

Amended by By-Laws

Nos.

Date

52-98

June 9

## TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 34-96

### A BY-LAW FOR LICENCING, REGULATING AND GOVERNING OF OUTDOOR VENDORS IN THE TOWNSHIP OF WOOLWICH

WHEREAS Section 236(11) of the Municipal Act R.S.O. 1990, as amended authorizes the passing of the by-laws for licencing, regulating and governing vehicles from which refreshments are sold for consumption by the public and for revoking any such licence.

AND WHEREAS Section 210 (73) of the Municipal Act R.S.O. 1990, as amended authorizes the passing of by-laws for prohibiting or regulating sales by retail in the highways or on vacant lots adjacent to them and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH ENACTS AS FOLLOWS:

#### DEFINITIONS:

1. In this by-law:
  - a) **"Cart"** means a vehicle which is on wheels and is capable of being moved from place to place by a Person, but does not include a motor vehicle or a Refrigerated Bicycle Cart;
  - b) **"Food Vehicle"** means a Chip Wagon, Refreshment Vehicle or Refrigerated Bicycle Cart licenced by the Corporation of the Township of Woolwich;
  - c) **"Park Site"** means a Township-owned park;
  - d) **"Stand"** means a frame, base or display structure upon which items or goods are displayed for sale and which is capable of being removed on a daily basis;
  - e) **"Outdoor Vendor"** means any Person who offers for sale or sells goods, wares or merchandise from a Cart or Stand.

#### LICENCE REQUIRED:

2. No person(s) partnership or Corporation shall operate as a Street Vendor within the Township of Woolwich without a licence to do so issued by the Township.
3. Notwithstanding Section 2 of this By-law, no licence is required for an employee of a Outdoor Vendor where such an employee, acting on behalf of the Outdoor Vendor

Licensee, carries out the selling of foods, goods, wares or merchandise from the Outdoor Vendor's Cart or Stand.

4. Every applicant for a Licence to operate as a Outdoor Vendor shall provide to the Clerk:
  - a) proof of general liability insurance in the amount of \$2,000,000.00 if the Outdoor vendor is to be located on public property including the sidewalk;
  - b) proof of inspection by the Fire Chief and the Medical Officer of Health of the Cart or Stand which is to be used by the Applicant in the Outdoor Vendor operation;
  - c) the serial number of the Cart or Stand which is to be used by the applicant in the Outdoor Vendor operation; and
  - d) an up-to-date list of the name and address of every employee who will be operating the Outdoor Vendor's Cart or Stand, and shall advise the Clerk immediately of any changes.

**GENERAL REGULATIONS:**

5. Any person, partner or corporation licenced pursuant to the provision of this by-law shall:
  - a) operate only within any Commercial or Industrial zone as set out in the Township of Woolwich Zoning By-law;
  - b) provide only the following goods or services; food items, flowers, street musician, charitable organization fundraising material or any other goods or services as permitted by resolution of the Council of the Corporation of the Township of Woolwich as an exemption to this by-law;
  - c) operate only within the permanent location designated by a licence issued pursuant to this by-law;
  - d) not operate within 100 metres of any Elementary or Secondary school property;
  - e) not operate within 100 metres of any Outdoor Vendor;
  - f) not operate within 60 metres of a Food Vehicle;
  - g) not operate within 7.5 metres of an intersection;
  - h) not operate, locate or sell from or on the travelled portion of the highway;
  - i) when using a sidewalk to operate in such a manner so as not to interfere with the normal use of the sidewalk by pedestrians;
  - j) not operate within twenty(20) metres of any restaurant when such vendor sells food items;

- k) be subject to the provision that any person, partnership or corporation shall be limited to one licence and location within the Core Commercial Zones in Elmira and St. Jacobs;

**LICENCE CONDITIONS:**

6. Outdoor Vendor Licencee shall be subject to the following conditions:

- a) maintain the Cart or stand in a good state of repair and to the satisfaction of the Township;
- b) affix the issued licence to the Cart or stand in a conspicuous place clearly visible to the public;
- c) that the cart bears the same serial number as identified on the licence;
- d) that the maximum area occupied by the Outdoor Vendor and the Cart is 10.00 square metres ;
- e) the licence is not transferred;
- f) supply a refuse container and keep the adjoining area in a clean, sanitary and attractive condition.
- g) no refuse generated from the Licencee's Cart or stand is deposited in any Township owned container;
- h) at his or her own expense, maintain any sidewalk or untravelled portion of the municipal road allowance or area of park which his or her cart or stand is being operated in a clean, sanitary, neat and undisturbed condition;
- i) the licencee shall agree to the surrender of the licence if the licence has been revoked under resolution of the Council of the Corporation of the Township of Woolwich if any of the provisions of this by-law or any other Township by-law or statute enforced in the Township of Woolwich has been breached. If in the opinion of the Township of Woolwich, the operator of a licenced outdoor vendor will interfere with a Township construction program, the applicant shall surrender the licence. The Township of Woolwich will undertake its best effort to relocate the vendor to an alternate location;
- j) a licence issued under this by-law shall be for a period of time not exceeding one year expiring December 31st of the current year. Each licencee shall have (30) thirty days from the expiration date to renew their licence for the same location as designated by their licence otherwise such location may be assigned to another applicant on a first come first serve basis;
- k) a one day vending licence can be purchased subject to the provisions of this by-law. No additional one day licences shall be issued in the event the maximum number of licences have been issued in the Core Commercial Zones;
- l) all operators shall be a minimum of 15 years of age;

- m) in the event of a request by an applicant to relocate, the applicant will be required to complete the prescribed application form and pay the applicable fee as prescribed herein;
- n) hour of operation shall be from 8:00 a.m. to 10:00 p.m. on Monday, Tuesday Wednesday Thursday, Friday and Saturday and 12:00 noon to 6:00 p.m. on Sunday
- o) Every licence issued shall be for the period of one(1) calendar year or less. The expiry date shall be included on the licence.

**EXEMPTIONS:**

- 7. a) Notwithstanding Section 5(a) of this By-law, an Outdoor Vendor may be permitted to operate in a Township-owned park provided permission to do so has been given by the Township’s Director of Parks and Recreation and such permission is given pursuant to an event being held by a particular organization where a permit issued to the organization includes the sale of food by that organization.
- b) Notwithstanding Section 5 of this By-law licences may be issued and the number of licences, fixed location and the specified products or services to be sold in the St. Jacobs Core Commercial Zone shall be as follows:

<u>Number of licences</u>	<u>Fixed locations</u>	<u>Products to be sold</u>
one	east side of King Street between Cedar and Spring Street	Hot dogs, sausages, cold drinks
one	west side of King Street between Spring and Church Street	Hot dogs, sausages cold drinks
one	northwest corner of King Street and Front Street	Charitable organizations

Notwithstanding the foregoing, if a current licensee in the St. Jacobs Core Commercial Zone does not renew their licence in accordance with 6(j), the above locations may be changed or eliminated prior to any new licence being issued.

- c) Notwithstanding Section 5 of the By-law maximum number of Outdoor Vendors permitted in the Core Commercial Zones in Elmira shall be (4) four of which a maximum of (3) three vendors may sell food items;

**REQUEST TO RELOCATE**

- 8. Every Street Vendor Licensee shall ensure that he or she vacates and removes his or her Cart or stand from any portion or portions of sidewalk, untravelled road allowance or park at the request of the Township at any time when the Township requires said area for the purposes of a parade, special event, pedestrian or vehicular traffic, or public safety or any other municipal purpose.


**FEES:**

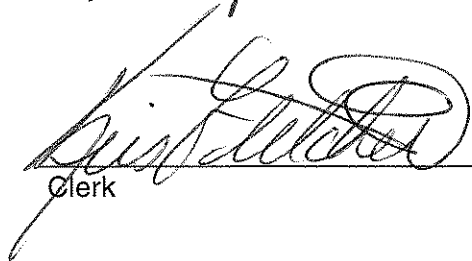
- 9. Council shall establish licence fees from time to time.

**ENFORCEMENT:**

10. Everyone who contravenes any provision of this by-law shall be guilty of an offence and upon conviction thereof is liable to a fine or penalty as prescribed by the Provincial Offences Act.
11. This by-law shall come into effect on the date of the final passing thereof.

Passed this 16th day of April, 1996

  
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Mayor

  
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Clerk

**Guidelines to the Administration  
of the Outdoor Vendors and  
Food Vehicle By-laws**

The following issues were discussed during the development of the Food Vehicle and Outdoor Vendor:

1. Farm Produce
2. Special Events

Council reviewed these 2 issues and have agreed with the following interpretations:

**Farm Produce**

The provisions of the Outdoor Vending By-law do not apply if the goods are grown and produce by a Woolwich farmer and are being sold by that same farmer or his/her immediate family.

Farm produce is not to be sold from the sidewalk. The provisions of the Highway Traffic Act, the Regional Traffic By-law and Township Traffic By-law apply in all instances.

**Special Event - Charitable Group/Service Clubs**

The Hawkers and Peddlars By-law shall apply to the Outdoor Vending for special events. If a special club or charitable group wishes to apply for a continuous vending activity then such group shall be subject to the provisions of the Outdoor Vendor By-law or Food Vehicle By-law shall apply.

*Pop & Fest  
Michele Young*