



Vendor Regulations

Policy Number: 2019-001

Resolution Number: 19-03-18-079

Date Approved: March 18th, 2019

Objective:

The purpose of this policy is to provide a fair and concise structure for Vendors who apply to operate a business within the Town of Gambo boundaries.

Scope:

This policy applies to all individuals who submit an application to the Town of Gambo to operate a Vendor Business within the Town of Gambo boundaries.

Definitions:

In this policy, unless the context otherwise requires:

- a) "Act" means the Municipalities Act, 1999, as amended.
- b) "Council" means the Town Council of the Town of Gambo.
- c) "Park" means to permit a vending vehicle, whether occupied or not, to remain in a stationary position, otherwise than in obedience to traffic policy, traffic signs or the directions of the traffic officer.
- d) "Salesperson" means any person who is employed by a vendor and operates a vending vehicle or stand on behalf of the vendor, selling or exposing for sale, food or goods.
- e) "Stand" means any device or temporary area used for the purpose of selling, or exposing for sale, food or goods.
- f) "Town" means the Town of Gambo as defined in order of Council on the 1st day of July, 1962 and continued as a Town under the said act.
- g) "Town Clerk" means the Town Clerk or Town Clerk/Manager, as defined at the time, of the Town of Gambo or his/her designate.
- h) "Vendor's Permit" means a permit issued under this policy to a vendor and includes a renewal permit.
- i) "Vending Vehicle" means a device in, upon or by which a person or property may be transported or drawn upon a highway and used for the selling, or exposing for sale, of food or goods.
- j) "Vendor" means the individual, corporation or partnership whose name appears as the holder of the permit for the vending vehicle or stand.

POLICY:

- 1.** Under the authority of Section 198 of the Act, any person who acts as a vendor or salesperson and sells food or goods from a vending vehicle or stand within the limits of the Town, shall be



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deemed to be carrying on a vending business and shall be subject to, and shall comply with this policy.

2. The Town Clerk is authorized to issue, renew or refuse a vendor's permit under this policy.
3. Notwithstanding Section 1, a person will be exempted from this policy and will not require a permit if they are:
 - a. Selling newspapers door-to-door,
 - b. A child or youth selling goods to raise funds for school activities or non-profit youth groups.
4. A vendor shall apply for a permit or any renewal thereof to the Town Clerk utilizing an application form (Schedule A) provided by the Town and **MUST** include the following documents:
 - a. A copy of all health permits required by the provincial government or;
 - b. Correspondence stating no health permit is required, where applicable,
 - c. Proof of liability insurance,
 - d. Proof of vehicle registration (where applicable),
 - e. Proof of vehicle insurance (where applicable).

The Town Clerk may require a copy of a permit from the provincial department of health if he/she deems it to be necessary.
5. A Non-Profit Organization shall apply for a permit to the Town Clerk utilizing an application form (Schedule "A") provided by the Town in order to participate in Town-Sanctioned Events that are hosted on Town-Owned Properties.
6. The Vendor Permit Fee Structure is outlined in Schedule "C".
7. A person may be granted a vendor permit under this policy at no cost if they are:
 - a. Exposing for sale or selling goods on behalf of an organization or corporation having objects of a benevolent, religious, charitable, philanthropic, educational, agricultural, scientific, artistic, social, political, professional, fraternal, athletic, sporting or other useful nature and not formed for gain.
 - b. A person under the age of 18.
8. Permits and locations of operation will be approved on a first-come/first-served basis.
9. The Town Clerk shall keep a record of all permits granted.
10. The Town Clerk may order the removal of a vending vehicle or stand used or located within the Town boundary that is operating without a Town-issued vendor permit.
11. Persons selling food or goods shall not conduct business;
 - a. On Town-owned property without the prior approval of the Town Clerk,
 - b. At the TCH Off-Ramp/Mint Brook Resource Road intersection,
 - c. On personal property, other than their own property, without written approval from the property owner. A copy of this correspondence **MUST** be submitted to the Town Clerk before approval is granted to operate from the proposed location(s),



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ALL proposed locations of business **MUST** be approved by the Town prior to commencing vending operations. The Town reserves the right to revoke any approvals if problems arise as a result of any agreement.

12. The holder of a vendor's permit may carry on the business in every respect and act as a salesperson for the business.

13. A salesperson is subject to the same terms, conditions and restrictions as the holder of the vendor permit.

14. A salesperson shall not:

- a. Intimidate, harass or otherwise inconvenience customers, the general public or other vendors who may be set up at the same location,
- b. Conduct business within one hundred (100) metres of any school between ½ hour prior to the start of a school day and ½ hour after dismissal at the end of the school day, when schools are in session,
- c. Conduct business in any area prohibited by Council,
- d. Leave a vending vehicle or stand set up for business unattended,
- e. Park or leave a vending vehicle overnight on any street or Town-Owned property within the Town boundary,
- f. Sell food or beverage from a vending vehicle or stand in a fixed location unless litter receptacles are available or provided by the vendor,
- g. Leave any fixed location without first picking up, removing and disposing of all trash or refuse, sell anything other than that which is indicated on the vendor permit,
- h. Conduct business within thirty (30) metres of any driveway entrance to a police, fire station, or ambulance station,
- i. Conduct business within thirty (30) metres of the center line on any public roadway as per Section 3 (b) of the Building Near Highways Policy, 1997,
- j. Conduct business within seven (7) metres of any crosswalk, intersection or bus stop; or
- k. Park a vending vehicle upon a sidewalk or road shoulder.

15. A corporation or partnership which applies for a permit as a vendor shall designate one individual who shall act as its representative and the permit, if issued, shall be in the name of the partnership. This person shall be designated thereon as the individual who is authorized to act as the holder of the vendor permit on behalf of the corporation or partnership.

16. A permit issued or renewed is subject to such terms, conditions and restrictions, if any, as the Town Clerk deems necessary and such terms, conditions and restrictions as may be prescribed by this policy.

17. Every salesperson shall have on their person whenever operating a vending vehicle or stand, a certificate provided by the Town, authorizing them to act as a salesperson for a specified vendor.

18. A vendor shall notify the Town Clerk within five (5) days, in writing, of any change in:

- a. Location of operation (subject to a fee as noted in Schedule "C")
- b. Address



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- c. Corporation or Partnership; and/or
 - d. Salesperson(s).
- 19.** The Town Clerk may suspend or cancel a Vendor Permit where, in the Town Clerk's opinion, such action is in the best interest of the public and, without limiting the generality of the foregoing, the Town Clerk may suspend or cancel a Vendor Permit where it is evident that the vendor or salesperson:
- a. Has violated any provision of this policy or has failed to comply with any one or more of the terms, conditions or restrictions to which the vendor permit is subject,
 - b. Has made a material misstatement in the application for the permit or in any of the information or material submitted to the Town Clerk,
 - c. Has been guilty of misrepresentation, fraud or dishonesty; or
 - d. Has demonstrated incompetency or untrustworthiness to carry on the business in respect of which the permit was issued.
- 20.** Where the Vendor Permit is suspended or cancelled, all salespersons acting on behalf of the vendor shall likewise be automatically suspended.
- 21.** Where a permit has been refused, a further application for it may be made upon new or other material facts or where it is clear that material circumstances have changed.
- 22.** When a person is dissatisfied with a decision of the Town Clerk representing the issue, renewal or refusal of a Permit, an appeal may be made to the appropriate board. The appeal and a non-refundable appeal fee of \$200 plus HST must be submitted to the Secretary to the Regional Appeal Boards at the Department of Municipal Affairs & Environment, Howley Building, Higgins Line, St. John's, NL A1B 4J6 within 14 calendar days of the day that you receive this decision. If the appeal and fee is not submitted within this time limit, your right to appeal is considered to be forfeited. You should also note that any aggrieved also has the right to appeal this decision.

Non-Compliance:

- 1.** Every person who acts as a vendor and carries out a vending business as outlined in this policy without having obtained a permit to do so, any vendor or salesperson who fails to comply with or otherwise contravenes any of this policy, is guilty of an offense and is liable on summary of conviction to the penalty set out in the Act.
- 2.** The Town will be conducting random inspections of approved locations to ensure this policy is being adhered to. Warnings will be issued for any non-compliance regarding this policy. The issuance of three (3) notices in any one approval period will result in a dismissal of the vendor from the current location.
- 3.** Further warnings may result in the issuance of an Order to Cease Operations and a revocation of the Vendor Permit for the current year.

Reservations or Rights:

The Town of Gambo reserves the right to limit the number of vendors and the food or goods sold at any location within the Town.



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The Town of Gambo reserves the right to change, modify or cancel this policy at any time as it deems necessary.

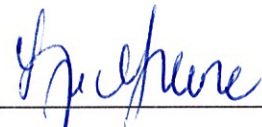
REVISION HISTORY:

Revision:	Resolution:	Change Made:	Date:
2019-001	19-03-18-079, March 18, 2019	New format. Revision of Policy. Revision of Non- Compliance	March 15, 2019
Original Approval			June 12 th , 1997

Signature: 

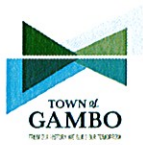
Mayor

Date: JULY 27 2020

Signature: 

Town Clerk/Manager

Date: JULY 27/2020



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SCHEDULE "A"

APPLICATION FOR A VENDOR PERMIT

Name: _____
(Individual, Corporation or Partnership)

Address: _____

Name: _____
(Holder of Vendor Permit)

Address: _____

Authorized Salespersons: _____

Description of goods or food to be sold: _____

Proposed location of business: _____

Description of vending vehicle(s) and/or stand(s): Including Number: _____

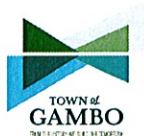
Vending vehicle licence No.; if registered under the Highway Traffic Act: _____

Permit Issued by the Department of Health: _____
(Attach copy)

Signature of Applicant: _____

Dated this _____ day of _____, 20_____.

Personal information collected on this form is protected by the *Access to Information and Protection of Privacy Act, 2015*, and will be used only to respond to this request. Inquiries about the use and protection of this personal information should be directed to the Access and Privacy Coordinator of the public body to whom the application is sent.



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SCHEDULE "B"

By the Authority of the
TOWN OF GAMBO
Gambo, Newfoundland and Labrador
This
FOOD VENDOR PERMIT
IS HEREBY ISSUED TO:

VALID FROM: _____

TO: _____

RESTRICTIONS/CONDITIONS:

The following salespersons are authorized to act on behalf of the above named holder of this permit:

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

License No.: _____

Issued: _____

Town Official

This permit is not transferrable.

This permit is issued and subject to the provisions of the policy of the Town of Gambo relating to vendors conducting business within the Town of Gambo boundary.



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SCHEDULE "C"

VENDOR PERMIT FEE STRUCTURE

Yearly Permit Fee:	\$500.00
Day Permit Fee:	\$20.00

Please note there will be a \$20.00 fee to add additional location(s) to an approved Vendor Permit after the initial application and Permit issuance.