

**CITY OF CORNER BROOK
MOBILE VENDING REGULATIONS**

PURSUANT to the powers vested in it under and by virtue of section 257 of the *City of Corner Brook Act*, and all other powers it enabling, the Corner Brook City Council in regular session convened on the 21st day of April, A.D., 2008, hereby passes and enacts the following regulations relating to Mobile Vending Units in the City of Corner Brook.

1. These Regulations may be cited as the *City of Corner Brook Mobile Vending Regulations*.

Definitions

2. In these Regulations:
 - (a) "Council" means the Corner Brook City Council as continued by section 12 of the *City of Corner Brook Act*.
 - (b) "Inspector" shall mean that person or persons designated by Council to administer and enforce these Regulations and shall include a Municipal Enforcement Officer;
 - (c) "Food" shall be deemed to include materials of all sort which are intended to be or are capable of being eaten, drunk or absorbed, regardless of whether such food is in a raw or prepared state or is intended for such use or consumption, and without limiting the generality of the foregoing, shall be deemed to include fish or farm produce and other products whether natural or artificial;
 - (d) "Goods" shall be deemed to include wares and merchandise of all kinds and sorts intended to be or capable of being sold or exchanged;
 - (e) "Mobile Vending Unit" shall mean
 - i) any vehicle, equipment, apparatus, stand temporary shelter or temporary building whether it is self moving or drawn by another vehicle or person or is temporarily or permanently stationary, and any permanent structure occupied on a seasonal or irregular basis, which is used
 - ii) for the sale of food or goods;

- (f) "Mobile Vendor" shall mean a person who owns, uses or operates a Mobile Vending Unit or who engages in the sale of food or goods other than in a premises located in a building on a permanent basis;

Permit Required

- 3. No person shall, within the boundaries of the City, use or operate any Mobile Vending Unit for the sale of Food or Goods or act as a Mobile Vendor without having first obtained a permit from Council.
- 4. Any permit issued hereunder shall be subject to such conditions as Council may prescribe including, without limiting the generality of the foregoing, the following:
 - (a) the place or places at which sales may take place;
 - (b) the times at which such sales may be transacted;
 - (c) the types of Food or Goods that may be sold;
 - (d) the manner in which such Food or Goods may be displayed;
 - (e) the containers in which such Food or Goods may be stored, sold or distributed;
 - (f) the manner in which waste products must be stored and times of which same must be removed; and
 - (g) the times and places at which Mobile Vending Units may move or be parked.
- 5. (a) A Mobile Vendor seeking a permit from Council pursuant to these regulations shall file with Council a completed and signed permit application, together with the required accompanying documentation.
 - (b) The application for a permit to be filed pursuant to subsection 4(a) shall include:
 - (i) the name and home and business addresses of the vendor;
 - (ii) a description of the Food or Goods intended to be sold;
 - (iii) the location or locations from which the applicant proposes to operate a Mobile Vending Unit or as a Mobile Vendor;

- (iv) the intended location at which the Mobile Vending Unit will be stored when not in use;
- (v) a description of the Mobile Vending Unit including the licence plate number of the mobile vending unit if the vehicle is required to be licensed under the *Highway Traffic Act*; and
- (vi) such other information as may be required by the Inspector.

(c) The accompanying documentation shall include:

- (i) a copy of all applicable health permits where Food is to be offered for sale;
- (ii) a copy of certification from a recognized fuel burning appliance agency verifying compliance with all applicable codes where the Mobile Vending Unit is equipped with a fuel burning appliance;
- (iii) a copy of inspection approval from the Corner Brook Fire Department where the Mobile Vending Unit is equipped with a cooking and/or heating apparatus;
- (iv) a copy of certification from a recognized inspection agency for fire and safety systems verifying inspection of portable fire extinguishers where required by the Inspector;
- (v) a certificate of insurance which policy complies with the following requirements:
 - (i) \$2,000,000.00 general liability providing coverage for all products and completed operations and all movable equipment, including, but not limited to all fuel tanks and cooking equipment;
 - (ii) \$2,000,000.00 automobile liability insurance for any mobile vending unit which is required to be licensed under the *Highway Traffic Act*;
 - (iii) a cancellation provision providing that the policy shall not be cancelled nor the amounts of the coverage provided therein reduced until thirty (30) days after the City of Corner Brook shall have received written notice of such cancellation or reduction; and

- (iv) the City of Corner Brook named as additional insured;
 - (vi) written permission from the property owner where the proposed location for vending is privately owned; and
 - (vii) such other documentation as may be required by Council or the Inspector.
- 6. Every permit issued pursuant to these Regulations shall have a number and a decal which decal shall be affixed to the Mobile Vending Unit for which it was issued.
- 7. A permit issued under these Regulations is not transferable and shall be valid for a maximum of one year from the date of issuance.
- 8. The fee for a permit shall be set by Council from time to time and Council may set different fees for different types of Mobile Vending Units and Mobile Vendors.
- 9. A Mobile Vending Unit and Mobile Vendor may only operate in accordance with the terms and conditions of a permit issued pursuant to these Regulations.

Condition of Mobile Vending Unit

- 10. (a) Mobile Vending Units shall be maintained in a manner acceptable to Council.
 - (b) Mobile Vending Units that require power shall have their own power source, which power source shall be approved by the Inspector, and the use of electrical cords is prohibited.
 - (c) Mobile Vending Units shall display the owner's name in lettering which shall be no smaller than 7 cm in height and which shall be affixed to the mobile vending unit in such a manner as to be clearly visible while the Mobile Vending Unit is in operation.
 - (d) Mobile Vending Units containing cooking apparatus shall have a fully charged fire extinguisher accessible to the operator.
 - (e) Mobile Vending Units shall, where they offer Food or beverages, have a litter receptacle within 5 feet of the Mobile Vending Unit available for the disposal of garbage and refuse.

- (f) Mobile Vending Units that use propane shall comply with CAN/CGA - B149 - M95 "Propane Installation Code" and shall be certified annually by a recognized agency.

Penalty

11. Where any person contravenes any provision of these Regulations:
- (a) such person is guilty of an offence and liable on summary conviction to a fine or to a period of imprisonment in accordance with the *City of Corner Brook Act*; and
 - (b) such person may be issued a violation notice pursuant to section 280.1 of the *City of Corner Brook Act*.
12. All Municipal Enforcement Officers are designated persons employed by Council who may issue a violation notice pursuant to section 280.1 of the *City of Corner Brook Act* for any contravention or failure to comply with these Regulations

Repeal

13. These regulations shall come into force as of the date enacted by Council and the City of Corner Brook Produce By-Law, 1986, and all amendments thereto, is hereby repealed upon the coming into force of these Regulations.

IN WITNESS WHEREOF these Regulations are sealed with the Common Seal of the City of Corner Brook and subscribed by and on behalf of the Council by the Mayor and City Clerk at the City of Corner Brook, in the Province of Newfoundland and Labrador, this 5th day of May, A.D., 2008.

Mayor

City Clerk

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