collision or overturn. A safety knife holder shall be used to avoid loose storage of knives;
- (c) propane tanks, compressors, auxiliary engines, generators, batteries, battery chargers, and similar equipment are installed so as to be accessible only from outside the vehicle; and
- (d) all NFPA 96 Standard, B149.2-M95 Propane Installation Codes and other requirements by the Province of Nova Scotia Department of Labour are met.

No Parking In Vendor Sites

32. Where a portion of a roadway is designated as a vending area by the posting of signs by the municipality, no person shall stop or park a motor vehicle within that area during the hours when vending is permitted, other than a mobile canteen licensed under the terms of this By-Law to vend at that site.

Designation Of Vending Sites

33. (1) The sites at which vending is permitted are those designated from time to time by Administrative Order 37.

- (2) New sites may be approved by the Engineer.

Vending By Abutting Business

34. (1) Subject to subsection (2), the provisions of this Part shall not apply to a person who is operating a business on the part of any premises to which access is gained directly from the sidewalk and who vends from a stand located on the sidewalk immediately in front of that part of the premises during the months of May through October in any year.

- (2) A person who vends pursuant to this Section shall
 - (a) locate his stand on the portion of the sidewalk immediately adjacent to his premises;
 - (b) maintain a minimum of 2.1 metres of open space for the use of pedestrians between the stand and the nearest edge of the sidewalk immediately adjacent to the roadway; provided that if there are any parking meters, utility poles,

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newspaper boxes, street furniture, fire hydrants or other objects located on the sidewalk in front of the vendor's premises, the 2.1 metres of open space shall be measured from the edge of the object closest to the stand; and

- (c) incorporate a solid base perimeter on the stand to facilitate identification of the stand by visually impaired individuals.
- (3) A person who vends pursuant to this Section shall not:
- (a) set up a stand within 1.5 metres of any doorway;
 - (b) set up a stand within 4.6 metres of any driveway;
 - (c) set up a stand within 7.6 metres of a marked or unmarked crosswalk;
 - (d) set up a stand within 19 metres in advance of or within three (3) metres beyond a bus stop sign;
 - (e) vend at any time when the abutting business is not open;
 - (f) vend any food or merchandise other than food or merchandise of a type which the person sells from the abutting business; and
 - (g) use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry the vendor's wares.
- (4) A person who vends pursuant to this Section shall remove the stand from the sidewalk not later than 30 minutes after the time when the abutting business closes, and not set up a stand earlier than 30 minutes prior to the time when the abutting business opens.
- (5) A person shall:
- (a) not vend pursuant to this Section unless and until the person vending places and keeps in effect, during the term of the license, a Commercial General Liability insurance policy in the amount of not less than Two (2) Million Dollars inclusive Bodily Injury and Property Damage (with a maximum Property Damage deductible of \$500) covering the operation for which the License has been approved and issued, including the municipality as an additional named insured and with a cross liability clause;

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- (b) provide to the License Administrator or the License Inspector upon demand from time to time evidence that the policy remains in force.
- (6) This Section shall not apply to a second hand shop, pawnbroker, or sidewalk cafe.

35. Vending In Association With Festivals Or Events

(1) Subject to Subsection (2), the provisions of this Part shall not apply to a person who is the organizer of a festival or event and who receives permission from the Special Events Coordinator to vend souvenirs of the festival or event or other merchandise in association with the festival or event from stands located on property of the municipality.

(2) A person who vends pursuant to this Section shall make written application to the Special Events Coordinator. A separate application shall be made for each vending license.

- (3) The application for a vending license shall include:
 - (a) the name, home and business street address and the telephone number of the applicant, and the name and street address and the telephone number of the owner, if other than the applicant, of the vending business, stand or mobile canteen to be used at the event;
 - (b) the written consent of the owner of the vending business, stand or mobile canteen to be used at the event, if other than the applicant;
 - (c) identification of the event for which the applicant wishes to apply for a vending license, including a description of the event and identification of the location(s) and time at which vending will take place;
 - (d) the type of merchandise to be sold;
 - (e) a description and photograph of any stand or mobile canteen to be used at the event, including the license and registration number of any motor vehicle;
 - (f) two prints of a full-faced photograph of the applicant of a size three (3) cm square (passport photo), taken not more than 30 days prior to the date of the application;
 - (g) proof of insurance as required by Subsection (4);
 - (h) copies of all health permits that are in compliance with all Province of Nova Scotia Department of Agriculture and Fisheries (Food Safety) requirements;

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- (i) written notification if a tent is to be used.
- (4) A person shall:
- (a) keep in effect, during the time of the license, a Commercial General Liability insurance policy in the amount of not less than Two (2) Million Dollars inclusive Bodily Injury and Property Damage (with a maximum Property Damage deductible of \$500) covering the operation for which the License has been approved and issued, including the municipality as an additional named insured and with a cross liability clause;
 - (b) provide to the Special Events Coordinator upon demand from time to time evidence that the policy remains in force;
 - (c) obtain a vendor badge. The municipality shall only furnish the badge after the licensee provides the Special Events Coordinator with:
 - (i) name, telephone number and street address of the person who will wear the badge;
 - (ii) two prints of a full-faced photograph, three (3) cm square (passport photo), taken not more than 30 days prior to the date of application of the person who will wear the badge;
 - (iii) a fee according to Administrative Order 15.

The badge shall expire 24 hours after the close of the event.

- (5) Prior to the event for which a License is sought, where the conditions of subsection (3) have been complied with,
- (a) the Special Events Coordinator shall notify the applicant in writing that the application was successful;
 - (b) the successful applicant shall within 10 days of being notified pursuant to clause (a), deliver to the Special Events Coordinator
 - i payment in advance to the municipality in an amount prescribed by Administrative Order 15;
 - ii an agreement with the municipality signed by the applicant and in a form approved by the municipality whereby the applicant and if the applicant is not the owner of the business, stand or mobile canteen,

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the owner, in consideration of the applicant being granted a license for the particular approved location, undertakes to keep an area within a nine (9) metre radius of the location free and clear of trash, refuse, and recyclables, and agrees that on failure to do so, the municipality may clean the said area at the expense of the applicant and, if applicable the owner; and

- iii the stand or mobile canteen in respect of which the application was made for inspection by the Special Events Coordinator; and on the receipt thereof and on the Special Events Coordinator being satisfied that the stand or mobile canteen complies with the requirements of this Section, the Special Events Coordinator shall issue the license for the approved location to the successful applicant,

provided however, if the successful applicant does not comply with the provisions of this clause, the application shall be treated as unqualified; and

- (c) the Special Events Coordinator shall refund to any unsuccessful applicant the license fee paid pursuant to subclause (i) of subsection (5)(b).

(6) Every license shall bear a number and shall be affixed to the stand or mobile canteen in a conspicuous place by the Special Event Coordinator and shall not be removed;

(7) A license under this section shall expire 24 hours after the close of the event;

(8) In addition to the license required under this Section, if a tent is used, approval is required from HRM Fire and Emergency Services;

(9) The Council may revoke or suspend a license in respect of any approved location if, in the opinion of Council, the site is required for the purposes of the municipality and the municipality shall refund to the applicant a portion of the license fee paid by the applicant pro-rated in proportion to the amount of time that the license is revoked or suspended. In addition, the municipality does not assume responsibility for any loss of revenue pursuant to this Section;

(10) This Section shall not apply to properties where the municipality has a third party management agreement.

36. Vending By Artisans/Craftspeople

(1) Subject to Subsection (2), the provisions of this Part shall not apply to a person who sells or offers for sale Nova Scotia-made handcrafts from stands located on property of the municipality.

(2) A person who vends pursuant to this Section shall make written application to the License Administrator. A separate application shall be made for each vending license and shall

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include:

- (a) the name, home and business street address and telephone number of the applicant;
- (b) the location where the applicant wishes to vend;
- (c) a sample and photo of the handcraft to be sold including a price list;
- (d) a statement to the effect that the applicant made or manufactured the handcraft; and
- (e) two prints of a full-faced photograph of the applicant of a size three (3) cm square (passport photo), taken not more than 30 days prior to the date of the application.

(3) For a site near the Public Gardens, where the conditions of Subsection (2) have been complied with, the License Administrator, upon payment to the municipality in the amount equal to the license fee prescribed by Administrative Order 15, shall issue a license for an approved location on a first come, first served basis.

(4) Prior to the first day of April of the year for which a license is sought at a site at Nathan Green Square or Sackville Landing and, where the conditions of Subsection (2) have been complied with, the License Administrator shall forward the application to the Special Events Coordinator for approval.

- (a) upon approval by the Special Events Coordinator, the License Administrator shall notify the applicant that the applicant’s submission was successful;
- (b) the successful applicant shall within 10 days of being notified pursuant to clause (a), deliver to the License Administrator payment to the municipality in an amount prescribed by Administrative Order 15 provided however, if the successful applicant does not comply with the provisions of this clause, the application shall be treated as unqualified and the provisions of clause (a) hereof shall apply to the remaining applicants.

(5) A person licensed to sell handcrafts pursuant to this Section shall only sell in a location approved by the Engineer and described on the license, which location shall be designated in Administrative Order 37.

(6) A person who vends pursuant to this Section shall:

- (a) only vend during the months of May through October in any year;

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- (b) keep an area within a nine (9) metre radius of the location free and clear of trash, refuse, and recyclables, and agrees that on failure to do so, the municipality may clean the said area at the expense of the vendor;
 - (c) use tables, booths, display stands, coverings, screens and other equipment used for display that are of a temporary and moveable nature. This includes a vinyl or canvas umbrella. Umbrellas that encroach the sidewalk must be two (2) metres or more above the level of the sidewalk;
 - (d) remove tables, booths, display stands, coverings, screens and other equipment used for display at the end of each business day. The business day commences at 9:00 am and ends at 10:00 pm;
 - (e) not use display tables that exceed one (1) metre in depth, two (2) metres in length and two (2) metres in height. The total display area must not exceed one (1) metre in depth by two (2) metres in width;
 - (e) not interfere with pedestrian flow;
 - (f) not hang products for sale from trees, bushes, posts etc. located around the assigned vending area;
 - (g) not use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry the vendor's wares;
 - (h) incorporate a solid base perimeter on the stand to facilitate identification of the stand by visually impaired individuals.
- (7) It shall be the responsibility of the licensee to obtain a vendor badge.
- (a) The municipality shall only furnish the badge after the licensee provides the License Administrator with:
 - (i) name, telephone number and street address of the person who will wear the badge; and
 - (ii) two prints of a full-faced photograph, three (3) cm square (passport photo), taken not more than 30 days prior to the date of application of the person who will wear the badge.
 - (iii) a fee according to Administrative Order 15.
 - (b) The badge shall expire on the 31st day of October in the year the badge was issued.

Appendix “A”

PART 3 - NEWSPAPER BOXES

License Required To Place Newspaper Boxes

37. (1) No person shall have or place a newspaper box on any municipal lands without having obtained a license to do so pursuant to this Part.

(2) No license holder shall place, maintain or operate a newspaper box in any location other than a location specified in the license.

Application For License

38. (1) The applicant for a license shall make written application to the License Administrator and which shall be accompanied by a plan showing the proposed location, size and design of the box, and sample of the publication.

(2) No license shall be issued until,

(a) the license is for a location approved pursuant to Administrative Order 37;

(b) the License Administrator or Inspector has approved the size and design of the newspaper box;

(c) boxes shall not exceed 1.25 metres in height nor occupy an area greater than 0.35 square metres;

(d) the applicant files with the License Administrator proof of the insurance coverage required by Section 43;

(e) the applicant provides the License Administrator with the 24 hour service call number in order to ensure that no hazard to the public is created as a result of a damaged newspaper box or in case of emergency;

(d) the fees as prescribed pursuant to Administrative Order 15 have been paid;

(4) A license shall expire on the 31st day of March next following the date of issue;

(5) A license issued under this By-Law may provide for the location of newspaper boxes at more than one location. Each box shall be affixed by a decal provided by the License Administrator.

Boxes Permitted Only at Designated Sites

39. (1) No person shall place a box in the municipality except at a site for which the owner holds a license.

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- (2) The sites approved for boxes are those designated from time to time by Administrative Order 37.
- (3) New sites may be approved by the Engineer.
- (4) Notwithstanding subsection (2), there shall be, at minimum, space for four (4) boxes in order for a site to be approved.
- (5) Only one (1) box per publication shall be permitted to be placed at each approved location, the license for which shall be issued on a first-come first-serve basis.
- (6) Where a publisher applies to place a newspaper box in a location set forth in Administrative Order 37, a publisher shall locate that box within 12 cm of a box already located at that location.

Maintenance Of Boxes

40. The license holder shall at all times keep the newspaper box in good repair, in a neat, clean, rust-free and sanitary condition free of graffiti, and advertisements as per Section 41 and shall immediately remove any newspaper box from the street when damaged, and in no event shall any repairs to a newspaper box be effected on the street.

Printing On Boxes

41. A newspaper box must have the name of the publisher of the newspaper or periodical and the telephone number for the 24 hour service call system printed on its exterior, and otherwise shall not have any printing or advertising matter on it other than

- (a) the name of the newspaper or periodical being sold or distributed;
- (b) instructions on the use of the machine; and
- (c) advertising promoting the newspaper or periodical itself.

Construction Of Boxes

42. (1) A newspaper box shall be constructed so that the publications being distributed from the box are completely enclosed and protected from the elements and are equipped with a self-closing door sufficient to prevent littering.

(2) A newspaper box shall be free-standing and self-supported by means of a weight internal to the newspaper box and shall be located on a concrete or asphalt surface. Boxes shall not be affixed to any building on private property or any structure lawfully placed on public property without the owner’s permission.

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(3) A newspaper box must incorporate a solid base perimeter to facilitate identification of the box by visually impaired individuals.

Insurance Required

43. (1) Said owner shall also place and keep in effect, during the term of the license, a Commercial General Liability insurance policy in the amount of not less than Two (2) Million Dollars inclusive Bodily Injury and Property Damage (with a maximum Property Damage deductible of \$500) in connection with the presence and operation of a newspaper box within the street, including the municipality as an additional named insured and with a cross liability clause.

(2) Such insurance shall be in a form and with insurer(s) reasonably acceptable to the municipality and may, at the municipality’s option, be subject to review by or on behalf of the municipality. Such review or lack of review shall not mean the insurance is in accord with this Clause and it shall be the owner’s responsibility to ensure that the insurance is in conformity with this Agreement.

(3) Prior to being granted a license, the owner of a newspaper box shall provide to the License Administrator a Certificate of Insurance. Furthermore, such Certificate shall be furnished by the owner to the License Administrator at each renewal or replacement of the policy(ies). The License Administrator or the License Inspector may demand from time to time evidence that the policies remain in force.

(4) Compliance with subsection (1) to (3) shall be a condition of the owner's license remaining in force and if the owner fails to comply with the said provisions, the License Administrator may suspend the newspaper box license until the license holder submits satisfactory proof to the Inspector that the insurance has been reinstated or renewed.

(5) The license shall be revoked immediately if the License Administrator or his designate becomes aware that the insurance has not been placed and maintained in accordance with this Agreement.

Appendix "B"

HALIFAX REGIONAL MUNICIPALITY

ADMINISTRATIVE ORDER NUMBER 37

Respecting Commerce and Vending on Municipal Lands (Site Locations)

BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality as follows:

SHORT TITLE

1. The Administrative Order may be cited as Administrative Order Number 37, the Commerce and Vending on Municipal Lands (Site Locations) Administrative Order.

SITES ESTABLISHED

2. The sites for licenses issued pursuant to the By-Law mentioned in Schedule "A" to this Administrative Order shall be set forth therein.

Done and passed in Council this ____ day of _____2006.

Mayor

Municipal Clerk

Schedule "A"

A. SITES FOR MOBILE CANTEENS WHICH ARE MOTOR VEHICLES

1. Spring Garden Road - North Side - Between Brunswick and Grafton Streets 10 metres west of fire hydrant near Grafton Street.
2. Spring Garden Road - North Side - Between Brunswick and Grafton Streets 30 metres west of fire hydrant near Grafton Street.
3. Grafton Street - West Side - North of Spring Garden Road 50 metres north of stop sign at Spring Garden Road.
4. Argyle Street - East Side - South of George Street - 15 metres south of the stairs to the Grand Parade.

B. SITES FOR ALL OTHER MOBILE CANTEENS

1. Spring Garden Road - North Side - between Brunswick and Grafton Streets 20 metres west of fire hydrant at Grafton Street against wall.
2. Spring Garden Road - North Side - between Brunswick and Grafton Streets 40 metres west of fire hydrant at Grafton Street against wall.
3. Grafton Street - East Side - 70 metres North of Spring Garden Road against Building Wall. (Non- Food Merchandise Only)
4. Grafton Street - West Side - between Walkway to Library and Spring Garden Road 45 metres south of stop sign at Spring Garden Road against wall.
5. Grafton Street - East Side - Across Street from Library 55 metres north of Spring Garden Road against building wall. (Non-food merchandise only)
6. Argyle Street - East Side - South of George Street 30 metres south of the stairs to Grand Parade Square against railing.
7. Argyle Street - East Side - South of George Street 60 metres south of the stairs to the Grand Parade Square against railing. (Non-food merchandise only)
8. Grand Parade 5 metres from the bottom of the stairs adjacent to the north curb.
9. Grand Parade 5 metres from the bottom of the stairs adjacent to the south curb.
10. On the boardwalk, at the east end of George Street at Chebucto Landing, 2 metres from the cul de sac curb, adjacent to light pole.
11. University Avenue, (Dalhousie site) south side between LeMarchant Street and Seymour Street, in front of Dalhousie Student Union Building.

C. SITES FOR ARTISANS AND CRAFTSPEOPLE

1. On the sidewalk, North side of Spring Garden Rd (Public Gardens) between South Park Street and Summer Street (Non-food merchandise only)
2. Sackville Landing, 12 sites located on the Event Plaza at the SE side of Sackville Street and Lower Water Street
3. Nathan Greene Square, 10 sites located in park area east of Provincial Courts building, north of Ferry Terminal building.

D. SITES FOR NEWSPAPER BOXES

Downtown Halifax Area:

1. Hollis Street #1690, 14 meters south of Prince Street (Joseph Howe Bldg)
2. Hollis Street #1557, 24 meters north of Salter Street (Lower Water Street level has boxes on private property)(Ralston Bldg)
3. Hollis Street #1310, 15 meters north of Morris Street (Renaissance South Bldg)
4. Barrington Street #1313, 13 meters north of Morris Street (Renaissance South Bldg.)
5. Barrington Street W/S, 12 meters north of Duke Street inside sidewalk (Scotia Square) *
6. Lower Water Street E/S, rest area opposite 1496 Lower Water Street *
7. George Street #5077 outside Chebucto Landing entrance (Halifax Ferry Terminal)
8. Brunswick Street #1799, 22.5 metres south of Duke Street (Halifax Metro Centre)
9. Argyle Street #1590, 19 meters south of Sackville Street (rear Marriott Hotel)

Spring Garden Road Locations:

10. Spring Garden Rd., south side, 19 meters east of Queen Street *
11. South Park Street S/W corner, 36 meters south of Spring Garden Rd **
12. Tower Rd #1472, 50 meters south of Spring Garden Rd. **
13. Spring Garden Rd at Summer Street, 33 meters from S/E corner **
14. Dresden Row E/S, 28meters north of Spring Garden Rd

Quinpool Road Locations:

15. Quinpool Rd #6169, 135 meters west of Vernon Street (Quinpool Centre) *
16. Quinpool Rd #6371, 14 meters west of Harvard Street (Bank of Montreal)
17. Quinpool Rd #6465, 10.9 meters east of Beech Street
18. Quinpool Rd #6112, 30 meters west of Vernon Street

Gottingen Street Locations:

19. Gottingen Street #2131, 12 meters south of Cornwallis Street
20. Gottingen Street #2285, 15 meters north of Prince William Street

Dartmouth Locations:

21. Portland Street #69, 10 meters west of King Street
22. Wyse Rd #153, 21.5 meters north of Dawson Street (Tim Hortons) **
23. Wyse Rd #110 rear entrance off parking lot (Dartmouth Sportsplex)
24. Ochterloney Street #30, 13.75 metres east of street across from Edward Street

Notes:

1. *Unless otherwise indicated by *, boxes to be located on curb side*
2. *** indicates in grass boulevard, requiring a concrete pad.*

Appendix “C”

Amendment to Schedule “A”, Administrative Order 15, Respecting License, Permit, and Processing Fees

12.	<u>By-Law #</u>	<u>Short Title</u>	<u>Section</u>	<u>Fee</u>
	C-500	Commerce and Vending on Municipal Lands	4.	
		- Mobile canteen which is a motor vehicle		\$915/annum
		- Bicycle Wagon		\$120/annum
		- All other mobile canteens		\$230/annum
		- Special Events	35 (5) (b)	\$200/event
		- Artisans/Craftspeople		
		- Spring Garden Road	36 (3)	\$ 35 /annum
		- waterfront	36 (4)	\$250/annum
		- Newspaper Boxes	38 (2) (d)	\$55/annum
		- Vendor Badge/Decal	23(1), 35(4), 38 (5)	\$ 5/badge