

TOWN OF STRATFORD

Street Vendors Bylaw

Bylaw Number XX



A Bylaw to regulate the operations of Street Vendors in the Town of Stratford

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

PART I. INTERPRETATION AND APPLICATION

1 Title

1.1 This Bylaw shall be known and cited as the “Town of Stratford Street Vendors Bylaw.”

2 Authority

2.1 This Bylaw is enacted under the authority of the *Municipal Government Act*, R.S.P.E.I. 1988, Cap M-12.1, as amended from time to time.

3 Definitions

In this Bylaw:

- 3.1 **“Allowable Areas”** means identified sites within the Town in which Street Vendors are permitted to operate.
- 3.2 **“Applicant”** means any Person making an Application for a Permit.
- 3.3 **“Application”** means an application for a Permit pursuant to this Bylaw. The Application Checklist and a copy of the Application Form are included in Appendix 2.
- 3.4 **“Chief Administrative Officer”** or **“CAO”** means the Chief Administrative Officer appointed by Council.
- 3.5 **“Council”** means the elected Mayor and Municipal Council for the Town of Stratford.
- 3.6 **“Goods”** means any goods, services, wares, and merchandise and includes food and/or beverages.
- 3.7 **“Mobile Vending Unit”** means any motorized or non-motorized moveable establishment which contains Goods that are offered for sale. This includes but is not limited to any vehicle, trailer, bicycle, tricycle, hand-powered pushcart, pedal-powered pushcart, or wagon used for the display, storage, transportation, and/or sale of Goods.
- 3.8 **“Municipal Property”** means real property owned by and located within the Town.
- 3.9 **“Permit”** means a Street Vendor Permit issued by the Town of Stratford pursuant to this Bylaw.

- 3.10 **“Person”** means a natural person, persons, partnership, or corporate body.
- 3.11 **“Private Property”** means real property located within the Town which is not owned by the Town.
- 3.12 **“Street Vendor”** or **“Vendor”** means any Person who has been issued a Permit to operate a Mobile Vending Unit pursuant to this Bylaw.
- 3.13 **“Town”** means the Town of Stratford.
- 3.14 **“Vend”** means the sale and the offering for sale of Goods in the Town by way of Mobile Vending Unit.

PART II. GENERAL

4 Vending Requirements

- 4.1 No Person shall Vend without a Permit except as where specifically exempt pursuant to Section 5 of this Bylaw.
- 4.2 Street Vendors shall only be permitted to sell the Goods for which the Permit was issued.
- 4.3 No Street Vendor shall leave the Mobile Vending Unit unattended during operational hours.

5 Exemptions

- 5.1 Any Person performing any Vending activity, including but not limited to those exempt from requiring a Permit pursuant to Section 5.3 of this Bylaw, shall inform the Town of their intended Vending activity prior to commencing the Vending activity.
- 5.2 The Town is not required to apply for a Permit to conduct any Vending activity in conjunction with special events hosted by the Town.
- 5.3 A Permit is not required for the following activities subject to other relevant legislation or Town Bylaws:
- a) Tabletop stalls and Vending, similar to a farmers’ market style
 - b) Door-to-door salespeople
 - c) Not-for-profit organizations, events, activities, and/or charity fundraisers
 - d) Yard sales
 - e) Fresh farm, fish, and forestry products
 - f) Equipment rentals (e.g., bicycles, e-bikes, kayaks, etc.)
 - g) Lemonade stands
 - h) Busking

- i) Services that do not require a physical structure or equipment (e.g., fitness classes, dog training, etc.)

6 Insurance, Registration, and Licencing Requirements

- 6.1 Street Vendors shall maintain general liability insurance in the amount of not less than \$2 million with respect to the Street Vendors’ business, naming the Town as an additional named insured on the insurance policy during the term of the Permit.
- 6.2 No Person shall Vend in the Town unless in compliance with the applicable municipal, provincial, and federal statutes, regulations, bylaws, or licencing provisions, including but not limited to the Highway Traffic Act, Motor Vehicle Regulations, Public Health Act, Youth Employment Act, and Food Premise Regulations.
- 6.3 Street Vendors shall prominently display all applicable licences and/or registration certificates in/on the Mobile Vending Unit during operational hours.

PART III. PERMIT REGULATIONS

7 Permit Categories

- 7.1 In accordance with, and subject to, the provisions of this Bylaw, Permits shall be obtained for Vending in one of the following categories:
 - a) *Class A*, which includes motor vehicles, trailers attaching to motor vehicles, and other motorized Mobile Vending Units.
 - b) *Class B*, which includes muscle-powered pushcarts, bicycles or tricycles, wagons, and other non-motorized Mobile Vending Units.

8 Permit Length and Fees

- 8.1 Permits shall remain in effect for the period stated thereon. Permits may be issued for varying lengths with the corresponding fees as outlined in the table below. All Permits shall expire at the end of the stated time period.

Permit Type	Permit Length	Permit Fee	Performance Deposit
<i>Category: Class A</i>			
Occasional*	≤ 30 consecutive days	\$150	\$150
Seasonal	April 1 – October 31	\$875	\$500
Annual	January 1 – December 31	\$1,500	\$500
Special Event	One day	\$75	\$75
<i>Category: Class B</i>			
Seasonal	April 1 – October 31	\$400	\$400

**Maximum issuance of two occasional Permits per Street Vendor per calendar year.*

- 8.2 There shall be no proration nor refund of Permit fees.

- 8.3 Street Vendors operating on Municipal Property shall provide the Town with the applicable performance deposit, as outlined in Section 8.1 of this Bylaw. This performance deposit shall be refunded to the Vendor at the expiry of the Permit so long as the Municipal Property on which the Street Vendor operated is restored to the site's pre-existing condition. Performance deposits for annual Permits shall be carried over and applied to any subsequent annual Permit renewals.
- 8.4 Applicable Permit fees and performance deposits shall be paid to the Town in full within fifteen (15) days of notice of Permit issuance and prior to commencing Mobile Vending Unit operations.

9 Renewal of Permit

- 9.1 A Street Vendor who wishes to continue operations beyond the Permit expiry date shall submit a new Application in accordance with this Bylaw.

10 Display of Permit

- 10.1 A Permit issued pursuant to this Bylaw shall be prominently displayed in/on the Mobile Vending Unit during all times of operation.

11 Non-transferrable

- 11.1 Any Permit that has been issued pursuant to this Bylaw cannot be transferred or assigned to another Person.

12 Refusal, Suspension, or Revocation of Permit

- 12.1 The Town reserves the right to refuse, suspend, or revoke a Permit from any Street Vendor for any one of the following reasons:
- a) The Street Vendor is in violation of any specific provision of this Bylaw;
 - b) The Street Vendor is in violation of any other Bylaw of the Town;
 - c) The Street Vendor is in violation of any provincial or municipal health and safety standards;
 - d) The required provincial license(s) is refused, suspended, revoked, or expired.
 - e) The Street Vendor is in violation of any federal, provincial, or municipal laws, legislation, or regulations.
- 12.2 Upon a Permit being refused, suspended, or revoked, the Town shall provide written notice thereof to the Street Vendor or Applicant.
- 12.3 The Town shall refuse any Permit based upon considerations of safety, desirability, impact on established businesses in the Town, public convenience, and such other considerations as deemed appropriate by the Town.

13 Appeals of Refusal, Suspension, or Revocation

- 13.1 Decisions regarding the issuance, refusal, suspension, or revocation of Permits are final and not subject to appeal unless otherwise provided by law.

PART IV. OPERATIONAL REGULATIONS

14 Hours of Operation

- 14.1 No Street Vendor shall operate between the hours of 10:00 pm and 8:00 am unless granted prior written approval from the Town at the time of Permit issuance.

15 Locations

- 15.1 No Person shall Vend in the Town except at a location for which the Street Vendor holds a valid Permit.
- 15.2 Vendors shall restrict Mobile Vending Unit operations to the Allowable Areas identified by the Town. Operating a Mobile Vending Unit anywhere outside of an Allowable Area is prohibited. A map of all Allowable Areas is included in *Appendix 1* to this Bylaw.
- 15.3 Allowable Municipal Property upon which Mobile Vending Unit operations are permitted, subject to Permit issuance, includes Fullerton's Creek Conservation Park, Robert Cotton Park, Michael Thomas Waterfront Park, Pondsides Park, and Tea Hill Park.
- 15.4 Mobile Vending Unit operations shall be prohibited on residential-zoned Private Property unless otherwise given written permission by the Town at the time of Permit issuance.
- 15.5 No Person shall be permitted to Vend on Private Property owned by a third party unless written permission from the Private Property owner is obtained and provided with the Application.
- 15.6 Each Permit issued pursuant to this Bylaw shall identify the specific site(s) within the Allowable Area where the Street Vendor is permitted to Vend. The Street Vendor shall restrict operations to this specific site(s) identified on the Permit.
- 15.7 Street Vendors possessing a Class A Permit for a Municipal Property location shall only be permitted to operate in the proximity of the designated parking area of that Municipal Property.
- 15.8 Class B Street Vendors shall only be permitted to operate on Municipal Property.
- 15.9 Street Vendors possessing a Class B Permit must restrict operations to the trail system within the park and are not permitted on any boardwalk sections within the park.
- 15.10 The issuance of a Permit pursuant to this Bylaw does not provide or otherwise authorize the Street Vendor to have exclusive use of the location(s) identified in the Permit.

15.11 No Person shall Vend from a Mobile Vending Unit in a location that:

- a) Obstructs or interferes with vehicle, bicycle, or pedestrian traffic or safety;
- b) Obstructs or interferes with access to any other nearby businesses;
- c) Obstructs or interferes with doorways, entrances and exits, fire doors or emergency exits of any building, structure, or other Mobile Vending Unit;
- d) Is within fifteen (15) feet of an entrance or exit to any driveway, parking lot, right-of-way, parkway, roadway, sidewalk, trail, or easement. The Town may determine a farther distance is required in certain instances to ensure safety.

16 Waste and Litter Control

- 16.1 No Person shall Vend unless solid waste and recyclable receptacles that are sufficient to receive the trash, refuse, and recyclables generated by sales and operations from the Mobile Vending Unit are provided immediately adjacent to the Mobile Vending Unit.
- 16.2 Waste receptacles shall be emptied daily, or more frequently as required, to ensure waste is contained and tidy.
- 16.3 All waste and recyclable receptacles shall have appropriate lids or covers to prevent spilling out and unwanted insects or pests.
- 16.4 All waste and recyclable receptacles shall be well-maintained and kept clean to prevent smell and unwanted insects or pests.
- 16.5 No Person shall dispose of any trash, refuse, fat, or other waste generated by the Mobile Vending Unit's operations into the Town's or Private Property owner's waste collection receptacles, ditches, stormwater structures, or sewage infrastructure unless specific written permission from the Town has been granted at the time of Permit issuance.
- 16.6 No Person shall leave a location from which they have been Vending without first picking up, removing, and disposing of all trash, refuse, and recyclables generated from the sales and/or operations of the Mobile Vending Unit.

17 Noise and Sightliness

- 17.1 Street Vendor operations shall comply with all applicable provisions of the following Town bylaws and their future repealed and replaced bylaws relating to noise and sightliness:
 - a) The Stratford Noise and Nuisance Bylaw, Bylaw # 30 and all amendments, concerning the use of sound systems and/or speakers.
 - b) The Stratford Dangerous and Unsightly Premises Bylaw, Bylaw # 22 and all amendments, concerning the façade and/or structure of the Mobile Vending Unit, surrounding landscaping, and repair of equipment and/or chattels.
- 17.2 Street Vendors shall be permitted to engage the use of a generator so long as the generator is self-contained and does not have a decibel output exceeding 60 decibels.

- 17.3 Street Vendors shall be required to reinstate the site in which Mobile Vending Operations occurred to its pre-existing condition before vacating the premises.

18 Equipment and Chattels

- 18.1 Street Vendors shall be responsible for providing the sources of power and energy required for Mobile Vending Unit Operations. The use of the Town's energy sources and/or outlets is prohibited unless written permission from the Town is granted at the time of Permit issuance. Street Vendors shall be solely responsible for coordinating with power providers to arrange for installation and supply of the power and/or energy sources required for Mobile Vending Unit operations. All costs associated with the installation and supply of power and/or energy is the responsibility of the Vendor. A Permit shall be issued to the Vendor prior to the installation of any power and/or energy outlets.
- 18.2 Street Vendors shall comply with all provisions under Section 9 of the Town's Zoning and Development Bylaw related to signage.
- 18.3 Street Vendors shall be permitted to have up to two (2) removable signs that are not attached to the Mobile Vending Unit. Any signs shall be located on the Property upon which the Mobile Vending Unit is operating. Street Vendors are permitted to place one (1) sign within ten (10) feet of the Mobile Vending Unit, and one (1) sign in view of road traffic so long as the signage is not in violation of any provision of this Bylaw. All other signage shall be attached to the Mobile Vending Unit and shall not extend beyond the overall length or height of the Mobile Vending Unit.
- 18.4 Street Vendors shall be permitted to supply well-maintained seating and tables for patrons of the Mobile Vending Unit with approval from the Town at the time of Permit issuance. Seating and tables must be safely located in view from the Mobile Vending Unit and not farther than thirty (30) feet away from the Mobile Vending Unit.
- 18.5 Street Vendors shall be permitted to attach lighting fixtures to the Mobile Vending Unit. Street Vendors shall comply with all provisions under Section 8.9 of the Town's Zoning and Development Bylaw related to illumination.
- 18.6 Street Vendors shall be permitted to supply safe rain and/or sun shelters, including but not limited to awnings and umbrellas, providing that they are retractable, and prior approval is granted at the time of Permit issuance.

19 Inspection By Town

- 19.1 The Town reserves the right to inspect without notice the Mobile Vending Unit and the site on which it is operating. The Town shall be permitted to perform site inspections before, during, and after Mobile Vending Unit operations occur.
- 19.2 If a Street Vendor is in violation of any provision of this Bylaw, the Town has the authority to suspend Mobile Vending Unit operations immediately by issuing a notice of violation.

20 Goods Not Permitted

- 20.1 Street Vendors shall not be permitted to Vend any Goods which are illegal under provincial or federal laws.
- 20.2 A Permit shall not be issued for any Goods that are regulated by federal or provincial statutes and regulations unless the Street Vendor is in compliance with the applicable federal or provincial statutes or regulations. Continued compliance with the applicable federal or provincial statutes or regulations shall be a condition of Permit issuance.

PART V. APPLICATION AND APPROVAL PROCESS

21 Required Application Information

- 21.1 The Application for a Permit shall be in a form prescribed by the Town and shall require the following information to be specified within the Application Form:
- a) Name, mailing address, and contact information of Applicant;
 - b) Description of the Goods offered for sale and business operations (e.g., hours of operation, garbage disposal process);
 - c) Description of the Mobile Vending Unit, including dimensions, make/model, condition, energy source, etc.;
 - d) Desired location for Mobile Vending Unit operations. Indicate whether location is Municipal Property or Private Property. If desired location is on Private Property, enclose a letter from the property owner permitting use of property;
 - e) Description of any additional equipment to be used (e.g., seating, tables, signage, lighting, generator, rain/sun shelter, etc.).
- 21.2 Applicants shall attach the following applicable supporting documentation to the Application:
- a) Photos of Mobile Vending Unit and intended site plan detailing the proposed set up of the Mobile Vending Unit and additional equipment to be used;
 - b) Proof of inspection from the Provincial Fire Marshal's Office;
 - c) Certificate of general liability insurance coverage with the Town named as additional insured;
 - d) Emergency management plan, detailing safety and response measures in case of an incident which has the potential to cause physical harm to any Person. The emergency management plan shall include a list of safety equipment contained in/on the Mobile Vending Unit;
 - e) Confirmation of compliance with applicable statutes and regulations;
 - f) Proof of motor vehicle registration, inspection, and insurance, if applicable;

- g) Permission letter from third-party Private Property owner, if applicable.

22 Application Process

- 22.1 The Town's Planning, Development and Heritage Department has the authority to assess Applications and issue Permits
- 22.2 Applications shall be submitted at minimum thirty (30) days prior to the Applicant's intention to commence operations. The Town may take up to thirty (30) days to review and provide a decision to the Applicant.
- 22.3 An Applicant shall make separate Applications for each Mobile Vending Unit they wish to operate.
- 22.4 The Town reserves the right to determine, and has full discretion over, the number of Permits to issue.
- 22.5 In determining the number of Permits to issue, the Town may consider factors such as public safety, environmental impact, infrastructure capacity, community priorities, and alignment with the Town's objectives.
- 22.6 In the event that two or more Applicants are seeking a Permit for the same site, the Applicant who submitted a completed Application first will be given priority to use the site.
- 22.7 If the Town has issued the maximum number of Permits and is no longer accepting new Applications, Applicants may be placed on a waitlist and shall be notified if a Permit becomes available.

23 Approval Process

- 23.1 The Town shall provide written notice of Permit issuance to successful Applicants within thirty (30) days of Application submission.
- 23.2 Applicable Permit fees and performance deposits pursuant to Section 8.1 of this Bylaw shall be paid by the Applicant within fifteen (15) days of notice of successful Application. Permit fees must be paid in full prior to commencing Street Vendor operations. The Town reserves the right to nullify the Permit if the fee is not received in full within fifteen (15) days of notice of successful Application.

PART VI. ADMINISTRATION

24 Indemnification

- 24.1 A Street Vendor must indemnify and hold harmless the Town against all loss, claims, actions, damages, costs, liability, and expense in connection with loss of life, personal injury, damage to property, or any other loss or injury whatsoever arising from their operations and/or the issuance of a Permit pursuant to this bylaw

- 24.2 The Town is not liable for, nor responsible for, any injury, loss, or damage to any Person arising from a Street Vendor's operation or to any property belonging to any Person engaged in Vending.

25 Town Authority

- 25.1 This Bylaw shall be administered and enforced by the Town's Planning, Development and Heritage Department.
- 25.2 The Town reserves the right to amend this Bylaw from time to time.

First Reading:

This Street Vendors Bylaw, Bylaw #XX, was read a first time at the Council meeting held on the _____ day of _____, 202_.

This Street Vendors Bylaw, Bylaw #XX, was approved by a majority of Council members present at the Council meeting held on the ____ day of _____, 202_.

Second Reading:

This Street Vendors Bylaw, Bylaw #XX, was read a second time at the Council meeting held on the _____ day of _____, 202_.

This Street Vendors Bylaw, Bylaw #XX, was approved by a majority of Council members present at the Council meeting held on the ____ day of _____, 202_.

Approval and Adoption by Council:

This Street Vendors Bylaw, Bylaw #XX was adopted by a majority of Council members present at the Council meeting held the ____ day of _____, 202_.

Signatures

Steve Ogden, Mayor
Town of Stratford

Jeremy Crosby, Chief Administrative Officer
Town of Stratford

Appendix 1. Allowable Areas

Map/satellite images to be provided by Town



Appendix 2. Application Checklist and Application Form

TOWN OF STRATFORD

Street Vendor Permit Application Checklist

Imagine that!

Street Vendor Permit Applications must be completed, submitted, and received in full no less than thirty (30) days prior to the anticipated Vending start date.

A complete Application shall contain:

- Street Vendor Permit Application Form
Photos of Mobile Vending Unit and intended site plan, including set up of garbage/recycling bins, seating, tables, etc.
Proof of inspection from Provincial Fire Marshal's Office
Certificate of general liability insurance coverage
Emergency management plan
Confirmation of compliance with applicable statutes and regulations (e.g., food premises license)
Proof of motor vehicle/trailer registration, inspection, and insurance, if applicable
Permission letter from third-party Private Property owner granting use of property, if applicable

Applicable Permit fees (and performance deposit), as outlined in the Town of Stratford Street Vendors Bylaw, shall be due within fifteen (15) days of notice of Permit issuance and prior to commencing operations.

If you have any questions regarding the Street Vendor Application process, please contact:

Name:

Planning, Development and Heritage Department

Email: info@townofstratford.ca

Phone: (902) 569-1995

To submit this Application, please email to XXXXXXXXXXXX or mail to:

Street Vendor Application
c/o Planning, Development and Heritage Department
Town of Stratford
234 Shakespeare Dr.
Stratford, PE C1B 2V8

Applications will also be received at the Town office (234 Shakespeare Dr., Stratford, PE) during regular business hours.



Town of Stratford

Street Vendor Permit Application Form

Imagine that!

Permit type: (please check only one box – for a description of Permit types and fees, refer to the Town of Stratford Street Vendors Bylaw)	Class A <input type="checkbox"/> Occasional (≤ 30 consecutive days)	Class B <input type="checkbox"/> Seasonal (April 1 – October 31)
	<input type="checkbox"/> Seasonal (April 1 – October 31)	
	<input type="checkbox"/> Annual (January 1 – December 31)	
	<input type="checkbox"/> Special Event (One day)	

Applicant Information

Name of Applicant:	
Name of business: (if applicable)	
Is your business registered under the PEI Business/Corporate Registry? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Mailing address: (any required notices will be sent here)	
Phone number:	
Email address:	

Mobile Vending Unit Information

Description of Mobile Vending Unit:	
	<i>If applicable,</i> Make and model: _____
Dimensions of Mobile Vending Unit:	Length (in feet): _____
	Height (in feet): _____
	Width (in feet): _____
Mobile Vending Unit's energy source: (if applicable)	

Operational Information

Description of Goods to be sold:																									
Proposed period and hours of operation for the Permit duration:	Operation start date: _____ Operation end date: _____																								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Hours of Operation</th> <th style="width: 10%;">Sun</th> <th style="width: 10%;">Mon</th> <th style="width: 10%;">Tue</th> <th style="width: 10%;">Wed</th> <th style="width: 10%;">Thu</th> <th style="width: 10%;">Fri</th> <th style="width: 10%;">Sat</th> </tr> </thead> <tbody> <tr> <td>Open</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Close</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Hours of Operation	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Open								Close							
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Open																									
Close																									
Description of garbage disposal process:																									
Description of additional equipment to be used: (e.g., seating, tables, signage, lighting, generator, rain/sun shelter, etc.)																									

Desired Vending Location

Indicate the type of property where you wish to operate:	<input type="checkbox"/> Municipal Property (Fullerton’s Creek Conservation Park, Robert Cotton Park, Michael Thomas Waterfront Park, and Tea Hill Park, Pondsides Park) <input type="checkbox"/> Private Property owned by Applicant <input type="checkbox"/> Private Property owned by third-party (enclose permission letter from property owner)
Description of desired Vending location on the property: (for list of Allowable Areas for Street Vending operations, refer to the Town of Stratford Street Vendors Bylaw)	

I/We make an Application for a Street Vendors Permit in accordance with the particulars stated above and declare that the above statements are true and correct. I/We will comply with all relevant municipal, provincial, and federal laws, regulations, bylaws, and policies. I have read and understand the terms and conditions of the Town of Stratford Street Vendors Bylaw.

Signature: _____

Date: _____