



**Town of Kensington
Mobile Vendors Bylaw
Bylaw # 2016 – 01**

This Bylaw is made under the authority of the Municipalities Act, R.S.P.E.I., Chapter M-13, R.S.P.E.I. 1988.

WHEREAS Section 30(y) of the Municipalities Act, R.S.P.E.I., 1988 authorizes a Municipality to regulate certain business activities;

AND WHEREAS Section 64(o)(iii) of the Municipalities Act, R.S.P.E.I., 1988 authorizes a Municipality to , by bylaw, license and control certain business activities;

AND WHEREAS the Council of the Town of Kensington deems it advisable to establish a bylaw to regulate and control Vendor Licensing;

BE IT ENACTED by the Council of the Town of Kensington as follows:

1.0 Title

1.1 This Bylaw may be cited as the “**Mobile Vendors Bylaw**”.

2.0 Definitions

2.1 Mobile Vending Unit – A mobile motor vehicle, trailer, or similar structure designed for preparing or offering the sale of food which does not contain customer seating.

2.2 Town – the Town of Kensington.

2.3 Mobile Vendor – The name given to any person or persons conducting mobile vending in the Town.

2.4 Licensing Authority – the Town Council of the Town of Kensington.

3.0 License Requirements

3.1 All Mobile Vendors proposing a temporary business in the Town of Kensington from a mobile or stationary unit on a non-permanent basis are required to complete an application for a Mobile Vendor’s permit.

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- 3.2 It is the responsibility of the Mobile Vendor to obtain and hold valid Provincial and Federal licenses, permits, approvals, clearances, and/or insurances and produce copies of the same to the Licensing Authority with the submission of the a application.
- 3.3 Submission of the completed application shall be accompanied by a \$100.00 application fee. Such fee may be waived for a Mobile Vending application by any group or organization registered as a non-profit body or charitable organization such as, but not limited to, school activities, girl guides, boy scouts, etc.
- 3.4 The fee is never pro-rated or refundable nor is the permit transferrable to another party for any reason.
- 3.5 The final approval of the application shall require that the Mobile Vendor enter into an agreement with the Town of Kensington (Schedule B to this Bylaw) that clearly releases the Town from any responsibility for the Mobile Vendor's conduct of business and shall keep the Town free from harm for any activity arising from or caused by or to the Mobile Vendor while conducting business.
- 3.6 All permits, licenses, etc. shall be posted at the business site and clearly visible at all times.
- 3.7 A permit shall only be valid in the year the permit has been approved; therefore a new application, documentation and payment of the fee for a Mobile Vendor's permit is required each and every year.
- 3.8 No person shall carry on the business of a Mobile Vendor without first obtaining a license from the Town of Kensington.

4.0 License Application Requirements

- 4.1 Every application for a Mobile Vendors license within the Town of Kensington shall be made in writing on the herein contained application form (Schedule A to this Bylaw) and submitted to the Chief Administrative Officer and shall contain the following information:
 - i. The name, mailing address and telephone number of the applicant.
 - ii. A description of the merchandise to be sold as well as a photograph of the stand or vehicle from which merchandise will be sold.
 - iii. The location of the proposed site and, if not owned by the applicant, permission from the property owner.
 - iv. The period of time during which the applicant proposes to be in operation and the hours of operation.

- v. If applicable, all required provincial approvals/certificates/licenses concerning the handling, storing, if applicable, preparation of food, and the operation/registration of the Mobile Vending Unit.

5.0 Regulations

- 5.1 Within this Bylaw, a Mobile Vendor shall not be permitted to establish permanency or claim territory as their own at any one site for longer than one business day. Only one Mobile Vendor may conduct business at a given location at any one time.
- 5.2 Mobile Vendors shall not set up their business on private property without first obtaining permission from the property owner.
- 5.3 Mobile Vendors, operating on a *for-profit basis*, shall not be permitted to set up on public property.
- 5.4 The Mobile Vendor shall not impede traffic and/or pedestrians, endanger public safety or cause an unwelcome disturbance and must be cognitive of and compliant with all Town Bylaws.
- 5.5 The Mobile Vendor shall not engage in any illegal activity.
- 5.6 The unit and business equipment must be kept in clean and presentable condition at all times.
- 5.7 The Mobile Vendor is responsible for providing their own clean garbage and recycling receptacles at the vending unit site and this unit shall be used by patrons and/or the Vendor to ensure the site remains clean and tidy. These receptacles must be removed at the end of each day.
- 5.8 Generators shall not be permitted.
- 5.9 Mobile Vendors are not permitted in residential areas.
- 5.10 Mobile Vendors are not authorized to provide tables or chairs at a vending location unless approved by the Licensing Authority.
- 5.11 Approved Mobile Vendors shall be permitted to operate between the hours of 8:00 am and 9:00 pm.
- 5.12 The Licensing Authority reserves the right to revoke or change the approval of the Mobile Vendor's permit at any time due to the following:
 - 5.12.1 Conflict with existing business.

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- 5.12.2 Construction or other unforeseen events.
- 5.12.3 Non-compliance with Town Bylaw(s) or any condition of the permit approval.
- 5.12.4 Other reasons deemed appropriate by the Licensing authority.

6.0 General

- 6.1 Should any provision of this bylaw be found invalid, the invalid portion shall be severed and the remaining Bylaw shall be maintained.
- 6.2 All previous Bylaws of the Town of Kensington pertaining to the licensing or regulation of Mobile Vendors are hereby repealed.
- 6.3 The effective date of the bylaw is the date the bylaw is formally adopted by Town Council.

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Schedule 'A' - Application for Mobile Vendor License

Business Name:

Applicant:

Mailing Address & Postal Code:

Telephone No. (Day):

Telephone No. (Night):

Cell:

Fax:

Email Address:

Description of Goods to be sold:

Description of Mobile Vending Unit:

Photograph Attached?

Yes

No

Location of site where Mobile Vending Unit will be operated:

Has permission been granted by the property owner? Yes No

Start Date:	End Date:
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Operating Hours:	Open:	Close:
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Is the operation in regulatory compliance with all Province of PEI and Government of Canada requirements? Yes No

Applicant Signature:	Date:
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Schedule 'B'

The applicant acknowledges that he/she has read the Town of Kensington Mobile Vendors Bylaw in its entirety, fully understands the terms and conditions as outlined and has fully disclosed all details and components related to an application for a Mobile Vending License.

Applicant Name: _____

Date: _____

Applicant Signature: _____

HOLD HARMLESS AGREEMENT

_____(Name of Applicant) shall indemnify and hold the Town of Kensington harmless from and against all liability, loss, claims, demands, costs, and expenses, including reasonable legal fees, occasioned wholly or in part by any negligence or acts or omissions by the above named, their officers, agents, employees, or others for whom they are responsible at law arising out of any cause whatsoever, either direct or indirect, through its operation under a Mobile Vendors License in connection with

_____ (Mobile Vending Business).