

## **Town of Digby Vending & Licensing By-Law # 2018-02**

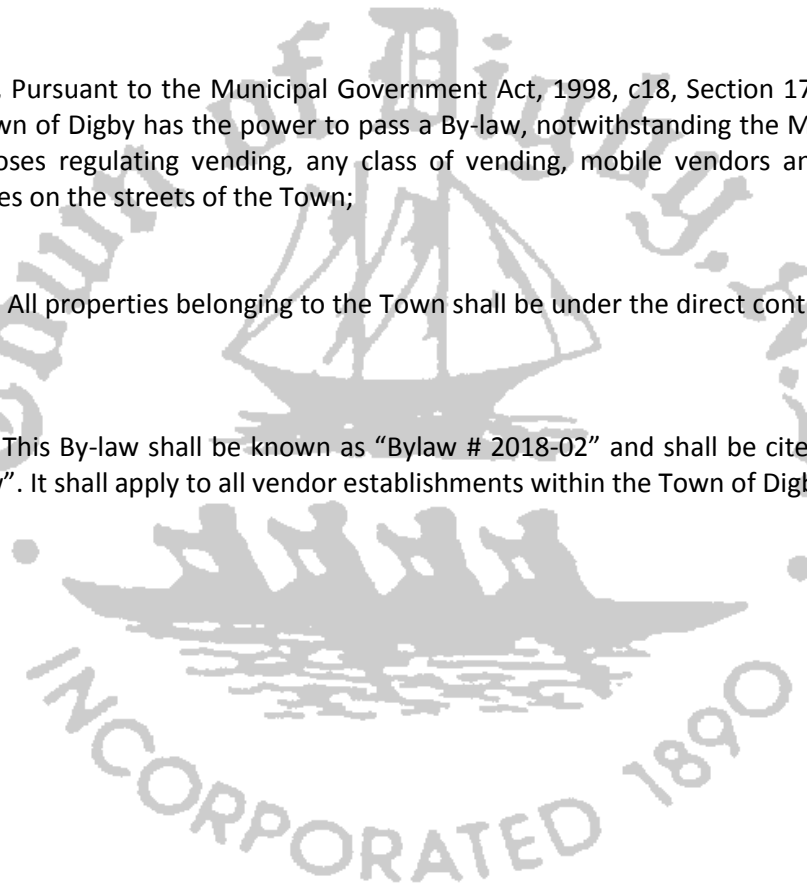
A By-law of the Town of Digby in the Province of Nova Scotia for the purpose of regulating and controlling vendor licensing and business within the Town of Digby.

**WHEREAS**, Pursuant to the Municipal Government Act, 1998, C18, Section 172, and amendments thereto, the Town of Digby has the power to pass a By-Law within the Town;

**AND WHEREAS**, Pursuant to the Municipal Government Act, 1998, c18, Section 173, and amendments thereto, the Town of Digby has the power to pass a By-law, notwithstanding the Motor Vehicle Act, for municipal purposes regulating vending, any class of vending, mobile vendors and the placement of vending machines on the streets of the Town;

**AND WHEREAS**, All properties belonging to the Town shall be under the direct control and management of the Town,

**BE IT ENACTED** This By-law shall be known as “Bylaw # 2018-02” and shall be cited as the “Vending & Licensing By-law”. It shall apply to all vendor establishments within the Town of Digby.



# The Vending & Licensing By-Law # 2018-02

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## Part 1 - Definitions

For the purpose of this By-law, all words shall carry their customary meaning except for those defined hereafter:

- a) **Amusement performance / special event** means ,without limiting the foregoing, to include public entertainment events, exhibitions, fairs, festivals, parades or circus [see Bylaw #1997-01]in a public place or any other such activity or performance of a temporary nature which might interfere with the lawful use and enjoyment of said public place by other persons.
- b) **Amusement Vendor** A person or company that charges a fee for the use of conveyances for the enjoyment of the public, which includes, but is not limited to, paddleboats, fishing gear, water rides, bicycles, scooters, etc. and is not established in a physical commercial storefront location within the Town.
- c) **Auxiliary Vending Operation** means a vending operation subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building.
- d) **Busker** means a person or group that performs in a public place for money.
- e) **Designated Site** means any land owned or leased by the Town of Digby that is designated for vending use by a policy duly passed by the Council for the Town of Digby.(Addendum A)
- f) **Event** means a private function including but not limited to, banquets, weddings, anniversaries, family reunions and other similar events in a public place, of a temporary nature which might interfere with the lawful use and enjoyment of said public place by other persons.
- g) **Farmers Market** shall mean a market organized by an organization which has been designated by resolution of Council in which the majority of goods for sale are products of the farm, forest and the sea (including, without limiting the foregoing, flowers, plants, vegetables, fruit, jams, jellies, baked goods and honey), and at which any other goods for sale are craft goods produced by the vendors;
- h) **Fiscal Year** shall mean the fiscal year of the Town of Digby, April 1-March 31.
- i) **Flea Market** shall mean a market organized by a proprietor or organization serving or providing tables or spaces to anyone for a fee or rent in order to vend merchandise.
- j) **Hawker** means a person who travels about selling goods, typically advertising them by shouting.
- k) **Inspector** means a By-law Enforcement Officer or other person duly appointed to enforce and administer this By-law.
- l) **License** means any License issued pursuant to this By-law.
- m) **Mobile Canteen** means a mobile motor vehicle, trailer or similar structure designed for preparing and offering the sale of goods, food or services by a mobile vendor.

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- n) **Mobile Stand** means a stand having any wheels with a diameter in excess of 4 inches (10 cm) or having or designed to have removable wheels of such diameter, and each such stand capable of being moved as a separate unit shall be counted as a separate mobile stand and may include a stand for food, beverages and/or merchandise.
- o) **Mobile Vendor** is a person who offers goods or services for sale to the public without having a permanently built structure but with a mobile stand and/or mobile canteen.
- p) **Peddler** means a person who goes from place to place selling small goods.
- q) **Private Site** means private property used for vending which the Vendor has written permission from the Property owner to vend on the property and is located in the Commercial Downtown CD and Commercial General CG Zones as defined in the Land use By-law
- r) **Public Open Spaces** means Public Parks & Recreation Areas and Public Recreation Structures & Buildings
- s) **Public Places** means:
- (a) streets;
  - (b) sidewalks;
  - (c) property owned by the Town of Digby
  - (d) property owned by the Province of Nova Scotia that is open to the public; and
  - (e) public parks and trails
- t) **Sandwich Board Sign** means a sign which is composed of two hinged or otherwise joined boards which leans on the ground.
- u) **Sidewalk Vending Unit** means a stand for busking, amusement rentals, or merchandise. No Sidewalk Vending Unit shall exceed one (1) metre and twenty two (22) centimetres or four (4) feet in width and two (2) metres and forty four (44) centimetres or eight (8) feet in length.
- v) **Sidewalk Vendor** means a vendor vending along a sidewalk whose vending operation does not qualify as an auxiliary vending operation pursuant to Part 6 of this By-law.
- w) **Sign** means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, form, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot.
- x) **Stand** means any table, showcase, bench, rack, pushcart, wagon or wheeled 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.
- y) **Town Administrator** means the Chief Administrative Officer or the Town Clerk of the Town of

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- z) **Transient Motor-Vehicle Vendor** means a person temporarily selling or offering for sale motor vehicles at a particular location for a specified time, which is not operating such business elsewhere in the Town from a building or other structure which is subject to property tax assessment pursuant to the Assessment Act.
- aa) **Transient Traders Vendor** means peddling, hawking, or trading goods, wares, services, or merchandise of any kind door to door, and shall include any person who sells or offers for sale or solicits orders for the future delivery of goods or services from door to door, from a hotel or motel, by written solicitation, by telephone by any means and includes but not limited to an operator of a Flea Market other than by a merchant from a recognized store located within the Town boundaries.
- bb) **Umbrella Vendor** means a festival or large event that will allow one or more vendors to operate at the event.
- cc) **Vending Unit** means a stand, Mobile Canteen, Mobile Stand, used for the purposes of Vending under the provisions of this By-law. No stand shall exceed one (1) metre and twenty two (22) centimetres or four (4) feet in width and two (2) metres and forty four (44) centimetres or eight (8) feet in length. A mobile vending unit shall not exceed seven (7) Metres and thirty one (31) centimetres or twenty four (24) feet in length excluding any towing apparatuses.
- dd) **Vending** means the sale and offering for sale of food, beverages, amusements or other merchandise and/or product from other than, or from outside of, an established business.
- ee) **Vendor** means the person or persons selling goods, food, amusements or services in the Town without a physical storefront approved for such use and includes the owners of stands or mobile units from which vending takes place.
- ff) **Vendor License** means a Vendor's License issued pursuant to this By-Law;
- gg) **Yard sale** means a sale of surplus household goods by the occupants or neighbours of the residential property at which the sale is carried on; provided that surplus household goods shall not include household goods acquired for resale.

## Part 2 - Provisions for Vending

- 2.1 No person shall carry on business as a busker, vendor, hawker, or peddler on a public space, designated site or private site without first obtaining a License from the Town of Digby and agreeing to the Vending Terms & Conditions as outlined in Schedule C of this By-law.
- The original Vendor License must be kept in the vending unit and must be presented upon request of the Inspector.
  - A Vendor License is required for each site.

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- 2.2 No vendor shall vend within the Town of Digby other than on private and designated sites located within the Commercial Downtown Commercial (CD), the Commercial General (CG) or Public Open spaces zones as described in the Land Use By-law except for the following:
- ❖ Transient Traders Vendor
  - ❖ Yard Sales
- 2.3 No vendor shall vend on a lot unless all relevant provisions of the Land Use By-law are satisfied.
- 2.4 No Vendor shall set up their business on private property without obtaining written permission from the property owner, signed and submitted to the Inspector along with the license application. Yard sales as per Part 11 are excluded from the requirement of a Vendors License.
- 2.5 Charitable or non-profit organizations from the Town who utilize the proceeds from the sale of goods and services to support projects within the community may be exempted from license fees but must meet the other requirements of this bylaw.
- 2.6 Advertising or signage for a vendor's unit is limited to the space available on the unit and one temporary sandwich board sign.
- 2.7 Vendors shall provide an approved garbage storage facility for separating according to regional waste authority standards to receive the trash or refuse generated by the vending operation on a daily basis and shall remove the trash and refuse on a daily basis.
- 2.8 Vendors shall assume all responsibility for themselves and anyone whom they have hired or otherwise authorized to sell goods or products at the vending location and to see that they are aware of and comply with the terms and conditions of their licenses.
- 2.9 The Vendor shall have received all necessary permits, licenses and letters of permission required by various Federal, Provincial or Municipal agencies.
- 2.10 **Vending Regulations**  
A vendor shall not:
- a) Vend within [100 metres] of the grounds of any school between ½ hour prior to the start of the school day and ½ hour after dismissal at the end of the school day;
  - b) Vend at any location other than the one for which the vendor is licensed;
  - c) Vend on any street or sidewalk between the hours of 11 p.m. and 8 a.m.;
  - d) Leave any stand or mobile vending unit unattended on a street;
  - e) Leave any location without first picking up, removing and disposing of any trash or refuse remaining from the sales made by the vendor and shall keep the area clear of all trash and refuse at all times;

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- f) Set up, maintain or permit the use of any table, crate, rack or any other device to increase the selling or displaying capacity, where such items have not been described in the vendor's application;
- g) Vend anything other than that which the vendor is licensed to vend;
- h) Vend to persons in motor vehicles
- i) Dump any trash or refuse or any fat or other food substances into the Town's sewer system;
- j) Hawk, peddle, or busk goods, foods, amusements or services within 100 m. of a commercial retail storefront operation which sells similar goods or services;
- k) Impede traffic and or/pedestrians, endanger public safety or cause unwelcome disturbance and must be cognitive of and comply with the Town's By-Laws;
- l) Use or permit the use of any loud speaker, public address system, radio, sound amplifier or similar device.

### Part 3 – Provisions for Designated/Private Sites

- 3.1 All vendors shall vend from a designated or private site in which the vendor is licensed except for the following:
  - a) Transient Traders Vendors;
  - b) Yard Sales;
  - c) Auxiliary Vendors.
- 3.2 Designated sites are determined by Council by Policy as amended from time to time
- 3.3 Private Sites require permission from the property owner in writing (to be included with the Application) and are only located within the Commercial Downtown CD and Commercial General Zones CG.
- 3.4 Vendors may apply for their preferred designated site; sites will be released on a first come, first served basis.
- 3.5 In the event that an applicant does not acquire their desired designated vending site, they may choose another available site that remains available or otherwise shall be entitled to a full refund of their application fee.

### Part 4 – Provisions for Auxiliary Vending

- 4.1 The provisions of this Part shall apply to a vendor who vends in conjunction with an existing business which is located on a commercially-assessed property.

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- 4.2** Auxiliary Vending does not contravene this By-Law or require a Vending License provided that:
- a) An auxiliary vending operation is located on a sidewalk directly in front of the main use provided that such sidewalk is located within the Commercial Downtown (CD) or the Commercial General (CG) zone pursuant to the Town's Land Use By-law.
- 4.3** A person who vends pursuant to this Part shall not:
- a) erect any signage that does not comply with the provisions of the Land Use By-law;
  - b) erect lights of any kind except those that are subordinate and naturally, customarily and normally incidental to and exclusively devoted to the main use.
- 4.4** A person who vends pursuant to this Part shall:
- a) remove all sidewalk vending units from the sidewalk or lot no later than thirty (30) minutes after the time when the main business on the same lot is closing or required to close, and shall not set up earlier than thirty (30) minutes prior to the time when the main business on the same lot is opening or is permitted to open.

### Part 5 - Provisions for Umbrella Vending

- 5.1** Subject to an Amusement Performance/Special Events License issued in accordance with this by-law, festivals and large events hosting one or more vendors shall apply for an Umbrella Vending license.
- 5.2** The License holder shall reimburse the Town of Digby for Electrical/Water services consumed by the vendors participating in a licensed umbrella vending event on a designated site(s).
- 5.3** The License holder is responsible for setting and collecting Vending fees for participating vendors of a licensed umbrella vending event.
- 5.4** The license holder shall ensure all Vendors participating in an umbrella vending event shall adhere to the Town's Vendors Terms and Conditions and the Vending & Licensing By-Law.

### Part 6 – Provisions for Transient Motor Vehicle Vendors

- 6.1** No person shall sell motor vehicles in the Town as a transient motor vehicle vendor except in accordance with this bylaw.
- 6.2** A license for a Transient Motor Vehicle Vendor will be granted for vending only on a private site.
- A Transient Motor Vehicle Vendor License is required for each separate site.
- A transient motor vehicle vendor shall obtain a license to sell motor vehicles in the Town, and any



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sale by such vendor without a current and valid license shall be an offence.

**6.3** Every application for a licence shall be made in writing to the Inspector, and shall contain:

- a) The name, mailing address, telephone number, and, if available, facsimile number and e-mail address of applicant;
- b) The corporate or partnership name, if applicable;
- c) A certified copy of a valid and current Motor Vehicle Dealers' License issued by the Province of Nova Scotia under the applicable regulations promulgated pursuant to the Motor Vehicle Act;
- d) The civic address of the private site that the vending is proposed.
- e) If the applicant is proposing to sell at a private site of which the applicant is not the owner, written permission from the owner is required.

**6.4** After receipt of a completed application, the inspector shall issue a licence:

- a) Upon confirming that the proposed site of the sale is zoned for such use under the Land Use Bylaw;
- b) Upon receipt of the licence fee; (see Part 16)

**6.5** A license issued under this bylaw shall be conspicuously displayed at all times at the site of the vendor's business.

**6.6** A licence issued under this bylaw shall be in force for the specified period during which a transient motor vehicle vendor offers motor vehicles for sale, shall expire at the conclusion of that period, and may be reissued for each subsequent sale of motor vehicles by a transient motor vehicle vendor.

### Part 7 – Provisions for Transient Trader Vendors

**7.1** No person, without first having obtained a license for that purpose, exercise within the Town on his own behalf or as the agent of another, the calling of a hawker or peddler of goods, or sell, barter, or otherwise trade, or offer to sell, barter or otherwise trade any kind of goods, wares or merchandise within the Town

**7.2** Such license shall be known as a "Transient Trader's License" and every such license issued shall terminate as per Part 15 unless sooner canceled or revoked.

**7.3** The rights and privileges conferred upon and licensed under a Transient Trader's License shall immediately cease at the end of the period mentioned in such license, and he shall not thereafter be entitled to exercise any such right or privilege until he shall have had such license renewed under the provisions of this By-law, and paid the fees chargeable in respect of such renewal, or

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obtained a new license.

## Part 8 – Provisions for Amusement Performance and/or Special Events Licenses

**8.1** No person or persons shall operate any amusement performance or special event within the Town, without first obtaining an Amusement Performance / Special Event license, either on their own behalf or as an agent of another.

**8.2** Charitable or non-profit organizations from the Town who utilize the proceeds from the sale of goods and services to support projects within the community may be exempted from license fees but must meet the other requirements of this bylaw.

An Amusement Performance/Special Event License is required for each separate Amusement Performance/Special Event.

**8.3** A person wishing to carry out an Amusement Performance and /or Special Event within the Town of Digby shall apply for a Special Events license a minimum of 45 days in advance of the proposed date for the Amusement performance/Special Event.

**8.4** Notwithstanding Part 14.2 an application for an Amusement Performance/Special Events License shall be made:

- a) To the Council, when an Amusement Performance/Special Events License has not been granted to the applicant or a predecessor organization within the previous five (5) years for an event substantially of the same nature;
- b) To the Town Administrator, when an Amusement Performance / Special Events License has been granted to the applicant or a predecessor organization within the previous five (5) years for an event substantially of the same nature.

**8.5** Upon receipt of an application under Part 8.4 (b), the Town Administrator may;

- (a) Issue an Amusement / Special Events License on the same terms and conditions and for the same fee, as Council set on the most recent occasion of its granting of such Amusement Performance/Special Events License for such organization; or
- (b) Refer the application to Council:
  - a) When the applicant requests a variation in the terms and conditions and the fee previously set by Council;
  - b) When a Noise By-Law exemption is concurrently sought; or
  - c) When the Town Administrator, in his or her discretion, otherwise deems it appropriate.

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- 8.6** Upon receiving an application, Council may by resolution refuse to grant the Amusement Performance/Special Events License, or may grant the Amusement Performance/Special Events License with such conditions and terms as it deems, at its sole discretion, to be fit and appropriate. Any License so granted shall:
- a) Specify the time period, the public places and the activities for which the License shall be effective;
  - b) Specify whether a Noise By-Law exemption is being concurrently granted by Council and, if so, identify any related terms or conditions;
  - c) Be confirmed in writing by the Town Administrator before becoming effective;
  - d) Include such terms and conditions as Council deems appropriate;
  - e) Be subject to the provisions of Part 12 the requirements of insurance.
  - f) Be subject to the payment of the Special Event License fee as per Part 16
- 8.7** In deciding whether or not to grant a License or in determining terms or conditions of the License, Council shall give consideration to:
- a) The social or economic benefit of the proposed event to the municipality;
  - b) The volume, nature, duration and consistency of disturbance to the use and enjoyment of public places from the proposed event;
  - c) the proximity and nature of abutting or adjacent land uses and the effect upon them of granting the License;
  - d) whether the proposed event would also require the granting of an exemption from the Noise By-Law, and, if so, whether it is appropriate to grant such an exemption having regard to the requirements in that By-Law; and
  - e) any other factor relevant to balancing the interests of the applicant, the Town of Digby and others in relation to the proposed event.
- 8.8** When granting an Amusement Performance/ Special Events License, Council may in addition to the license Fee as per Part 16 set an additional amount estimated as required to defray any extraordinary, police, fire or cleanup expenses of the Town of Digby as associated with or arising from the Amusement Performance /Special Event.
- 8.9** Notwithstanding Parts 8.4 – 8.8 of this By-Law, when an event for which a Special Events License is required would result in an obstruction of a street, the approval of the Traffic Authority is required prior to issuance of a Special Events License.

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## Part 9 – Provisions for Events License

- 9.1 No person or persons shall hold an event as defined in Part 1(F) within the Town in a Public Place, without first obtaining an Event License, either on their own behalf or as an agent of another.
- 9.2 An Event License is required for each separate Event.
- 9.3 No Event shall run longer than 3 consecutive days.
- 9.4 No Event shall exceed 150 attendees in size, including guests and staff supporting the event.
- 9.5 Subject to a Special Occasion Liquor License from Nova Scotia Alcohol & Gaming, that shall be displayed at the premises, all alcohol sold and or/served at an event shall be consumed at the Event.
- 9.6 No Event Licensed under this part shall be open to the general public.
- 9.7 Any outdoor amplification during the event shall comply with the provisions of the Town of Digby Noise By-law.
- 9.8 The Event shall cease at 12 midnight on each day of the Event.
- 9.9 A person wishing to carry out an event in within the Town of Digby in a Public Place shall apply for an Events License a minimum of 15 days in advance of the proposed date for the Event.
- 9.10 Upon receiving an application according to Part 14, the Inspector may subject to Part 15 refuse to grant the Events License, or may grant the Events License with such conditions and terms as in accordance to this By-law.

Any License so granted shall:

- a) specify the time period, the public places and the activities for which the License shall be effective;
  - b) specify whether a Noise By-Law exemption is being concurrently granted by Council and, if so, identify any related terms or conditions;
  - c) include and be subject to the terms and conditions of the License;
  - d) be subject to the provisions of Part 12 the requirements of insurance.
  - e) be subject to the payment of the Event License fee
- 9.11 Notwithstanding Parts 9.4 – 9.10 of this By-Law, when an event for which an Events License is required would result in an obstruction of a street, the approval of the Traffic Authority is required prior to issuance of a Events License.

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## Part 10 - Provisions for Farmers Markets

- 10.1** Council may by resolution authorize a sponsoring individual, groups or organization to hold a Farmers Market at a determined site on certain dates and times.
- 10.2** All farmers' markets not authorized and designated by resolution of Council shall be prohibited.
- 10.3** A sponsoring individual, group or organization shall obtain a Farmers Market Vending License and pay the Town the applicable annual fee.
- 10.4** The License holder shall reimburse the Town of Digby for Electrical/Water services consumed by the Licensed Farmers Market.
- 10.5** Any person peddling, hawking, or trading goods at a farmers market duly authorized as per Part 10.1 and at no other place, shall be exempt from paying a license fee, provided that the sponsoring individual, group, or organization has a valid Farmers Market Vending License.

## Part 11 – Provisions for Yard Sales

- 11.1** Subject to Part 11.2, yard sales on private property between 7:30 a.m. and 7:30 p.m. on Saturdays, Sundays and holidays do not contravene this By-Law provided that:
- a) the owner of the property upon which the yard sale vending is occurring expressly authorizes such yard sale vending;
  - b) the property owner and the yard sale vendor do not set up or place, or allow to be set up or placed, outside in a location visible from a public place any yard sale vending merchandise, stands or equipment before 12 hours in advance of the time that the yard sale vending is permitted to begin pursuant to this By-Law; and
  - c) the property owner and the yard sale vendor do not leave or allow to be left outside in a location visible from a public place any yard sale vending merchandise, stands or equipment more than 12 hours after the time that the yard sale vending is required to cease pursuant to this By-Law;
  - d) Signs must be removed within two (2) hours of the end of the yard sale;
  - e) Under special circumstances, Council may by policy prohibit yard sales for specific days or periods of the year in the interests of public safety and/or movement of traffic within the Town.
- 11.2** Council may by resolution designate properties upon which yard sales are not permitted to occur, upon recommendation or advice from the Traffic Authority that yard sales at such properties are or may cause a safety hazard or an obstruction to traffic.

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## Part 12 - Requirement for Insurance

- 12.1 The License Holder shall indemnify and save harmless the Town of Digby, its employees and Agents, from and against all claims, expenses, actions, losses, costs and suits caused by or arising out of, directly or indirectly, the performance of the Vending License, or by reason of any matter or thing done by or not done by the Vendor, its employees or agents.
- 12.2 The License Holder shall, at its sole cost and expense, place and at all times maintain during the currency of the License, general liability and property damage insurance. The License holder shall provide the Town with the confirmation of the insurance, including the insurance provider and the policy number, and a certificate of insurance naming the Town of Digby as additionally insured. Such policy shall be written on a comprehensive basis with coverage for any one occurrence or claim and not less than \$2,000,000.00.

## Part 13 - Enforcement

- 13.1 This By-law shall be referred to as the Vending & Licensing By-law and be administered by the Inspector.
- 13.2 Any vendor found guilty of having contravened or failed to comply with any of the terms of this By-law or of any license issued under this By-law shall, on conviction, be liable to a penalty of not less than three hundred dollars (\$300.00), and not more than one thousand dollars (\$1000.00), and in default of payment, to imprisonment for a period not exceeding sixty (60) days.

## Part 14 - Scope of Application

- 14.1 Every application for a license pursuant to this By-law shall be completed and submitted on the form provided by the Town and shall include the appropriate fee payable pursuant to Part 16 of this By-law.
- 14.2 The Inspector shall receive and review every application and issue such license as are in compliance with this By-law.
- 14.3 No person shall be eligible for a license pursuant to this by-law if they have contravened any provision of this Bylaw in the 30 day period immediately preceding this application, as determined by the Inspector.

## Part 15 - Issuance and Terms of Licenses

- 15.1 Within fifteen (15) days of receiving an application, the Inspector shall inform the applicant whether the application is complete.
- 15.2 Within thirty (30) days of receiving a completed application, the Inspector shall either grant or refuse the license.
- 15.3 Every License shall specify the license holder's name and address, the type of food,

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beverage, amusement, entertainment or other merchandise or product permitted to be sold, the registration number of any licensed motor vehicle, the designated or private site.

- 15.4** The license shall be prominently displayed during the hours of operation.
- 15.5** A license shall not be transferable by the license holder.
- 15.6** Every yearly license to vend shall expire at the end of the fiscal year.
- 15.7** Every monthly license to vend shall expire at the end of thirty (30) days from the date it was issued.
- 15.8** A License will not be issued to any individual, promoter, group, or organization:
  - a) Who does not agree to comply with this or other existing Municipal By-laws, or Provincial statutes or regulations.
  - b) Whose application indicates the employment or hiring of any person or company that was operated in contravention of any Municipal By-laws, provincial statutes or regulations.
  - c) Who utilize the proceeds from the sale of goods and services to support criminal activity.

### Part 16 – License Fees

**16.1** License fees pursuant to this By-law shall be:

Type of License	License Fee (Annual)	License Fee (Monthly)
Mobile Canteen	\$500.00	\$200.00
Mobile Canteen (with electrical/water)	700.00	\$250.00
Mobile Stand	\$100.00	\$50.00
Mobile Stand (with electrical/water)	\$150.00	\$75.00
Stand / Sidewalk Vendor	\$100.00	\$50.00
Stand / Sidewalk Vendor (with electrical/water)	\$150.00	\$75.00
Transient Traders License	\$200.00	\$100.00
Transient Motor Vehicle Vendor	\$500.00 per event	N/A
Umbrella Event	\$100.00 per event	N/A
Non-Profit Special Event / Vending Unit	\$0	\$0
Amusement Performance /Special Events	\$500.00 plus any additional fees determined by Council	N/A
Event	50.00	N/A
Farmers Market Vending License	\$200.00	N/A

# The Vending & Licensing By-Law # 2018-02

## Part 17 - Revocation and Appeals

- 17.1** Any license issued under this By-law may be suspended for a period of up to fourteen (14) consecutive days by the Inspector.
- 17.2** Any license may be revoked by the Town Administrator.
- 17.3** Any refusal, suspension or revocation of a license shall be made in writing to the applicant.
- 17.4** Any person whose license is revoked or whose application for a license has been refused may appeal to Council, whose decision shall be final.
- 17.5** Such notice of appeal shall be served on the Town Administrator within fifteen (15) days of the date that the written decision is served on the applicant.
- 17.6** Any such appeal served on Council shall be heard by Council and Council may:
- a) confirm the decision of the Town Administrator, or
  - b) order that the license be granted or reinstated with or without conditions.

## Part 18 – Annual Festivals

- 18.1** All vending Licenses issued pursuant to this by-law to designated sites are suspended during the following annual festivals:
- a) Lobster Bash
  - b) Scallop Days
  - c) Wharf Rat Rally
- 18.2** Anyone wishing to vend at designated sites during the annual festivals shall make application to the respective organizing committees in accordance to Part 5 of this By-law.

## Part 19 – Repeal

- 19.1** The Town of Digby Vending/Licensing Bylaw # 2009-01 hereby repealed.



## The Vending & Licensing By-Law # 2018-02

### Clerk's Annotation for Official By-Law Book

Date of first reading: August 7, 2018

Date of advertisement of Notice of Intent to Consider: October 17, 2018

Date of second reading: November 5, 2018

\*Date of advertisement of Passage of By-Law: November 14, 2018

Date of mailing to Minister a certified copy of By-Law: November 16, 2018

I certify that this TOWN OF DIGBY Vending & Licensing By-law was adopted by Council and published as indicated above.

CAO

  
E. Thomas Ossinger

Date: November 14, 2018

\* Effective Date of the By-Law unless otherwise specified in the text of the By-Law

# The Vending & Licensing By-Law # 2018-02

## Schedule A

### APPLICATION FOR A TOWN OF DIGBY VENDORS LICENSE

#### Contact Information

<b>Company Name</b>	
<b>Applicant Name</b>	
<b>Business Address</b>	
<b>Phone #</b>	
<b>E-mail</b>	

Please indicate the type of product that best describes your services or wares:

- Entertainment (busking)       Food & Beverage Service (prepared food)
- Ice Cream       Other (art, clothing, jewellery, etc.)

Additional Description of Vending Merchandise.

--

Each vending unit requires a separate application. Please select the vending type below that best describes your unit:

- Mobile Canteen (mobile motor vehicle offering food)
- Mobile Stand (human powered stand for food, beverage or merchandise)
- Stand (table, showcase, and bench, rack, for food, beverage or merchandise)
- Sidewalk Vending Unit (stand for busking, amusement rentals, or merchandise)
- Transient Traders Vendor (peddling, hawking, or trading goods, wares, services, or merchandise of any kind door to door)
- Transient Traders Vendor (Flea Market Operator)
- Transient Motor Vehicle Vendor (temporarily selling or offering for sale motor vehicles at a particular location for a specified time)

# The Vending & Licensing By-Law # 2018-02

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Designated site - Location

Please provide the Site (See Addendum "A"), PID # or Civic Address of your preferred designated site:

Private Site – Location of site must be located within the Commercial Downtown CD and Commercial General CG Zones.

Please provide Owners name, PID# or Civic Address of Private Property you have permission to vend on.

**Authorized Consent of Owner**

Print \_\_\_\_\_

Signature \_\_\_\_\_

What are the intended hours of operation? Open \_\_\_\_\_ Close \_\_\_\_\_

---

Please provide the following information, if applicable;

**Description and photos of vending apparatus**

**Vehicle Registration License Plate #**

**Health Permit #**

## The Vending & Licensing By-Law # 2018-02

Date of inspection

As per Part 12 of the Town of Digby's Vending and Licensing By-law

Applicants Insurance Policy #

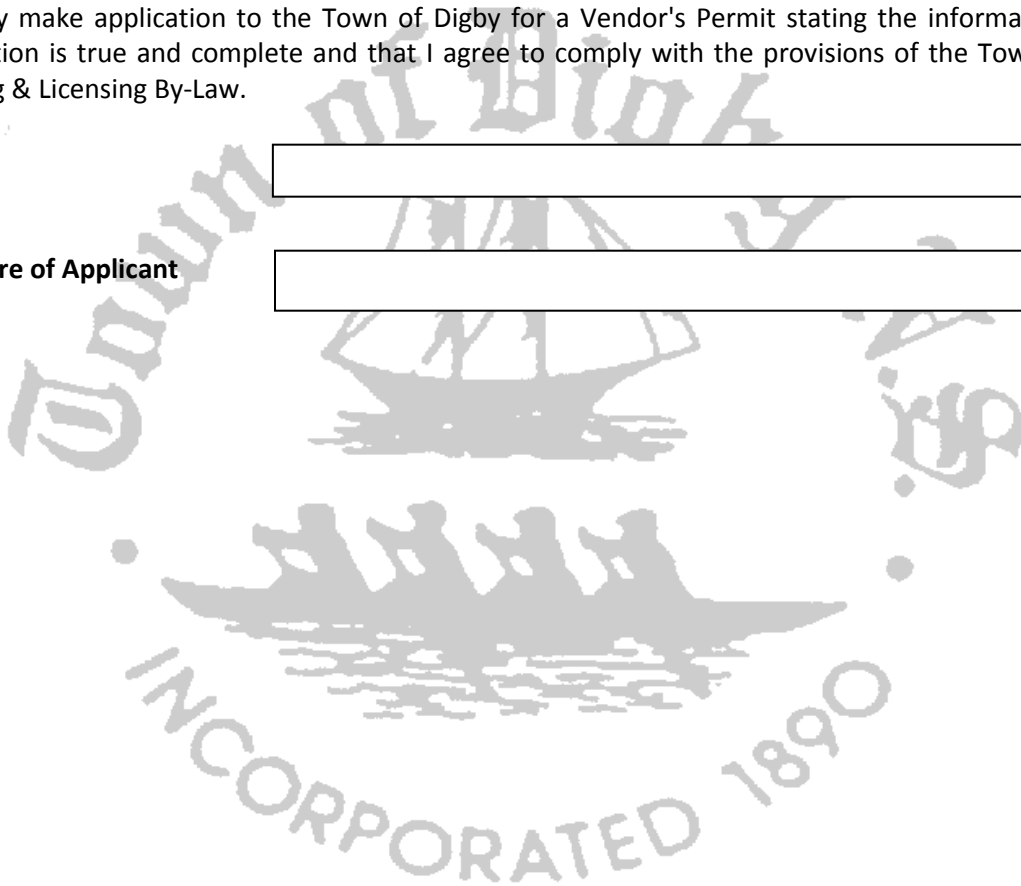
Insurance Policy Expiry Date.

---

I hereby make application to the Town of Digby for a Vendor's Permit stating the information in this application is true and complete and that I agree to comply with the provisions of the Town of Digby Vending & Licensing By-Law.

Date

Signature of Applicant



# The Vending & Licensing By-Law # 2018-02

## Schedule B

### TOWN OF DIGBY VENDORS LICENSE

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#### Permit Information

Date Issued

Inspector

Expiry Date

Permission is hereby granted to

To proceed with the vending operation of (Check where applicable):

- |  |  |
|--|--|
| <input type="checkbox"/> Entertainment (busking) | <input type="checkbox"/> Food & Beverage Service (prepared food) |
| <input type="checkbox"/> Ice Cream               | <input type="checkbox"/> Other (art, clothing, jewellery, etc.)  |

This permit is issued for the follow vending unit type, and is subject to the applicable fees (check where applicable):

- Mobile Canteen (mobile motor vehicle offering food)
- Mobile Stand (human powered stand for food, beverage or merchandise)
- Stand (table, showcase, and bench, rack, for food, beverage or merchandise)
- Sidewalk Vending Unit (stand for busking, amusement rentals, or merchandise)
- Transient Traders Vendor (peddling, hawking, or trading goods, wares, services, or merchandise of any kind door to door)
- Transient Traders Vendor (Flea Market Operator)
- Transient Motor Vehicle Vendor (temporarily selling or offering for sale motor vehicles at a particular location for a specified time)

Vending from Designated Site Location

Vending from Private Site Location

## The Vending & Licensing By-Law # 2018-02

Vehicle Registration

Health Permit #

Vending License #

As per Part 12 of the Town of Digby's Vending and Licensing By-law

License Holder's  
Insurance Policy #

Insurance Policy Expiry  
Date.

---

The License Holder hereby acknowledges receipt of this License and agrees to conform and comply with the terms and conditions of this license (hereto attached) and all requirements of the Town of Digby's 's Vending and Licensing By-Law.

Date

Signature of License Holder

Signature of Inspector

# The Vending & Licensing By-Law # 2018-02

## Schedule C

### VENDING LICENSE - TERMS AND CONDITIONS

The License holder agrees to the following terms and conditions:

1. The original Vending License must be kept in the vending unit and must be presented upon request of the Inspector.
2. The vending license is not transferrable.
3. The License holder agrees to:
  - a) Assume all responsibility for themselves and anyone whom they have hired or otherwise authorized to sell goods or products at the vending location and to see that they are aware of and comply with the terms and conditions of their Permission.
  - b) Indemnify and save harmless the Town of Digby, its employees and Agents, from and against all claims, expenses, actions, losses, costs and suits caused by or arising out of, directly or indirectly, the performance of the Vending License, or by reason of any matter or thing done by or not done by the Vendor, its employees or agents.
  - c) At its sole cost and expense, place and at all times maintain during the currency of the License, general liability and property damage insurance. The License holder shall provide the Town with the confirmation of the insurance, including the insurance provider and the policy number, and a certificate of insurance naming the Town of Digby as additionally insured. Such policy shall be written on a comprehensive basis with coverage for any one occurrence or claim and not less than \$2,000,000.00.
  - d) Possess all necessary permits, licenses, and letters of permission required by various federal, provincial or municipal agencies.
  - e) Comply with all laws, regulations and bylaws whether federal, provincial or municipal in regard to the vending operation.
  - f) Not actively solicit or harass park users or pedestrians.
  - g) Not sell to customers in their vehicles (the client must approach you).
  - h) Keep the unit and immediate area clean and neat.
  - i) Provide garbage and recycling receptacles at the vending unit for all customers to discard any waste from the product sold.
  - j) Collect and dispose of any refuse produced directly or indirectly by the vending operation around the stand.
  - k) Advertising or signage for a vendor's unit is limited to the space available on the unit and one temporary sandwich board sign.

## The Vending & Licensing By-Law # 2018-02

- l) Adhere to all restrictions and requirements specified in the Vending & Licensing By-law
4. The License Holder shall not:
- a) Vend within [100 metres] of the grounds of any school between ½ hour prior to the start of the school day and ½ hour after dismissal at the end of the school day;
  - b) Vend at any location other than the one for which the vendor is licensed;
  - c) Vend on any street or sidewalk between the hours of 11 p.m. and 8 a.m.;
  - d) Leave any stand or mobile vending unit unattended on a street;
  - e) Leave any location without first picking up, removing and disposing of any trash or refuse remaining from the sales made by the vendor and shall keep the area clear of all trash and refuse at all times;
  - f) Set up, maintain or permit the use of any table, crate, rack or any other device to increase the selling or displaying capacity, where such items have not been described in the vendor's application;
  - g) Vend anything other than that which the vendor is licensed to vend;
  - h) Vend to persons in motor vehicles
  - i) Dump any trash or refuse or any fat or other food substances into the Town's sewer system;
  - j) Hawk, peddle, or busk goods, foods, amusements or services within 100 m. of a commercial retail storefront operation which sells similar goods or services;
  - k) Impede traffic and or/pedestrians, endanger public safety or cause unwelcome disturbance and must be cognitive of and comply with the Town's By-Laws;
  - l) Use or permit the use of any loud speaker, public address system, radio, sound amplifier or similar device.

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License Holder

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Inspector / Town Administrator



# The Vending & Licensing By-Law # 2018-02

## Schedule D

### APPLICATION FOR A TOWN OF DIGBY AMUSEMENT PERFORMANCE/SPECIAL EVENT LICENSE

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#### Contact Information

<b>Company Name</b>	
<b>Applicant Name</b>	
<b>Business Address</b>	
<b>Phone #</b>	
<b>E-mail</b>	

Please indicate the type of event that you are applying for: (Please check all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Public Entertainment Event | <input type="checkbox"/> Festival  |
| <input type="checkbox"/> Exhibition                 | <input type="checkbox"/> Fair  |
| <input type="checkbox"/> Parade                     | <input type="checkbox"/> Circus (subject to The Circus Performance By-law) |

Additional Description of the Event (please use separate sheet if necessary)

Does your Amusement Performance/Special Event include any vendors?

- Yes       No

If yes please complete the Umbrella Event License Application and submit completed application with applicable fee with this application.

Have you had an Amusement Performance/Special Event License from the Town of Digby in the past?

- Yes       No

If yes please provide License # \_\_\_\_\_ and/or Date \_\_\_\_\_

---

Your Amusement Performance/Special Event is to be held in/on a

# The Vending & Licensing By-Law # 2018-02

Public Place                       Private Property

Please provide the location(s) of Public Place(s) required for your Amusement Performance/ Special Event  
(Please use separate sheet if necessary)

Please provide the location of Private Site where your event will be held – Location of the Private Site must be located within the Commercial Downtown CD and Commercial General CG Zones.

Please provide Owners name, PID# or Civic Address of Private Property you have permission to vend on.

**Authorized Consent of Owner**

---

Please provide the following information:

**Date(s) of Amusement Performance/Special Event**

**Hours of Operation**

**As per Part 12 of the Town of Digby's Vending and Licensing By-law**

**Applicants Insurance Policy #**

**Expiry Date of Insurance**

---

I hereby make application to the Town of Digby for an Amusement Performance/ Special Events License stating the information in this application is true and complete and that I agree to comply with the provisions of the Town of Digby Vending & Licensing By-Law.

**Date**

**Signature of Applicant**

# The Vending & Licensing By-Law # 2018-02

## Schedule E

### TOWN OF DIGBY AMUSEMENT PERFORMANCE/SPECIAL EVENT LICENSE

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#### Permit Information

Date Issued

Inspector

Expiry Date

Permission is hereby granted to

To proceed with the Amusement Performance/Special Event of (Check where applicable):

- |   |  |
|---|--|
| <input type="checkbox"/> Public Entertainment Event | <input type="checkbox"/> Festival  |
| <input type="checkbox"/> Exhibition                 | <input type="checkbox"/> Fair  |
| <input type="checkbox"/> Parade                     | <input type="checkbox"/> Circus (subject to The Circus performance By-law) |

Name of Amusement  
Performance/Special Event

Effective Date of License

This license is issued for the following approved site(s):  
Public Space(s)

Private Site

# The Vending & Licensing By-Law # 2018-02

As per Part 12 of the Town of Digby's Vending and Licensing By-law

License Holder's  
Insurance Policy #

Insurance Policy Expiry  
Date.

Vending License #

Expiry Date

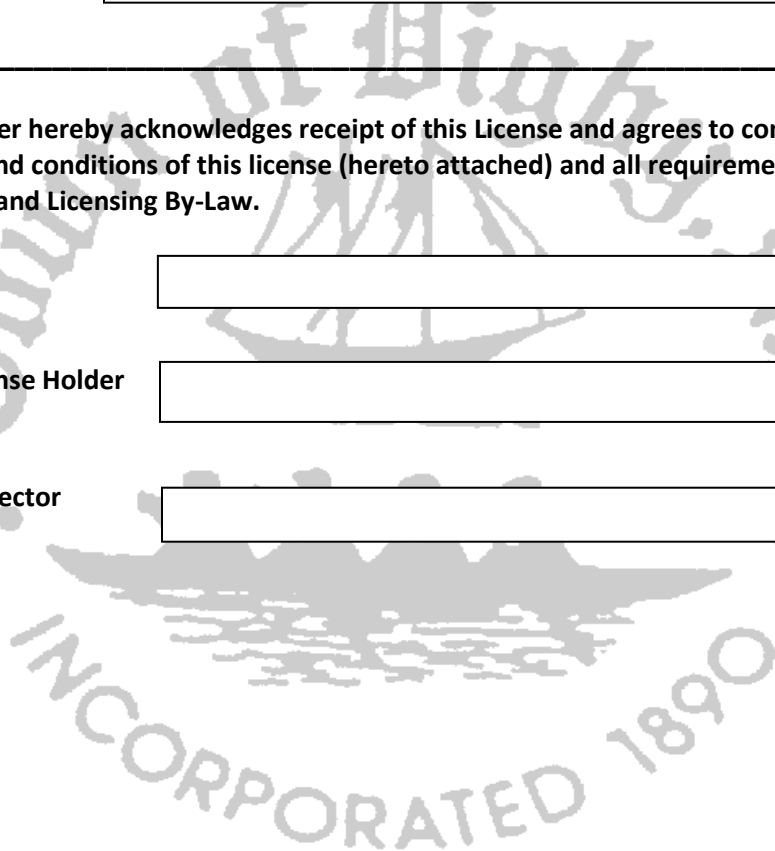
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The License Holder hereby acknowledges receipt of this License and agrees to conform and comply with the terms and conditions of this license (hereto attached) and all requirements of the Town of Digby's Vending and Licensing By-Law.

Date

Signature of License Holder

Signature of Inspector



# The Vending & Licensing By-Law # 2018-02

## Schedule F

### AMUSEMENT PERFORMANCE /SPECIAL EVENTS LICENSE TERMS AND CONDITIONS

The holder of An Amusement Performance/Special Event License agrees to the following terms and conditions:

1. The License Holder shall indemnify and save harmless the Town of Digby, its employees and Agents, from and against all claims, expenses, actions, losses, costs and suits caused by or arising out of, directly or indirectly, the performance of the Vending License, or by reason of any matter or thing done by or not done by the Vendor, its employees or agents.
2. The License Holder shall, at its sole cost and expense, place and at all times maintain during the currency of the License, general liability and property damage insurance. The License holder shall provide the Town with the confirmation of the insurance, including the insurance provider and the policy number, and a certificate of insurance naming the Town of Digby as additionally insured. Such policy shall be written on a comprehensive basis with coverage for any one occurrence or claim and not less than \$2,000,000.00.
3. The Premises continue to meet all relevant fire, safety, and health regulations/codes.
4. Ensure adequate public washroom facilities (Portable toilets) are provided and all sewage and waste water is directed to a system that has the capacity to absorb it, or shall be collected and lawfully transported to a disposal site.
5. Subject to a Special Occasion Liquor License from Nova Scotia Alcohol & Gaming, that shall be displayed at the premises, all alcohol sold and or/served at an event shall be consumed at the Event.
6. All garbage and refuse shall be collected at the site, and shall not be permitted to be deposited elsewhere.
7. Notice of the date and location of the Special Event is provided by the license holder to the local RCMP Detachment, Hospital, Fire Department, and REMO Coordinator.
8. Have adequate traffic control and security plan in place for the special event which provides provisions for:
  - a) First Aid;
  - b) Severe Weather
  - c) Easy Access to site for Police and other emergency vehicles.
  - d) The employment of a security firm licensed by the Government of Nova Scotia.
  - e) Traffic control for safe traffic and pedestrian flow
  - f) Proof of Insurance as per Part 12 of this By-Law
9. Ensure noise generated by the event shall be in accordance with the Town of Digby Noise By-law

## The Vending & Licensing By-Law # 2018-02

10. Comply with existing Municipal By-laws, and /or Provincial statutes or regulations.
11. Other Conditions determined by Town Council

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License Holder

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Inspector / Town Administrator



# The Vending & Licensing By-Law # 2018-02

## Schedule G

### APPLICATION FOR A TOWN OF DIGBY EVENT LICENSE

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#### Contact Information

<b>Company Name</b>	
<b>Applicant Name</b>	
<b>Business Address</b>	
<b>Phone #</b>	
<b>E-mail</b>	

Please indicate the type of event that you are applying for: (Please check all that apply)

- |                                      |   |
|--------------------------------------|---|
| <input type="checkbox"/> Banquet     | <input type="checkbox"/> Wedding        |
| <input type="checkbox"/> Anniversary | <input type="checkbox"/> Family Reunion |
| <input type="checkbox"/> Birthday    | <input type="checkbox"/> other          |

Additional Description of the Event (please use separate sheet if necessary)

Your Event is requested to be held at

Please provide the location of the Public Place requested for your Event

## The Vending & Licensing By-Law # 2018-02

Please provide the following information:

Date(s) of Event

Time of Event

As per Part 12 of the Town of Digby's Vending and Licensing By-law

Applicants Insurance  
Policy #

Expiry Date of  
Insurance

---

I hereby make application to the Town of Digby for an Amusement Performance/ Special Events License stating the information in this application is true and complete and that I agree to comply with the provisions of the Town of Digby Vending & Licensing By-Law.

Date

Signature of Applicant



# The Vending & Licensing By-Law # 2018-02

## Schedule H

### TOWN OF DIGBY EVENT LICENSE

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#### Permit Information

Date Issued

Inspector

Expiry Date

Permission is hereby granted to

To proceed with the Amusement Performance/Special Event of (Check where applicable):

- |                                      |   |
|--------------------------------------|---|
| <input type="checkbox"/> Banquet     | <input type="checkbox"/> Wedding        |
| <input type="checkbox"/> Anniversary | <input type="checkbox"/> Family Reunion |
| <input type="checkbox"/> Birthday    | <input type="checkbox"/> other          |

Effective Date of License

This license is issued for the following approved Public Space

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As per Part 12 of the Town of Digby's Vending and Licensing By-law

License Holder's Insurance Policy #

Insurance Policy Expiry Date.

## The Vending & Licensing By-Law # 2018-02

Vending License #

Expiry Date

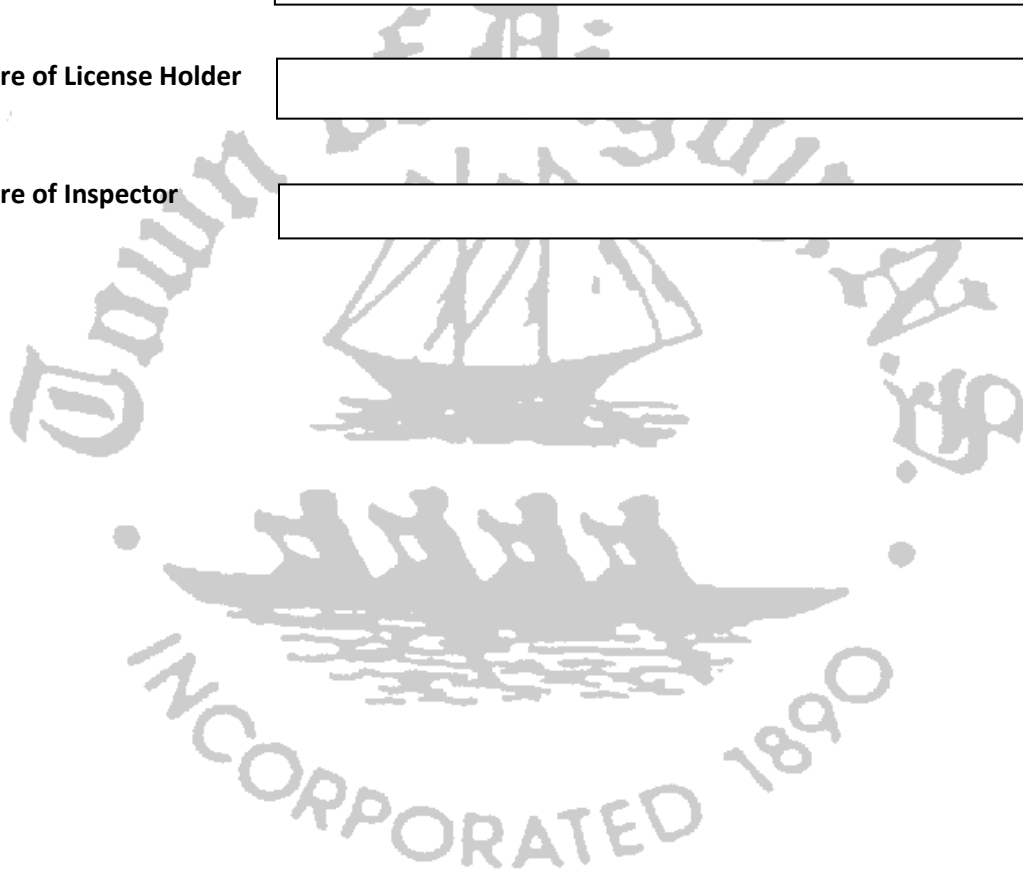
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The License Holder hereby acknowledges receipt of this License and agrees to conform and comply with the terms and conditions of this license (hereto attached) and all requirements of the Town of Digby's Vending and Licensing By-Law.

Date

Signature of License Holder

Signature of Inspector



# The Vending & Licensing By-Law # 2018-02

## Schedule I

### EVENTS LICENSE - TERMS AND CONDITIONS

The holder of an Events License agrees to the following terms and conditions:

1. The License Holder shall indemnify and save harmless the Town of Digby, its employees and Agents, from and against all claims, expenses, actions, losses, costs and suits caused by or arising out of, directly or indirectly, the performance of the Vending License, or by reason of any matter or thing done by or not done by the Vendor, its employees or agents.
2. The License Holder shall, at its sole cost and expense, place and at all times maintain during the currency of the License, general liability and property damage insurance. The License holder shall provide the Town with the confirmation of the insurance, including the insurance provider and the policy number, and a certificate of insurance naming the Town of Digby as additionally insured. Such policy shall be written on a comprehensive basis with coverage for any one occurrence or claim and not less than \$2,000,000.00.
3. The Premises continue to meet all relevant fire, safety, and health regulations/codes.
4. Ensure where applicable adequate public washroom facilities (Portable toilets) are provided and all sewage and waste water is directed to a system that has the capacity to absorb it, or shall be collected and lawfully transported to a disposal site.
5. Number of attendees shall not exceed 150 persons, including guests and staff supporting the event.
6. Subject to a Special Occasion Liquor License from Nova Scotia Alcohol & Gaming, that shall be displayed at the premises, all alcohol sold and or/served at an event shall be consumed at the event.
7. No Event Licensed under this part shall be open to the general public.
8. Any outdoor amplification during the event shall comply with the provisions of the Town of Digby Noise By-law.
9. The Event shall cease at 12 midnight on the day of the Event.
10. All garbage and refuse shall be collected at the site, and shall not be permitted to be deposited elsewhere.
11. Notice of the date and location of the Special Event is provided by the license holder to the local RCMP Detachment, Hospital, Fire Department, and REMO Coordinator

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License Holder

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Inspector / Town Administrator

# The Vending & Licensing By-Law # 2018-02

## Schedule J

### APPLICATION FOR A TOWN OF DIGBY FARMERS MARKET VENDING LICENSE

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#### Contact Information

<b>Organization Name</b>	
<b>Applicant Name</b>	
<b>Business Address</b>	
<b>Phone #</b>	
<b>E-mail</b>	

---

Please provide the following information:

**Date(s) of Market**

**Hours of Operation**

**As per Part 12 of the Town of Digby's Vending and Licensing By-law**

**Applicants Insurance Policy #**

**Expiry Date of Insurance**

---

I hereby make application to the Town of Digby for a Farmers Market Vending License stating the information in this application is true and complete and that I agree to comply with the provisions of the Town of Digby Vending & Licensing By-Law.

**Date**

**Signature of Applicant**

# The Vending & Licensing By-Law # 2018-02

## Schedule K

### TOWN OF DIGBY FARMERS MARKET VENDING LICENSE

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#### Permit Information

Date Issued

Inspector

Expiry Date

Permission is hereby granted to

To hold a Farmers Market at the following approved Public Space

To be held on the following dates and times

Effective Date of License

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As per Part 12 of the Town of Digby's Vending and Licensing By-law

License Holder's  
Insurance Policy #

Insurance Policy Expiry  
Date.

Vending License #

## The Vending & Licensing By-Law # 2018-02

Expiry Date

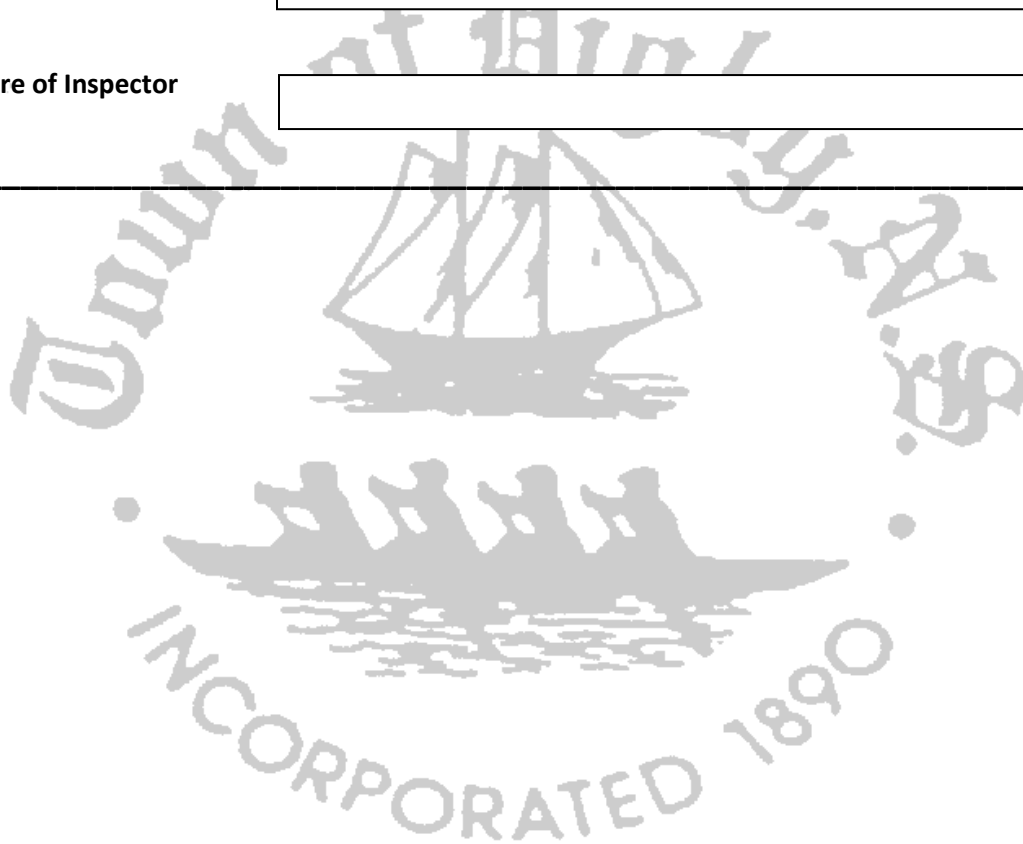
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The License Holder hereby acknowledges receipt of this License and agrees to conform and comply with the terms and conditions of this license (hereto attached) and all requirements of the Town of Digby's Vending and Licensing By-Law.

Date

Signature of License Holder

Signature of Inspector



# The Vending & Licensing By-Law # 2018-02

## Schedule L

### FARMERS MARKET VENDING LICENSE - TERMS AND CONDITIONS

The holder of a Farmers Market Vending License agrees to the following terms and conditions:

1. The License holder shall indemnify and save harmless the Town of Digby, its employees and Agents, from and against all claims, expenses, actions, losses, costs and suits caused by or arising out of, directly or indirectly, the performance of the Vending License, or by reason of any matter or thing done by or not done by the Vendor, its employees or agents.
2. The License Holder shall, at its sole cost and expense, place and at all times maintain during the currency of the License, general liability and property damage insurance. The License holder shall provide the Town with the confirmation of the insurance, including the insurance provider and the policy number, and a certificate of insurance naming the Town of Digby as additionally insured. Such policy shall be written on a comprehensive basis with coverage for any one occurrence or claim and not less than \$2,000,000.00.
3. The Premises continue to meet all relevant fire, safety, and health regulations/codes.
4. To collect all vendor fees as set by License holder for vendors participating in the Farmers Market.
5. Advertising or signage for a vendor's unit is limited to the space available on the unit and one temporary sandwich board sign.
6. Comply with all laws, regulations and bylaws whether federal, provincial or municipal in regard to the vending operation.
7. Keep the Vendor's unit and immediate area clean and neat.
8. Provide garbage and recycling receptacles at the vending unit for all customers to discard any waste from the product sold.
9. Collect and dispose of any refuse produced directly or indirectly by the vending operation around the Farmers Market.
10. Adhere to all restrictions and requirements specified in the Vending & Licensing By-law
11. Responsible for the set up and tear down of vendor units at the commencement and the ending of each Farmers Market

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License Holder

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Inspector / Town Administrator

# The Vending & Licensing By-Law # 2018-02

## Schedule M

### Application for a Town of Digby Umbrella Vending License

#### Contact Information

<b>Festival/Special Event Name</b>	
<b>Contact Name</b>	
<b>Organization's Address</b>	
<b>Phone #</b>	
<b>E-mail</b>	

Please describe the Event

Designated Site Location

**Date(s) of Event**

**Time of Event**



## The Vending & Licensing By-Law # 2018-02

Please list the vendor's business name, name of contact for the business, vendor's phone number and product or service for each vendor operating at the event. Vendors include all food vendors, entertainers, and other businesses providing wares or services. Note: if more vendors, please attach a list with the required information.

Vendor's Business Name	Vendor's Contact Name	Phone	Product or Service

I hereby make application to the Town of Digby for an Umbrella Vendor's Permit stating the information in this application is true and complete and that I agree to comply with the provisions of the Town of Digby's Vending & Licensing By-Law.

Date \_\_\_\_\_

Signature of Contact \_\_\_\_\_

# The Vending & Licensing By-Law # 2018-02

## Schedule N

### TOWN OF DIGBY UMBRELLA VENDOR LICENSE

---

#### Permit Information

Date Issued

Inspector

Expiry Date

Permission is hereby granted to

For the following event

Effective Date of License

Permitting the attached list of Vendors to operate at the designated site:

(Approved location for vendors at the event)

---

As per Part 12 of the Town of Digby's Vending and Licensing By-law

License Holder's Insurance Policy #

Insurance Policy Expiry Date.

Vending License #

Expiry Date

---

**The Vending & Licensing By-Law # 2018-02**

The License Holder hereby acknowledges receipt of this License and agrees to conform and comply with the terms and conditions of this license (hereto attached) and all requirements of the Town of Digby's 's Vending and Licensing By-Law.

Date

Signature of License Holder

Signature of Inspector

---

**Approved Vendors List**

Vendors Business Name	Product or Service

# The Vending & Licensing By-Law # 2018-02

## Schedule O

### Umbrella Vendor License - Terms and Conditions

The holder of an Umbrella Event License agrees to the following terms and conditions:

1. The License Holder shall indemnify and save harmless the Town of Digby, its employees and Agents, from and against all claims, expenses, actions, losses, costs and suits caused by or arising out of, directly or indirectly, the performance of the Vending License, or by reason of any matter or thing done by or not done by the Vendor, its employees or agents.
2. The License Holder shall, at its sole cost and expense, place and at all times maintain during the currency of the License, general liability and property damage insurance. The License holder shall provide the Town with the confirmation of the insurance, including the insurance provider and the policy number, and a certificate of insurance naming the Town of Digby as additionally insured. Such policy shall be written on a comprehensive basis with coverage for any one occurrence or claim and not less than \$2,000,000.00.
3. The Premises continue to meet all relevant fire, safety, and health regulations/codes.
4. Ensure where applicable adequate public washroom facilities (Portable toilets) are provided and all sewage and waste water is directed to a system that has the capacity to absorb it, or shall be collected and lawfully transported to a disposal site.
5. The License holder shall reimburse the Town of Digby for Electrical/Water services consumed by the vendors participating in a licensed umbrella vending event.
6. The License holder is responsible for setting and collecting Vending fees for participating vendors of a licensed umbrella vending event.
7. The license holder shall ensure all Vendors participating in an umbrella vending event shall adhere to the Town's Vendors Terms and Conditions and the Vendors By-Law.

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License Holder

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Inspector / Town Administrator

# The Vending & Licensing By-Law # 2018-02

## ADDENDUM "A"

### Administrative Policy # 2018-06 Vending & Licensing By-law Designated Site Policy

1. This Policy shall be entitled the "Vending & Licensing By-Law Designated Site Policy."
2. Council delegates its authority to issue Vendor Licenses for designated sites to the Town Administrator or Inspector in accordance with the Town's Vending & Licensing By-Law.
3. This policy as may be amended by Council from time to time shall be part of the Town of Digby's Vending & Licensing By-law as Addendum "A"
4. The purpose of this policy is to designate sites of Town-owned public property that is located within areas zoned Commercial Downtown (CD), Commercial General (GG) and Public Open Space (OS) for vending within the Town of Digby.
5. Council approves the following designated site locations for vending:

#### **5.1 Designated Site Locations for Vending**

- a. Only one vendor will be permitted at each location except for under the terms and Conditions of an Amusement Performance/Special Event License.
  - i. Admirals Walk – Snow push off # 1
  - ii. Admirals Walk – Snow push off # 2
  - iii. Admirals Walk – Snow push off # 3
  - iv. Waterfront Lower Board Walk from Dockside Restaurant to behind Marshall's Gifts
  - v. Sidewalks – Sidewalk vending units only
  - vi. Promenade
  - vii. Digby Centre – Nonfood Vendor only
  - viii. Fisherman's Memorial Park
  - ix. Don Brown Memorial Ballfield

#### **5.2 Designated Site Locations for Vending during annual festivals as per an Umbrella Vending License**

- a. Multiple Vendors will be permitted at these locations
  - i. Digby Centre parking areas
  - ii. Digby Centre Green Space
  - iii. Admiral's Walk Green Space
  - iv. Parking lot in front of the Heritage Center
  - v. Promenade area
  - vi. Waterfront Lower boardwalk from Dockside Restaurant to behind Marshall's Gifts

# The Vending & Licensing By-Law # 2018-02

## Clerk's Annotation for Official Policy Book

Date of Notice: July 16, 2018

Date of adoption: August 7, 2018

Policy effective date: August 8, 2018

I certify that this **Vending & Licensing By-law Designated Site Policy** was adopted by Council as indicated above.



Clerk

August 8, 2018

Date

