

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, jeweller, candle maker, leather worker or other like artisan who resides in Nova Scotia and who manufactures their own products within Nova Scotia. This includes artisans who provide a service such as henna tattoos, braiding, palm reading, face painting, and vendors selling recordings of their own music;
 - (c) “Bicycle Wagon License" means a license to vend from a site for no longer than 10 minutes;
 - (d) "Council" means the Regional Council of the Municipality;
 - (e) "Designated Site License" means a license to vend at a specific site for a term not exceeding five (5) years;
 - (f) “Engineer” means the Director of Transportation and Public Works or the Director’s designate;
 - (g) “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 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, 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 licence 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.

(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 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 license administrator does not disclose that the applicant is an unfit or improper person to hold a license by virtue of past misconduct.**

(4) 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,

- (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:

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

Conditions Applicable to Vending Generally

- 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;
 - (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 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.

(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

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
- (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, 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/Vulnerable Sector Search report from an appropriate police agency which in the opinion of the license administrator does not disclose that the applicant is an unfit or improper person to hold a license 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,

- (a)** the Special Events Organizer shall notify the applicant in writing that the application was successful;
- (b)** the successful applicant shall within 10 days of being notified pursuant to clause (a), deliver to the Special Events Organizer
 - 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;
- (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 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;

(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;

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

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

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

Boxes Permitted Only at Designated Sites

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

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.

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:	July 4, 2006
First Reading:	August 1, 2006
Notice of Public Hearing - Publication:	August 19, 2006
Second Reading:	September 12, 2006
Approval of Service Nova Scotia and Municipal Relations:	N/A
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