

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 9th day of September, 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 September 9, 2014.

Cathy Mellett
Municipal Clerk

Notice of Motion:	June 24, 2014
First Reading:	July 22, 2014
Notice of Second Reading Publication:	August 23, 2014
Second Reading:	September 9, 2014
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 13, 2014

Amendment # 1

Notice of Motion:	June 20, 2017
First Reading:	July 18, 2017
Notice of Second Reading Publication:	July 29, 2017
Second Reading:	August 15, 2017
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	August 26, 2017

Schedule "A"

Vending Insurance Matrix

Type of Insurance	Food Service Vehicles	Bicycle Wagons	Stand Vendors	Newspaper Boxes	Artisan
<p>Commercial General Liability (CGL)</p> <p>Minimum limits: Two Million Dollars (\$2,000,000.</p> <p>Which shall include the following endorsements:</p> <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
<p>Automobile Liability (including Owned & Un-owned)</p> <p>Minimum limits: Risk Type A: Two Million Dollars (\$2,000,000.) Risk Type B: Five Million Dollars (\$5,000,000.)</p> <p>Which shall include the following endorsements:</p> <ul style="list-style-type: none"> • Permission to use attached equipment/machinery not excluded 	<p>General Food Service: \$2,000,000.</p> <p>Special Events: \$5,000,000.</p> <p>Discussion would take place to determine applicable Insurance requirements</p>	No	No	No	No

Schedule “A”

** 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
- 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. Repealed
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. Repealed
4. Grafton Street, West Side, 56.5 metres North of Spring Garden Road
5. Repealed
6. Repealed
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"

