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Item No. 11.1.3
Halifax Regional Council
September 9, 2014

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: August 1, 2014

SUBJECT: Vending and Commerce on Municipal Lands By-law Amendments

SUPPLEMENTARY REPORT

ORIGIN

On July 22, 2014, Halifax Regional Council gave First Reading to Proposed By-Law C-501 and passed an amendment to remove Hamshaw Drive (Kearney Lake) from the list of approved designated sites.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VII, Section 186 - Power to Regulate, License and Prohibit.

Halifax Regional Municipality Charter, Part VII, subsections 188(1)(c) & (f) and (2)(b) & (e).

RECOMMENDATION

It is recommended that Halifax Regional Council:

- 1) Adopt By-law C-501, as amended, repealing By-law C-500, the Commerce and Vending on Municipal Lands By-law, as set out in Attachment A of this report;
- 2) Repeal Administrative Order 37, the Commerce and Vending on Municipal Lands (Site Locations) Administrative Order, as set out in Attachment B of this report; and
- 3) Adopt the amendments to Administrative Order 15, the License, Permits and Processing Fees Administrative Order, as set out in Attachment B of this report.

BACKGROUND

A report was before Council on July 22, 2014, recommending that Council adopt proposed By-law C-501. In that report, Staff recommended five new designated sites for Food Service Vehicle Vending. Council passed a motion to remove the site on Hamshaw Drive from the list.

DISCUSSION

As per Council direction, the proposed designated site on Hamshaw Drive was removed from the list of designated sites in the proposed by-law. This change is reflected in the latest revision of proposed By-law C-501, found in Attachment A to this report.

FINANCIAL IMPLICATIONS

There will be a potential loss in revenue with one less site as compared to the version of C-501 presented to Council on July 22, 2014. There will likely still be a net gain in vending license revenues as compared to C-500 as it exists today because there will be a net gain of four designated sites.

COMMUNITY ENGAGEMENT

No additional community engagement has taken place.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

There are no recommended alternatives.

ATTACHMENTS

Attachment A – Proposed By-law C-501

Attachment B – Regional Council Recommendation Report; Item 11.1.9; July 22, 2014

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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HALIFAX REGIONAL MUNICIPALITY
BY-LAW C-501
RESPECTING VENDING ON MUNICIPAL LANDS

BE IT ENACTED by the Council of Halifax Regional Municipality pursuant to *Halifax Regional Municipality Charter* as follows:

Short Title

1. This By-law may be cited as By-Law C-501, the “Vending on Municipal Lands By- law”.

Definitions

2. In this By-law:

- (a) “applicant” means any person who makes application for any license under the provisions of this by-law
- (b) “artisan” means a painter, photographer, silversmith, weaver, jeweller, candle maker, leather worker or other like artisan who resides in Nova Scotia and:

- i. manufactures their own products; or
- ii. vends handmade products made within Nova Scotia;

and 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” means a bicycle vehicle propelled by human power used for vending;
- (d) “bicycle wagon license” means a license to vend from a bicycle wagon;
- (e) “core area” means that un-shaded portion of the map as set out in Schedule “C”;
- (f) “Council” means the Regional Council of the Municipality;
- (g) “Engineer” means the Engineer of the Municipality and includes a person acting under the supervision and direction of the Engineer;
- (h) “food service vehicle” means any vehicle, as defined in the *Motor Vehicle Act*, used for the displaying, storing, transportation or sale of food and non-alcoholic beverages by a vendor, which is required to be licensed and registered pursuant to the *Motor Vehicle Act*;
- (i) “handcraft” means a work of art or craft made by a painter, photographer, silversmith, weaver, jeweler, candle maker, leather worker or other like artisan;
- (j) “license” means a license issued pursuant to this By-law;

- (k) “License Administrator” means the License Administrator appointed by the Chief Administrative Officer and includes a person acting under the supervision of the License Administrator;
- (l) “municipal lands” means any lands owned by Halifax Regional Municipality;
- (m) “Municipality” means the Halifax Regional Municipality;
- (n) “newspaper” means a - publication that contains world, national or local news, weather and classified advertisements, and includes daily and weekly publications and periodicals;
- (o) “newspaper box” means an unattended 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) “Peace Officer” means a police officer or a special constable appointed pursuant to the *Police Act*;
- (r) “periodical” means a magazine or other publication published at regular intervals;
- (s) “person” means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the *Charter*, and includes the heirs, executors or other legal representatives of a person, or owner;
- (t) “roadway” means that portion of a street between the curb lines or the travelled portion of a street designed for vehicular travel;
- (u) “school” means a public or private school as defined in the *Education Act* and does not include a university;
- (v) “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, but excludes 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;
- (w) “site” means a location designated in a schedule to this By-law;
- (x) “site license” means a license to vend at a specific site;
- (y) “stand” means any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which:

- (i) is used for the display, storage, transportation or sale of food, non-alcoholic beverages or other merchandise by a vendor;
- (ii) may be moved without the assistance of a motor; and
- (iii) is not required to be licensed and registered pursuant to the *Motor Vehicle Act*.
- (z) “street” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith located within the core area; and
- (aa) “vend” or “vending” means the sale and offering for sale of food, non-alcoholic beverages, flowers, handcrafts or other goods on a street or on municipal lands excluding permanent structures.

PART 1 - GENERAL

Powers of License Administrator

3.

- (1) The License Administrator is authorized and empowered to:
 - (a) grant a license;
 - (b) refuse to grant a license;
 - (c) suspend a license;
 - (d) revoke a license;
 - (e) issue a Notice of suspension or revocation;
 - (f) issue a Notice to comply with this By-law; and
 - (g) issue an Order to comply with this By-law.
- (2) The License Administrator may:
 - (a) suspend for a period of up to one year; or
 - (b) revoke for the remainder of the term
 - (i) for violation of the terms of this By-law or of any agreements or conditions subject to which the license was issued;

- (ii) where there has been a conviction for a violation of any section of this By-law, any other By-law, or any laws of Canada during the course of vending; or
 - (iii) 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 food services vehicle.
- (3) For greater certainty, if the License Administrator determines, in his or her sole discretion, that the stand, food service vehicle, bicycle wagon or newspaper box is a safety issue, danger or hazard, the License Administrator may, without notice to the Applicant, remove the stand, food service vehicle, bicycle wagon or newspaper box without compensation to the Applicant.

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 issued pursuant to this By-law is not transferrable.

Joint Applicants

- 6. Where two or more persons intend to share a site for the purposes of vending under this By-law, the license shall be issued in the name of all applicants, and when the application for a license is made, the name and address of each of the applicants sharing a site shall be set out therein and all such applicants shall be jointly and severally liable for compliance with the terms of the license and this By-law.

Appeals

- 7.
 - (1) The refusal by the License Administrator to grant a license may be appealed by an Applicant for the license to the Appeals Committee within fourteen (14) calendar days of being served with a notice of the refusal.
 - (2) An Applicant may, within fourteen (14) calendar days of being served with a Notice that a license will be suspended or revoked under section 3(2), appeal the decision of the License Administrator to the Appeals Committee.
 - (3) An Applicant may, within fourteen (14) calendar days of being served with an Order that was issued by the License Administrator, appeal the Order of the License Administrator to the Appeals Committee.
 - (4) A period of calendar days in this Section does not include the day an Applicant is served with the order or decision being appealed.

8. An appeal pursuant to section 7 shall be commenced by filing a written notice with the Municipal Clerk which clearly states the grounds for the appeal.
9. For greater certainty, if the final day to appeal falls on a day that the Municipal Clerk's office is not open, the final appeal date is the next business day.
10. If the owner files an appeal, but the Appeals Committee is not scheduled to meet before the date on which the license is to be suspended or revoked, the suspension or revocation shall be held in abeyance until the Appeals Committee has rendered its decision on the appeal.
11. After hearing an appeal, the Appeals Committee may:
 - (1) deny the appeal;
 - (2) allow the appeal and reverse the decision of the License Administrator; or
 - (3) make any decision the License Administrator could have made under this By-law.

Compliance with Order

12. The Applicant or any other person issued an order shall comply with any Order issued under this By-law.
13. If the Appeals Committee upholds the decision of the License Administrator to revoke a site license, the License Administrator may award the site to another vendor.

Seizure and Removal

14.
 - (1) A Peace Officer may seize and remove from municipal lands any stand, food services vehicle, 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, any other By-law, or any laws of Canada.
 - (2) A person may reclaim the stand, food services vehicle, bicycle wagon, or newspaper box within fourteen (14) days after the seizure and upon payment in full for impoundment and storage fees, as set out by Administrative Order, and as prescribed by the *Halifax Regional Municipality Charter* and the *Mechanics Lien Act*.
 - (3) In the case of a newspaper box, if the impoundment and storage fees are not paid within fourteen (14) days of the seizure, the Municipality may destroy or sell the box to recover the expense of its seizure, removal and storage.

Penalty

15.
 - (1) A person who:

- (a) violates or contravenes a provision of this By-law, a license issued in accordance with this By-law or an Order issued in accordance with this By-law;
- (b) fails to do anything required by this By-law;
- (c) fails to do anything required by an Order or license issued pursuant to this By-law;
- (d) permits anything to be done in violation of this By-law, a license issued under this By-law or an Order issued in accordance with this By-law; or
- (e) obstructs or hinders any person in the performance of their duties under this By-law or an Order issued this By-law,

is guilty of an offence.

- (2) A person who commits an offence is liable upon summary conviction to a penalty of not less than two hundred and fifty dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of not more than two months.

16. Every day during which an offence pursuant to section 15 continues is a separate offence.

Indemnification

17.

- (1) The Applicant, Signatory to the License and/or License Holder agrees to indemnify and hold harmless Halifax Regional Municipality, it's Mayor, Council and Employees against all loss, claims, actions, damages, costs (including solicitor costs), liability and expense in connection with loss of life, personal injury, damage to property or any other loss or injury whatsoever arising from their operations and/or the issuance of a license;
- (2) The Municipality is not liable for, nor responsible for the loss or damage to any property belonging to the Vendor or personal injury relating to occupation of space or placement of handcrafts display; and
- (3) Furthermore, the Municipality is not responsible for, nor liable for any loss or damage to the handcrafts and does not warrant their authenticity, content nor design.

Insurance

18. Applicants will provide proof of insurance as set out in Schedule A, including provision of Certificate of Insurance with Halifax Regional Municipality named as Additional Insured:

- (1) for food service vehicles, bicycle wagons and stand vendors, no later than at time of inspection; and,

- (2) for newspaper boxes, no later than at time of application.

PART 2 - VENDING

License Required to Vend

19.

- (1) No person shall vend on municipal lands without having obtained a license to do so pursuant to this Part.
- (2) No person shall vend in the Municipality except in accordance with the provisions of this Part.
- (3) No person shall vend in the Municipality except at a site for which the vendor holds a license.
- (4) Subsection (3) shall not apply to a Bicycle Wagon licensed pursuant to this Part.

Application for a Vending License

20.

- (1) The applicant for a vending license shall make written application to the License Administrator.
- (2) The application for a vending license shall be in a form prescribed by the License Administrator, and 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(s), if other than the applicant, of the vending business, stand or food service vehicle to be used in the operation of the vending business;
 - (b) the written consent of the owner of the vending business, stand or food service vehicle to be used in the operation of the business, if other than the applicant;
 - (c) a description of the type of merchandise to be sold;
 - (d) a description and photograph of any stand or food service vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle;
 - (e) copies of all health permits as required by Section 35;
 - (f) a Criminal Record/Vulnerable Sector Check report from an appropriate police agency which, in the opinion of the License Administrator, does not disclose that an applicant is unfit to hold a license by virtue of past

misconduct;

- (g) Such other documentation as may be required by the License Administrator.
- (3) the applicant shall deliver to the License Administrator by the 31st day of March of the year in which the vending license is sought:
 - (a) the stand, bicycle wagon or food services vehicle in respect of which the application was made for inspection by the License Administrator; and
 - (b) proof of insurance as required by Section 18.
- (4) In addition to the requirements of subsection (3), an application for a bicycle wagon license shall include payment in advance to the Municipality in the amount equal to the license fee prescribed by Section 4.

Processing of Applications for a Site License

21.

- (1) From time to time the License Administrator may make sites as listed in A and B of Schedule B available through a site application process.
- (2) The application for a site shall include:
 - (a) identification of the site for which the applicant wishes to apply; and
 - (b) a copy of a signed site application in a form prescribed by the License Administrator.
- (3) A separate application shall be made for each site and may be made by one or more persons.
- (4) The License Administrator shall notify the applicant(s) who offered the highest price for the site that the applicant's application was successful, provided that, if more than one applicant offered the same price, the License Administrator shall notify the applicant(s) whose application was first submitted.
- (5) The successful applicant(s) shall within 10 days of being notified pursuant to clause (4), deliver to the License Administrator payment in advance to the Municipality in an amount equal to one-fifth of the amount which the applicant bid for the site.
- (6) Subject to compliance with of subsection (5) and meeting the requirements for a vending license set out in section 20 the License Administrator shall issue the site license to the successful applicant(s).
- (7) If the successful applicant(s) does not comply with subsection (5) or meet the requirements for a vending license set out in section 20, the application of the

successful applicant shall be treated as unqualified and the provisions of clause (4) hereof shall apply to the remaining applications.

22. If a site remains available in any given year after site applications have been processed pursuant to sections 20 and 21, an application may be made for a site license, provided that the license fee is paid pursuant to Section 4, and the license shall be issued first come, first served.

Annual Payments by Site Licensee

23. The person(s) to whom a site license is issued pursuant to Section 21 shall, prior to the date designated by the License Administrator in 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 a Bicycle Wagon

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

Display of License

25. Every license shall bear a number and shall be affixed to the stand, bicycle wagon or food service vehicle in a conspicuous place as designated by the License Administrator and shall not be removed.

Expiration of Licenses

26. Every license shall expire according to the following:
- (1) Vending license issued under section 20 - on the 31st of December of the year for which the license was issued.
 - (2) Site License issued under section 21 - on the 31st of December of the year for which the license is issued, renewable up to a maximum of four calendar years.
 - (3) Site License issued under section 22 - on the 31st of December of the year in respect of which it is issued.
 - (4) Bicycle Wagon License - on the 31st of December of the year in respect of which it is issued.

Revocation or Suspension of Site License for Municipal Purposes

27. 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.
28. Council may, with three (3) days' notice, suspend a license in respect of any site for the purposes of an event held in the Municipality.

- 29.** In the event a license is revoked or suspended under sections 27 or 28, 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.
- 30.** The Municipality does not assume responsibility for any loss of revenue pursuant to this Part.

Conditions Applicable to Vending Generally

31.

- (1) No person shall:
- (a) vend between the hours of 4:00 a.m. and 7:00 a.m. of any day;
 - (b) leave any food service vehicle stand or bicycle wagon unattended;
 - (c) store, park, leave or have any stand, bicycle wagon or food service vehicle on any municipal lands between the hours of 4:30 a.m. and 6:30 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 waste receptacle to be placed anywhere other than in, on or under the stand, bicycle wagon or food service vehicle;
 - (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, bicycle wagon or food service vehicle, with the exception of two coolers no greater than 75 cm x 45 cm x 45 cm in size;
 - (g) solicit or conduct business with persons in motor vehicles;
 - (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) non-alcoholic beverages;
 - (iii) handcrafts; and

- (iv) flowers;
- (k) vend from a motor vehicle any merchandise other than food and non-alcoholic beverages;
- (l) vend from a motor vehicle or bicycle wagon 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) set up a stand or bicycle wagon within four (4) metres of another stand or bicycle wagon legally located pursuant to this Part;
- (q) set up a stand without incorporating a solid base perimeter on the stand to facilitate identification of the stand by visually impaired individuals.

Conditions Relating to Vending From Bicycle Wagons

32. A person vending from a bicycle wagon licensed under this By-law shall not

- (1) stop to vend at any location for longer than 10 minutes;
- (2) vend within 100 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;
- (3) make a sale on any street except where the bicycle wagon is parked curbside.

Maximum Size of Stands, Bicycle Wagons and Food Service Vehicles

33. No person shall vend with:

- (1) a stand or bicycle wagon which exceeds two (2) metres in length, and one (1) metre width excluding the wheel base;
- (2) a motor vehicle which exceeds seven (7) metres in length at a site located on the street unless otherwise approved by the Engineer; or
- (3) a food service vehicle, stand or bicycle wagon 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.

Litter and Waste Control

34. No person shall:

- (1) vend unless solid waste storage facilities are provided immediately adjacent to the food service vehicle or stand adequate to receive the trash, refuse and recyclables generated by sales made from the food service vehicle or stand;
- (2) dispose of solid waste contrary to methods prescribed in By-Law S-600 - Solid Waste Collection and Disposal; or
- (3) dump any trash, refuse, fat, or any other food substance, generated by the food service vehicle or stand into the municipal sewer system.

Health Permits Required

35. No person shall vend unless in compliance with all Province of Nova Scotia Food Safety permit requirements, as amended from time to time, including the acquisition of public health permits.

Safety Requirements for Food Service Vehicles

36. No person shall prepare or sell food from a food service vehicle unless:

- (1) 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;
- (2) 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;
- (3) 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

- (4) all NFPA 96 Standard, B149.2 Propane Installation Codes and other safety codes of the Province of Nova Scotia, as may be required by the Province from time to time, are met.

Designation of Vending Sites

37.

- (1) The sites at which vending is permitted are those designated from time to time by Council and set out in Schedule B to this By-law.
- (2) New sites may be approved by Council based on the following criteria:
 - (a) sites for food services vehicles and stands located within right-of-way locations shall not be located:
 - (i) within 25 metres of a business or person granted or issued a foodservice establishment permit for an eating establishment or food shop pursuant to the *Health Protection Act*;
 - (ii) within a school area as defined in the *Motor Vehicle Act*; or
 - (iii) abutting property zoned residential under a Land-use By-law.
 - (b) sites for food services vehicles in the roadway shall not be located:
 - (i) within an area designated as No Stopping, No Parking, or Loading Zone; or
 - (ii) on major collector or arterial streets as identified in the Regional Plan.
- (3) New sites identified by a vendor, and subsequently included in Schedule B, shall be offered to the identifying vendor for the first right of refusal on the site.

Vending by Abutting Business

38.

- (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 the stand on the portion of the sidewalk immediately adjacent to the premises;
 - (b) locate the stand to provide a minimum of 2.1 metres of sidewalk clear of all

obstructions for pedestrian use; 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 5.0 metres of any driveway;
 - (c) set up a stand within 5.0 metres of a marked or unmarked crosswalk;
 - (d) set up a stand within 20 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) This Section shall not apply to a second hand shop, pawnbroker, or sidewalk cafe.

Vending in Association with Festivals or Events

39.

- (1) This By-law shall not apply:
- (a) to a civic festival or civic event organized or held by the Municipality; or
 - (b) to a festival or event that is not organized and held by the Municipality:
 - (i) where the organizer has entered into a rental agreement with the Municipality for the use of municipal lands; or
 - (ii) where the organizer has received permission to close a street under section 332 of the *Halifax Regional Municipality Charter*.

- (2) Pursuant to subsection (1):
 - (a) the organizer of a festival or event may grant permission to a person to vend at the festival or event; and
 - (b) if permission to vend is granted, a license under this by-law is not required.
- (3) This By-law shall not apply to properties where the Municipality has a third party management agreement.

Vending by Artisans

40.

- (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) The application for a vending license shall be in a form prescribed by the License Administrator, and shall include:
 - (a) the name, home and business street address and telephone number of the applicant(s) and each of the partners or individuals proposing to share a site or a license;
 - (b) identification of the site being applied for;
 - (c) a sample and photo of the handcraft(s) to be sold including a price list; and
 - (d) a statement to the effect that the applicant made or manufactured the handcraft, or that the handcrafts are made within Nova Scotia.
- (3) Where the provisions of this By-law have been complied with, the License Administrator, upon payment to the Municipality in the amount equal to the license fee prescribed by Administrative Order, shall issue a license for an approved location on a first come, first served basis.
- (4) A person licensed to sell handcrafts pursuant to this Section shall only sell in a location approved by Council and described on the license, which location shall be designated in Schedule B to this By-law.
- (5) A person who vends pursuant to this Section shall:
 - (a) only vend during the months of May through October in any year;
 - (b) keep an area within a three (3) metre radius of the location free and clear of trash, refuse, and recyclables, and agrees that on failure to do so, the Municipality may, in addition to any other remedies, clean the said area at

the expense of the vendor;

- (c) use booths, stands, coverings, screens and other equipment used for display that are of a temporary and moveable nature, including a vinyl or canvas umbrella or canopy;
- (d) position umbrellas or canopies that encroach the sidewalk two (2) metres or more above the level of the sidewalk and anchored so as not to cause a hazard in the event of wind or inclement weather;
- (e) remove tables, booths, display stands, coverings, screens and other equipment used for display at the end of each business day, which business day is deemed to commence at 7:00 am and ends at 10:00 pm;
- (f) 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;
- (g) locate the stand to provide a minimum of 2.1 metres of sidewalk clear of all obstructions for pedestrian use;
- (h) not hang products for sale from trees, bushes, posts, or other structures, both natural or man-made, located around the assigned vending area;
- (i) 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; and
- (j) incorporate a solid base perimeter on the stand to facilitate identification of the stand by visually impaired individuals.

PART 3 - NEWSPAPER BOXES

License Required to Place Newspaper Boxes

41.

- (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

42.

- (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 unless:
 - (a) the license is for a location set out in Schedule B to this By-law;
 - (b) the box shall not exceed 1.25 metres in height nor occupy an area greater than 0.35 square metres, unless otherwise approved by the Engineer;
 - (c) the applicant files with the License Administrator proof of the insurance coverage required by section 18 and Schedule A to this By-law;
 - (d) 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; and
 - (e) the fees as prescribed pursuant to Administrative Order 15 have been paid.
- (3) A license shall expire on the 31st of March next following the date of issue.
- (4) 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

43.

- (1) No person shall place a box in the Municipality except at a site for which the owner holds a license.
- (2) The sites approved for boxes are those designated from time to time in Schedule B to this By-law.
- (3) New sites may be approved by Council.
- (4) Notwithstanding subsection (2), there shall be, at a minimum, space for four (4) boxes in order for a site to be approved.
- (5) Only one (1) box per publisher shall be permitted to be placed at each approved location, the license for which shall be issued on a first-come first-served basis.
- (6) Where a publisher applies to place a newspaper box in a location as set out in Schedule B to this By-law, a publisher shall, upon approval, locate that box within .15 meters of a box already located at that location.

Maintenance of Boxes

44.

- (1) The license holder shall:

- (a) keep the newspaper box in good repair, in a neat, clean, rust-free and sanitary condition free of advertisements as per Section 45;
 - (b) immediately remove any newspaper box from the street when damaged; and
 - (c) in no event undertake any repairs to a newspaper box in the street.
- (2) All newspaper boxes shall be subject to by-laws that pertain to graffiti on public facilities.
- (3) Graffitied boxes shall be removed from the street within three (3) days of notification, or be subject to removal by the Municipality, with the license revoked, and not reissued, for a period of up to one year.

Printing on Boxes

45. A newspaper box shall 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:

- (1) the name of the newspaper or periodical being sold or distributed;
- (2) instructions on the use of the machine; and
- (3) advertising promoting the newspaper or periodical itself.

Construction of Boxes

46. A newspaper box shall:

- (1) 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) be free-standing and self-supported by means of a weight internal to the newspaper box; and
- (3) incorporate a solid base perimeter to facilitate identification of the box by visually impaired individuals.

Repeal of By-Laws

47. The following By-law is hereby repealed:

By-Law Number C-500

Done and passed in Council this ____day of _____, 2014.

MAYOR

MUNICIPAL CLERK

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on_____, 2014.

Cathy Mellett
Municipal Clerk

Schedule “A”

Vending Insurance Matrix

| Type of Insurance | Food Service Vehicles | Bicycle Wagons | Stand Vendors | Newspaper Boxes | Artisan |
|--|---|----------------|---------------|-----------------|---------|
| Commercial General Liability (CGL) Minimum limits: Two Million Dollars (\$2,000,000. Which shall include the following endorsements: <ul style="list-style-type: none"> • Products and Operations liability • Cross-liability/Severability of Interests • Sudden and Accidental Pollution ** • Personal Injury • Bodily Injury and Property Damage • Tenants Legal Liability • Voluntary Medical Payments • Permission to use attached equipment/machinery | Yes | Yes | Yes | Yes | No |
| Automobile Liability (including Owned & Un-owned) Minimum limits: Risk Type A: Two Million Dollars (\$2,000,000.) Risk Type B: Five Million Dollars (\$5,000,000.) Which shall include the following endorsements: <ul style="list-style-type: none"> • Permission to use attached equipment/machinery not excluded | General Food Service: \$2,000,000. Special Events: \$5,000,000. Discussion would take place to determine applicable Insurance requirements | No | No | No | No |

** Sudden and Accidental Pollution may not be available for those small Business policies. Discussion relative to type and size of exposure will be necessary.

- It is the responsibility of the Applicant, Signatory to the License or the License Holder to at their own cost, source and purchase the appropriate insurance

Schedule “A”

- Such insurance shall be in a form and with Insurer (s) who are licensed to do business in Nova Scotia and who are reasonably acceptable to Halifax Regional Municipality
- All limits shown are “per occurrence” limits
- All amounts are in CDN \$
- Certificate of Insurance with Halifax Regional Municipality named on the policy as Additional Insured is to be provided at time of application. Updated Certificates of Insurance file shall provide thirty (30) days’ notice to HRM of policy cancellation or material change to Commercial General Liability policies. Fifteen (15) days’ notice is required for policy cancellation of material changes to an Automobile policy.
- Should the Applicant, Signatory to the License or License Holder fail to keep the appropriate insurance coverage valid and in force or otherwise fail to comply with the insurance requirements of this By Law, the License Administrator may suspend the license until such time the License Administrator receives proof of insurance. Permanent suspension of License will take place if insurance has not been reinstated within three (3) months of the date of suspension

Schedule “B”

A. SITES FOR FOOD SERVICE VEHICLES

1. Spring Garden Road, North Side, 32 metres West of Grafton Street
2. Spring Garden Road, North Side, 32.5 metres East of Brunswick Street
3. Grafton Street, West Side, 25 metres North of Spring Garden Road
4. Argyle Street, East Side, 18 metres South of Carmichael Street
5. Martello Street, West Side, 28 metres South of Spring Garden Road
6. Argyle Street, East Side, 20 metres North of Carmichael Street
7. Wright Avenue, North Side, 105 metres West of Joseph Zatzman Drive
8. Purdys Lane, North side of the north loop of the crescent, 27 metres East of Upper Water Street
9. Waterfront Drive, East side, 35 metres North of driveway to Park Parking Lot
10. Dingle Road, in the Sir Sandford Fleming Park Parking Lot
11. Point Pleasant Park – Parking Lot at Black Rock Beach

Schedule “B”

B. SITES FOR ALL OTHER STANDS

1. Spring Garden Road, North Side, 35 metres West of Grafton Street
2. Spring Garden Road, North Side, 30.5 metres East of Brunswick Street
3. Grafton Street, East Side, 71 metres North of Spring Garden Road. Non-Food Merchandise Only.
4. Grafton Street, West Side, 56.5 metres North of Spring Garden Road
5. Grafton Street, East Side, 58 metres North of Spring Garden Road. Non-Food Merchandise Only.
6. South Park Street, West Side, 96 metres South of Spring Garden Road
7. Argyle Street, East Side, 30 metres South of Carmichael Street
8. Argyle Street, East Side, 60 metres South of Carmichael Street
9. George Street, South Side, 80 metres East of Lower Water Street
10. University Avenue, South Side, 43 metres West of Seymour Street
11. On the Halifax North Common, Cunard Street, South Side, 48 metres East of Princess Place
12. On the Halifax Central Common, 5816 Cogswell Street, 199 metres East of Bell Road

Schedule “B”

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, 9 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.

Schedule “B”

D. SITES FOR NEWSPAPER BOXES

Downtown Halifax

1. 1690 Hollis Street, West Side, 25.5 metres South of Prince Street
2. 1557 Hollis Street, East Side, 33.5 metres North of Salter Street *
3. 1310 Hollis Street, West Side, 27 metres North of Morris Street *
4. Barrington Street, East Side, 8 metres North of Smith Street
5. Barrington Street, West Side, 24 metres North of Morris Street *
6. Barrington Street, West Side, 19.5 metres North of Sackville Street
7. Barrington Street, West Side, 24 metres North of Duke Street *
8. Barrington Street, East Side, 124 metres North of Duke Street *
9. Lower Water Street, West Side, 54 metres North of Morris Street
10. Lower Water Street, East Side, 78 metres South of Salter Street *
11. Lower Water Street, East Side, 23 metres North of Salter Street
12. 5077 George Street, North Side, at Chebucto Landing Entrance, 2.5 metres East of Ferry Terminal doors
13. 1799 Brunswick Street, East Side, 56 metres South of Duke Street *
14. 1590 Argyle Street, West Side, 25 metres South of Sackville Street
15. Barrington Street, West Side, 19.5 metres South of Blowers Street
16. Grafton Street, West Side, 11.5 metres South of Prince Street
17. Market Street, West Side, 36 metres South of Carmichael Street
18. South Street, South Side, 20 metres West of Hollis Street
19. Barrington Street, East Side, 23 metres South of George Street*

Spring Garden Road Area

1. Spring Garden Road, South Side, 38.5 metres East of Queen Street *
2. South Park Street, West Side, 40 metres South of Spring Garden Road
3. Martello Street, East Side, 16 metres South of Spring Garden Road
4. Spring Garden Road, South Side, 35.5 metres East of Summer Street
5. Dresden Row, East Side, 34 metres North of Spring Garden Road *

Quinpool Road Area

1. 6169 Quinpool Road, North Side, 185 metres West of Vernon Street *
2. 6371 Quinpool Road, North Side, 21 metres West of Harvard Street
3. 6465 Quinpool Road, North Side, 19 metres East of Beech Street
4. 6112 Quinpool Road, South Side, 40 metres West of Vernon Street
5. Oxford Street, West Side, 43 metres South of Quinpool Road

Gottingen Street Area

1. 2131 Gottingen Street, East Side, 23 metres South of Cornwallis Street
2. 2285 Gottingen Street, East Side, 25 metres North of Prince William Street

Schedule “B”

Dartmouth

1. 46 Portland Street, South Side, 27 metres East of Prince Street
2. 159 Wyse Road, West Side, 17 metres North of Dawson Street
3. 30 Ochterloney Street, South Side, 10 metres East of Edward Street *
4. Atlantic Street, South Side, 86 metres East of Pleasant Street
5. Highfield Park Drive, North Side, 12 metres West of Joseph Young Street *
6. 110 Wyse Road, rear entrance to the Dartmouth Sportsplex *
7. Pleasant Street, West Side, 55 metres North of Mawiomi Place

Halifax Peninsula

1. Agricola Street, West Side, 40 metres North of Cunard Street
2. Agricola Street, West Side, 11 metres North of North Street
3. Agricola Street, East Side, 17.5 metres South of West Street
4. 6570 Bayers Road, South Side, 93.5 metres East of Connaught Avenue
5. Coburg Road, South Side, 27 metres East of Oxford Street
6. North Street, North Side, 51 metres West of Gottingen Street
7. North Street, North Side, 13 metres West of Robie Street
8. 5461 Inglis Street, North Side, 83.5 metres East of Bland Street
9. Inglis Street, South Side, 34 metres East of Robie Street *
10. Jubilee Road, North Side, 15 metres East of Preston Street
11. 6034 Lady Hammond Road, South Side, 144 metres West of Agricola Street
12. Robie Street, East Side, 93 metres South of Cunard Street *
13. Robie Street, East Side, 48 metres North of Spring Garden Road
14. Robie Street, West Side, 139 metres North of Almon Street *
15. Robie Street, West Side, 23 metres South of Young Street
16. Henry Street, West Side, 29 metres North of South Street
17. South Park Street, West Side, 20 metres South of Victoria Street
18. 5620 South Street, South Side, 145 metres West of Queen Street
19. 6085 Coburg Road, North Side, 19.5 metres West of Henry Street
20. 3220 Isleville Street, West Side, 29 metres South of Stairs Street

Other HRM Locations

1. 98 Beaverbank Road, West Side, 20 metres South of driveway *
2. 1248 Bedford Highway, West Side, 41 metres South of Meadowbrook Drive *
3. 920 Bedford Highway, East Side, 34 metres North of Moirs Mills Road *
4. Bedford Highway, West Side, 100 metres South of Melody Lane (at MSVU) *
5. Cole Harbour Road, North Side, 180 metres West of Forest Hills Parkway
6. Osborne Street, North Side, 87 metres East of Northwest Arm Drive
7. Pinegrove Drive, North Side, 44 metres East of Herring Cove Road
8. Lakelands Boulevard, East Side, 65 metres North St. Margaret=s Bay Road *
9. Willett Street, East Side, 73 metres South of Lacewood Drive *
10. 224 Waverley Rd, East Side, 69 metres South of Montebello Drive *

Schedule “B”

Metro Transit Terminals

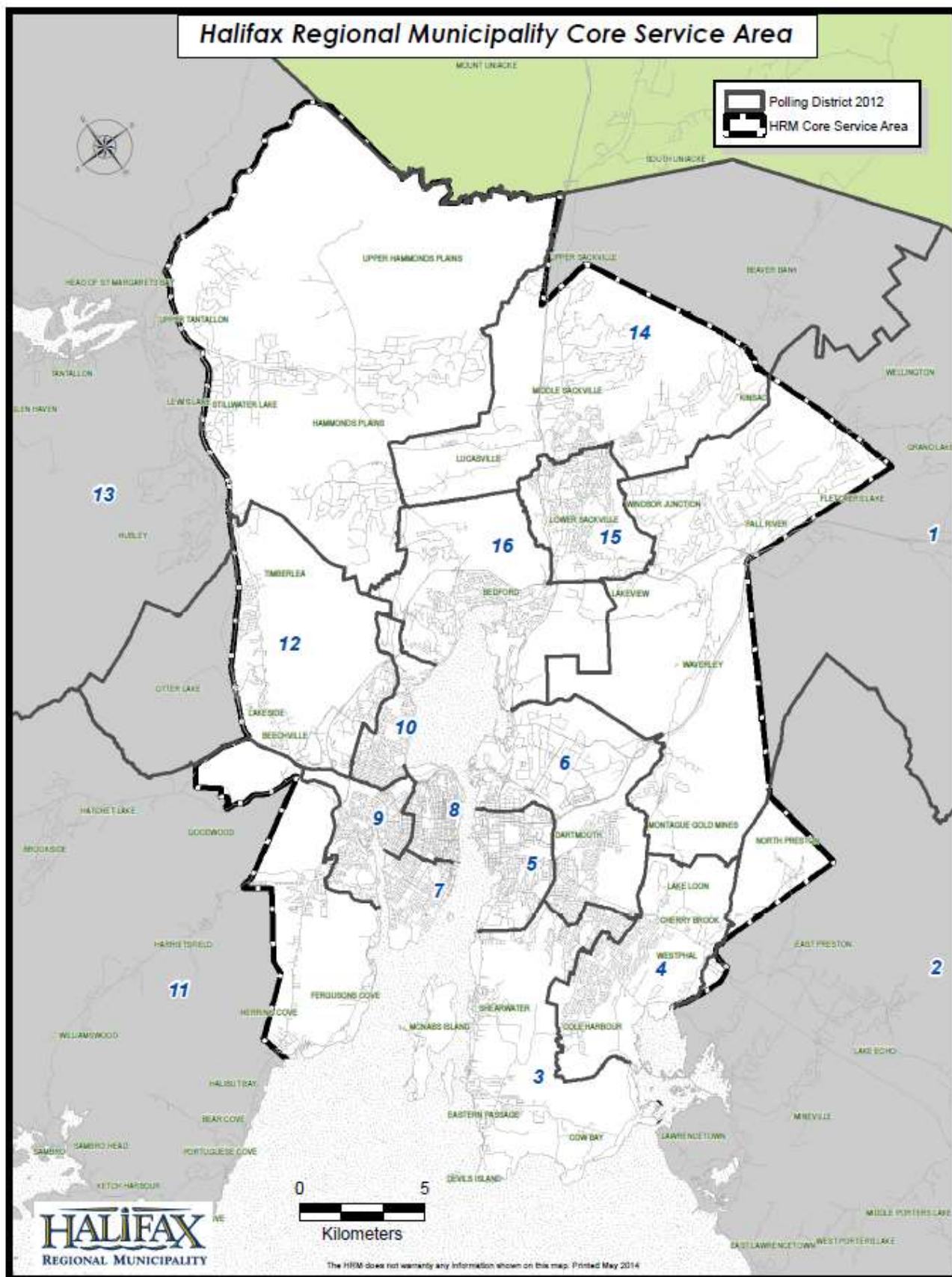
(One newspaper box cluster permitted at the following Transit Terminals at a location specified by Metro Transit)

Highfield
Portland Hills
Cobequid
Penhorn
Sackville
Dartmouth Bridge (Sportsplex)
Halifax Ferry
Dartmouth Ferry
Woodside Ferry
MicMac Boulevard Park and Ride
Fall River

Notes:

* Indicates sites where boxes must be located behind the sidewalk, on the opposite side from the curb.

Schedule “C”



Item No. 11.1.9
Halifax Regional Council
July 22, 2014

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by Director

Kathleen Llewellyn-Thomas, A/Director, Public Works and Transportation

DATE: May 16, 2014

SUBJECT: Vending and Commerce on Municipal Lands By-law C-500 Amendments

ORIGIN

- August 14, 2012 - Regional Council - the following motion was put and passed:
12.2 Councillor Watts
"To request a staff report on amendments to HRM By-Law C-500 that would facilitate the positive growth of the mobile food service industry in HRM (Halifax Regional Municipality). Specifically, I request that staff re-examine the by-laws for food trucks and mobile food carts (bicycle powered) with the aim to improve service delivery so as to support the development of the local food truck/food cart business; and that staff consult with current and prospective food truck/cart business operators and existing BIDs (Business Improvement Districts)."
- July 30, 2013 - Regional Council - the following motion was put and passed:
11.1 Councillor Adams
"That Halifax Regional Council request a staff report outlining options to include a protective canopy in section 32 "Vending By Artisans/Craftspeople", sub-section 6(c), of By-Law C-500, Respecting Commerce and Vending on Municipal Lands. The staff report is to include information such as acceptable material for the canopy, size and methods for securing the canopy to the table/kiosk"

LEGISLATIVE AUTHORITY

- *Halifax Regional Municipality Charter*, Part VII, Section 186 - Power to regulate, license and prohibit.
- *Halifax Regional Municipality Charter*, Part VII, subsections 188(1)(c) & (f) and (2)(b) & (e).

RECOMMENDATION ON NEXT PAGE

RECOMMENDATION

It is recommended that Halifax Regional Council:

- 1) adopt By-law C-501 repealing By-law C-500, the *Commerce and Vending on Municipal Lands By-law*, as set out in Attachment J of this report;
- 2) repeal Administrative Order 37, the *Commerce and Vending on Municipal Lands (Site Locations) Administrative Order*, as set out in Attachment K of this report; and
- 3) adopt the amendments to Administrative Order 15, the *License, Permits and Processing Fees Administrative Order*, as set out in Attachment L of this report.

BACKGROUND

By-law C-500 Respecting Commerce and Vending on Municipal Lands was adopted by Regional Council in September of 2006 as part of the By-law Rationalization process. At the time, the by-law was developed with the intent of rationalizing all former municipal by-laws that dealt with commercial or retail activities (including vending) on municipal properties.

Mobile vending is evolving rapidly. Innovative entrepreneurs combined with recent interest in food trucks culture are fueling large growth in the industry. When Council requested this report in August 2012, there were a number of traditional food truck operators in the market and a handful of newcomers. Since then, The Food Truck Association of Nova Scotia (FTANS) was founded, and they report more than eight new food truck start-ups in 2014-2015¹. Despite the rapidly changing mobile vending landscape, the vending by-law which regulates this industry has not changed since it was first put into effect in 2006.

DISCUSSION

There are two Council requests that are being handled simultaneously in this report. The first is related to food truck and bicycle vending, and the second is related to protective canopies for artisans and craftspeople. The third section of the report outlines some of the “housekeeping” components of the proposed amendments.

1. Food Truck and Bicycle Vending

This section will address the items from Regional Council session of August 14, 2012, where Council put and passed the following “...request a staff report on amendments to HRM By-Law C-500 that would facilitate the positive growth of the mobile food service industry in HRM...”

Defining Review Scope

Staff met with Councillors Watts and Mason to get some more specific direction with respect to the motion. Four key focus areas were identified:

- 1) Review the appropriateness of changing the starting hour from 9AM to 7AM
- 2) Investigate the possibility of license or site “sharing”
- 3) Improve the application process to eliminate the issue of timing and gaps in site licensing
- 4) Discuss removing the restrictions on allowable vending from bicycles

In addition to the items highlighted by the Councillors, staff is proposing changes to two other sections

¹ See Attachment E – Food Truck Association of Nova Scotia Letter

which fall within the scope of the original motion; criteria for new designated vending sites, and vending in association with festivals or events.

Starting Hour – 9AM to 7AM

The current by-law states that no person shall vend between the hours of 4AM and 9AM², and that food truck or stand is allowed to be parked on municipal land between 4:30AM and 8:30AM on any day³.

There are no traffic related concerns identified with the proposed start time shift. The current locations do not pose any traffic congestion issues during the evening peak hours; hours during which the food truck and stand operators are currently allowed to vend. On that rationale, allowing vending activities during the morning peak hours should not pose any additional congestion concerns. Review of Jurisdictional Research⁴ shows that for those jurisdictions that have restrictions on vending times, 7AM for a start time is reasonable.

Site Sharing

The current by-law states that only the person to whom the license was issued can vend at a site, and that a person may only be granted a license to vend at one site⁵. By allowing a group of people to bid on a site together, sites will be occupied more often and vendors can setup their own rotations. All applicants would be issued site licenses for that location. Staff believe that this approach would address both the request from the mobile vendors and Council while retaining the current systems of designated sites for mobile vending.



Improve Application to Eliminate Licensing Gaps

The current by-law sets out specific dates for license applications, license processing, and license expiry⁶. This process forces gaps in vending at all designated sites. Staff propose that the dates be removed from the By-law to allow for the application, processing, and issuance of the license for Food Service Vehicles (food trucks) and Stands at any particular site to occur without any gaps in licensure at the site.

The method of selecting the successful applicant for the site will not change. Currently the license is awarded to the applicant with the highest bid on any one site. Given the proposed changes to the "Site Sharing" section, this could now be a group of applicants rather than one single applicant.

Vending from Bicycle Wagons

The current by-law only allows Bicycle Wagon operators to vend frozen treats⁷. Correspondence related to the request to remove this restriction suggests that there is a desire by at least one person to vend food such as coffee and muffins from a bicycle wagon. Some of the reference materials included in this correspondence included links to videos that showed coffee and snacks being sold from carts similar to the one shown in Figure 1.

² HRM By-law C-500; Section 20. (1) (a)

³ HRM By-law C-500; Section 20. (1) (c)

⁴ See Attachment C; Summary of Jurisdictional Research from a recent City of Toronto report on titled *New Opportunities for Toronto's Street Food Vendors*

⁵ HRM By-law C-500; Section 5, Section 9 (1), and Section 17

⁶ HRM By-law C-500; Section 10 (4) (e), Section 11, and Section 16

⁷ HRM By-law C-500; Section 21 (d)

Staff concerns with this type of vending activity include the maneuverability of the carts on public street right of ways due to their size and weight, and the safety of persons making purchases from the cart when the cart is parked curbside.

Several new clauses have been added to the proposed by-law to mitigate those concerns, including size (length and width) restrictions. The current by-law does not specify the maximum size for a bicycle wagon. Staff is proposing that the wagon be limited to two (2) metres in length, and one (1) metre in width; not including the wheelbase. The Transportation Association of Canada (TAC) suggests that a typical bicycle operating space can be estimated at 1.75 metres in length, and one (1) metre in width⁸. This means that the bicycle wagon would be longer than a typical bicycle, but no wider.

Figure 1 - Bicycle wagon for vending coffee

Some of the representatives from the Business Improvement Districts (BIDs) were also concerned with the lack of regulation with respect to the location that bicycle vendors are permitted to setup. The example most often used is a coffee and muffin bicycle vendor that sets up directly in front of any brick and mortar shop offering similar product. The bicycle vendor could arrive at peak times (say the morning rush). The only requirement would be that the Bicycle Wagon is moved every ten minutes. This would not necessarily stop the vendor from moving to directly in front of another brick and mortar and repeating the move until the Bicycle Wagon is out of product. The concerns were not unanimous, but the majority of the BID representatives voiced this concern.

New Designated Site Approvals and Proposed Recommendation Criteria

The current by-law states that new vending sites may be approved by the Engineer⁹. This is not entirely accurate, as the list of approved sites is currently located in Administrative Order 37. In order to make any addition to the list, the Engineer must still make a recommendation to Council to amend the Order. The Engineer may base the first part of the recommendation on engineering judgement with respect to the safety of the road users. If the safety criteria are met, the rest of the recommendation is highly subjective.

In an effort to bring some consistency and clarity to the process for the applicants, the Engineer, and Council, staff is recommending that a list of site selection criteria be endorsed by Council. The criteria would be located in the by-law. This would be a list of conditions that when met, the Engineer could use to formulate the recommendation to approve or to not approve a new site. This type of location criteria exist in many other jurisdictions. A summary of this research is available in the Attachment C¹⁰. Documenting these criteria will speed up the new site request review process. This would improve service delivery to the food truck industry, which is directly related to the original Council motion.

The criteria would be permissive rather than prescriptive, which would allow a new site to receive a positive recommendation even if not all of the criteria are met, provided the applicant has taken steps to mitigate the concern. For example; if the site selection criteria states that new sites would not be located within 25m of an existing brick and mortar restaurant but a vendor would like a new site which is only 19m from a restaurant, this site would still be considered if the restaurant owner is agreeable to the location. The applicant could submit the letter of non-objection along with the request, and staff may still recommend that Council approve the site provided the other criteria are met. This collaborative approach was generally supported by FTANS and Restaurant Association of Nova Scotia (RANS), as well as the BIDs representatives.

New site locations for Food Trucks and Stands being proposed in parks will be vetted through the appropriate Parks and Open Spaces Supervisor for recommendation to Council.

⁸ TAC Geometric Design Guide for Canadian Roads (September 1999); Figure 3.4.2.1

⁹ HRM By-law C-500; Section 29 (2)

¹⁰ Summary of Jurisdictional Research from a recent City of Toronto report on titled *New Opportunities for Toronto's Street Food Vendors*

For new Food Truck and Stand sites being requested within the right of way, staff is recommending a 25m buffer to existing brick and mortar restaurants. Restaurants Canada (formerly CRFA) suggests a far more conservative 150m¹¹, however all other parties consulted agreed that a 150m radius was too large. A graphic representation of the 150m buffer is shown in Attachment F.

The 25m buffer zones were seen as a more appropriate size in discussion with RANS and BID representatives. FTANS would prefer no buffer zones, but recommend that the buffer be waived if a letter of approval is provided from the restaurant in question. This capability exists within the proposed amendments. In other jurisdictions where such buffer zones exist, 25m appears to be much more common¹⁰. Other criteria site selection criteria being proposed include no new sites located within no stopping, no parking, loading zones, on major collector or arterial streets, within school zones, and in residential areas. A graphic representation of the 25 m buffer zones is shown in Attachment G.

Vending in Association with Festivals or Events

Staff is also proposing changes to the Festivals and Events section of the by-law. The changes will eliminate some of the provisions that would prevent vendors from setting up on municipal lands within a festival area provided they are there with the permission of the event organizer. As well, the by-law will remove requirements for vending licenses for fundraisers, sport tournaments and not for profit events. While the previous by-law did require licenses for vending at these types of events, due to the varied timing and locations of the events, that requirement has not been consistently administered, creating confusion and gaps in the licensing of vending at events. Under the new by-law, the rental contract for the use of HRM property for these events will reflect the requirement for insurance and compliance with appropriate regulations by the event organizers. As a result, the by-law has been changed to reflect the current process in place for these types of events on HRM parks and streets.

These changes will also drive an amendment to Administrative Order 15, as the section that deals with the cost of vending licences for special events will be removed. Due to the inconsistent administration of the requirement for the licenses for events, this change will not result in a significant loss of revenue.

2. Canopies for Artisans

Regional Council requested a staff report outlining options for protective canopies for artisans and craftspeople. The current by-law has permissive language in Section 32 (6) (c), which states:

A person who vends pursuant to this Section shall 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;

This includes, but is not limited to, umbrellas. This means that the use of tents or other types of protective canopies are not prohibited. As the style of canopy is not restricted and could take many different forms, staff is not recommending any specific amendments to include methods for securing the canopies to tables.

The display areas have a maximum size of 1m by 2m¹². The By-law does not specify the total maximum footprint of a site including the canopy of choice of the vendor. Upon further investigation, staff determined that the total site footprint at Sackville Landing sites cannot be any larger than 2.1m by 2.1m; and 2.1m by 1.5m at Nathan Green Square. General language with respect to the maximum footprint sizes of the artisan sites were not included in the by-law in the same way as there are for other types of vending sites because they are specific to each site. As such, staff is recommending no changes to the by-law, but that the maximum footprint of the sites be indicated on the site licence.

¹¹ See Attachment D, Restaurants Canada Letter and Survey results

¹² HRM By-law C-500; Section 32. (6) (e)

3. Other Housekeeping

Some items in the by-law were amended as part of an exercise to standardize language across other HRM by-laws. Items such as those pertaining to the Licence Administrator, Appeals, Compliance with Order, Seizure and Removal, Penalty, Indemnification, and Insurance fall under the category of standardized language. The actual insurance amounts required have changed, and are now reflected in Schedule A of the by-law. The new amounts reflect current conditions; as opposed to when the by-law was originally drafted in 2006.

Other housekeeping items include removing the section with respect to the vendor badges. The badges were deemed no longer necessary, and removing this requirement will eliminate administrative costs associated with producing the badges. This change is also driving an amendment to Administrative Order 15, as the section that deals with the cost of vendor badges will be removed.

The list of designated vending sites is currently located in Administrative Order 37. From a by-law drafting perspective, it is more appropriate for a list of designated sites of this nature to be located in the actual by-law rather than set out in an administrative order. Staff is proposing that the current list be added as Schedule B to By-law C-501, and Administrative Order 37 be repealed.

The number of approved sites for Artisans at Sackville Landing will be reduced from 12 to 9. The reduction is a result of the Sackville Landing Recapitalization Project. Some spaces that had been used for vending purposes were repurposed. The new setup only has space for 9 vendors. As typical vending licence sales are typically around 8 to 9 per year at this location, this should not have any substantial effect on the vendors or the licence revenues.

Consideration of New Sites

In the time since the August 2012 motion was passed at Council, the Engineer received five requests for new sites. Three are within HRM street right of ways, and two are in HRM Parks. For Council's consideration;

Purdys Lane, North side of the north loop of the crescent, 27 metres East of Upper Water Street

This proposed location is for a food service vehicle (food truck). It is located along the parking structure on the north side of Purdys Lane. There are currently parking meters at this location, which would have to be removed if the site were approved. The site meets all of the criteria that staff propose be included in the amended version of C-500, and as such are recommending approval. As per the provisions of the by-law, new sites identified by a vendor that are subsequently approved are offered to the identifying vendor for first right of refusal on the site.

Waterfront Drive, East side, 35 metres North of driveway to Park Parking Lot

This proposed location is for a food service vehicle (food truck). It is located on the east side of Waterfront Drive, adjacent to DeWolf Park. There is currently unrestricted parking at this location. The site meets all of the criteria that staff propose be included in the amended version of C-500, and as such, are recommending approval. As per the provisions of the by-law, new sites identified by a vendor that are subsequently approved are offered to the identifying vendor for first right of refusal on the site.

Dingle Road, in the Sir Sandford Flemming Park Parking Lot

This location was requested for inclusion in the approved list of site by HRM Parks Staff and the district Councillor as the canteen will not be opening this year. It was suggested that a mobile vending site for a food service vehicle (food truck) might be a viable alternative to the permanent canteen.

Point Pleasant Park – Parking Lot at Black Rock Beach

This location was requested for inclusion in the approved list of site by HRM Parks Staff.

Hamshaw Drive, North side in gravel shoulder, 80m East of Saskatoon Drive

This proposed location is for a food service vehicle (food truck). It is located on the north side of Hamshaw Drive, adjacent to Kearney Lake Beach. There are currently parking restrictions at this location. The parking restrictions were put in place in 2004, and were intended to prevent vehicle – pedestrian conflicts at the beach location. The introduction of a vending site at this location would fall within the intent of the original parking restrictions; and would likely further discourage parking violations at this location. The site meets all of the criteria that staff propose be included in the amended version of C-500 except the parking restrictions. As the parking restriction concerns have been addressed, staff is recommending approval. As per the provisions of the by-law, new sites identified by a vendor that are subsequently approved are offered to the identifying vendor for first right of refusal on the site.

The sites have been included on the list in Schedule B of the proposed By-Law C-501. A graphical representation of the locations the proposed new sites in included in Attachment H.

These proposed amendments are meant to address Council's requests to date regarding changes to the Vending By-law. Staff recognize that as this is a rapidly evolving industry. Through an on-going and proactive consultation process, staff will bring forward amendments in the coming years to continue to adapt the legislation to this industry. Attachment M demonstrates how the proposed changes will begin to improve the vibrancy of the industry over the coming years, and how staff plan to move forward with additional consultations and future amendments.

FINANCIAL IMPLICATIONS

The site application process is not changing; the successful applicants will still be selected by the “highest offer” model for mobile vending sites. The current model allows the market to dictate the value of any particular designated site. The amendments do include provisions for site sharing, which may result in increased revenues if multiple vendors pool their resources to bid on specific sites. Additional revenues may also be realized depending on how many new sites are approved as a result of the new site selection criteria.

With respect to the new site location at Purdy's Lane would require at least two parking meters be removed in favour of posted parking restrictions for the food truck vendor. Lost revenue for the parking meters can be approximated at \$6200 per year. As the licences are awarded to the highest offer, the actual potential revenue is more difficult to approximate as the amount the vendors are willing to pay based on the market conditions.

COMMUNITY ENGAGEMENT

Several meetings and consultation sessions took place over the past two years. Internal stakeholders involved in the process included representatives from multiple Business Units. External stakeholders consulted during the process included the proponents who sent the letters included in Attachment A and B, the Food Truck Association of Nova Scotia (FTANS), the Restaurant Association of Nova Scotia (RANS), Restaurants Canada (formerly CFRA), and representatives from the Downtown Halifax, Downtown Dartmouth, Quinpool Road and North End Business Associations.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

There are no recommended alternatives.

ATTACHMENTS

Attachment A – Proposal for Review & Amendment from Food Truck Operators
Attachment B – Proposal for Review & Amendment from Prospective Bicycle Wagon Vendor
Attachment C – Jurisdictional Review from City of Toronto report
Attachment D – Restaurants Canada Letter and Survey Results
Attachment E – Food Truck Association of Nova Scotia Letter
Attachment F – Graphical Depiction of 150 meter Buffer
Attachment G – Graphical Depiction of 25 meter Buffer
Attachment H – New Designated Site Requests
Attachment I – Current By-Law C-500
Attachment J – Proposed By-law C-501 (separate document)
Attachment K – Repealing Administrative Order 37
Attachment L – Amending Administrative Order 15
Attachment M – Impacts of Proposed Changes and Future Consultations

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Christopher Davis, P.Eng., Supervisor, Right of Way Services, 490-7462

Report Approved by: _____
Taso Koutroulakis, P.Eng., PTOE, Manager, Traffic & Right of Way Services,
490-4816

Financial Approval by: _____
Greg Keefe, Director of Finance & ICT/CFO, 490-6308

Report Approved by: _____
Brad Anguish, Director, Community & Recreation Services, 490-4933

Report Approved by: _____
John Traves, Q.C., Director, Legal Services, 490-4219

Attachment A

Proposal for Review & Amendment from Food Truck Operators

Proposal for Review & Amendment By-Law C-500 Respecting Commerce and vending on Municipal Lands

Who we are

Nick Horne is an entrepreneur who is opening a gourmet food truck in downtown Halifax in August 2012 called Nomad Gourmet. Natalie Chavarie, also a community-minded entrepreneur, has partnered with two food industry professionals to open a food truck (The Food Wolf) that will serve the central Halifax community including the north end business district. Together, Nick and Natalie are pioneering the food truck movement in HRM and will be launching www.halifaxfoodtrucks.ca to mobilize the use of social media technologies to track food truck culture in Halifax.

Background

Gourmet food trucks have emerged as a viable and innovative new industry in cities across North America. Major Canadian cities, such as Vancouver, Calgary and Toronto, are actively working to support food truck culture through pilot projects, initiatives, and forward-looking regulation. The food truck industry in Halifax is growing rapidly, and there is an immediate opportunity for the municipality to work collaboratively (food truck entrepreneurs/vendors, enthusiasts, citizens) to harness the vibrant character of this phenomenon to showcase the city's cultural diversity and the economic resilience of its communities. This proposal is intended to provide you with assist you in the identification of opportunities, and to propose amendments to the existing by-law that, although outdated, still might be applied to this new movement by default unless some needed updates are made.

Proposed Amendments

This section proposes amendments to the current HRM By-Law C-500. We are committed to working in collaboration with the municipality to ensure positive growth of the mobile food service industry and to encourage civic engagement in creating a vibrant urban centre.

Section 17 states that "no one person may vend from more than one site". This limits vendors to a specific site. Following the trend of gourmet food trucks in other cities, food trucks should have the flexibility to be mobile or fixed to a site. We request a review of the site licensing practice, and an adoption of practices that enable the key aspects of food truck culture, innovation, creativity, and freedom of movement (i.e. stationary & mobile vending sites, shared-site licenses)

Section 20 a,c states that parking and vending are prohibited between the hours of 4AM and 9AM. These articles unfairly limit the hours of operation of food trucks, specifically the ability to offer an early morning food service. It is proposed that it read as follows:

- (a) (not) vend between the hours of 4:00 a.m. and 7:00 a.m. of any day
- (c) (not) store, park, leave or have any stand or mobile canteen on municipal lands between the hours of 4:30 a.m. and 6:30 a.m. of any day.

It is suggested that *Section 21 "Conditions Relating to Vending From Bicycle Wagons"* also be modernized in consultation with current and prospective vendors. Amendments may include increasing time allowance, and removing the limitation on merchandise.

Opportunities for Halifax Regional Municipality

As a result of the shipbuilding announcement there has been a significant increase in all forms of economic development activity. In order for municipal staff to keep pace and ensure HRM maximizes all business opportunities it is proposed that municipal staff work collaboratively with vendors to harness

Attachment A

Proposal for Review & Amendment from Food Truck Operators

their knowledge and expertise. Increased engagement with vendors, citizens and other levels of government will optimize current HRM staff capacity, and provide applied direction on how to streamline by-law and business processes. This is an opportunity for HRM to lead a collaborative process in order to improve the effectiveness of by-laws, reduce administration, and improve service delivery.

- Opportunity to enable growth in the local food truck sector so as to enhance the Regional Centre.
- Opportunity for food truck entrepreneurs to work with the Business Improvement Districts in creating vibrant economic hubs in communities. Revitalizing communities by offering increased services in designated areas that address areas that lack food services.
- Opportunity to increase the health focus and promotion of local and accessible food to support resilient communities in HRM
- Work in collaboration with vendors to create a unique food truck culture that is consistent with the principles of the regional center plan.

Halifax

With a growing local food movement taking hold in HRM the time is right to engage business and community organization to meet a unique citizen demand: more food trucks! From [local food tours](#) to organized community-minded independent business networks such as [I Love Local \(HFX\)](#), Halifax has witnessed a surge of citizen demand and economic activity around local food. We believe that the amendment of this bylaw is an opportunity for HRM to demonstrate its commitment to cutting red tape, and being a more transparent government. By supporting a vibrant food truck culture in Halifax we will add economic sustainability to neighborhoods and communities, as well as build on the local food movement by offering high quality fast foods using local ingredients. It is critical to recognize that food truck businesses operate with similar budgets and requirements to brick and mortar establishments. Local independently-owned businesses represent a key form of economic activity in downtown Halifax. The timing is right for Halifax to join other North American Centres in welcoming food trucks as an innovative and growing industry, and as an important part of civic culture.

References

Calgary

- [Food Truck Pilot Project](#)
- [YYCFoodTrucks](#)

Vancouver

- <http://roaminghunger.com/yvr->

Seattle (Similar size and population to Halifax)

- [Seattle Food Truck Culture](#)

[Recent interview on CBC Information Morning Halifax](#)

[Recent article in AllNovaScotia](#)

Open File article "[Why don't we have more food trucks in HRM](#)"

The Coast "[Sweet Street](#)"

Attachment B

Proposal for Review & Amendment from Prospective Bicycle Wagon Vendor

Thank you for meeting with me last week, further to our discussion the following is my proposed business idea and the two by-laws which currently do not allow for this idea to move forward.

Concept

Pedal Peddle Coffee is a mobile cafe built on the back of an industrial Tricycle. I've had meetings with the Health inspector and have been informed that they believe this concept can work within the existing food safety guidelines they would be happy to provide me with a permit. The bike itself is outfitted with a display cabinet capable of transporting 6 large coffee thermoses and a selection of baked treats. I would like to be able to cycle around the Commons and the surrounding neighbor hoods and sell coffee and muffins to folks who are walking to work.

Legal Hurdles

The two by-laws which I would be breaking if I started this business now are both in By-Law C-500, specifically 20. (1-a) "No person shall vend between the hours of 4:00 am and 9:00 am." and 21. (c) A person vending from a Bicycle Wagon licensed under this By-Law shall not vend merchandise other then frozen treats.

Proposed Solution

Most of the other by-laws governing street vendors make sense to me, however these two seem to specifically serve what we classically conceive of as Dickey-Dee ice-cream sales. I propose that the environmental and health benefits of bicycle vending are being curtailed by these overly specific by-laws. I ask that you strike both of these by-laws and allow the market to dictate what should and shouldn't be sold off the back of a bike. Also I feel that the existing noise by-laws are sufficient to protect the public from any annoyance that might result from vending between the hours of 4:00 am and 9:00 am.

Halifax is a beautiful city. We are lucky to live in a place full of majestic tree lined streets and well cared for historic parks. I see Pedal Peddle Coffee as a great way to further enhance citizens and tourists experience of our city in a charming way.

Below you will find some youtube links to videos showing this type of thing being done in other cities around the world. My bike cafe will be much less elaborate then the two shown in these videos, however the customer experience will be similarly wonderful. If you have any questions regarding the Function or Aesthetics of my cafe I'd be more then happy to to show you some plans.

Sincerely
Bill Wood

<http://www.youtube.com/watch?v=BvIWfXkx2gU&feature=related>

<http://www.youtube.com/watch?v=qRUZnIKNL54&feature=related>

This is a video about food trucks and food truck markets in Portland Oregon, what they've done is started masking the edges of down town parking lots with mobile food trucks which serve out onto the side walks. This provides cover for ugly parking lots, a venue for small-business entrepreneurs, and and deliciously diverse affordable food for the public.

http://www.youtube.com/watch?v=Ei_jA-RQ9GE

Attachment C

Jurisdictional Review from City of Toronto report

Attachment 3 – Summary of Jurisdictional Research

| City | Types of Vendors | Stationary vs. Mobile Permits | Proximity Requirements | Time Restrictions | Restricted Zones |
|--------------------|------------------------|--|---|--|---|
| Toronto (current) | Food carts (229) | Stationary Sidewalk Vending Permits for food carts on the sidewalk. | 25 metres from a business that sells similar products (except mobile ice cream trucks). | No time restrictions for vendors with designated spaces on the sidewalk or road. | No new Sidewalk (carts) or Curb Lane Vending (trucks) Permits issued in Etobicoke, York or Scarborough because legislation of the former municipalities did not allow it. |
| | Food trucks (188) | Stationary Curb Lane Vending Permits for food trucks and ice cream trucks on the road. | 25 metres from a place of worship (except mobile ice cream trucks). | Mobile ice cream trucks may vend for 10 minutes at one location, up to 30 minutes on one street. | No new Sidewalk (carts) or Curb Lane Vending (trucks) Permits issued in wards 20, 27 and 28 due to the moratorium. |
| | Ice cream trucks (131) | Ice cream trucks may be mobile in Toronto and East York, but no permit is required. | 25 metres from another vendor (except mobile ice cream trucks). 30 metres from the entrance to a school, park or dock (mobile ice cream trucks). | | No Curb Lane Vending Permits (food trucks) issued in North York. |
| Toronto (proposed) | Food carts | Stationary Sidewalk Vending Permits for food carts. | 25 metres from a licensed eating establishment (Sidewalk Vending Permits). | No time restrictions for Sidewalk Vending Permit holders or for Mobile Vending Permit holders. | ML&S will develop and maintain a list of Restricted Zones in consultation with BIAs and local councillors' offices. |
| | Food trucks | Mobile Ice Cream Truck Permits for ice cream trucks operating on the road. | 50 metres from a licensed eating establishment (Mobile Vending Permits). | Mobile Vending Permit holders must observe all parking time restrictions. | |
| | Ice cream trucks | Mobile Food Vending Permits for food trucks operating in Mobile Vending Zones. | 25 metres from the property line of a place of worship. 25 metres from another vendor. 30 metres from the property line of a school (Ice Cream Vending Permits, Mobile Vending Permits) | Mobile Vending Permit holders may not vend for more than 3 hours on any one block. Ice Cream Vending Permit holders may vend for max. 30 minutes on any street. | |

Attachment C
Jurisdictional Review from City of Toronto report

| | | | Maximum 2 Mobile Vending Permits per block face. | | |
|------------------------|---|--|--|--|---|
| Calgary (1,096,833) | Food carts (14) Food trucks (48) | Stationary location permits for food carts on the sidewalk. Mobile permits for food trucks operating at parking spaces on the road. | 25 metres from operating restaurants without written permission of the owner. 100 metres from a school. 100 metres from a park (excluding downtown). Maximum 2 mobile food trucks per block face at any time. | No time restrictions for stationary vendors. Mobile food trucks may operate 7:00AM–3:00AM. Mobile food trucks must observe parking time restrictions. Mobile food trucks may not operate for more than 5 hours at a block face. | Mobile food trucks must observe 'roll/no-roll zones' designated by the City. Business Improvement Districts may provide additional areas. Mobile food trucks may not operate in angled or nose-in parking spaces. |
| Edmonton (812,201) | Food trucks (15) Food carts (14) Ice cream trucks (10) | Stationary location permits for food carts on the sidewalk and trucks on the road. Mobile vending allowed for ice cream trucks, without a permit. | 20 metres from a business that sells a similar product or service unless permission is received from the business. 400 metres from any school. 10 metres from intersections and LRT entrances. | 5:00AM–3:00AM in locations other than City parks. 5:00AM–11:00PM in parks. | No restricted zones specified. Vending locations must be approved by the City. - |
| Hamilton (519,949) | Food carts Food trucks Catering trucks Ice cream trucks | Stationary location permits for food carts on the sidewalk. Mobile permits for food trucks at parking spaces on the road. | 100 metres from a school, park, hospital or special event boundary. 30 metres from a restaurant without written permission of the owner. 6 metres from an intersection. | Mobile food trucks must observe parking time restrictions. Mobile food trucks permitted for maximum 3 hours at one location. Not permitted in residential areas 8:00PM–8:00AM. | Hess Entertainment District operating hours restriction 2:30AM–8:00AM. Business Improvement Areas may declare themselves non-vending zones. |

Attachment C
Jurisdictional Review from City of Toronto report

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|------------------------|--|--|---|--|---|
| Ottawa (883,391) | Food carts (32) Food trucks (29) | Stationary location permits for food carts on the sidewalk and food trucks on the road. | 91 metres from a public market. 46 metres from a restaurant. 10 metres from a bus stop. 9 metres from an intersection. 2 metres from another vendor. | No time restrictions | No restricted zones specified. Vending locations must be approved by the City. |
| Saskatoon (260,600) | Food carts (9) Food trucks (3) | Stationary location permits for food carts on the sidewalk. Mobile permits for food trucks at parking spaces on the road. | 20 metres from a restaurant. 30 metres from a school. 20 metres from a park or concession. 150 metres from a special event or festival. 10 metres from any intersection, crosswalk or bus stop. Maximum 2 mobile food trucks per block face at any time. | No time restrictions for stationary vendors. Mobile food trucks must observe parking time restrictions. Mobile food trucks may not operate for more than 5 hours on a blockface. | Residential zoning districts and streets adjacent to residential zoning districts. Mobile trucks shall not operate in angle or nose-in parking spaces. |
| Vancouver (603,502) | Food carts (85) Stationary food trucks (30) Mobile food trucks (26) | Stationary location permits for all vendors. Mobile permits for food trucks only outside downtown. | Fixed carts 50 metres from a restaurant. Mobile food trucks 60 metres from a restaurant. 60 metres from any park or concession. | Food trucks may only operate 7:00AM–11:00PM. Mobile food trucks must move after 60 minutes without a sale. | Mobile food trucks not permitted downtown. Stationary vendors' locations must be approved by the City. |

Attachment C

Jurisdictional Review from City of Toronto report

| | | | | | |
|------------------------------|--|--|--|--|---|
| Winnipeg (663,617) | Food carts Food trucks ~200 cart and truck licences total. | Mobile location permits for food carts on the sidewalk. Mobile permits for food trucks at parking spaces on the road. | 20 metres from a restaurant. 3 metres from the entrance to a building. 20 metres from the entrance to a park. 25 metres from a designated vending area. | No time restrictions on the mobile food carts. Mobile food trucks must observe the parking time restrictions. | City designates restricted zones. |
| Boston (636,479) | Food carts Food trucks (72) Canteen trucks Ice cream trucks | Stationary location permits for food carts on the sidewalk. Stationary permits for food trucks at 18 designated locations on the road, allocated every three months by lottery. | No specified proximity requirements, as sites are designated by the City and considered appropriate on a case-by-case basis. | Three time slots for food trucks at designated locations on the road: - Breakfast (6:00AM-10:00AM) - Lunch (10:00AM – 3:00PM) - Dinner (3:00PM-9:00PM/11:00PM) | Vending prohibited in residential zones. |
| Chicago (2,715,000) | Food carts Food trucks | Stationary location permits for food carts on the sidewalk. Mobile permits for food trucks at parking spaces on the road. | 61 metres from retail food establishments at street level, except 12:00AM–2:00AM. 6 metres from a crosswalk. 9 metres from a stop light or stop sign. | 5AM to 2AM unless otherwise permitted. Mobile food trucks not permitted in one space for more than 2 hours or according to posted parking regulations, whichever is the lesser. | Mobile food trucks prohibited adjacent to a protected bike lane. City maintains a published list of prohibited street vending locations. |
| New York City (8,337,000) | Food carts Food trucks | Mobile location permits for food carts on the sidewalk. Mobile permits for food trucks at parking spaces on the road. | 5 metres from a fire hydrant. | Mobile food trucks must abide by all parking regulations. | City maintains a published list of prohibited street vending locations. |

Attachment C
Jurisdictional Review from City of Toronto report

| | | | | | |
|----------------------------|---|--|---|--|--|
| Portland (583,776) | Food carts Food trucks | Stationary location permits for food carts on the sidewalk. Mobile permits for food trucks at parking spaces on the road. | 60 metres from an operating restaurant. 60 metres from another street vendor. 60 metres from a hotel, bed and breakfast, hostel or inn. | 6:00AM and 10:00PM Vendors may apply for a night vending licence to operate 10:00PM to 6:00AM | The City specifies vending zones. |
| San Francisco (825,111) | Food carts (43) Food trucks (72) | Stationary location permits for food carts on the sidewalk. Stationary permits for food trucks on the road. The City designates spaces for food trucks to operate and trucks may apply for multiple spaces. Trucks may not operate elsewhere, and the spaces are not reserved solely for food trucks. | 150 metres from a middle school or junior high school 7:00AM-5:00PM Monday to Friday 300 metres from any high school between 7:00AM and 5:00PM Monday to Friday. 20 metres from any operating restaurant. | 6:00AM to 3:00AM | City maintains a published list of prohibited street vending locations and restricted zones. |
| Seattle (626,600) | Food carts (20) Food trucks (51) | Stationary location permits for food carts on the sidewalk. Stationary permits for food trucks operating on the road in 'Food-Vehicle Zones'. | 15 metres from a food service business. 5 metres from any business entrance or exit. 300 metres from any public or private school containing a 9 th -12 th grade class. 15 metres from a park. | Day permits: 6AM to 8PM Night permits: 8PM to 6AM | City maintains a published list of prohibited street vending locations and 'Food Vehicle Zones'. |

Attachment D

Restaurants Canada Letter and Survey Results



Canadian Restaurant
and Foodservices
Association

Association canadienne
des restaurateurs
et des services
alimentaires

5121 Sackville Street
Suite 201
Halifax, Nova Scotia
B3J 1K1

Tel: (902) 425-0061
or 1-877-755-1938
Fax: (902) 422-1161
www.crfa.ca

January 22, 2014

Mayor Savage and Council
Halifax Regional Municipality
PO Box 1749
Halifax NS B3J 3A5

Dear Mayor Savage and Councillors:

It is my understanding that Council will soon be studying changes to the bylaw that regulates food trucks in HRM. The Canadian Restaurant and Foodservices Association (CRFA) as the country's largest hospitality association believes it is important for you to understand the position of the foodservice industry on this issue.

While food trucks have an important role in a vibrant foodservice industry, the expansion of the food truck industry cannot be done at the expense of established foodservice establishments. Council must recognize the significant investment that traditional restaurants make in strengthening HRM – paying significant property taxes, generating employment and leading the way towards the gentrification of many neighborhoods. Expanded food truck licensing should not occur at the expense of existing restaurants. Expanded food truck licensing must protect existing investments, while supporting innovation in the industry.

CRFA supports the expansion of food truck licensing with the following conditions:

- Food trucks must meet and follow the same regulatory requirements as restaurants – including food safety, signage, solid waste separation and the availability washrooms for staff and the public example.
- Food trucks are prohibited from locating directly in front of a restaurant and have a buffer zone of at least 150 metres from existing foodservice establishments.

In addition, CRFA encourages the identification of food truck specific zoned areas by the municipality. CRFA also recognizes that limiting the number of food truck licenses issued is warranted.

To assist you, I have enclosed a national survey on food trucks conducted by CRFA.

I trust you will give this information due consideration. If you have any questions, please do not hesitate to contact me.

Sincerely,



Luc Erjavec, P.Eng.
Vice President, Atlantic Canada

VANCOUVER

TORONTO

MONTREAL

HALIFAX

CRFA Food Truck Survey Results: An Operator Perspective

Between September 24 and October 11, 2012, CRFA conducted a survey of operators (both members and non-members) to determine their position on food trucks. The results of the survey will be used by CRFA to help develop government policy and respond to media questions related to food trucks.

Based on 368 responses² from a cross section of restaurant segments, opinions were mixed about whether they supported expanded food truck licensing in their city. **While 38% of operators said they are NOT in favour of expanded food truck licensing, a similar 36% are in favour.** Another 13% of operators said that they weren't sure or didn't know how they felt about food trucks. Food trucks are not an issue for the remaining 13% of operators.

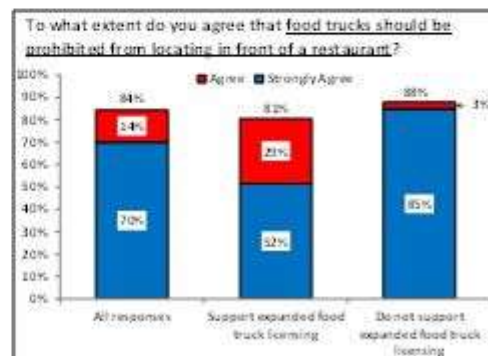
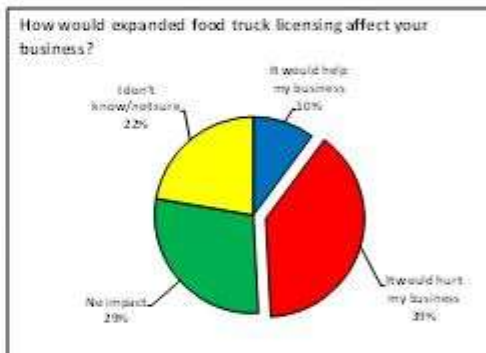
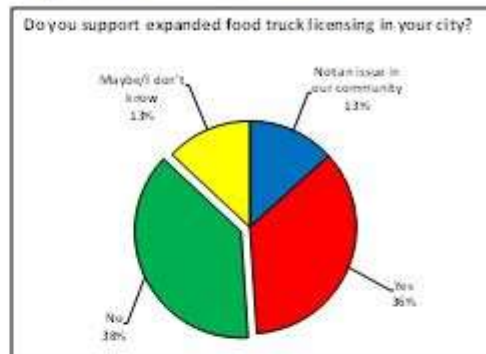
Nearly 40% of operators said they believe expanded food truck licensing would hurt their business. Another 29% said that it would have no impact while 22% said they didn't know what the impact would be. One in 10 operators believe expanded food truck licensing would help their business – with forty percent of these respondents owning a food truck.

In terms of rules for food trucks, there were several areas of consensus. **More than 70% of operators believe that food trucks should only locate in specified zoned areas.** Only 17% of respondents disagreed with this approach.

For those that do not support expanded food truck licensing in their city, 77% believe that food trucks should locate in specified zoned areas. Even for those that support expanded food truck licensing, 67% agreed that food trucks should locate only in specified zoned areas. The difference between operators is a matter of degree. While 66% of those that do not support expanded food truck licensing said they strongly agreed that food trucks should locate only in specified areas. This compares to 31% of those that support expanded food truck licensing.

More than 84% of operators strongly agree that food trucks should be prohibited from locating in front of a restaurant. In fact, 70% of operators strongly agree with this statement.

Even for operators that support expanded food truck licensing, eight in 10 operators agree that food trucks should be prohibited from locating in front of a restaurant.



Attachment D

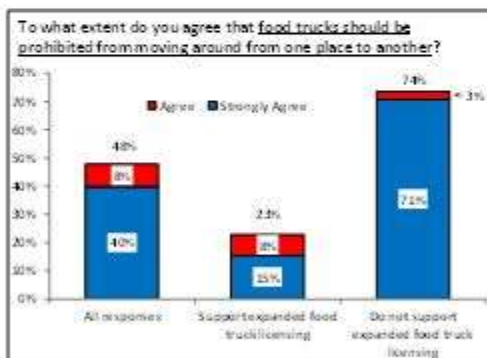
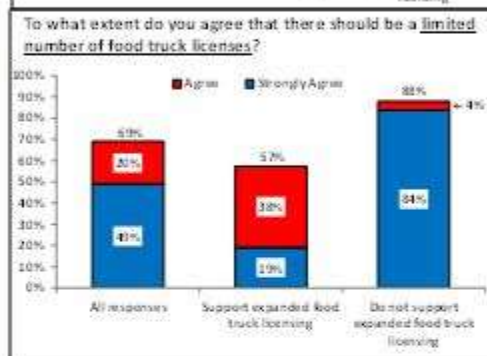
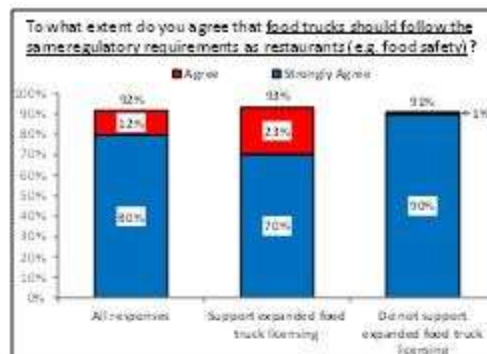
Restaurants Canada Letter and Survey Results

The issue that operators across all spectrums strongly agree on is regulation. **More than 90% of operators agree that food trucks should follow the same regulation requirements as restaurants (e.g. food safety).**

There were some differences in opinions between those that support expanded food truck licensing and those that don't. While **nearly 88% of those that do not support expanded food truck licensing believe in limiting the number of food truck licenses**, this was only true for 57% of operators that support expanded food truck licensing.

The biggest difference in opinion relates to whether food trucks should be prohibited from moving around from one place to another. **Nearly 74% of those that do not support expanded food truck licensing agree that food trucks should be prohibited from moving around**, only 23% of those that support expanded food truck licensing agree with this type of regulation.

⁵ Results of the survey are considered accurate within +/- 5.0 percentage points 19 times out of 20. The margin of error will be larger within sub-groupings of the survey.



Attachment E
Food Truck Association of Nova Scotia Letter

Christopher Davis, P.Eng.
Acting Manager, Right of Way Services
Halifax Regional Municipality
Eric Spicer Building
Halifax, Nova Scotia B3J 3A5

RECEIVED
-04- 29 2014
TRAFFIC & R.O.W.

Dear Christopher,

Thank you for consulting with the Food Truck Association of Nova Scotia on March 12, 2014 on the matter of the C-500 By-Law Amendment.

Following our meeting, we were invited for a meeting with Mayor Savage to review and discuss the "big picture" issues surrounding our nascent industry and how the sector contribute to the economic growth of Halifax. The Food Truck Association of Nova Scotia members have engaged in considerable discussion and have collected consensus on the following issues for your consideration. The purpose of this letter is to document and organize our discussions to date.

The Mobile Food Industry is a growing sector that has many benefits for our city. Drawing from the Economic Development Strategy for HRM for 2011-2016, we believe that

- Food Trucks contribute to the social capital of a city by encouraging social interaction
- New business builds business confidence - More than 8 new food trucks start-ups for 2014-2015
- Support the creation of an international Halifax brand
- Livability and attractiveness of the urban core is enhanced by a healthy street food culture.
- That street food culture can contribute to the cultural and diverse experience of the downtown core. According to a RANS 2013 survey, there are over 28 cultures of food in downtown Halifax. We are becoming known as a "food culture" destination.

The existing bylaw requires some adaptation to the modern mobile food industry. We are proud to have worked with HRM staff within the current by-law to find innovative solutions to site sharing via the Food Truck Association. However, as was put forward by Councillor Watts, there still exists the need to amend some restrictive clauses that are currently within the existing bylaw.

We offer the following feedback on the proposed new site checklist and cost of licensing and fees:

New Site Checklist (provided at meeting as 'working document')

- **Site sharing** - This is an important change that benefits HRM citizens by offering variety at one location, and benefits the FTA by creating opportunities for us to be a more cohesive, cooperative group. This is also a benefit to HRM as it will decrease the overall number of sites required. We commend HRM staff for working creatively to find a way within the current bylaw to allow limited site-sharing to take place. The revised bylaw must be flexible to accommodate site sharing. Furthermore, we strongly recommend the creation of 'plug and play' rotating sites which will permit start up food trucks to provide food services while generating revenue for HRM through the licensing requirements.
- **"Within 50 metres of an existing restaurant"** The Food Truck Association of Nova Scotia is an active member of the Restaurant Association of Nova Scotia and together we believe in the co-existence of food trucks and restaurants in Halifax to

Attachment E

Food Truck Association of Nova Scotia Letter

create a vibrant food culture. We understand HRM's consideration of a buffer zone is to mitigate push back from the brick and mortar food service industry, however, we caution that this sector is very volatile and the location of any restaurant may change from year to year. Maintaining these zones would be costly to manage and elusory as a requirement point for council. In addition, no such restrictive clauses require

- restaurants to maintain a buffer around each other.

- **"Within 50 metres of an existing approved site of the same type (Food Service Vehicle or Stand)"** This is as staple of modern food truck culture. Even in Halifax, the "best spots" have two or more trucks. This does not make sense from either the future ideal, or the current reality. We recommend that you eliminate this criteria from the checklist.
- **"Within 250 metres of a school"** The term 'school' must be clearly defined and any buffer zone must be equally applied to food trucks and brick and mortar food establishments. As stated, this criteria is not acceptable and may potentially be perceived as discriminatory.
- **Cost of Licensing & Fees** The cost of licensing and fees is a matter we request further consultation on.

We appreciate your responsiveness and the drawings that you shared to demonstrate the buffer zones on various maps of HRM. The *Restaurants Canada* request to HRM for a 150 metre buffer zone is not acceptable, and is not reflective of what our local food sector needs to continue generating economic activity in our urban core. Should you choose to retain buffer zones, we recommend that any buffer zone may be waived with a letter of approval from the school or restaurant in question with support from the Business Improvement District.

The primary function of licensing certain classes of business is to promote public health or safety, consumer protection and/or nuisance prevention. Licensing to create an economic advantage or to limit competition is not a valid municipal purpose. For the revised By-Law to have resilience and relevance, it has to be reasonable and permit business to happen. It is a question of equity and economic development.

In a recent Chronicle Herald article on food trucks, Mayor Savage expressed his support for food trucks, calling them a symbol of "modern urbanism." "Food trucks are more and more relevant and varied than they used to be ... they're part of having progressive and vibrant cities. We want to have a food truck industry that has an opportunity to be successful. I think there is an appetite to be more flexible with regard to food trucks."

Once again, we are appreciative of the efforts of yourself and your staff in creatively and collaboratively addressing the issues in the current bylaw. We look forward to working together to find the best solution for our unique city.

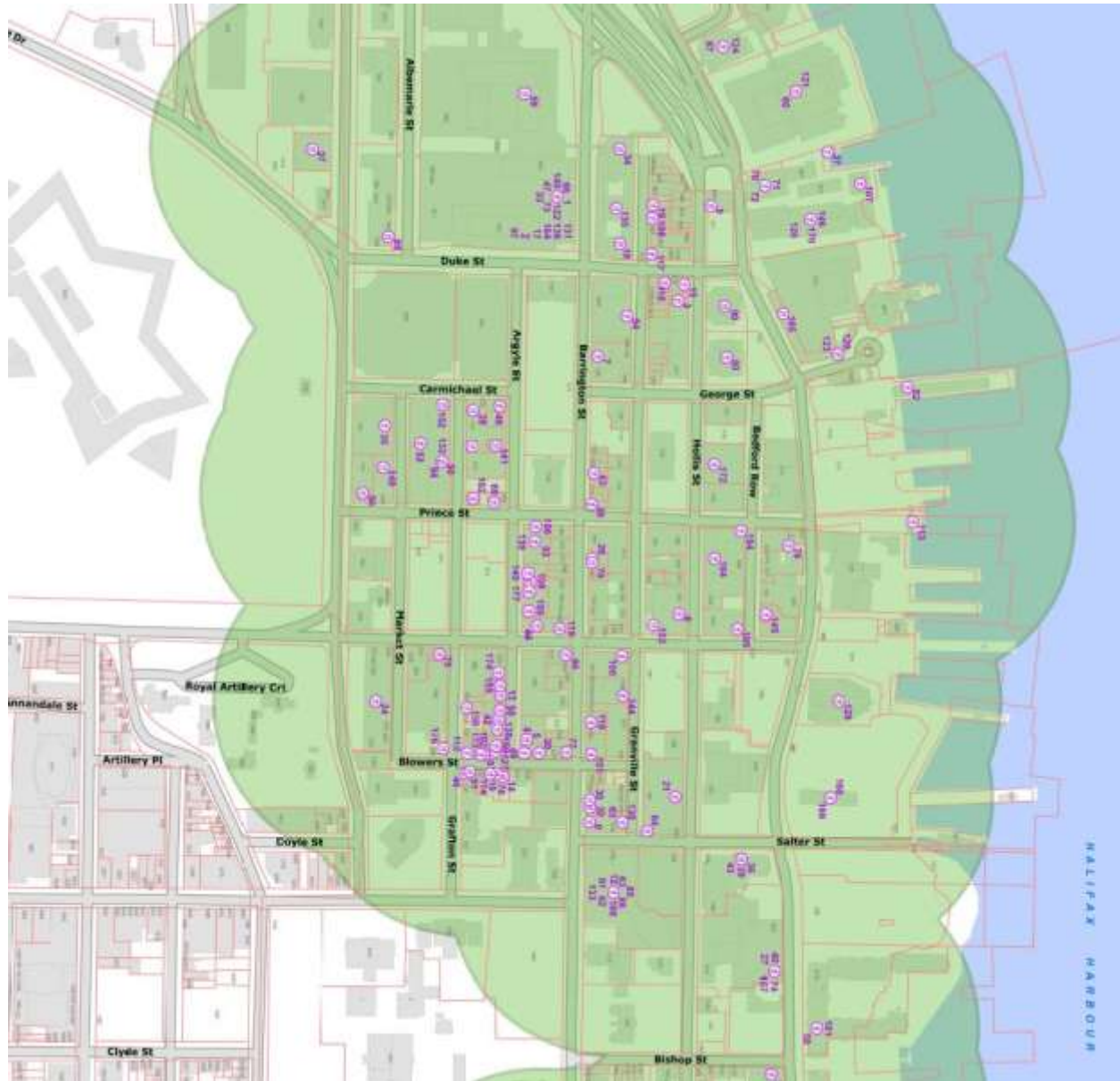
Regards,


Natalie Chavane
Co-Chair, Food Truck Association of Nova Scotia

CC: Mayor Mike Savage, Richard Butts, CAO, Councilor Watts, Councilor Mason, Councilor Whitman, Councilor Outhit.

Attachment F

Graphical Depiction of 150 meter Buffer



Existing restaurant

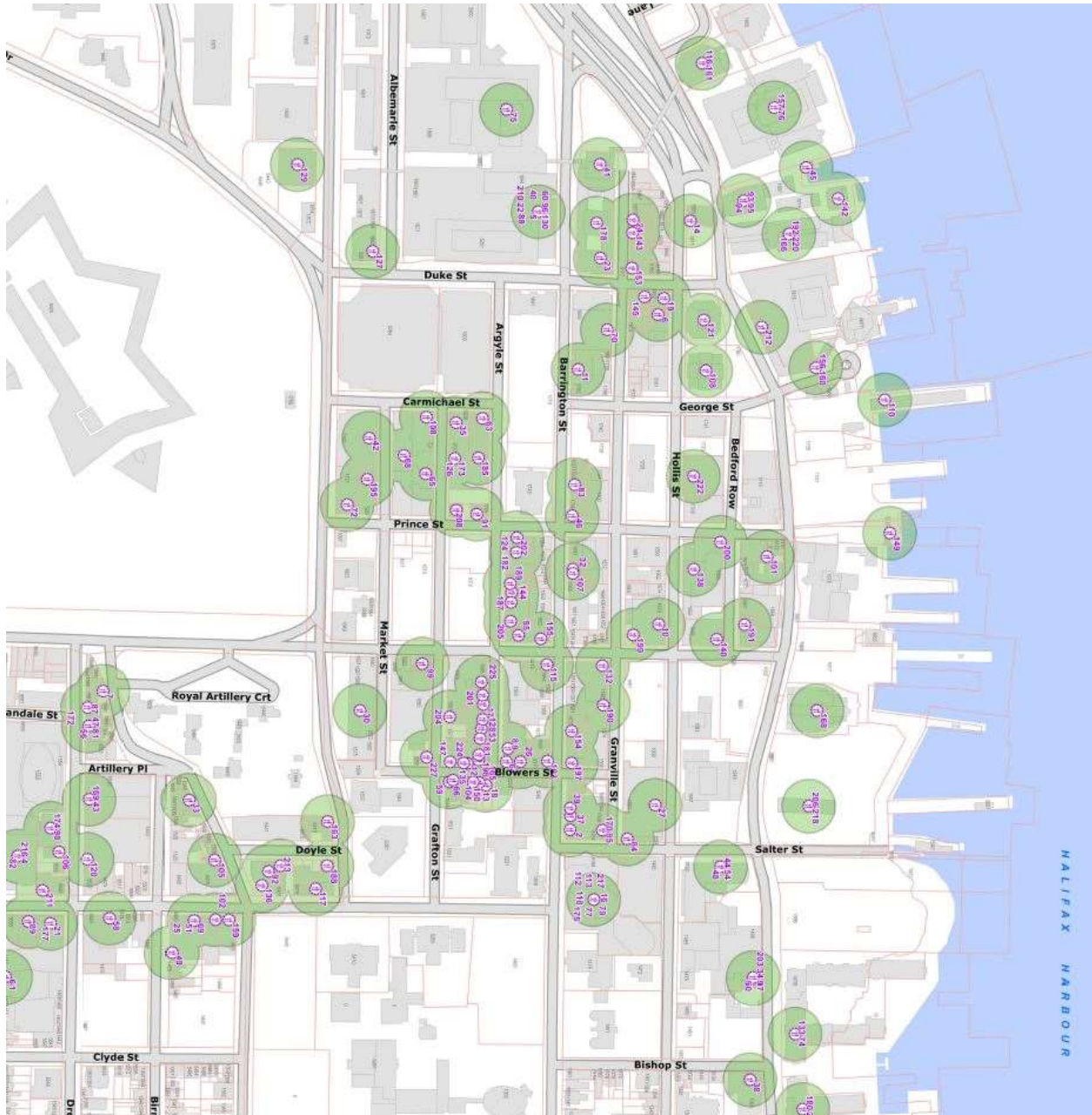


Existing restaurant with 150m buffer area

Note this map does not show other proposed criteria such as street classifications.

Attachment G

Graphical Depiction of 25 meter Buffer



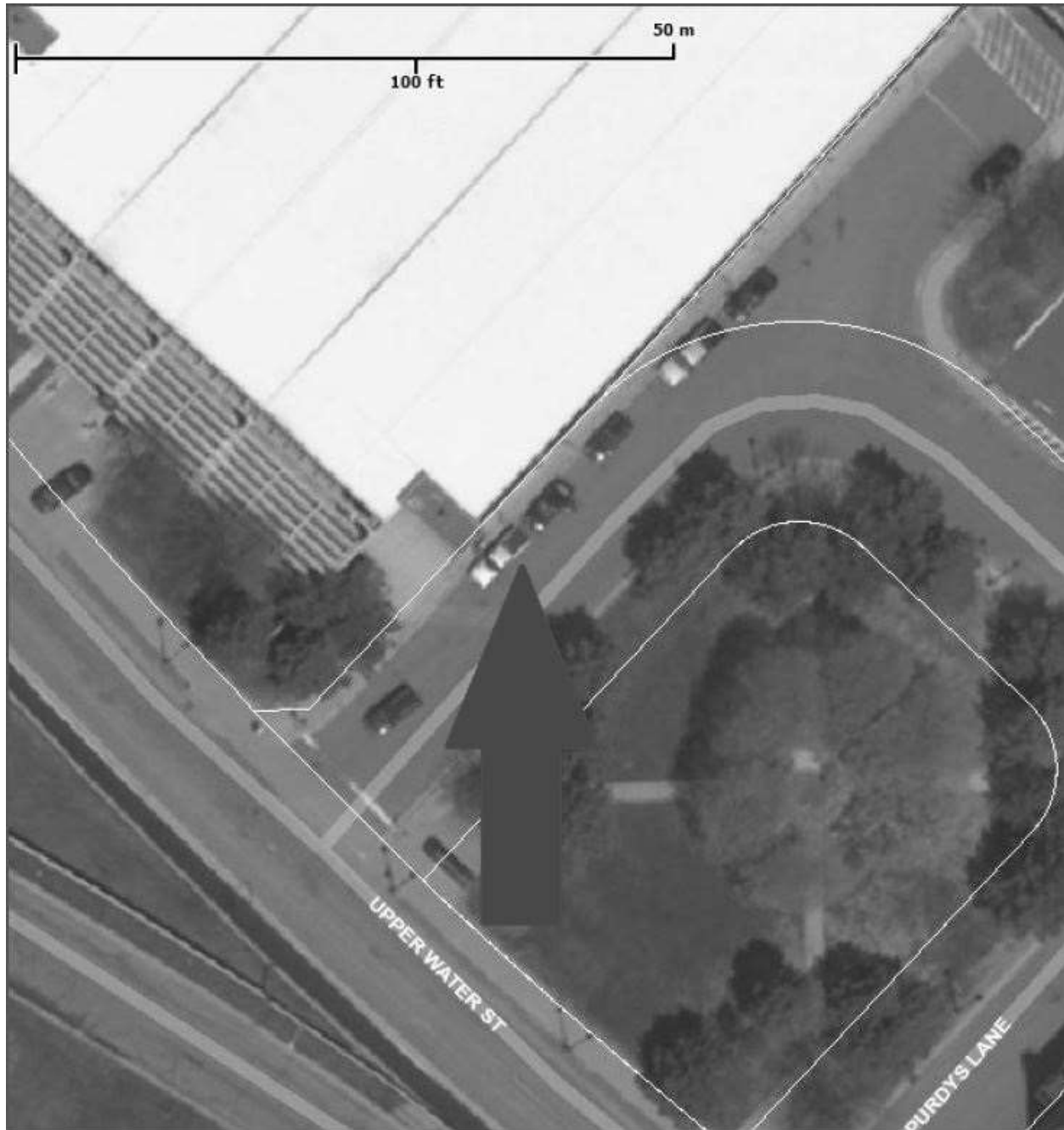
Existing restaurant



Existing restaurant with 25m buffer area

Note this map does not show other proposed criteria such as street classifications.

Attachment H
New Designated Site Requests



Purdys Lane, North side of the north loop of the crescent, 27 metres East of Upper Water Street

Attachment H
New Designated Site Requests



Waterfront Drive, East side, 35 metres North of driveway to Park Parking Lot

Attachment H
New Designated Site Requests



Dingle Road, in the Sir Sandford Flemming Park Parking Lot

Attachment H
New Designated Site Requests



Point Pleasant Park – Parking Lot at Black Rock Beach

Attachment H
New Designated Site Requests



Hamshaw Drive, North side in gravel shoulder, 80m East of Saskatoon Drive

Attachment I
Current By-law C-500

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)” means a painter, silversmith, weaver, jeweler, 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) “Flea market” means an organized event for the selling of second-hand goods for profit.

(h) “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;

(i) “License” means a license issued pursuant to this By-Law and includes a Street & Services Permit issued for Sidewalk Cafes;

(j) “License Administrator” means the License Administrator appointed by the Chief Administrative Officer or designate;

(k) "Inspector" means the Inspector appointed by the Chief Administrative Officer or designate;

(l) "Mobile Canteen" means any vehicle used for the displaying, storing, transportation or

Attachment I
Current By-law C-500

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;

- (m) "Municipal Lands" means any lands owned by Halifax Regional Municipality;
- (n) "Municipality" means the Halifax Regional Municipality;
- (o) "Newspaper" means a daily publication that contains world, national or local news, weather and classified advertisements, and includes a periodical;
- (p) "Newspaper box" means an unattended box for the purpose of vending or distributing newspapers or periodicals;
- (q) "Non-profit Group" means any agency which performs commercial activity with the express purpose of donating all funds to a charitable organization or activity;
- (r) "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;
- (s) "Periodical" means a magazine or other publication published at regular intervals but does not include a newspaper;
- (t) "School" does not include a university;
- (u) "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, but excludes 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;
- (v) "Sidewalk cafe" 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;
- (w) "Site" means a location designated in Administrative Order 37 or in accordance with Section 33;
- (x) "Special Event" means 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;
- (y) "Special Events Organizer" means the Special Events Organizer appointed by the Chief Administrative Officer or designate;
- (z) "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,

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storage, transportation or sale of food, beverages or other merchandise by a vendor;

(aa) "Street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith;

(bb) "Vend" or "Vending" means the sale and offering for sale of food, beverages, flowers, or handcrafts on a street or on municipally-owned property;

(cc) "Yard Sale" means a one-time activity of selling second-hand goods by a private citizen, within the confines of that person's private property or with the permission of the owner of the property from which the citizen is selling second-hand goods.

PART 1 - GENERAL

License Administrator Empowered To Grant Licenses

3. (1) 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.

(2) A license may be revoked, for a period of up to one year

(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 any section of this By-Law, any other By-Law, or any laws of Canada during the course of vending; 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;

(d) when the license holder leaves the site vacant for a period of time that exceeds seven (7) days, during the months of May through October in any year.

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 issued pursuant to this By-Law is not transferrable.

Appeals

6. (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.

Attachment I

Current By-law C-500

(3) If the Appeals Committee upholds the decision of the Licence Administrator to revoke a licence, the Licence Administrator may award the site to another vendor by a process that includes accepting new applications for the site.

Seizure and Removal

7. (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, any other By-Law, or any laws of Canada.

(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.

Penalty

8. 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, is 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.

PART 2 - VENDING

License Required To Vend

9. (1) No person shall vend on municipal lands without having obtained a license to do so pursuant to this Part.

(2) No person shall vend in the municipality except in accordance with the provisions of this Part.

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

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

Application For License

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

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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 as required by Section 29(2);

(g) copies of all health permits as required by Section 30;

(h) The applicant provides a Criminal Record/Venerable Sector Search report from an appropriate police agency which in the opinion of the licence administrator does not disclose that the applicant is an unfit or improper person to hold a licence by virtue of past misconduct.

(1) An application 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.

(e) 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.

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

Processing Of Application

11. Prior to the 31st day of January of the year for which a Designated Site License is sought, where the conditions of Section 10 have been complied with,

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(a) the License Administrator shall notify the applicant who offered the highest price for the site that the applicant's bid was successful, provided that, 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 10. Refunds shall not be granted to any applicant who refuses a site awarded.

Annual Site Licenses

12. 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

13. 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

14. 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

15. 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

16. Every license shall expire according to the following:

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- (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

- 17.** No person shall be granted a license for more than one site.

Revocation Of Site

- 18.** 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 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

- 19.** (1) No person shall vend without first obtaining a badge from the municipality. 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
 - (b) 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.
 - (c) 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

- 20.** (1) 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;

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- (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;
- (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 19;
- (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

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identification of the stand by visually impaired individuals.

- (2) This Section shall not apply to a yard sale, flea market, or non-profit group activities.

Conditions Relating To Vending From Bicycle Wagons

21. 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

22. 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

23. 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; unless otherwise approved by the engineer.
- (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

24. 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 the mobile canteen, which 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.

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

Insurance Required

25. (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

26. 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

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

(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

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28. 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

29. (1) The sites at which vending is permitted are those designated from time to time by Administrative Order 37. Where a site has been designated in Administrative Order 37 that did not exist in previous by-laws, but has been used by a vendor, then that vendor is considered licensed until December 31, 2007, provided the vendor pays the annual license fees and complies with all provisions of this by-law.

(2) New sites may be approved by the Engineer. New sites identified by a vendor, and subsequently included in Administrative Order 37, will be offered to the identifying vendor for the first right of refusal on the site.

Vending By Abutting Business

30. (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, 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

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(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;

(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.

31. 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 Organizer 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 Organizer. 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,

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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;

(i) written notification if a tent is to be used;

(j) The applicant provides a Criminal Record/Venerable Sector Search report from an appropriate police agency which in the opinion of the licence administrator does not disclose that the applicant is an unfit or improper person to hold a licence by virtue of past misconduct.

(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 Organizer 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 Organizer 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,

(c) the Special Events Organizer shall notify the applicant in writing that the application was successful;

(d) the successful applicant shall within 10 days of being notified pursuant to clause (a), deliver to the Special Events Organizer

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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, the owner, in consideration of the applicant being granted a license for the particular approved location, undertakes to follow any instruction from a Police Officer or Special Events Organizer and 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 Organizer; and on the receipt thereof and on the Special Events Organizer being satisfied that the stand or mobile canteen complies with the requirements of this Section, the Special Events Organizer 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 Organizer shall refund to any unsuccessful applicant the license fee paid pursuant to subclause (i) of clause (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 Organizer 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.

32. 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 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;

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- (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;
 - (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, which business day is deemed to commence 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;

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exceed one (1) metre in depth by two (2) metres in width

- (f) not interfere with pedestrian flow;
 - (g) not hang products for sale from trees, bushes, posts etc. located around the assigned vending area;
 - (h) 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;
 - (i) incorporate a solid base perimeter on the stand to facilitate identification of the stand by visually impaired individuals.
- (7) (1) It shall be the responsibility of the licensee to obtain a vendor badge.
- (2) The municipality shall only furnish the badge after the licensee provides the License Administrator with:
- (a) the name, telephone number and street address of the person who will wear the badge; and
 - (b) 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.
 - (c) a fee according to Administrative Order 15.
- (3) The badge shall expire on the 31st day of October in the year the badge was issued.

PART 3 - NEWSPAPER BOXES

License Required To Place Newspaper Boxes

33. (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

34. (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;

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- 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 39;
 - 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;
 - f) 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

- 35.** (1) No person shall place a box in the municipality except at a site for which the owner holds a license.
- (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 a minimum, space for four (4) boxes in order for a site to be approved.
- (5) Only one (1) box per publisher 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

- 36.** (1) 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 advertisements as per Section 37 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.
- (2) All newspaper boxes shall be subject to Bylaws that pertain to graffiti on public facilities. Graffitied boxes shall be removed from the street within three (3) days of notification, or be subject to removal by HRM, with the license revoked, and not reissued, for a period of up to one year.

Printing On Boxes

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37. A newspaper box shall 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

38. (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.

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

Insurance Required

39. (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 Licence Administrator or his designate becomes aware that the insurance has not been placed and maintained in accordance with this Agreement.

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Repeal Of By-Laws

40. 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.

Done and passed in Council this September 12, 2006.

Mayor

Municipal Clerk

I, Jan Gibson, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on September 12, 2006.

Jan Gibson, Municipal Clerk

Notice of Motion:

First Reading:

Notice of Public Hearing - Publication:

Second Reading:

Approval of Service Nova Scotia and Municipal Relations:

Effective Date:

July 4, 2006

August 1, 2006

August 19, 2006

September 12, 2006

N/A

September 16, 2006

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW C-501
RESPECTING VENDING ON MUNICIPAL LANDS**

BE IT ENACTED by the Council of Halifax Regional Municipality pursuant to *Halifax Regional Municipality Charter* as follows:

Short Title

1. This By-law may be cited as By-Law C-501, the “Vending on Municipal Lands By- law”.

Definitions

2. In this By-law:

- (a) “applicant” means any person who makes application for any license under the provisions of this by-law
- (b) “artisan” means a painter, photographer, silversmith, weaver, jeweller, candle maker, leather worker or other like artisan who resides in Nova Scotia and:

- i. manufactures their own products; or
- ii. vends handmade products made within Nova Scotia;

and 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” means a bicycle vehicle propelled by human power used for vending;
- (d) “bicycle wagon license” means a license to vend from a bicycle wagon;
- (e) “core area” means that un-shaded portion of the map as set out in Schedule “C”;
- (f) “Council” means the Regional Council of the Municipality;
- (g) “Engineer” means the Engineer of the Municipality and includes a person acting under the supervision and direction of the Engineer;
- (h) “food service vehicle” means any vehicle, as defined in the *Motor Vehicle Act*, used for the displaying, storing, transportation or sale of food and non-alcoholic beverages by a vendor, which is required to be licensed and registered pursuant to the *Motor Vehicle Act*;
- (i) “handcraft” means a work of art or craft made by a painter, photographer, silversmith, weaver, jeweler, candle maker, leather worker or other like artisan;
- (j) “license” means a license issued pursuant to this By-law;

- (k) “License Administrator” means the License Administrator appointed by the Chief Administrative Officer and includes a person acting under the supervision of the License Administrator;
- (l) “municipal lands” means any lands owned by Halifax Regional Municipality;
- (m) “Municipality” means the Halifax Regional Municipality;
- (n) “newspaper” means a publication that contains world, national or local news, weather and classified advertisements, and includes daily and weekly publications and periodicals;
- (o) “newspaper box” means an unattended 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) “Peace Officer” means a police officer or a special constable appointed pursuant to the *Police Act*;
- (r) “periodical” means a magazine or other publication published at regular intervals;
- (s) “person” means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the *Charter*, and includes the heirs, executors or other legal representatives of a person, or owner;
- (t) “roadway” means that portion of a street between the curb lines or the travelled portion of a street designed for vehicular travel;
- (u) “school” means a public or private school as defined in the *Education Act* and does not include a university;
- (v) “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, but excludes 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;
- (w) “site” means a location designated in a schedule to this By-law;
- (x) “site license” means a license to vend at a specific site;
- (y) “stand” means any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which:

- (i) is used for the display, storage, transportation or sale of food, non-alcoholic beverages or other merchandise by a vendor;
- (ii) may be moved without the assistance of a motor; and
- (iii) is not required to be licensed and registered pursuant to the *Motor Vehicle Act*;
- (z) “street” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith located within the core area; and
- (aa) “vend” or “vending” means the sale and offering for sale of food, non-alcoholic beverages, flowers, handcrafts or other goods on a street or on municipal lands excluding permanent structures.

PART 1 - GENERAL

Powers of License Administrator

3.

- (1) The License Administrator is authorized and empowered to:
 - (a) grant a license;
 - (b) refuse to grant a license;
 - (c) suspend a license;
 - (d) revoke a license;
 - (e) issue a Notice of suspension or revocation;
 - (f) issue a Notice to comply with this By-law; and
 - (g) issue an Order to comply with this By-law.
- (2) The License Administrator may:
 - (a) suspend for a period of up to one year; or
 - (b) revoke for the remainder of the term
 - (i) for violation of the terms of this By-law or of any agreements or conditions subject to which the license was issued;

- (ii) where there has been a conviction for a violation of any section of this By-law, any other By-law, or any laws of Canada during the course of vending; or
 - (iii) 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 food services vehicle.
- (3) For greater certainty, if the License Administrator determines, in his or her sole discretion, that the stand, food service vehicle, bicycle wagon or newspaper box is a safety issue, danger or hazard, the License Administrator may, without notice to the Applicant, remove the stand, food service vehicle, bicycle wagon or newspaper box without compensation to the Applicant.

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 issued pursuant to this By-law is not transferrable.

Joint Applicants

- 6. Where two or more persons intend to share a site for the purposes of vending under this By-law, the license shall be issued in the name of all applicants, and when the application for a license is made, the name and address of each of the applicants sharing a site shall be set out therein and all such applicants shall be jointly and severally liable for compliance with the terms of the license and this By-law.

Appeals

- 7.
 - (1) The refusal by the License Administrator to grant a license may be appealed by an Applicant for the license to the Appeals Committee within fourteen (14) calendar days of being served with a notice of the refusal.
 - (2) An Applicant may, within fourteen (14) calendar days of being served with a Notice that a license will be suspended or revoked under section 3(2), appeal the decision of the License Administrator to the Appeals Committee.
 - (3) An Applicant may, within fourteen (14) calendar days of being served with an Order that was issued by the License Administrator, appeal the Order of the License Administrator to the Appeals Committee.
 - (4) A period of calendar days in this Section does not include the day an Applicant is served with the order or decision being appealed.

8. An appeal pursuant to section 7 shall be commenced by filing a written notice with the Municipal Clerk which clearly states the grounds for the appeal.
9. For greater certainty, if the final day to appeal falls on a day that the Municipal Clerk's office is not open, the final appeal date is the next business day.
10. If the owner files an appeal, but the Appeals Committee is not scheduled to meet before the date on which the license is to be suspended or revoked, the suspension or revocation shall be held in abeyance until the Appeals Committee has rendered its decision on the appeal.
11. After hearing an appeal, the Appeals Committee may:
 - (1) deny the appeal;
 - (2) allow the appeal and reverse the decision of the License Administrator; or
 - (3) make any decision the License Administrator could have made under this By-law.

Compliance with Order

12. The Applicant or any other person issued an order shall comply with any Order issued under this By-law.
13. If the Appeals Committee upholds the decision of the License Administrator to revoke a site license, the License Administrator may award the site to another vendor.

Seizure and Removal

14.
 - (1) A Peace Officer may seize and remove from municipal lands any stand, food services vehicle, 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, any other By-law, or any laws of Canada.
 - (2) A person may reclaim the stand, food services vehicle, bicycle wagon, or newspaper box within fourteen (14) days after the seizure and upon payment in full for impoundment and storage fees, as set out by Administrative Order, and as prescribed by the *Halifax Regional Municipality Charter* and the *Mechanics Lien Act*.
 - (3) In the case of a newspaper box, if the impoundment and storage fees are not paid within fourteen (14) days of the seizure, the Municipality may destroy or sell the box to recover the expense of its seizure, removal and storage.

Penalty

15.
 - (1) A person who:

- (a) violates or contravenes a provision of this By-law, a license issued in accordance with this By-law or an Order issued in accordance with this By-law;
- (b) fails to do anything required by this By-law;
- (c) fails to do anything required by an Order or license issued pursuant to this By-law;
- (d) permits anything to be done in violation of this By-law, a license issued under this By-law or an Order issued in accordance with this By-law; or
- (e) obstructs or hinders any person in the performance of their duties under this By-law or an Order issued this By-law,

is guilty of an offence.

- (2) A person who commits an offence is liable upon summary conviction to a penalty of not less than two hundred and fifty dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of not more than two months.

16. Every day during which an offence pursuant to section 15 continues is a separate offence.

Indemnification

17.

- (1) The Applicant, Signatory to the License and/or License Holder agrees to indemnify and hold harmless Halifax Regional Municipality, it's Mayor, Council and Employees against all loss, claims, actions, damages, costs (including solicitor costs), liability and expense in connection with loss of life, personal injury, damage to property or any other loss or injury whatsoever arising from their operations and/or the issuance of a license;
- (2) The Municipality is not liable for, nor responsible for the loss or damage to any property belonging to the Vendor or personal injury relating to occupation of space or placement of handcrafts display; and
- (3) Furthermore, the Municipality is not responsible for, nor liable for any loss or damage to the handcrafts and does not warrant their authenticity, content nor design.

Insurance

18. Applicants will provide proof of insurance as set out in Schedule A, including provision of Certificate of Insurance with Halifax Regional Municipality named as Additional Insured:

- (1) for food service vehicles, bicycle wagons and stand vendors, no later than at time of inspection; and,

- (2) for newspaper boxes, no later than at time of application.

PART 2 - VENDING

License Required To Vend

19.

- (1) No person shall vend on municipal lands without having obtained a license to do so pursuant to this Part.
- (2) No person shall vend in the Municipality except in accordance with the provisions of this Part.
- (3) No person shall vend in the Municipality except at a site for which the vendor holds a license.
- (4) Subsection (3) shall not apply to a Bicycle Wagon licensed pursuant to this Part.

Application For a Vending License

20.

- (1) The applicant for a vending license shall make written application to the License Administrator.
- (2) The application for a vending license shall be in a form prescribed by the License Administrator, and 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(s), if other than the applicant, of the vending business, stand or food service vehicle to be used in the operation of the vending business;
 - (b) the written consent of the owner of the vending business, stand or food service vehicle to be used in the operation of the business, if other than the applicant;
 - (c) a description of the type of merchandise to be sold;
 - (d) a description and photograph of any stand or food service vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle;
 - (e) copies of all health permits as required by Section 35;
 - (f) a Criminal Record/Vulnerable Sector Check report from an appropriate police agency which, in the opinion of the License Administrator, does not disclose that an applicant is unfit to hold a license by virtue of past

misconduct;

- (g) Such other documentation as may be required by the License Administrator.
- (3) the applicant shall deliver to the License Administrator by the 31st day of March of the year in which the vending license is sought:
 - (a) the stand, bicycle wagon or food services vehicle in respect of which the application was made for inspection by the License Administrator; and
 - (b) proof of insurance as required by Section 18.
- (4) In addition to the requirements of subsection (3), an application for a bicycle wagon license shall include payment in advance to the Municipality in the amount equal to the license fee prescribed by Section 4.

Processing of Applications for a Site License

21.

- (1) From time to time the License Administrator may make sites as listed in A and B of Schedule B available through a site application process.
- (2) The application for a site shall include :
 - (a) identification of the site for which the applicant wishes to apply; and
 - (b) a copy of a signed site application in a form prescribed by the License Administrator.
- (3) A separate application shall be made for each site and may be made by one or more persons.
- (4) The License Administrator shall notify the applicant(s) who offered the highest price for the site that the applicant's application was successful, provided that, if more than one applicant offered the same price, the License Administrator shall notify the applicant(s) whose application was first submitted.
- (5) The successful applicant(s) shall within 10 days of being notified pursuant to clause (4), deliver to the License Administrator payment in advance to the Municipality in an amount equal to one-fifth of the amount which the applicant bid for the site.
- (6) Subject to compliance with of subsection (5) and meeting the requirements for a vending license set out in section 20 the License Administrator shall issue the site license to the successful applicant(s).
- (7) If the successful applicant(s) does not comply with subsection (5) or meet the requirements for a vending license set out in section 20, the application of the

successful applicant shall be treated as unqualified and the provisions of clause (4) hereof shall apply to the remaining applications.

22. If a site remains available in any given year after site applications have been processed pursuant to sections 20 and 21, an application may be made for a site license, provided that the license fee is paid pursuant to Section 4, and the license shall be issued first come, first served.

Annual Payments By Site Licensee

23. The person(s) to whom a site license is issued pursuant to Section 21 shall, prior to the date designated by the License Administrator in 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 a Bicycle Wagon

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

Display Of License

25. Every license shall bear a number and shall be affixed to the stand, bicycle wagon or food service vehicle in a conspicuous place as designated by the License Administrator and shall not be removed.

Expiration of Licenses

26. Every license shall expire according to the following:
- (1) Vending license issued under section 20 - on the 31st of December of the year for which the license was issued.
 - (2) Site License issued under section 21 - on the 31st of December of the year for which the license is issued, renewable up to a maximum of four calendar years.
 - (3) Site License issued under section 22 - on the 31st of December of the year in respect of which it is issued.
 - (4) Bicycle Wagon License - on the 31st of December of the year in respect of which it is issued.

Revocation or Suspension of Site License for Municipal Purposes

27. 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.
28. Council may, with three (3) days' notice, suspend a license in respect of any site for the purposes of an event held in the Municipality.

- 29.** In the event a license is revoked or suspended under sections 27 or 28, 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.
- 30.** The Municipality does not assume responsibility for any loss of revenue pursuant to this Part.

Conditions Applicable to Vending Generally

31.

- (1) No person shall:
- (a) vend between the hours of 4:00 a.m. and 7:00 a.m. of any day;
 - (b) leave any food service vehicle stand or bicycle wagon unattended;
 - (c) store, park, leave or have any stand, bicycle wagon or food service vehicle on any municipal lands between the hours of 4:30 a.m. and 6:30 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 waste receptacle to be placed anywhere other than in, on or under the stand, bicycle wagon or food service vehicle;
 - (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, bicycle wagon or food service vehicle, with the exception of two coolers no greater than 75 cm x 45 cm x 45 cm in size;
 - (g) solicit or conduct business with persons in motor vehicles;
 - (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) non-alcoholic beverages;
 - (iii) handcrafts; and

- (iv) flowers;
- (k) vend from a motor vehicle any merchandise other than food and non-alcoholic beverages;
- (l) vend from a motor vehicle or bicycle wagon 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) set up a stand or bicycle wagon within four (4) metres of another stand or bicycle wagon legally located pursuant to this Part;
- (q) set up a stand without incorporating a solid base perimeter on the stand to facilitate identification of the stand by visually impaired individuals.

Conditions Relating To Vending From Bicycle Wagons

32. A person vending from a bicycle wagon licensed under this By-law shall not

- (1) stop to vend at any location for longer than 10 minutes;
- (2) vend within 100 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;
- (3) make a sale on any street except where the bicycle wagon is parked curbside;

Maximum Size of Stands, Bicycle Wagons and Food Service Vehicles

33. No person shall vend with:

- (1) a stand or bicycle wagon which exceeds two (2) metres in length, and one (1) metre width excluding the wheel base;
- (2) a motor vehicle which exceeds seven (7) metres in length at a site located on the street unless otherwise approved by the Engineer; or
- (3) a food service vehicle, stand or bicycle wagon 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.

Litter and Waste Control

34. No person shall:

- (1) vend unless solid waste storage facilities are provided immediately adjacent to the food service vehicle or stand adequate to receive the trash, refuse and recyclables generated by sales made from the food service vehicle or stand;
- (2) dispose of solid waste contrary to methods prescribed in By-Law S-600 - Solid Waste Collection and Disposal; or
- (3) dump any trash, refuse, fat, or any other food substance, generated by the food service vehicle or stand into the municipal sewer system.

Health Permits Required

35. No person shall vend unless in compliance with all Province of Nova Scotia Food Safety permit requirements, as amended from time to time, including the acquisition of public health permits.

Safety Requirements for Food Service Vehicles

36. No person shall prepare or sell food from a food service vehicle unless:

- (1) 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;
- (2) 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;
- (3) 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

- (4) all NFPA 96 Standard, B149.2 Propane Installation Codes and other safety codes of the Province of Nova Scotia, as may be required by the Province from time to time, are met.

Designation of Vending Sites

37.

- (1) The sites at which vending is permitted are those designated from time to time by Council and set out in Schedule B to this By-law.
- (2) New sites may be approved by Council based on the following criteria:
 - (a) sites for food services vehicles and stands located within right-of-way locations shall not be located:
 - (i) within 25 metres of a business or person granted or issued a foodservice establishment permit for an eating establishment or food shop pursuant to the *Health Protection Act*;
 - (ii) within a school area as defined in the *Motor Vehicle Act*; or
 - (iii) abutting property zoned residential under a Land-use By-law;
 - (b) sites for food services vehicles in the roadway shall not be located:
 - (i) within an area designated as No Stopping, No Parking, or Loading Zone; or
 - (ii) on major collector or arterial streets as identified in the Regional Plan.
- (3) New sites identified by a vendor, and subsequently included in Schedule B, shall be offered to the identifying vendor for the first right of refusal on the site.

Vending By Abutting Business

38.

- (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 the stand on the portion of the sidewalk immediately adjacent to the premises;
 - (b) locate the stand to provide a minimum of 2.1 metres of sidewalk clear of all

obstructions for pedestrian use; 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 5.0 metres of any driveway;
 - (c) set up a stand within 5.0 metres of a marked or unmarked crosswalk;
 - (d) set up a stand within 20 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) This Section shall not apply to a second hand shop pawnbroker, or sidewalk cafe.

Vending In Association With Festivals Or Events

39.

- (1) This By-law shall not apply:
- (a) to a civic festival or civic event organized or held by the Municipality; or
 - (b) to a festival or event that is not organized and held by the Municipality:
 - (i) where the organizer has entered into a rental agreement with the Municipality for the use of municipal lands; or
 - (ii) where the organizer has received permission to close a street under section 332 of the *Halifax Regional Municipality Charter*.

- (2) Pursuant to subsection (1):
 - (a) the organizer of a festival or event may grant permission to a person to vend at the festival or event; and
 - (b) if permission to vend is granted, a license under this by-law is not required.
- (3) This By-law shall not apply to properties where the Municipality has a third party management agreement.

Vending By Artisans

40.

- (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) The application for a vending license shall be in a form prescribed by the License Administrator, and shall include
 - (a) the name, home and business street address and telephone number of the applicant(s) and each of the partners or individuals proposing to share a site or a license;
 - (b) identification of the site being applied for;
 - (c) a sample and photo of the handcraft(s) to be sold including a price list; and
 - (d) a statement to the effect that the applicant made or manufactured the handcraft, or that the handcrafts are made within Nova Scotia.
- (3) Where the provisions of this By-law have been complied with, the License Administrator, upon payment to the Municipality in the amount equal to the license fee prescribed by Administrative Order, shall issue a license for an approved location on a first come, first served basis.
- (4) A person licensed to sell handcrafts pursuant to this Section shall only sell in a location approved by Council and described on the license, which location shall be designated in Schedule B to this By-law.
- (5) A person who vends pursuant to this Section shall:
 - (a) only vend during the months of May through October in any year;
 - (b) keep an area within a three (3) metre radius of the location free and clear of trash, refuse, and recyclables, and agrees that on failure to do so, the Municipality may, in addition to any other remedies, clean the said area at

the expense of the vendor;

- (c) use booths, stands, coverings, screens and other equipment used for display that are of a temporary and moveable nature, including a vinyl or canvas umbrella or canopy;
- (d) position umbrellas or canopies that encroach the sidewalk two (2) metres or more above the level of the sidewalk and anchored so as not to cause a hazard in the event of wind or inclement weather;
- (e) remove tables, booths, display stands, coverings, screens and other equipment used for display at the end of each business day, which business day is deemed to commence at 7:00 am and ends at 10:00 pm;
- (f) 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;
- (g) locate the stand to provide a minimum of 2.1 metres of sidewalk clear of all obstructions for pedestrian use;
- (h) not hang products for sale from trees, bushes, posts, or other structures, both natural or man-made, located around the assigned vending area;
- (i) 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; and
- (j) incorporate a solid base perimeter on the stand to facilitate identification of the stand by visually impaired individuals.

PART 3 - NEWSPAPER BOXES

License Required To Place Newspaper Boxes

41.

- (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

42.

- (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 unless:
 - (a) the license is for a location set out in Schedule B to this By-law;
 - (b) the box shall not exceed 1.25 metres in height nor occupy an area greater than 0.35 square metres, unless otherwise approved by the Engineer;
 - (c) the applicant files with the License Administrator proof of the insurance coverage required by section 18 and Schedule A to this By-law;
 - (d) 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; and
 - (e) the fees as prescribed pursuant to Administrative Order 15 have been paid.
- (3) A license shall expire on the 31st of March next following the date of issue.
- (4) 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

43.

- (1) No person shall place a box in the Municipality except at a site for which the owner holds a license.
- (2) The sites approved for boxes are those designated from time to time in Schedule B to this By-law.
- (3) New sites may be approved by Council.
- (4) Notwithstanding subsection (2), there shall be, at a minimum, space for four (4) boxes in order for a site to be approved.
- (5) Only one (1) box per publisher shall be permitted to be placed at each approved location, the license for which shall be issued on a first-come first-served basis.
- (6) Where a publisher applies to place a newspaper box in a location as set out in Schedule B to this By-law, a publisher shall, upon approval, locate that box within .15 meters of a box already located at that location.

Maintenance Of Boxes

44.

- (1) The license holder shall:

- (a) keep the newspaper box in good repair, in a neat, clean, rust-free and sanitary condition free of advertisements as per Section 45;
 - (b) immediately remove any newspaper box from the street when damaged; and
 - (c) in no event undertake any repairs to a newspaper box in the street.
- (2) All newspaper boxes shall be subject to by-laws that pertain to graffiti on public facilities.
- (3) Graffitied boxes shall be removed from the street within three (3) days of notification, or be subject to removal by the Municipality, with the license revoked, and not reissued, for a period of up to one year.

Printing On Boxes

45. A newspaper box shall 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:

- (1) the name of the newspaper or periodical being sold or distributed;
- (2) instructions on the use of the machine; and
- (3) advertising promoting the newspaper or periodical itself.

Construction of Boxes

46. A newspaper box shall:

- (1) 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) be free-standing and self-supported by means of a weight internal to the newspaper box; and
- (3) incorporate a solid base perimeter to facilitate identification of the box by visually impaired individuals.

Repeal Of By-Laws

47. The following By-law is hereby repealed:

By-Law Number C-500

Done and passed in Council this ____day of _____, 2014.

MAYOR

MUNICIPAL CLERK

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on_____, 2014.

Cathy Mellett
Municipal Clerk

Schedule “A”

Vending Insurance Matrix

| Type of Insurance | Food Service Vehicles | Bicycle Wagons | Stand Vendors | Newspaper Boxes | Artisan |
|--|---|----------------|---------------|-----------------|---------|
| Commercial General Liability (CGL) Minimum limits: Two Million Dollars (\$2,000,000. Which shall include the following endorsements: <ul style="list-style-type: none"> • Products and Operations liability • Cross-liability/Severability of Interests • Sudden and Accidental Pollution ** • Personal Injury • Bodily Injury and Property Damage • Tenants Legal Liability • Voluntary Medical Payments • Permission to use attached equipment/machinery | Yes | Yes | Yes | Yes | No |
| Automobile Liability (including Owned & Un-owned) Minimum limits: Risk Type A: Two Million Dollars (\$2,000,000.) Risk Type B: Five Million Dollars (\$5,000,000.) Which shall include the following endorsements: <ul style="list-style-type: none"> • Permission to use attached equipment/machinery not excluded | General Food Service: \$2,000,000. Special Events: \$5,000,000. Discussion would take place to determine applicable Insurance requirements | No | No | No | No |

** Sudden and Accidental Pollution may not be available for those small Business policies. Discussion relative to type and size of exposure will be necessary.

- It is the responsibility of the Applicant, Signatory to the License or the License Holder to at their own cost, source and purchase the appropriate insurance

Schedule “A”

- Such insurance shall be in a form and with Insurer (s) who are licensed to do business in Nova Scotia and who are reasonably acceptable to Halifax Regional Municipality
- All limits shown are “per occurrence” limits
- All amounts are in CDN \$
- Certificate of Insurance with Halifax Regional Municipality named on the policy as Additional Insured is to be provided at time of application. Updated Certificates of Insurance file shall provide thirty (30) days’ notice to HRM of policy cancellation or material change to Commercial General Liability policies. Fifteen (15) days’ notice is required for policy cancellation of material changes to an Automobile policy.
- Should the Applicant, Signatory to the License or License Holder fail to keep the appropriate insurance coverage valid and in force or otherwise fail to comply with the insurance requirements of this By Law, the License Administrator may suspend the license until such time the License Administrator receives proof of insurance. Permanent suspension of License will take place if insurance has not been reinstated within three (3) months of the date of suspension

Schedule “B”

A. SITES FOR FOOD SERVICE VEHICLES

1. Spring Garden Road, North Side, 32 metres West of Grafton Street
2. Spring Garden Road, North Side, 32.5 metres East of Brunswick Street
3. Grafton Street, West Side, 25 metres North of Spring Garden Road
4. Argyle Street, East Side, 18 metres South of Carmichael Street
5. Martello Street, West Side, 28 metres South of Spring Garden Road
6. Argyle Street, East Side, 20 metres North of Carmichael Street
7. Wright Avenue, North Side, 105 metres West of Joseph Zatzman Drive
8. Purdys Lane, North side of the north loop of the crescent, 27 metres East of Upper Water Street
9. Waterfront Drive, East side, 35 metres North of driveway to Park Parking Lot
10. Dingle Road, in the Sir Sandford Fleming Park Parking Lot
11. Point Pleasant Park – Parking Lot at Black Rock Beach
12. Hamshaw Drive, North side in gravel shoulder, 80m East of Saskatoon Drive

Schedule “B”

B. SITES FOR ALL OTHER STANDS

1. Spring Garden Road, North Side, 35 metres West of Grafton Street
2. Spring Garden Road, North Side, 30.5 metres East of Brunswick Street
3. Grafton Street, East Side, 71 metres North of Spring Garden Road. Non-Food Merchandise Only.
4. Grafton Street, West Side, 56.5 metres North of Spring Garden Road
5. Grafton Street, East Side, 58 metres North of Spring Garden Road. Non-Food Merchandise Only.
6. South Park Street, West Side, 96 metres South of Spring Garden Road
7. Argyle Street, East Side, 30 metres South of Carmichael Street
8. Argyle Street, East Side, 60 metres South of Carmichael Street
9. George Street, South Side, 80 metres East of Lower Water Street
10. University Avenue, South Side, 43 metres West of Seymour Street
11. On the Halifax North Common, Cunard Street, South Side, 48 metres East of Princess Place
12. On the Halifax Central Common, 5816 Cogswell Street, 199 metres East of Bell Road

Schedule “B”

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, 9 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.

Schedule “B”

D. SITES FOR NEWSPAPER BOXES

Downtown Halifax

1. 1690 Hollis Street, West Side, 25.5 metres South of Prince Street
2. 1557 Hollis Street, East Side, 33.5 metres North of Salter Street *
3. 1310 Hollis Street, West Side, 27 metres North of Morris Street *
4. Barrington Street, East Side, 8 metres North of Smith Street
5. Barrington Street, West Side, 24 metres North of Morris Street *
6. Barrington Street, West Side, 19.5 metres North of Sackville Street
7. Barrington Street, West Side, 24 metres North of Duke Street *
8. Barrington Street, East Side, 124 metres North of Duke Street *
9. Lower Water Street, West Side, 54 metres North of Morris Street
10. Lower Water Street, East Side, 78 metres South of Salter Street *
11. Lower Water Street, East Side, 23 metres North of Salter Street
12. 5077 George Street, North Side, at Chebucto Landing Entrance, 2.5 metres East of Ferry Terminal doors
13. 1799 Brunswick Street, East Side, 56 metres South of Duke Street *
14. 1590 Argyle Street, West Side, 25 metres South of Sackville Street
15. Barrington Street, West Side, 19.5 metres South of Blowers Street
16. Grafton Street, West Side, 11.5 metres South of Prince Street
17. Market Street, West Side, 36 metres South of Carmichael Street
18. South Street, South Side, 20 metres West of Hollis Street
19. Barrington Street, East Side, 23 metres South of George Street*

Spring Garden Road Area

1. Spring Garden Road, South Side, 38.5 metres East of Queen Street *
2. South Park Street, West Side, 40 metres South of Spring Garden Road
3. Martello Street, East Side, 16 metres South of Spring Garden Road
4. Spring Garden Road, South Side, 35.5 metres East of Summer Street
5. Dresden Row, East Side, 34 metres North of Spring Garden Road *

Quinpool Road Area

1. 6169 Quinpool Road, North Side, 185 metres West of Vernon Street *
2. 6371 Quinpool Road, North Side, 21 metres West of Harvard Street
3. 6465 Quinpool Road, North Side, 19 metres East of Beech Street
4. 6112 Quinpool Road, South Side, 40 metres West of Vernon Street
5. Oxford Street, West Side, 43 metres South of Quinpool Road

Gottingen Street Area

1. 2131 Gottingen Street, East Side, 23 metres South of Cornwallis Street
2. 2285 Gottingen Street, East Side, 25 metres North of Prince William Street

Schedule “B”

Dartmouth

1. 46 Portland Street, South Side, 27 metres East of Prince Street
2. 159 Wyse Road, West Side, 17 metres North of Dawson Street
3. 30 Ochterloney Street, South Side, 10 metres East of Edward Street *
4. Atlantic Street, South Side, 86 metres East of Pleasant Street
5. Highfield Park Drive, North Side, 12 metres West of Joseph Young Street *
6. 110 Wyse Road, rear entrance to the Dartmouth Sportsplex *
7. Pleasant Street, West Side, 55 metres North of Mawiomi Place

Halifax Peninsula

1. Agricola Street, West Side, 40 metres North of Cunard Street
2. Agricola Street, West Side, 11 metres North of North Street
3. Agricola Street, East Side, 17.5 metres South of West Street
4. 6570 Bayers Road, South Side, 93.5 metres East of Connaught Avenue
5. Coburg Road, South Side, 27 metres East of Oxford Street
6. North Street, North Side, 51 metres West of Gottingen Street
7. North Street, North Side, 13 metres West of Robie Street
8. 5461 Inglis Street, North Side, 83.5 metres East of Bland Street
9. Inglis Street, South Side, 34 metres East of Robie Street *
10. Jubilee Road, North Side, 15 metres East of Preston Street
11. 6034 Lady Hammond Road, South Side, 144 metres West of Agricola Street
12. Robie Street, East Side, 93 metres South of Cunard Street *
13. Robie Street, East Side, 48 metres North of Spring Garden Road
14. Robie Street, West Side, 139 metres North of Almon Street *
15. Robie Street, West Side, 23 metres South of Young Street
16. Henry Street, West Side, 29 metres North of South Street
17. South Park Street, West Side, 20 metres South of Victoria Street
18. 5620 South Street, South Side, 145 metres West of Queen Street
19. 6085 Coburg Road, North Side, 19.5 metres West of Henry Street
20. 3220 Isleville Street, West Side, 29 metres South of Stairs Street

Other HRM Locations

1. 98 Beaverbank Road, West Side, 20 metres South of driveway *
2. 1248 Bedford Highway, West Side, 41 metres South of Meadowbrook Drive *
3. 920 Bedford Highway, East Side, 34 metres North of Moirs Mills Road *
4. Bedford Highway, West Side, 100 metres South of Melody Lane (at MSVU) *
5. Cole Harbour Road, North Side, 180 metres West of Forest Hills Parkway
6. Osborne Street, North Side, 87 metres East of Northwest Arm Drive
7. Pinegrove Drive, North Side, 44 metres East of Herring Cove Road
8. Lakelands Boulevard, East Side, 65 metres North St. Margaret=s Bay Road *
9. Willett Street, East Side, 73 metres South of Lacewood Drive *
10. 224 Waverley Rd, East Side, 69 metres South of Montebello Drive *

Schedule “B”

Metro Transit Terminals

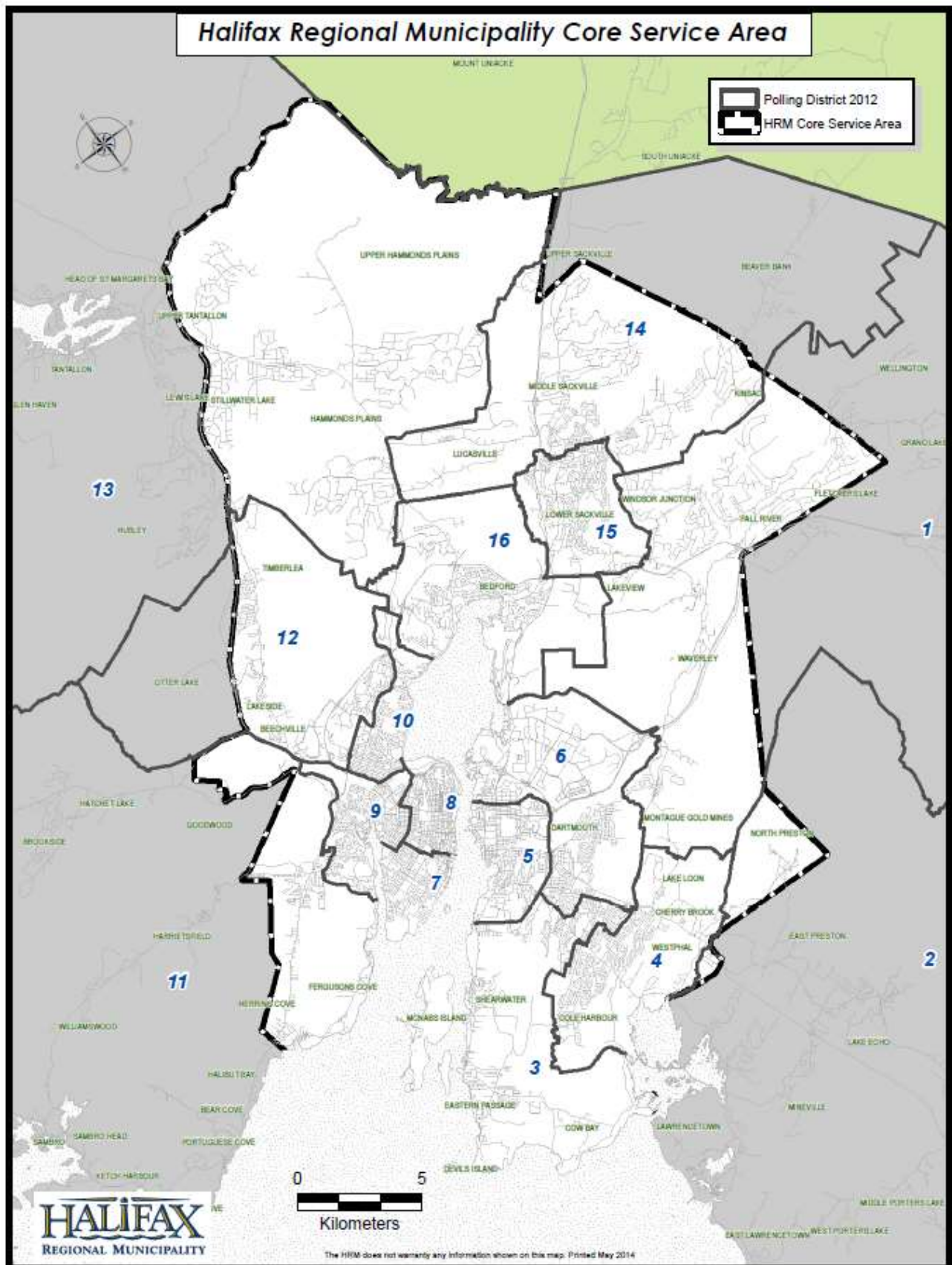
(One newspaper box cluster permitted at the following Transit Terminals at a location specified by Metro Transit)

Highfield
Portland Hills
Cobequid
Penhorn
Sackville
Dartmouth Bridge (Sportsplex)
Halifax Ferry
Dartmouth Ferry
Woodside Ferry
MicMac Boulevard Park and Ride
Fall River

Notes:

* Indicates sites where boxes must be located behind the sidewalk, on the opposite side from the curb.

Schedule "C"



Attachment K
Repealing Administrative Order 37

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 37
RESPECTING COMMERCE AND VENDING ON MUNICIPAL LANDS
(SITE LOCATIONS)

BE IT RESOLVED by the Council of the Halifax Regional Municipality that Administrative Order 37, the *Commerce and Vending on Municipal Lands (Site Locations)* Administrative Order is repealed.

Attachment L
Amending Administrative Order 15

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 15
RESPECTING LICENSE, PERMIT AND PROCESSING FEES**

BE IT RESOLVED by the Council of the Halifax Regional Municipality that Administrative Order 15, the *License, Permits and Processing Fees* Administrative Order is amended as follows:

1. By repealing the chart in section 13 of Schedule A and replacing it with a new chart as follows:

| By-law # | Short Title | Section | Fee |
|-----------------|--|----------------|----------------|
| By-law C-500 | Vending On Municipal Lands | 4 | |
| | Food Services Vehicle | | \$915.00 annum |
| | Bicycle Wagon | | \$120.00 annum |
| | Stands | | \$230.00 annum |
| | Artisans/Craftspeople -Spring Garden Road | 40 (3) | \$ 35.00 annum |
| | -Waterfront | 40 (3) | \$250.00 annum |
| | Newspaper Boxes | 42 (2) | \$ 55.00 annum |

Attachment M
Impacts of Proposed Changes and Future Consultations

| | Food Service Vehicles* | Stands* | Bicycle Wagons | Artisans | Newspaper Boxes |
|-----------------|--|--|--|---|---|
| 2014 (C-501) | <ul style="list-style-type: none"> • Start vending at 7AM rather than at 9AM. • Vending within special events now permitted • New site criteria improves efficiencies of new site approvals | <ul style="list-style-type: none"> • Start vending at 7AM rather than at 9AM. • Vending within special events now permitted • New site criteria improves efficiencies of new site approvals | <ul style="list-style-type: none"> • Start vending at 7AM rather than at 9AM. • Can vend goods other than frozen treats | <ul style="list-style-type: none"> • Housekeeping Adjust number of sites specified in the by-law to actual number of sites available | <ul style="list-style-type: none"> • No Changes |
| 2015 | <ul style="list-style-type: none"> • Sharing provisions now available with new licences • No gaps in licensing | <ul style="list-style-type: none"> • Sharing provisions now available with new licences • No gaps in licensing | <ul style="list-style-type: none"> • Gauge uptake in additional vending types • Monitor traffic and pedestrian safety concerns | <ul style="list-style-type: none"> • Consider changes as brought forward by the vendors | <ul style="list-style-type: none"> • Consider changes as brought forward by the publishers |
| 2016 | <ul style="list-style-type: none"> • Conclusion of Waterfront Development Pilot Project • Renew consultations focused on licencing and fee structures and different operational models using lessons learned • Propose amendments as required | <ul style="list-style-type: none"> • Consider changes as brought forward by the vendors | <ul style="list-style-type: none"> • Gauge uptake in additional vending types • Monitor traffic and pedestrian safety concerns • Propose amendments as required | <ul style="list-style-type: none"> • Consider changes as brought forward by the vendors | <ul style="list-style-type: none"> • Consider changes as brought forward by the publishers |

* Note that all licences are annual and can be renewed up to 4 times. If an operator holds a licence that was issued under a previous by-law, but prefers the provisions of a newly amended by-law, they could simply allow their licence to expire and re-apply for their site under the provisions of the new by-law.