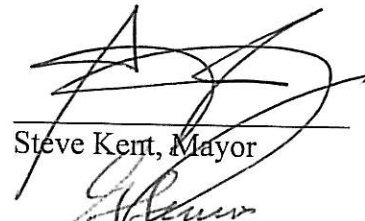
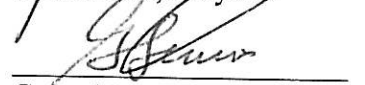


PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the City of Mount Pearl Act, RSN 1990, Chapter C-16, Section 257, 258 and 259 the following regulations have been made by the City Council of the City of Mount Pearl and were approved on the 16th day of October, 2007 A.D.

In accordance with Section 39 Notice of Motion to adopt amendments to the regulations was given at the City's regular Public Council meeting held on the 4th day of September, 2007 A.D.


Steve Kent, Mayor

Gerard Lewis, CAO

MOBILE CANTEEN REGULATIONS

1. Title

These regulations shall be known and cited as the City of Mount Pearl "*Mobile Canteen Regulations*".

2. Interpretations

- a) "*Act*" means the City of Mount Pearl Act, Chapter C-16, R.S.N., 1990.
- b) "*Council*" – means the Council of the City of Mount Pearl.
- c) "*City*" shall mean the City of Mount Pearl as defined by the City of Mount Pearl Act, Chapter C-16, RSN 1990 and amendments thereto.
- d) "*Municipal Enforcement Officer*" – shall mean for the purpose of these regulations only to be deemed a peace officer in accordance with Sections 211 & 212 of the City of Mount Pearl Act and as amended.

- e) “*Park*” – means to allow a motor vehicle to remain on a highway in a stationary position whether or not the operator remains in control; provided that a vehicle shall not be deemed to be so parked if it is stopped for the immediate discharging of passengers or for such time as may be actually necessary for the loading or unloading of goods or for repairing such vehicle when emergency repairs thereto on a highway are necessary.
- f) “*Litter*” – means any obnoxious substance, waste or unsanitary matter, refuse, garbage, rubbish, ashes, cigarette butts, street cleanings, dead animals, paper wrappings, cardboard boxes, tin cans, leaves, wood bedding, crockery, glass bottles and glass in all forms, cement bags, and bags of all description and other matter or thing which if thrown or deposited as herein prohibited tends, or is likely to cause or causes a danger to health, welfare, or public safety and includes abandoned vehicles and appliances.
- g) “*Vehicle*” – means automobile, motor cycle, motor tricycle, trail bike, motor scooter, motor bus, motor truck, tractor, motorized snow vehicle, all-terrain vehicles and any other vehicle propelled other than by muscular power, but does not include wheelchairs or other vehicles, propelled other than by muscular power, but does not include wheelchairs or other vehicles, propelled otherwise by hand, used for the convenience of children and invalids.
- h) “*Licence Inspector*” – means a person appointed by the City to act on behalf of the City of Mount Pearl in such capacity.
- i) “*Mobile Canteen*” – means any vehicle used for the displaying, storing or transportation of food, beverages and articles of all kinds for sale by a vendor from the vehicle which is required to be licensed and registered pursuant to the Highway Traffic Act and includes stands.
- j) “*Stand*” – means any table, showcase, bench, rack, pushcart, wagon or other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered pursuant to the Highway Traffic Act, used for the displaying, storing, transporting or sale of food, beverages and articles of all kinds by a vendor.
- k) “*Vend*” – means the sale or offering for sale, of food, beverages and articles of all kinds, on City streets, private and public open places, from a stand or mobile canteen unless the same are immediately delivered to a house or other residential premises or to a shop by the person selling the same.

- l) “Vendor’s Permit” – means a permit issued under these regulations to a vendor and includes a renewal permit;
- m) “Vendor” – means the individual, corporation or partnership whose name appears as the holder of the permit for the vending vehicle or stand.

3. Licensing

- (a) No person shall vend in the City of Mount Pearl without having first obtained a license to do so.
- (b) The City shall appoint a person to be the License Inspector and such person is hereby authorized to grant or refuse any application under these Regulations.
- (c) A person desiring a license to vend shall make application in writing to the License Inspector.
- (d) A license granted under these regulations may be revoked by the License Inspector for violation of these regulations or any other bylaw, rule or regulation of the City or where there has been a conviction for a violation of the provisions of The Highway Traffic Act or any regulations made thereunder with respect to the operation of a mobile canteen.

4. Application for License

The application for a license shall include:

- (a) The name, home and business address of the applicant, and the name and address of the owner, if other than the applicant, of the vending business, stand or mobile canteen to be used in the operation of the vending business;
- (b) A description of the type of food, beverage or other articles to be sold;
- (c) A description of the proposed location of the vending business except that vendors from motor vehicles shall describe the general area in which they propose to vend, if less than the entire City;
- (d) A description and photograph of any stand or mobile canteen to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business;
- (e) A copy of all health permits required by the Provincial Government.

5. License Requirements

- (a) Every license issued under these regulations shall specify the type of food, beverage or articles permitted to be sold and the location of the business.
- (b) A license issued under these regulations shall be issued to a particular person, company or organization, and shall not be transferable.
- (c) A license issued under these regulations shall expire on the 30th day of April next following the date of issue unless otherwise specified on the license.
- (d) Every license issued under these regulations shall bear a number which shall be included in the records of the License Inspector.
- (e) The License Inspector shall keep a record of all licenses granted under these regulations setting out the name of the person to whom the license is issued, the particulars of the business or trade authorized by the license and the expiry date of the license.

6. Appeal

- (a) Any person who has been refused a license or whose license has been revoked by the License Inspector may appeal such refusal or revocation to Council.
- (b) Such appeal shall be in the form of a written notice addressed to the Chief Administrative Officer and delivered to his office within ten (10) days of such refusal or revocation. The notice shall clearly state the grounds for such appeal. A copy of the notice shall be sent to the License Inspector.
- (c) The Council shall hear such appeal, with or without requiring the presence of the appellant and/or the License Inspector, at such time and place as it determines and may confirm such refusal or revocation or may direct the License Inspector to issue or reinstate such license and he shall immediately do so.

7. License Fee

The annual license fee under these regulations shall be as prescribed by a motion of Council.

8. Vending

Where vendors are permitted to vend:

- (a) Subject to the other provisions hereof, and with the consent of the property owner in writing, a person may vend from a mobile canteen, which is also a motor vehicle on a commercial or industrial site.
- (b) Unless specifically permitted by Council a person shall not vend from a mobile canteen which is also a motor vehicle in the following areas:
 - (i) Public parks and public open spaces;
 - (ii) Areas of the City which are zoned residential, institutional or open space;
 - (iii) The commercial areas of Mount Pearl that are prescribed in the City of Mount Pearl Land Use and Zoning and Subdivision Regulations.
 - (iv) Where a person wishes to vend in the prohibited areas outlined in subsection (b) he must make application to Council and in granting such permission the Council may impose such terms and conditions as it deems desirable keeping in mind the intent of these regulations and the public interest.
 - (v) Notwithstanding the other provisions of this section, a person may vend on a construction site with the permission of the property owner.

18. (a) A Vendor shall not:

- (i) 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;
- (ii) Vend on any street or sidewalk unless specifically approved by the City Engineer and the Operations Manager for the City of Mount Pearl;
- (iii) Vend between 10:00 p.m. on one day and 7:00 a.m. of the following day, unless specifically permitted to do so by Council;
- (iv) Leave any mobile canteen or stand unattended;

- (v) Store, park or leave any stand overnight on any street or sidewalk, or park any motor vehicle other than in a lawful parking place, in conformance with City and Provincial parking regulations;
 - (vi) Sell food or beverages for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his customer's use;
 - (vii) Leave any location without first picking up, removing and disposing of all litter or refuse remaining from sales made by him;
 - (viii) Set up, maintain or permit the use of any table, crate, carton, rack, or any other device to increase the selling or display capacity of his stand or mobile canteen, where such items have not been described in his application;
 - (ix) Solicit or conduct business with persons in motor vehicles;
 - (x) Sell anything other than that which he is licensed to vend.
- (b) Where a Vendor is permitted to vend from a stand on or near a sidewalk he shall not:
- (i) Vend at any location where the sidewalk is less than 1.5 metres;
 - (ii) Vend within 2 metres of an entrance to any building;
 - (iii) Vend within 7 metres of a driveway;
 - (iv) Vend within 7 metres of the crosswalk at any intersection;
 - (v) Vend within 7 metres of any bus stop sign;
 - (vi) Allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's permission.
- (c) For the purposes of subsection (1)(b) hereof the City Engineer and the Operations Manager may prescribe a list of streets or sidewalks, or parts thereof, on which vendors may vend.

19. Stand Size

No stand shall exceed 1.5 metres in width and 2.5 metres in length.

20. Permits

In addition to the requirements contained in these regulations, a stand or mobile canteen shall have in effect all permits required by the Provincial Department of Health.

21. Compliance

All motor vehicles in or from which food is prepared or sold shall comply with the following requirements:

- (a) All equipment installed in any part of the vehicle shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
- (b) All utensils shall be stored in order to prevent their being hurled about in the event of a sudden stop, collision or overturn.
- (c) Compressors, auxiliary engines, generators, batteries, battery charges, and similar equipment shall be installed so as to be accessible only from outside the vehicle.

22. Removal

The Chief Administrative Officer, or his representatives or any Peace Officer and any duly authorized Agent of Council, may remove any Mobile Canteen from any street which fails to comply with any of the provisions of these regulations.

23. Enforcement

These regulations may be enforced by the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, Municipal Enforcement Office, Peace Officer or any person appointed by council.

24. Penalties

Every person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so,

- a) Shall be liable to penalties as stipulated under regulations made in accordance with Sections 280.1, 280.2, 280.3, and 280.4 of the City of Mount Pearl Act, C-16 and amendments thereto.
- b) Or, shall be liable on summary conviction to a fine in accordance with The City of Mount Pearl Act, Section 438.

25. Coming Into Effect

These Regulations shall come into effect on the 1st day of November, 2007 A.D.

26. Publication

These regulations were published in The Telegram on the 27th day of October, 2007 A.D., and were gazetted on the 26th day of October, 2007 A.D.

27. Copy to Minister

A copy of these regulations was sent to the Minister of Municipal Affairs on the 31st day of October 2007 A.D.

28. Repeal of Previous Regulations and Amendments

All previous City of Mount Pearl Mobile Canteen Regulations and amendments are repealed.