

# Town of Truro – Bylaws

**Subject:** Transient Vendor Bylaw  
**Bylaw Number:** B160-011  
**Approval Date:** February 5, 2007  
**Departments:** Planning & Development

## Title

1. This Bylaw shall be known and may be cited as the “Transient Vendors Bylaw”.

## Interpretation

2. In this Bylaw:

“CAO” means the Clerk of the Town of Truro.

“Council” means the Council of the Town of Truro.

“Licensing Authority” means the CAO, or such employee or agent of the Town as the CAO may designate to receive applications for licenses under this Bylaw.

“Person” means an individual, guild, agency, or body corporate.

“Sell” means selling, trading, or otherwise transferring for a valuable consideration, whether present or executory.

“Town” means the Town of Truro.

“Transient Vendor” means a person who is selling any of the goods or services set out in Schedule “A” of this Bylaw at a temporary location, but does not include a person who is operating or carrying on business selling the same goods or services on a permanent basis in the Town.

## Sale of Goods or Services

3. No person shall sell goods or services in the Town as a transient vendor except in accordance with a license issued pursuant to this Bylaw.

## Licensing

4. Every application for a license shall be made in writing to the licensing authority, and shall contain:

- (a) The name, mailing address, telephone number and, if available, facsimile number and email address of the applicant;
  - (b) The corporate or partnership name, if applicable;
  - (c) A description of the goods or services the applicant proposes to sell;
  - (d) The street address of the site of the proposed sale;
  - (e) The dates and times of the proposed sale;
  - (f) If the applicant is proposing to sell at a site of which the applicant is not the owner, written permission from the owner;
  - (g) Written confirmation that the vendor either owns or has authority to sell the goods or services;
  - (h) Confirmation of liability insurance in a minimum amount of \$1,000,000 in respect of operations at the proposed site of sale; and
  - (i) Confirmation that the site of the proposed sale of goods or services is not less than 200 feet from any lot on which a permanent business establishment selling those goods or services is located.
5. After receipt of a completed applicant, the licensing authority shall issue a license:
- (a) Upon confirming that the proposed site of the sale is zoned for such use under any applicable Land Use Bylaw; and
  - (b) Upon receipt of the license fee.
6. A license issued under this Bylaw shall:
- (a) Include the description of the goods or services and the site and times of sale referred to in section 4; and
  - (b) Be conspicuously displayed at all times at the site of the vendor's business.
7. A license issued under this Bylaw shall be in force for the period during which a transient vendor is authorized to offer goods or services for sale, shall expire at the conclusion of that period, and must be reissued for each subsequent sale of goods or services by a transient vendor.

### **Revocation**

8. A license may be revoked where:

- (a) The licensee has provided incorrect information in the application for a license;
- (b) The licensee is selling goods or services not stipulated in the license application, or is conducting sales at a place or at a time other than that stipulated in the license application;
- (c) The licensee is in violation of any provision of this Bylaw or of any other Bylaw of the Town;
- (d) The licensee does not have insurance in force as stipulated in the license application.

### **Appeals**

9. A decision of the licensing authority to refuse to issue or to revoke a license may be appealed to Council within fourteen days of the decision of the licensing authority by written notice of appeal delivered to the CAO. Council shall convene an appeal hearing and may, following the appeal hearing, confirm or rescind the licensing authority's decision.

### **Penalties, Enforcement**

10. Every person who contravenes or fails to comply with any provision of this Bylaw or a license granted pursuant to this Bylaw, or any person who owns or controls premises or property used for unlicensed sale of goods or service by a transient vendor commits an offence and is liable on conviction to a penalty of not less than \$500 and not more than \$10,000 or, in default of payment, to imprisonment for a period of not less than 30 days.
11. The Town may apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order where:
- (a) Land is being used in contravention of this Bylaw;
  - (b) A person is selling goods or services without having paid the license fee required;  
or
  - (c) A breach of this Bylaw is anticipated or is of a continuing nature.

### **License Fees**

12. The fee for the issuance of a license under this Bylaw shall be the fee set out in Schedule "A" for the applicable good or service being sold.

### **Revocation**

13. The Non-Residents Doing Business Bylaw is revoked.

## SCHEDULE "A"

<u>Good or service to be sold</u>	<u>License fee (per day)</u>
1. Motor vehicles, defined as every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway and which is propelled or driven otherwise than by muscular power, but does not include motorized wheelchairs, or vehicles used exclusively upon stationary rails or tracks	\$5,000