

STREET VENDORS BYLAW

EFFECTIVE JULY 10, 1995
AMENDED MAY 23, 1996
AMENDED JULY 14, 2004
AMENDED DECEMBER 08, 2008

AMENDED APRIL 23, 1998
AMENDED JANUARY 13, 2003
AMENDED MAY 11, 2006

Summary of Bylaw Amendments at end of Bylaw

THE COUNCIL OF THE CITY OF CHARLOTTETOWN ENACTS AS FOLLOWS:

PART I:

1. This Bylaw may be cited as the "Street Vendors Bylaw".

PART II: DEFINITIONS

2. Unless the context otherwise requires, in this Bylaw:
 - 2.1 **"Abutting Retailer"** means a person who carries on retail business from a permanent place of business abutting a sidewalk in the City and pays business taxes to the City or is a tenant of the building for which taxes are paid to the City;
 - 2.2 **"Agreement"** means all agreements mentioned in this Bylaw which shall be executed by the Mayor and Chief Administrative Officer of the City of Charlottetown;
 - 2.3 **"City"** means the City of Charlottetown, a body corporate, duly incorporated under the laws of the Province of Prince Edward Island and includes the area contained within the boundaries of the City of Charlottetown where the context so requires;
 - 2.3 **"Confectionery Tricycle"** means a manually propelled tricycle vehicle used or intended to be used for storing and transporting ice cream, ice milk and other confectionery products;
 - 2.4 **"Confectionery Tricycle Vendor"** means a person who owns and operates or who has operated for him a confectionery tricycle from which ice cream, ice milk, or other iced confectionery products are sold;
 - 2.5 **"Council"** means the municipal council of the City of Charlottetown;
 - 2.6 **"Designated Push Cart Areas"** means those areas within the City designated in Schedule "A" of this Bylaw as areas in which the selling of food and/or beverages from a push cart is permitted;

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- 2.7 **"Downtown Core Area"** means the area:
BOUNDED on the North by Euston Street;
ON the East by Prince Street;
ON the South by the Northern boundary of the Hillsborough Harbour; and
ON the West by the Eastern boundary of Pownal Street;
- 2.8 **"Flower Vendor"** means a person who sells flowers from a basket carried by hand;
- 2.9 **"Goods"** means goods, wares and merchandise and includes food and/or beverages;
- 2.10 **"Person"** means a natural person, or a body corporate, and includes a partnership, a group of persons acting in concert or an association;
- 2.11 **"Push Cart"** means a hand-operated display device used or intended to be used for transporting, storing, displaying and selling of food and/or beverages. The display device or hand-operated push cart may be towed to the site, but it must be small enough to be movable off the site by hand by the licensed operator.
- 2.12 **"Push Cart Vendor"** means any person who owns and operates or has operated for him a push cart from which food and/or beverages may be sold;
- 2.13 **"Residential Street"** means a street within the City of Charlottetown which is not located within the downtown core area;
- 2.14 **"Sidewalk"** means the portion of a street set aside for the use of pedestrians whether or not the surface is covered with gravel, concrete, asphalt, or other type of paving;
- 2.15 **"Street"** means any street within the boundaries of the City of Charlottetown and includes a lane, a bridge and a sidewalk;
- 2.16 **"Selling"** includes offering for sale and soliciting orders for the sale of goods.

PART III:

3. 3.1 No person shall park, place or permit to be parked or placed on any street, park or public place within the City any vehicle, mobile canteen, stand, van, trailer, push cart or combined unit of vehicle and trailer for the purposes of selling goods of any description except as permitted by this Bylaw.
- 3.2 No person shall expose for sale on, or sell any goods from any street, park, or public place within the City except as permitted by this Bylaw.

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PART IV:

4. 4.1 This Bylaw does not apply to:
- (a) A person who sells to only wholesale or retail dealers in similar goods;
 - (b) A person who goes door-to-door selling milk, cream or fluid milk products only to the consumer;
 - (c) A farmer or fisherman resident in Prince Edward Island who goes door-to-door selling only the produce of his own farm or fish caught by him;
 - (e) A newspaper vendor who sells newspapers which he carries with him; and
 - (f) A person selling for charitable organizations or non-profit groups such as but not limited to school activities, girl guides, boy scouts, etc.
- 4.2 Notwithstanding Subsection 3.1 and 3.2 of this Bylaw:
- (a) A confectionery tricycle vendor who has been issued a license under this Bylaw may carry on business within the areas designated in Subsection 5.1, (a), (b), (c), (d) and (e) of this Bylaw;
 - (b) A push cart vendor who has been issued a license under this Bylaw may carry on business in the location designated pursuant to Subsection 5.2 of this Bylaw;
 - (c) A flower vendor may carry on business pursuant to a flower vendor's license issued pursuant to this Bylaw and within the areas designated in Subsection 5.3; and
 - (d) An abutting retailer may conduct a sidewalk sale pursuant to a permit issued under this Bylaw.

PART V:

5. 5.1 A confectionery tricycle vendor who has been issued a confectionery tricycle license under this Bylaw may sell ice cream, ice milk or other iced confectionery products from a confectionery tricycle for which a license plate has been issued under this Bylaw on any residential street within the City. Notwithstanding the foregoing, a confectionery tricycle vendor shall not carry on that business:
- (a) On any street within the downtown core area;
 - (b) On any street, or part thereof, adjacent or bordering on any public park,

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playground or athletic field where refreshments are available;

- (c) Within 30 meters of any school;
- (d) Within 30 meters of any retail establishment selling similar goods.
- (e) Within 30 meters of any retail establishment selling similar goods.

5.2 A push cart vendor who has been issued a license under this Bylaw may sell those goods specified in that license from a push cart for which a license plate has been issued under this Bylaw in the following places within the City but in no other:

- (a) From the space in the designated push cart areas allotted to him by the Licensing Inspector under Schedule “A” of the by-law.

5.3 A flower vendor who has been issued a license under this Bylaw may sell flowers from a hand-carried basket in the following places but in no other:

- (a) Within the pedestrian mall; and
- (b) Within the downtown core area.

PART VI:

6. 6.1 A confectionery tricycle vendor who has been issued a license under this Bylaw shall:

- (a) Use only a tricycle specified in a license issued to him and for which a license plate has been issued under this Bylaw;
- (b) Fasten the license plate issued under this Bylaw in a conspicuous place on the tricycle;
- (c) Equip the tricycle with a refuse container;
- (d) Use only a soft toned bell or chime on the tricycle;
- (e) Sell only ice cream, ice milk or other iced confectionery products which are wrapped and shall not sell in bulk;
- (f) Equip each driver of a tricycle with bright clean wearing apparel;
- (g) Employ drivers who are students domiciled in the City and who are:
 - (1) of the age of 16 years or over; or
 - (2) of the age of 12 years and who have first furnished the owner of the

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confectionery tricycle with a written consent signed by his parent or lawful guardian that he may be employed as such.

- (h) Operate or permit the tricycle to be operated during daylight hours only;
 - (i) Not operate or permit the vehicle during normal elementary school hours;
 - (j) Not stop or permit the confectionery tricycle to be stopped on any of the travelled portion of any street which is signed "No Parking" or "No Stopping";
 - (k) Not carry on business other than in those areas within the City designated in Subsection 5.1, (a), (b), (c), (d), and (e) of this Bylaw;
 - (l) Maintain the tricycle in good repair and appearance;
 - (m) Park the tricycle adjacent to the curb of a sidewalk or off the travelled portion of the street or where there is no sidewalk in any place where parking is permitted pursuant to the City's Traffic Bylaw as amended from time to time;
 - (n) Not sell or otherwise dispense ice cream, milk or other iced confectioneries elsewhere than on the curb side of the tricycle or on the side nearest the boundary of the street if there is no sidewalk;
 - (o) Comply with all provincial or municipal health standards prescribed for the tricycle and for the manner of storing and handling the products sold therefrom;
 - (p) Comply with all applicable provisions of the Highway Traffic Act R.S.P.E.I. 1974, H-6 and of the City's Traffic Bylaw as amended from time to time; and
 - (q) Maintain any insurance required by this Bylaw in full force and effect during the currency of any license issued to him under this Bylaw.
- 6.2 A push cart vendor who has been issued a license under this Bylaw shall:
- (a) Use only a push cart specified in a license issued to him under this Bylaw;
 - (b) Not carry on business other than in the areas designated in or pursuant to Subsection 5.2 and 5.2 (a) of this Bylaw;
 - (c) Not vend between 2:30 a.m. and 10:00 a.m. on any day;

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- (d) Not leave any push cart unattended during business hours;
- (e) Not store, park or leave any push cart overnight on any street other than on the pedestrian mall; and not propel the cart after dusk unless equipped with reflector tape and lights;
- (f) Not sell food products for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his customers' use;
- (g) Not leave any location without first picking up, removing and disposing of all refuse remaining from sales made by him;
- (h) Not allow anything relating to the operation of his business to be placed anywhere other than in, on or under the push cart;
- (i) Not 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 push cart unless the device has been referred to in his application for a license under this Bylaw and has been approved by the Licensing Inspector for use in conjunction with the push cart;
- (j) Not solicit or conduct business with persons in motor vehicles;
- (k) Not sell anything other than those goods which he is licensed under this Bylaw to sell;
- (l) Use no loud speakers, amplifiers or other hailing devices;
- (m) Not sell or otherwise dispose of any goods elsewhere than on the curb side of the push cart or on the side of the push cart nearest the boundary of the street if there is no sidewalk;
- (n) Keep the push cart in good repair and appearance; and
- (o) Maintain any insurance required by this Bylaw in full force and effort during the currency of any license issued to him hereunder.

PART VII:

- 7. 7.1 This Bylaw shall be administered and enforced by a Licensing Inspector and by so many Deputy Licensing Inspectors as Council may appoint from time to time. A Deputy Licensing Inspector appointed by Council under this Bylaw shall carry out such functions and duties as may be assigned to him by the Licensing Inspector which may include carrying on the duties of the Licensing Inspector in his

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absence.

- 7.2 An applicant for a license under this Bylaw shall make a separate written application to the Licensing Inspector for each confectionery tricycle or push cart, as the case may be, which he intends to operate or which he intends to have operated for him.
- 7.3 An application for a license under this Bylaw shall be in a form prescribed by the Licensing Inspector and shall contain:
- (a) The name, home and business address and telephone number of the applicant;
 - (b) A full description of the goods which the applicant intends to sell;
 - (c) A full description, and a photograph or an artist's concept, of any confectionery tricycle or push cart, for which a license plate is sought together with the serial and registration number, if any, of the vehicle;
 - (d) Three prints of a full-faced photograph of the applicant taken not more than 30 days prior to the date of the application.
 - (e) Where applicable, the name and address of each known person the applicant has employed or the number of persons the applicant intends to employ to operate the vehicle, if any, for which a license is sought;
 - (f) The designated push cart areas in which the applicant would prefer to carry on business;
 - (g) The months during which the applicant intends to carry on business and his intended hours of operation; and
 - (h) Such other information as the Licensing Inspector may require.
- 7.4 All applications for licenses shall be made after January 1 of each year to carry on a business under this by-law.
- 7.5 No license shall be issued pursuant to this Bylaw unless:
- (a) The license fee prescribed in Schedule "B" to this Bylaw has been paid;
 - (b) Where applicable, the size and design of the confectionery tricycle, push cart sought to be licensed by the applicant has been approved by the Licensing Inspector;

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- (c) A member of the Charlottetown Police Force has certified, in writing to the Licensing Inspector, that a confectionery tricycle for which a license is sought has been inspected by him and is mechanically safe;
 - (d) The Fire Inspector of the City certifies, in writing to the Licensing Inspector, that he has inspected a push cart sought to be licensed under this Bylaw and it complies with all applicable fire standards;
 - (e) A certified copy of a public liability insurance policy in a form and in an amount established and described in Schedule "C" annexed hereto which has been approved by resolution", naming the City as an additional named insured has been provided to the Licensing Inspector;
 - (f) A certificate of insurance in respect of such insurance policy providing that such insurance policy cannot be cancelled or terminated without sufficient prior notice has been provided to the Licensing Inspector;
 - (g) Where any person applies for a license for a confectionery tricycle, the applicant agrees in writing to the City to accept full responsibility for any employee or agents who may operate the tricycle without looking to those employees or agents who may operate the tricycle without looking to those employees or agents or their parents or guardians for financial responsibility for negligence. Further, the applicant must agree, in writing, to indemnify and hold harmless the employee or agent or his parent or guardian in the event that a claim for negligence is made against the employee or agent or his parent or guardian;
 - (h) Any federal, provincial or municipal permit, certificate, authority, license or other document of qualification required by the applicant in order to carry on his intended business, including any permit required under the Public Health Act R.S.P.E.I. 1979, Cap. P-29.1 and the Electrical Inspection Act R.S.P.E.I., 1974, Cap. E-2 as amended from time to time, has been obtained.
- 7.6 Unless otherwise provided in this Bylaw, if an applicant has complied with all the conditions of this Bylaw for the issuance of the license sought by him, the Licensing Inspector shall issue that license to the applicant.
- 7.7 A license to sell food and/or beverages from a push cart issued in accordance with this Bylaw shall only permit the holder thereof to operate from a location specified on that license the push cart identified in that license for the display and sale of the goods described in that license.

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PART VIII:

8. 8.1 If, in any year, the Licensing Inspector receives more applications from push cart vendors than there are spaces established for push carts in designated push cart areas, then the Licensing Inspector shall issue only as many licenses as there are such spaces to those applicants who have complied with all the applicable requirements of this Bylaw for the issuance of the license sought with students returning to school to be given the highest priority and then in the order of the date of receipt of applications.

For the issuance of licenses, the following shall apply: subsequent to March 01 and prior to March 15 of any year, applications complying with this Bylaw received on or prior to March 01 shall be reviewed and consideration of issuance of licenses shall be on the following basis:

- (a) Firstly, to students who have indicated that they are planning to return to school in the fall;
- (b) Then to local Charlottetown businesses;
- (c) Then to all other applicants.
- (d) Consideration of licenses received after March 15 of any year shall be on an as-received basis and the above criteria may apply.

- 8.2 The Licensing Inspector may also consider the following standards:

- (a) Quality in the workmanship and materials used in the construction of the push cart;
- (b) Attractiveness in the design and coloration of the push cart;
- (c) Quality in the goods intended to be sold; and
- (d) Uniqueness in the goods intended to be sold.

- 8.3 Every license issued by the Licensing Inspector under this By-Law shall:

- (a) Specify the name and address of the licensee;
- (b) Where applicable, specify the allocated space of the licensee within the pedestrian mall or designated push cart areas;
- (c) Specify the type of goods which the licensee is licensed to sell;

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- (d) Specify the license number and the date upon which it was issued.
- 8.4 The license issued under this Bylaw shall be deemed to be in force from the 1st day of April in any year to the 1st day of December in the same year.
- 8.5 The Licensing Inspector shall keep a record of all licenses issued under this Bylaw.
- 8.6 A license issued under this Bylaw is not transferable or assignable.
- 8.7 Every licensee who has employed persons to operate a confectionery tricycle or push cart for which a license plate has been issued under this Bylaw shall:
 - (a) Supply each employee with an identification card with the name of the employee, the date of employment and the license number of the vehicle which is to be operated by him; this identification card shall be worn by the employee while he is working;
 - (b) Give immediate notice to the Licensing Inspector of every person so employed by him and of the termination of employment of each such employee.
- 8.8 Each flower vendor to whom a license has been issued under this Bylaw shall carry that license with him at all times and shall produce it, upon request, to any police officer, Licensing Inspector or Deputy Licensing Inspector appointed by the City.
- 8.9 A police officer, the License Inspector or any other person authorized by Council may inspect any confectionery tricycle or push cart for which a license plate has been issued under this Bylaw at all reasonable times.

PART IX:

- 9. 9.1 An abutting retailer may make application to the Licensing Inspector for a permit to conduct a sidewalk sale of goods, beverages and/or food products for no more than two (2) days in a week. An application for such a permit shall be on a form prescribed by the Licensing Inspector and contain:
 - (a) The name, address and telephone number of the applicant;
 - (b) The name of the street upon which the retailer's permanent place of business abuts;
 - (c) The date and time for which the permit is required;

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- (d) The size and proposed location of any tables or racks or other display device intended to be used by the applicant during the sidewalk sale;
 - (e) A full description of the goods intended to be sold; and
 - (f) Such other information as the Licensing Inspector may require.
- 9.2
- (a) The Downtown Charlottetown Inc. or the Chamber of Commerce may make application to the Licensing Inspector to hold sidewalk sales for the months of June, July, August and September as long as Subsection 7.1, 7.2, 7.3, 7.4, and 7.5 have been complied with; and
 - (b) A list of abutting retailers who wish to operate a sidewalk sale shall be submitted to the City showing addresses and telephone numbers of the merchants.
- 9.3 The Planning Board shall make a decision on which day(s) of the week all retailers may hold sidewalk sales without requiring permits but there shall be no more than two days designated for sidewalk sales in one week.
- 9.4 Special requests for sidewalk sales other than the day(s) designated shall be made to the Licensing Inspector and Council may approve the special requests.
- 9.5 The Applicant shall provide such other information as the Licensing Inspector may require, including the size and proposed location of any tables, racks or other display devices to be used by the merchants for the sidewalk sales.
- 9.6 A permit may be issued under this Bylaw to an abutting retailer which shall permit the holding of a sidewalk sale of food and beverages, including alcoholic beverages, with a dining-room licence only, under the Liquor Control Act of the Province (R.S.P.E.I. 1974, Cap. L-17) in areas approved by Council south of Fitzroy Street only, provided:
- (a) The provisions of Subsection 9.1 (complete), 9.2, 9.3, 9.4 and 9.5 are complied with;
 - (b) Council has approved the use of any areas between the sidewalk and the street to be used in the sidewalk sale;
 - (c) Council has approved the closing of part or all of the travel portion of the sidewalk for a specified time;
 - (d) That an agreement be entered into with the City in a form approved by Council, which shall address, but is not limited to matters such as:
 - (1) liability insurance;
 - (2) time limits for use of the street right-of-way;

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- (3) any fees to be charged for encroachment on a street right-of-way;
 - (4) a scaled drawing showing the location of street furniture accessories and landscaping on a street; and
 - (5) hours of operation.
- (e) The abutting retailer that holds a dining room licence pursuant to the Liquor Control Act of the Province (R.S.P.E.I. 1974, Cap. L-17) and that the abutting retailer shall only conduct its sale of food and beverages in the area on the sidewalk approved by Council;
- (f) That no permit shall be issued to an abutting retailer under this Section unless:
- (1) the applicant is seeking a permit to hold a sidewalk sale on a sidewalk abutting his permanent place of business;
 - (2) the occupation of the sidewalk proposed by the applicant will not impede pedestrian traffic or block or impair the entrance to any premises abutting the area proposed to be occupied by the applicant during the sidewalk sale; and
 - (3) the size and proposed location of all tables or racks or other display devices intended to be used by the applicant during the sidewalk sale has been approved by the Licensing Inspector.
- 9.7 (a) An abutting retailer that holds a dining room licence pursuant to the Liquor Control Act of the Province (R.S.P.E.I. 1974, Cap. L-17) may make application to occupy a parking space(s) on Queen Street south of Grafton Street for the sale of food, grocery and beverage products from May 1 to October 31 of any year. The application shall not be made earlier than April 1 and not later than June 15 in any year.
- (b) Consideration of applications for licenses in any year shall be on a first received basis. Applications for licenses for spaces that are already licensed for that year shall not be considered.
- (c) Any license issued shall be subject to the requirement for the Applicant to enter into an agreement with the City on terms acceptable to the City, and which agreement addresses, but is not limited to the following:
- (1) liability insurance;
 - (2) time limits for use of the street right-of-way;
 - (3) any fees to be charged for encroachment on a street right-of-way;
 - (4) a scaled drawing showing the location of street furniture accessories and landscaping on a street;
 - (5) hours of operation and space(s) approved;
 - (6) the design of the fence to be constructed pursuant to Subsection 9.7(g) of this Bylaw.

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- (d) The Licensing Inspector may issue a license to an abutting retailer for one or more years but not more than five (5) years at a time. In determining the duration of the license to be issued, the Licensing Inspector may consider the expense to be incurred in constructing the required fencing around the space. If, at the expiration of a license, no new applications are received for a license for that space, then the license may be renewed by the Licensing Inspector. Council shall by resolution from time to time delete, assign new or additional spaces on Queen Street south of Grafton Street, which may be issued licenses pursuant to this Bylaw;
- (e) In determining whether to issue a license, the Licensing Inspector shall consider, but not be limited to consideration of the quality in the workmanship and materials used in the construction of the fencing and any tables and chairs, umbrellas and displays and attractiveness in the design and coloration.
- (f) The hours of operation pursuant to any license issued are from 8:00 AM to 12:00 midnight;
- (g) Every space for which a license is issued shall require the licensee to construct a metal fence around the site in accordance with the designs contained in Schedule “D”.

PART X:

- 10. 10.1 Subject to an appeal to Council, a license or permit issued under this Bylaw may be suspended or revoked by the Licensing Inspector:
 - (a) For violation of this Bylaw;
 - (b) For violation of any other Bylaw of the City;
 - (c) For violation of any provincial or municipal health standards;
 - (d) For violation of the Highway Traffic Act R.S.P.E.I. 1974 Cap. H-6;
 - (e) For violation of any federal, provincial or municipal laws or regulations governing business practices;
 - (f) Breach by the licensee of any agreement entered into by him and the City;
or
 - (g) On such other grounds as in the opinion of the Licensing Inspector are just and reasonable.

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- 10.2 Upon a license being suspended or revoked the Licensing Inspector shall notify the licensee thereof by delivering a notice to him personally or by mailing a double registered letter to the address shown on his license and after that notice has been delivered the licensee shall not carry on his business until a new license is issued or his suspended license is reinstated.

PART XI:

11. 11.1 Any person who has been refused a license or whose license has been suspended or revoked by the Licensing Inspector may appeal such refusal, suspension or revocation to Council.
- 11.2 An appeal to Council shall be in writing, shall be filed with the City Administrator within 15 days of the receipt by the Licensee of notice of the refusal, suspension or revocation as provided by Subsection 10.2 of this Bylaw and shall clearly state the grounds for the appeal.
- 11.3 The Council shall hear such appeals at such time and place as it may determine and, upon such an appeal, Council may confirm the refusal, suspension or revocation by the License Inspector or may direct the License Inspector to issue or reinstate the license.

PART XII:

12. 12.1 A person who violates or fails to comply with the provisions of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not less than \$100 and not more than \$500 and in default of payment to imprisonment for a period not exceeding 30 days. Each day a person so operates shall comprise a separate offence.
- 12.2 Where a person is carrying on business without a license required by this Bylaw, or from a space other than the space allocated to him and specified in a license issued under this Bylaw, in addition to any other remedy or penalty imposed by this Bylaw:
- (a) The City may immediately and without notice of any kind remove any vehicle or other device used in the storing, transporting, displaying or selling of goods together with any goods displayed thereon to a place selected by the City and all costs and charges incurred by the City for the removal and storage shall be a lien thereon and the City may, by action in any Court of competent jurisdiction, recover as a civil debt due to the City by the owner the cost of removal and storage thereof; and
 - (b) Each day a person so operates shall comprise a separate offence.

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- 12.3 Where a person is carrying on a business in contravention of this Bylaw, then in addition to any other remedy or penalty imposed by this Bylaw the City may, in all such cases, apply to the Supreme Court of Prince Edward Island for an injunction or other order prohibiting or restraining that person from contravening this Bylaw.

PART XIII:

13. 13.1 A person licensed under this Bylaw or holding a permit hereunder shall permit employees of the City and employees of any public utility to enter upon any portion of any street which has been allocated to him under this Bylaw and which he is permitted to use for the purpose of installing, maintaining or repairing any street or part thereof or any pipes, drains, cables, wires, poles or other installations.
- 13.2 Except as otherwise specifically provided in this Bylaw or any other Bylaw of the City, nothing in this Bylaw relieves any person licensed under this Bylaw from complying with all other applicable laws.
- 13.3 Where the provisions of this Bylaw conflict with the provisions of any other Bylaw of the City, the provisions of this Bylaw shall prevail.

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SCHEDULE "A" DESIGNATED PUSH CART AREA

On specific street corners and parking meter spaces as designated by resolution of City Council – otherwise, it is prohibited.

STREET VENDORS - SITES

See attached map for designated parking spaces

1. Northwest corner of Queen and Grafton Streets intersection with space allocated on the Grafton Street side
2. Space in front of 72-74 Queen Street as shown on map below and also shown as parking space # 81 on Schedule "D"
3. Southeast corner of University Avenue and Kent Street intersection with space allocated on Kent Street
4. Southeast corner of Queen and Kent Streets intersection with space allocated on Kent Street



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SCHEDULE "B" LICENSE FEE PER YEAR

- | | | |
|----|----------------------------------|----------|
| 1. | Push Cart per space | \$600.00 |
| 2. | Street Vending per parking space | \$600.00 |
| 3. | Confectionary per tricycle | \$ 25.00 |

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SCHEDULE “C” CHECK LIST

Push carts, and tricycles

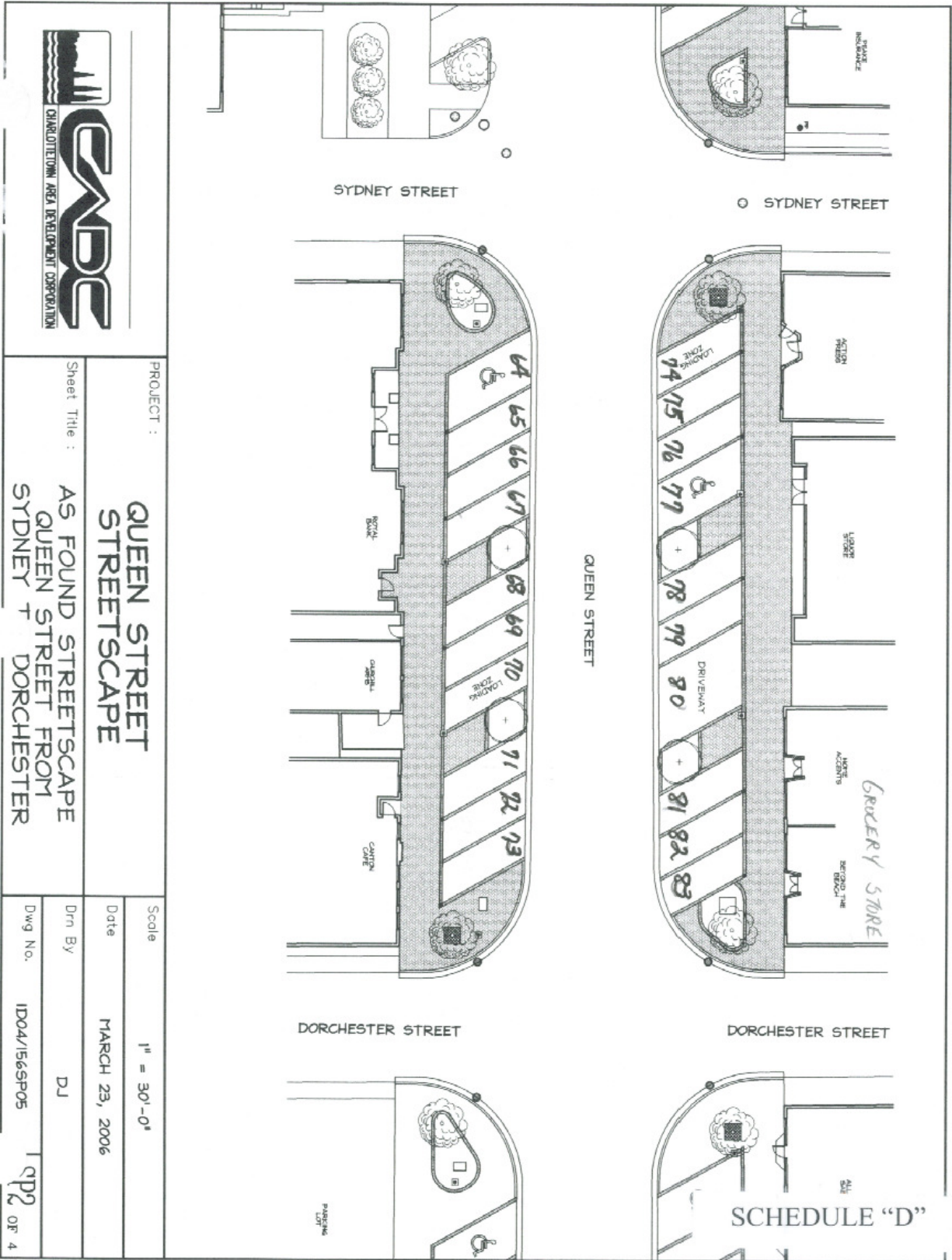
1. Application
2. Full description and a photograph or an artist's concept of any confectionery tricycle, or push cart.
3. Three (3) prints of a full faced photograph of applicant taken not more than 30 days prior to application.
4. Approvals:
 - (a) Police Force
 - (b) Building Inspector
 - (c) Fire Inspector
 - (d) Insurance for at least one million dollars (\$1,000,000) public liability with the City of Charlottetown named as third party and with notice given by the insurance company to the City of Charlottetown is the insurance is ever cancelled.
5. Tricycles:
 - (a) Under 12 - Parental Consent
Employer Indemnity
6. Pedestrian Mall Owners:
 - (a) Mall agreement
7. Permits:
 - (a) Push Carts
 - (i) Public Health
 - (b) Tricycles
 - (i) Public Health
8. Fee: Cash or certified cheque payable to the City of Charlottetown.

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SCHEDULE "D"

STREET VENDORS BYLAW



PROJECT :
**QUEEN STREET
STREETSCAPE**

Sheet Title :
**AS FOUND STREETSCAPE
QUEEN STREET FROM
SYDNEY T^r DORCHESTER**

Scale : 1" = 30'-0"

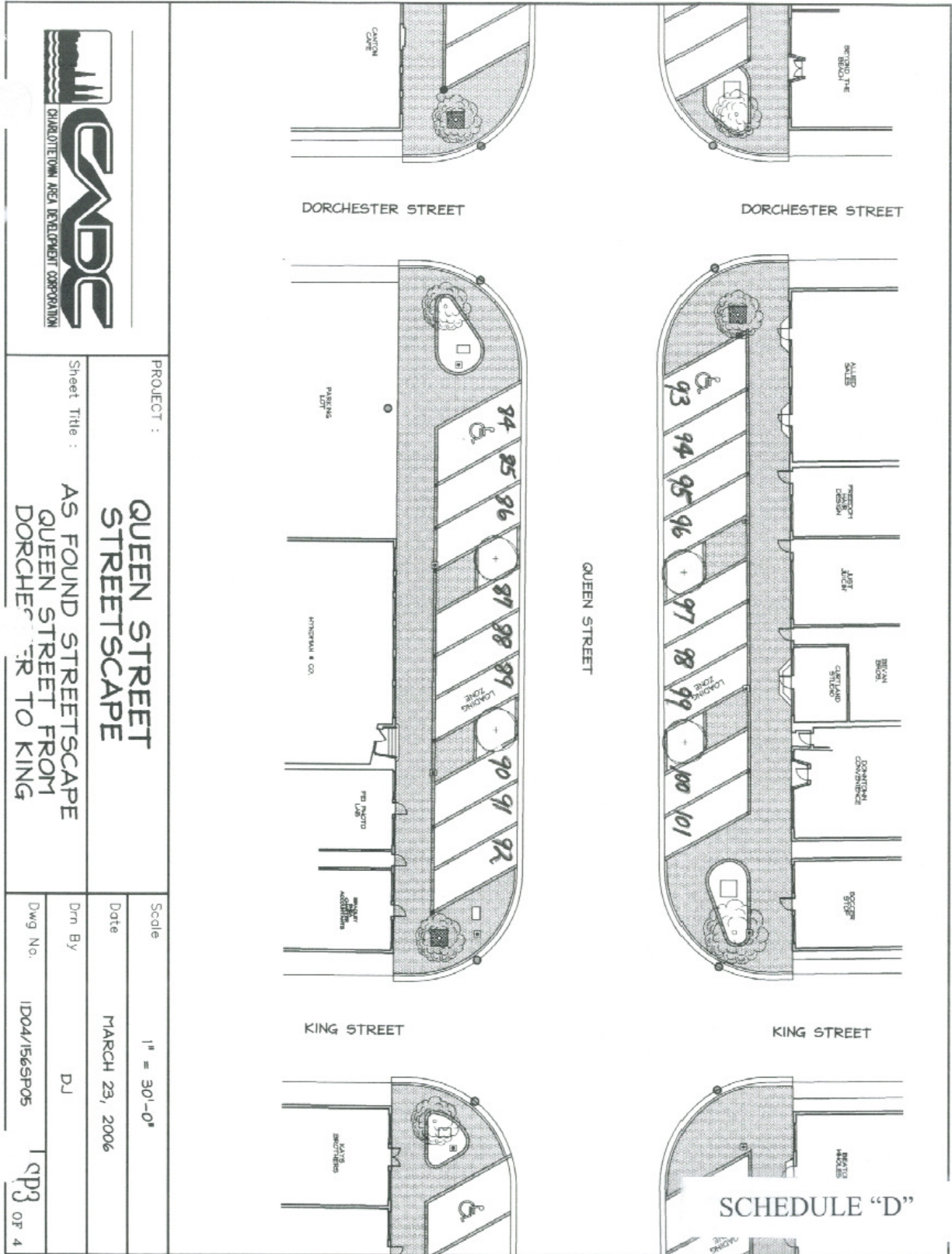
Date : MARCH 23, 2006

Drn By : DJ

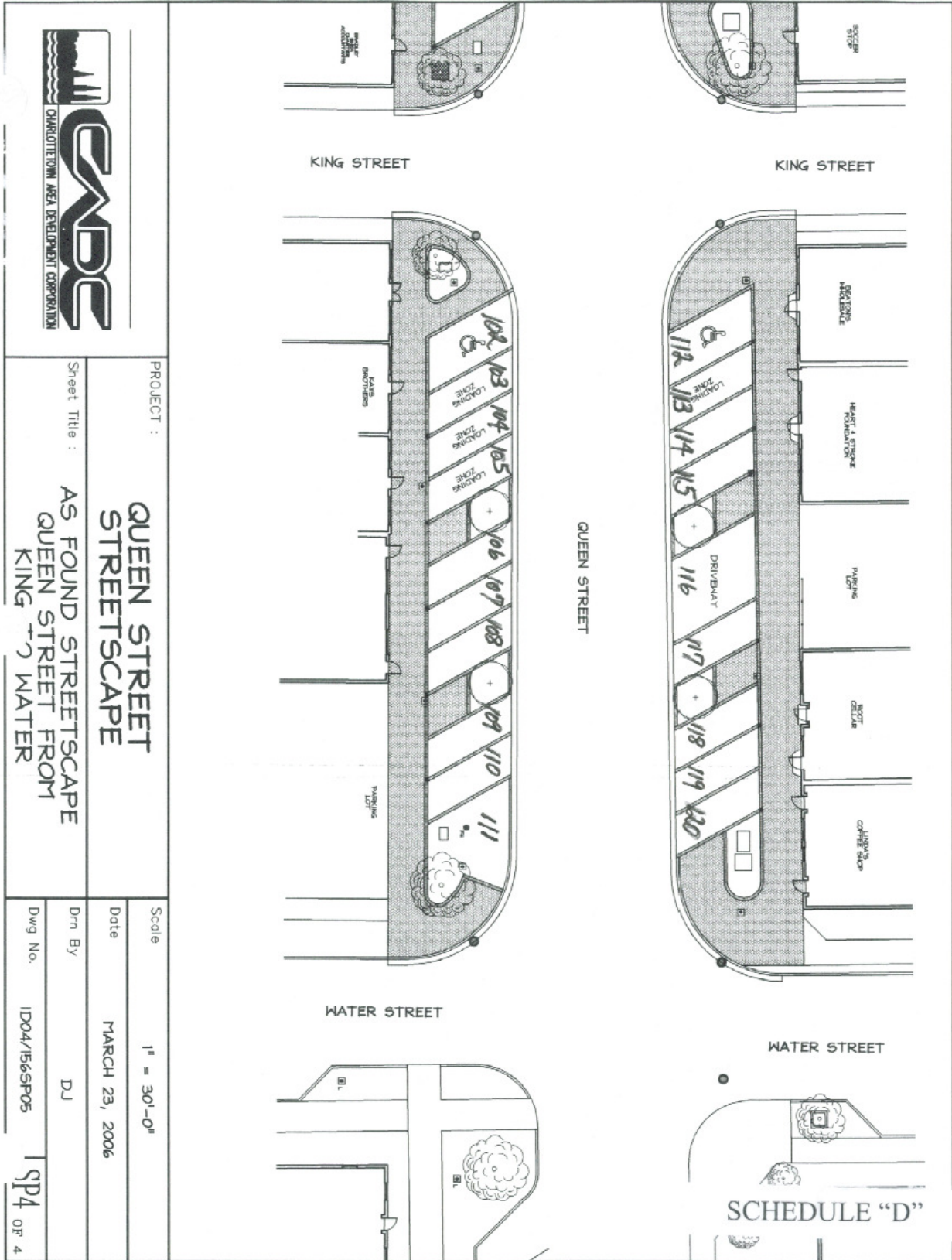
Dwg No. : ID04/1565F05

PP2
OF 4

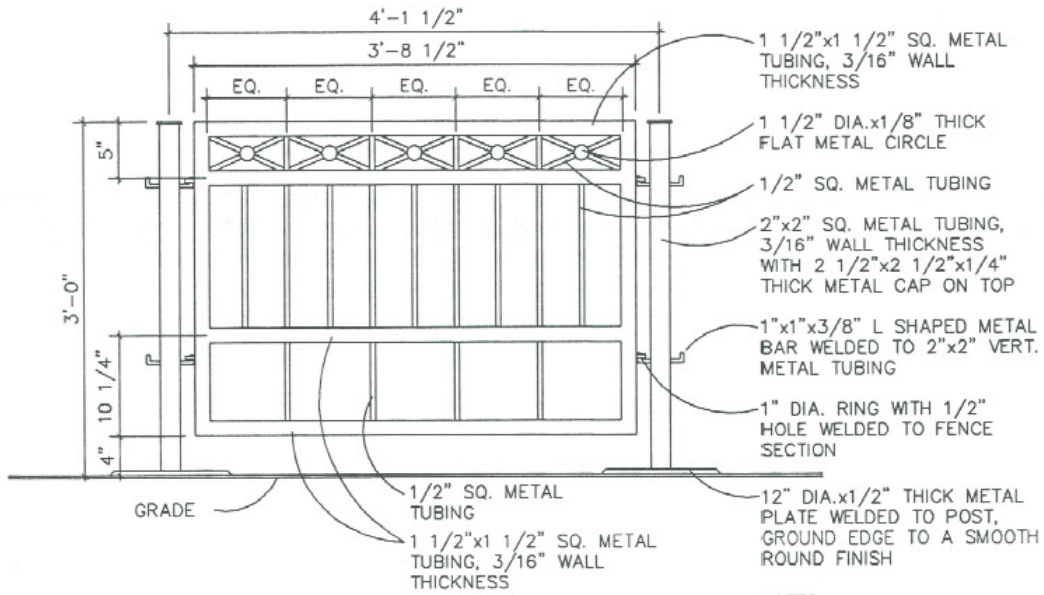
STREET VENDORS BYLAW



STREET VENDORS BYLAW



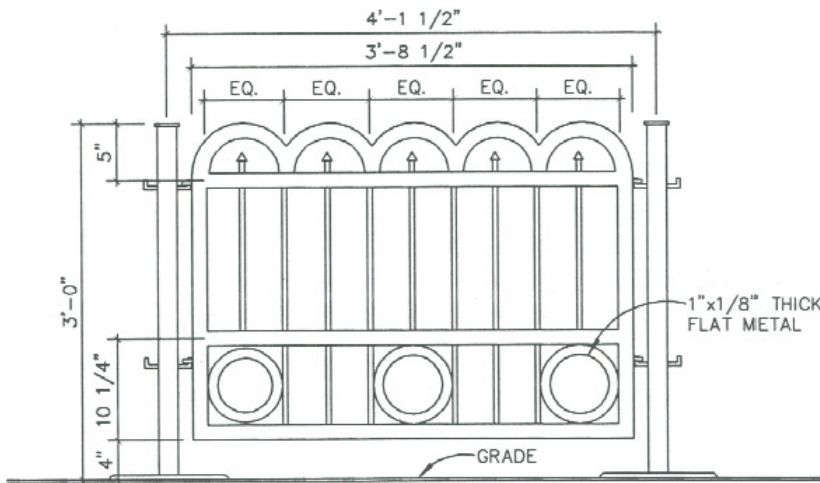
STREET VENDORS BYLAW



FENCE TYPE "1"
SCALE : 3/4" = 1'-0"

NOTES:

- ALL WELDS TO BE GROUND SMOOTH
- PRIME ALL WELDS
- SHOP PRIME AFTER FABRICATION
- PAINT WITH 2 COATS OF TREMCLAD FLAT BLACK OR EQUIVALENT

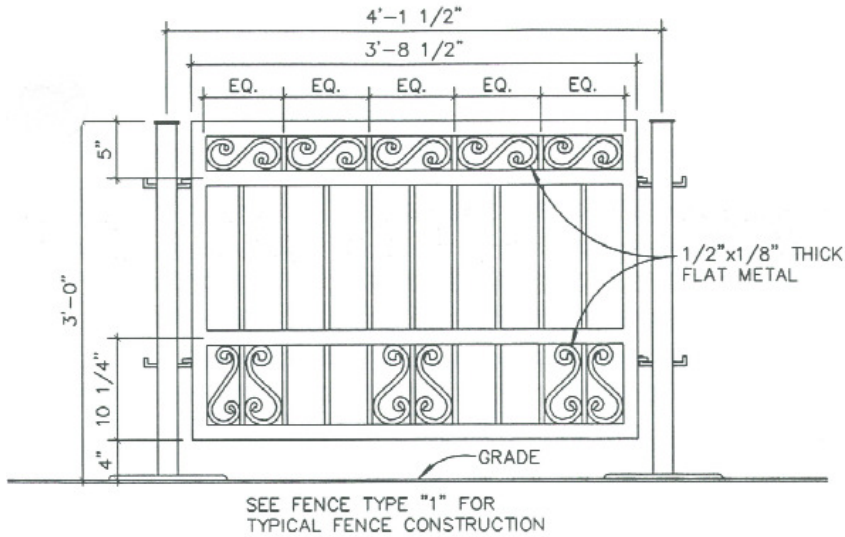


SEE FENCE TYPE "1" FOR TYPICAL FENCE CONSTRUCTION

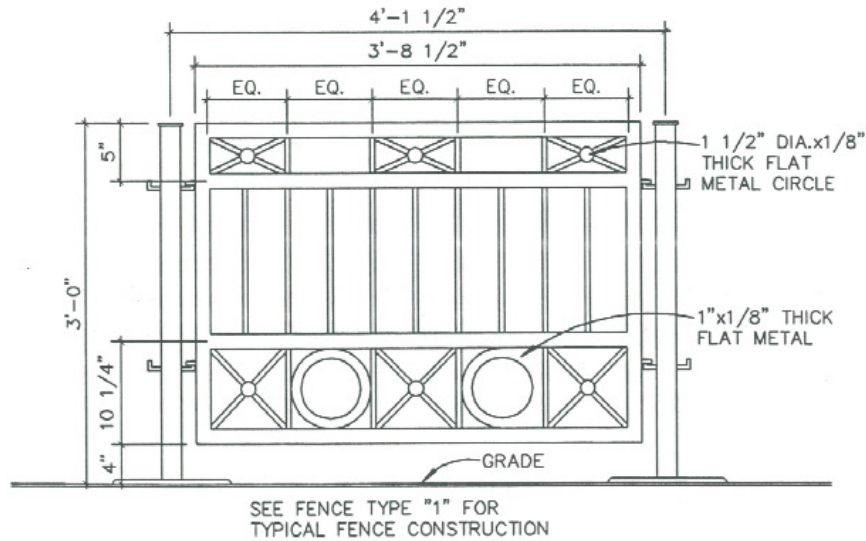
FENCE TYPE "3"
SCALE : 3/4" = 1'-0"

SCHEDULE "D"


STREET VENDORS BYLAW



FENCE TYPE "2"
SCALE : 3/4" = 1'-0"



FENCE TYPE "4"
SCALE : 3/4" = 1'-0"

 CHARLOTTE AREA DEVELOPMENT CORPORATION	
 ISLAND DRAFTING L. P.O. BOX 1701 Charlotte, P.E.I. C1 566-1680 FAX 568	
All measurements must be checked on the site by the co prior to construction or fabrication. This drawing is the property of Island Drafting Ltd. and sh be used on other projects or extensions to this project as writing from Island Drafting Ltd.	
Project : <p style="text-align: center;">QUEEN STREET STREETScape</p>	
Sheet Title : <p style="text-align: center;">FENCE TYPES</p>	
Scale	AS NOTED
Date	OCTOBER, 2004
Drn BY	-
Dwg No.	ID04/156SP03
	

SCHEDULE "D"

STREET VENDORS BYLAW

APPLICATION FOR STREET VENDORS LICENSE

APPLICANTS NAME: _____

HOME ADDRESS: _____

_____ POSTAL CODE _____

BUSINESS: _____

_____ POSTAL CODE _____

HOME TELEPHONE NO. _____ BUS. TELEPHONE NO. _____

DESCRIPTION OF GOODS TO BE SOLD: _____

EMPLOYEE'S NAME: _____

ADDRESS: _____

_____ POSTAL CODE _____

TELEPHONE NO. _____

EMPLOYEE'S NAME: _____

ADDRESS: _____

_____ POSTAL CODE _____

TELEPHONE NO. _____

PREFERRED AREA OF BUSINESS: MARK AN "X" AND SPECIFY

- (a) PEDESTRIAN MALL _____
- (b) PUSH CART _____
- (c) TRICYCLE _____ RESIDENTIAL AREA ONLY
- (d) SIDEWALK SALE _____

SERIAL NO: _____

PREFERRED SITE #

STREET VENDORS BYLAW

The applicant acknowledges that he/she has read the Street Vendors Bylaw in its entirety.

DATED: _____ AT: _____

WITNESS: _____ APPLICANT: _____

PHOTOGRAPHS OR ARTIST CONCEPT ATTACHED (AS PER BYLAW) OF
CONFECTIONERY TRICYCLE, PUSH CART OR PARKING SPACE FOR A
RESTAURANT, ABUTTING RETAILER OR LOUNGE

THREE (3) PHOTOGRAPHS OF THE APPLICANT/OWNER ATTACHED (AS PER
BYLAW).

STREET VENDORS BYLAW

EMPLOYER INDEMNITY

TRICYCLE USE ONLY:

I, the said _____ hereby covenant, undertake and agree to accept full responsibility for _____ an employee of mine and to save harmless and keep indemnified the said City of Charlottetown, the employee _____ and his parents or guardians from and against all claims and demands whatsoever in respect of his employment in regards to finances and negligence.

DATED: _____ AT: _____

WITNESS: _____

EMPLOYER: _____

STREET VENDORS BYLAW

PARENTAL CONSENT

TRICYCLE USE ONLY:

We the undersigned being the parents or parent of _____ ,
an employee of _____ acknowledge that _____
is of the age of _____ and that he may be employed as a confectionery tricycle vendor.

DATED: _____ AT: _____

WITNESS: _____ PARENT: _____

STREET VENDORS BYLAW

INTENDED TIME OF OPERATION:

SEASONAL - Push Carts (April 01 - December 01) _____

- Restaurant, Abutting Retailer or Lounge (May 01 to October 31) _____

INTENDED HOURS OF OPERATION:

10 a.m. - 10 p.m. _____ DAYLIGHT HOURS _____ 10 a.m. - 5 p.m. _____

FEE PER YEAR: MARK "X"

	<u>ALL ARTICLES</u>	<u>CONFECTIONERY</u>
PUSH CART	\$600.00 _____ per parking space	\$25.00 _____ per tricycle
RESTAURANT, ABUTTING RETAILER OR LOUNGE		\$600.00 _____ per parking space

OFFICE USE ONLY:

CERTIFICATION: MARK "X" IF COMPLIED:

RECEIVED BY: POLICEMAN _____ BUILDING INSPECTOR _____ FIRE INSPECTOR _____

CITY SOLICITOR INS. _____ TRICYCLE INDEMNITY _____ PUBLIC HEALTH CERT. _____

ELECTRICAL CERTIFICATION _____ PEDESTRIAN MALL AGREEMENT _____

FEE RECEIVED _____ MOTOR VEHICLE REGISTRATION NO. _____

LOCATION APPROVED AT: _____

CITY COUNCIL APPROVAL: _____ DATE: _____

DATED: _____ AT: _____

WITNESS

APPLICANT

STREET VENDORS BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
Amend various sections	(p) " <u>push cart</u> " means a hand-operated vehicle used or intended to be used for displaying, storing, transporting goods and from which goods may be sold;	Amend the definition of "push cart" under (p) as follows: (p) "push cart" means a hand-operated vehicle or display devise used or intended to be used for transporting, storing, displaying and selling of goods. The display devise or hand operated vehicle may be towed to the site but it must be small enough to be movable off the site by hand, by the licensed operator:	14-Jun-95	21-Jun-95	21-Jun-95
	<i>nothing</i>	Amend 4(a) by adding (vi) as follows: 4(a)(vi) A person selling for charitable organizations or non-profit groups such as but not limited to school activities, girl guides, boy scouts, etc.			
	4(b)(iv) A flower vendor may carry on business pursuant to a flower vendor's license issued pursuant to this Bylaw and within the areas designated in subsection 5(e); and	Amend 4(b)(iv) by changing in the last sentence "Subsection 5(c)" to "Subsection 5(d)"			
	5(c)(i) from the space in the pedestrian mall allotted to him by the Licensing Inspector under this Bylaw; or (ii) from the space in the designated push cart areas allotted to him by the Licensing Inspector under this Bylaw as <u>approved by resolution of City Council</u>	Delete Section 5(c)(i) and change Section "5(c)(ii)" to "5(c)(i)" with the following changes: 5(c)(i) from the space in the designated push cart areas allotted to him by the Licensing Inspector under Schedule "B" of the Bylaw.			
	6(c)(i) use only a push cart specified in a license issued to him and for which a license plate has been issued under this Bylaw;	Section 6(c)(i) - Delete the words "and for which a licence plate has been issued"			
	6(c)(ii) fasten the license plate issued under this Bylaw in a conspicuous place on the push cart;	Section 6(c)(ii) - Delete this section and renumber the sections following it accordingly.			
	6(c)(xiv) if located elsewhere than on the pedestrian mall, not sell or otherwise dispose of any goods elsewhere than on the curbside of the push cart or on the side of the push cart nearest the boundary of the street if there is no sidewalk;	Old Section # 6(c)(xiv) - Delete the words "if located elsewhere than on the Pedestrian Mall"			
	7(c)(vi) where applicable, the location in the pedestrian mall or in the designated push cart areas in which the applicant would prefer to carry on business;	Section 7(c)(vi) - Delete the words "where applicable the location in the pedestrian mall or in"			

STREET VENDORS BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>7(d) All applications for license after January 1, 1987 to carry on business from a push cart shall be submitted to the Licensing Inspector between January 1st in each year and no later than March 31st in any year or until all sites are selected. All other applications for license under this Bylaw must be submitted to the Licensing Inspector no later than June 1st in any year.</p> <p>(i) The City shall advertise in February that all applications must be submitted by March 31st in each year.</p>	<p>Amend Section 7(d) as follows: 7(d) All applications for licences shall be made after January 1, of each year to carry on a business under this bylaw Delete Section 7(d)(i)</p>			
	<p>7(e)(vii) a certificate of insurance in respect of such insurance policy in a form satisfactory to the City Solicitor providing that such insurance policy cannot be cancelled or terminated without the City being given what is in the opinion of the City Solicitor sufficient prior notice has been provided to the Licensing Inspector;</p>	<p>Section 7(e)(vii) - Delete the following words "in a form satisfactory to the City Solicitor" and "the City being given what is in the opinion of the City Solicitor"</p>			
	<p>7(e)(x) an applicant to whom a license to sell goods from a push cart in the pedestrian mall has entered into an agreement in writing with the City under which he has agreed to be open for business in the year for which the license has been issued from 8:00 o'clock a.m. to 10:00 o'clock p.m. each day from Monday to Saturday in each week from June 15th to September 15th inclusive.</p>	<p>Delete Section 7(e)(x)</p>			
	<p>8.(a) If, in any year, the Licensing Inspector receives more applications from push cart vendors than there are spaces established for push carts in the pedestrian mall and in designated push cart areas, then the Licensing Inspector</p>	<p>Amend Section 8(a) - near the beginning of the 1st sentence delete the words "in the pedestrian mall and". Near the end of the 1st sentence delete the words "and who in" & replace with "with students returning to school to be given the highest priority and then in the order of the date of receipt of applications. The Licensing Inspector may also consider the following standards:"</p>			

STREET VENDORS BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>shall issue only as many licenses as there are such spaces to those applicants who have complied with all the applicable requirements of this Bylaw for the issuance of the license sought and who, in the Licensing Inspector's opinion, best meet the following standards:</p> <ul style="list-style-type: none"> (i) quality in the workmanship and materials used in the construction of the push cart; (ii) attractiveness in the design and colouration of the push cart; (iii) quality in the goods intended to be sold; (iv) uniqueness in the goods intended to be sold; and (v) in order of date of receipt of application. 	<p>Sections (i), (ii), (iii) & (iv) to remain the same. Delete Section (v)</p>			
	<p>9.(a) An abutting retailer may make application to the Licensing Inspector for a permit to conduct a sidewalk sale of goods other than food products. An application for such a permit shall be on a form prescribed by the Licensing Inspector and contain:</p>	<p>Section 9(a) - in the first sentence delete "other than" and insert "beverage and"</p>			

STREET VENDORS BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>9.(b) No permit shall be issued to an abutting retailer under this Section unless:</p> <p>(i) the applicant is seeking a permit to hold a sidewalk sale on a sidewalk abutting his permanent place of business;</p> <p>(ii) the occupation of the sidewalk proposed by the applicant will not impede pedestrian traffic or block or impair the entrance to any premises abutting the area proposed to be occupied by the applicant during the sidewalk sale; and</p> <p>(iii) the size and proposed location of all tables or racks or other display devices intended to be used by the applicant during the sidewalk sale has been approved by the Licensing Inspector.</p> <p>(c) A permit issued under this Bylaw to an abutting retailer shall permit him to hold a sidewalk sale of goods described in the permit on that portion of the sidewalk specified in the permit.</p> <p>(d) An abutting retailer who has been issued a permit under this Section shall be subject to and shall comply with the provisions of Subsections 6(c)(iv), 6(c)(v), 6(c)(vii), 6(c)(ix), 6(c)(x), 6(c)(xii),</p>	<p>Delete Section 9(b) to (e) and replace with the following sections as follows:</p> <p>9.(b)(i) The Downtown Business Association of the Chamber of Commerce may make application to the Licensing Inspector to hold sidewalk sales for the months of June, July, August and September as long as Section 7(a), (b), (c), (d) and (e) have been complied with.</p> <p>(ii) A list of abutting retailers who wish to operate a sidewalk sale shall be submitted to the City showing addresses and telephone number of the merchants.</p> <p>(c) The Planning Board shall make a decision on which day(s) of the week all retailers may hold sidewalk sales without requiring permits but there shall be no more than two days designated for sidewalk sales in one week.</p> <p>(d) Special requests for sidewalk sales other than the day(s) designated shall be made to the Licensing Inspector and Council may approve the special requests.</p> <p>(e) If requested by the Licensing Inspector provide the size and proposed location of any tables, racks or other display devices to be used by</p>			
	<p><i>nothing</i></p>	<p>Add New section (f) as follows:</p> <p>(f)Such other information as the Licensing Inspector may require.</p>			

STREET VENDORS BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<i>nothing</i>	Add New section (g) as follows: (g) A permit shall be issued under this Bylaw to an abutting restaurant or lounge and shall permit them to hold a sidewalk sale of food and beverages with a dining-room licence only, under the Liquor Control Act of the Province (R.S.P.E.I. 1974, Caps. 2-17) provided; (1) the provisions of Section 9(a), (b), (c), (d), (e) & (f) are followed. (2) Council have approved the use of any areas between the sidewalk and the street (3) Council have approved the closing of part or all of the travel portion of the sidewalk for a specified time. (4) That sidewalk sales for a licensed restaurant or lounge be permitted in those areas of the City south of Fitzroy Street. (5) Council shall require that an agreement be signed with the City, and Council shall consider but is not limited to the following in the agreement: (a) Liability Insurance (b) Time limits for use of the street right-of-way (c) Any fees to be charged for encroachment on a street right-of-way (d) A scaled drawing showing the			
Amend section 6.3 (d): change from 2:00 a.m. to 2:30 a.m.	6.3(c) not vend between 2:00 a.m. and 10:00 a.m. on any day;	Amend section 6.3 (c) as follows: 6.3 (c) not vend between 2:30 a.m. and 10:00 a.m. on any day;	13-May-96	13-May-96	23-May-96
Amend section 8.4: change in season, amend Schedule B, and C, and applicable forms	8.4 The license issued under this Bylaw shall be deemed to be in force from the 1st day of May in any year to the 31st day of October in the same year. Schedule "B" - DESIGNATED PUSH CART AREA - STREET VENDORS - SITES 3. South west corner of Grafton and Church Streets east of Meter #28. 5. North west corner of Kent and Pownal Streets - Meter space #9. 7. Longworth Avenue, Euston and Weymouth Streets - corner Fee: Push Cart \$500.	Amend section 8.4: change season date from "the 1 st of May in any year to the 31 st day of October in the same year" to " the 1st day of April in any year to the 1st day in December in the same year " Amend Schedule "B": delete numbers 3, 5 and 7, and renumber to proper sequence. Amend Schedule "C": amend push cart fee from "\$500." to " \$600. "	14-Apr-98	14-Apr-98	23-Apr-98

STREET VENDORS BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading	
	Intended Time of Operation: Seasonal: (June 15th - Sept. 15th) push cart fee \$500	Amend Form: Intended Time of Operation: Seasonal: (April 1 - December 1) and change push cart fee to \$600 to correspond with Schedule "C"				
An amendment to the Street Vendors Bylaw to allow street vendors to sell food items only	2.6 "Designated Mobile Canteen Areas" means those areas within the City designated in Schedule "A" of this Bylaw as areas in which the selling of food products from a mobile canteen is permitted;	Section 2.6 - Remove definition of "Designated Mobile Canteen Areas"	9-Dec-02	9-Dec-02	13-Jan-03	
	2.7 "Designated Push Cart Areas" means those areas within the City designated in Schedule "B" of this Bylaw as areas in which the selling of goods from a push cart is permitted;	Section 2.7 "Designated Push Cart Areas" Replace the words 'Schedule "B"' with 'Schedule "A"'. Replace the word 'goods' with 'food products'				
	2.12 "Mobile Canteen" means any motor vehicle registered pursuant to the <u>Highway Traffic Act R.S.P.E.I. 1974</u> , Cap. H-6 used or intended to be used for displaying, storing or transporting food products and from which food products may be sold;	Section 2.12 - Remove definition of "Mobile Canteen"				
	2.13 "Mobile Canteen Vendor" means any person who owns and operates or has operated for him a mobile canteen from which food products may be sold;	Section 2.13 - Remove definition of "Mobile Canteen Vendor"				
	4.2 Notwithstanding Sections 3, Subsection 3.1 and 3.2 of this Bylaw: (b) A mobile canteen vendor who has been issued a license under this Bylaw may carry on business in the areas designated in Subsection 5.2 of this Bylaw;	Remove Section 4.2 (b)				

STREET VENDORS BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>5.2 A mobile canteen vendor who has been issued a license under this Bylaw may sell food products from a mobile canteen for which a license plate has been issued under this Bylaw in the following areas within the City but within no others:</p> <p>(a) On construction sites; and</p> <p>(b) In the designated mobile canteen areas.</p>	Remove Section 5.2			
	5.3 (a) from the space in the designated push cart areas allotted to him by the Licensing Inspector under Schedule "B" of the by-law.	Section 5.3 (a) Replace the words 'Schedule "B"' with 'Schedule "A"'			
	5.5 Notwithstanding Subsection 5.2 and any other provision of this Bylaw, no more than one mobile canteen shall be parked or placed in either Victoria Park or in Queen Elizabeth Park for the purposes of selling food products therefrom at any one time.	Remove Section 5.5			
	<p>6.2 A mobile canteen vendor who has been issued a license under this Bylaw shall:</p> <p>(a) use only a motor vehicle specified in a license issued to him and for which a license plate has been issued under this Bylaw;</p> <p>(b) fasten the license plate issued under this Bylaw in a conspicuous place on the mobile canteen;</p> <p>(c) maintain the mobile canteen in good repair and appearance;</p> <p>(d) equip the mobile canteen with a refuse container;</p> <p>(e) use no loud speakers or amplifiers or other hailing devices;</p>	Remove Section 6.2			

STREET VENDORS BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>(f) comply with all provincial and municipal health standards for the mobile canteen and the manner of storing and handling the food products sold therefrom;</p> <p>(g) sell only food products;</p> <p>(h) not carry on business other than in those areas within the City designated in Subsection 5.2 of this Bylaw; and</p> <p>(i) maintain any insurance required under this Bylaw in full force and effect during the currency of any license issued to him hereunder.</p>				
	<p>7.2 An applicant for a license under this Bylaw shall make a separate written application to the Licensing Inspector for each confectionery tricycle, mobile canteen, or push cart, as the case may be, which he intends to operate or which he intends to have operated for him.</p>	<p>Section 7.2 Remove the words 'mobile canteen'.</p>			
	<p>7.5 (a) the license fee prescribed in Schedule "C" to this Bylaw has been paid;</p>	<p>Section 7.5 (a) Replace the words 'Schedule "C"' with 'Schedule "B"'. .</p>			
	<p>7.5 (e) a certified copy of a public liability insurance policy in a form and in an amount established and described in Schedule "D" annexed hereto which has been approved by resolution", naming the City as an additional named insured has been provided to the Licensing Inspector;</p>	<p>Section 7.5 (e) Replace the words 'Schedule "D"' with 'Schedule "C"'. .</p>			
	<p>7.7 A license to sell goods from a push cart issued in accordance with this Bylaw shall only permit the holder thereof to operate from a location specified on that license the push cart identified in that license for the display and sale of the goods described in that license.</p>	<p>Section 7.7 Replace the word 'goods' with 'food'. .</p>			

STREET VENDORS BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<i>nothing</i>	<p>Section 8.1 – prior to subsection (a), new wording to include: For the issuance of licenses, the following shall apply: Subsequent to March 01 and prior to March 15 of any year, applications complying with this Bylaw received on or prior to March 01 shall be reviewed and consideration of issuance of licenses shall be on the following basis: (a) firstly, to students who have indicated that they are planning to return to school in the fall; (b) then to local Charlottetown businesses; (c) then to all other applicants. (d) consideration of licenses received after March 15 of any year shall be on an as received basis or the above criteria may apply.</p>			
	<p>12.3 Where a person is carrying on a business in contravention of this Bylaw, where a breach of this Bylaw is of a continuing nature, or where a person is carrying on business without a license required under this Bylaw, then in addition to any other remedy or penalty imposed by this Bylaw the City may, in all such cases, apply to the Supreme Court of Prince Edward Island for an injunction or other order prohibiting or restraining that person from <u>contravening this Bylaw.</u></p>	<p>Section 12.3 Remove the words 'where a breach of this Bylaw is of a continuing nature, or where a person is carrying on business without a license required under this Bylaw'</p>			
	<p>13.4 In the year 1987 additional applications for push car licenses will be accepted after March 31, 1987.</p>	<p>Remove Section 13.4</p>			
	<p>SCHEDULE "A" – DESIGNATED MOBILE CANTEEN AREA 1. Queen Elizabeth Co-op Park 2. Victoria Park – Between the City Diamond and the Little League Diamond Only one mobile canteen shall be permissible in Victoria Park and only one mobile canteen shall be permissible in the Queen Elizabeth Co-op Park. By a resolution of Council the number may be increased for special events if recommended by the Recreation Comm.</p>	<p>Remove SCHEDULE "A"</p>			

STREET VENDORS BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>SCHEDULE "C" CHECKLIST Push carts, mobile canteens and tricycles 2. Full description and a photograph or an artist's concept of any confectionery tricycle, mobile canteen, or push cart. 4.(d) Insurance satisfactory to solicitor for at least one million dollars (\$1,000,000.00) public liability. 7. Permits: (a) Mobiles (i) Public Health (ii) Vehicle Registration</p> <p>APPLICATION FOR STREET VENDORS LICENSE PREFERRED AREA OF BUSINESS: MARK AN "X" AND SPECIFY (d) MOBILE CANTEEN</p> <p>PHOTOGRAPHS OR ARTIST CONCEPT ATTACHED (AS PER BYLAW) OF CONFECTIONERY TRICYCLE, MOBILE CANTEEN OR PUSH CART. THREE (3) PHOTOGRAPHS OF THE APPLICANT ATTACHED (AS PER BYLAW).</p> <p>Last page – INTENDED HOURS OF OPERATION: 8 a.m. - 10 p.m. _____ DAYLIGHT HOURS 8 a.m. - 5 p.m. ____</p> <p>FEE: MARK X <u>ALL ARTICLES CONFECTIONERY</u> PUSH CART \$600.00 _ \$25.00 _____ MOBILE CANTEEN \$800.00 Seasonal _____ \$1,000.00 Yearly _____</p>	<p>SCHEDULE "C" CHECKLIST – From the 1st sentence - remove the words 'mobile canteens'. From item #2 - remove the words 'mobile canteen'. From item #4(d) - remove the words 'satisfactory to solicitor'. From item #4(d) - at the end, new wording to include 'with the City of Charlottetown named as third party and with notice given by the insurance company to the City of Charlottetown if the insurance is ever cancelled'. From item #7 - remove part (a) Mobiles.</p> <p>APPLICATION FOR STREET VENDORS LICENSE – Under the area of 'PREFERRED AREA OF BUSINESS' – Remove part (d) MOBILE CANTEEN.</p> <p>Remove the words 'MOBILE CANTEEN' from last paragraph at end of application.</p> <p>INTENDED HOURS OF OPERATION: Replace the time '8 a.m.' with '10 a.m.' in both areas of that line. Under the area of 'FEE', remove the "MOBILE CANTEEN" option.</p>			

STREET VENDORS BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
<p>To remove reference of “mobile canteens” in Sec 7.3(c) and 8.9 (as per Jan 2003 amendment); to define a minimum fine of \$100 and a maximum fine of \$500 for offence infractions to be reflective of similar penalties in other provincial and municipal legislation; to include an enforcement provision for daily infractions.</p>	<p>7.3(c) a full description, and a photograph or an artist's concept, of any confectionery tricycle, mobile canteen, or push cart, for which a license plate is sought together with the serial and registration number, if any, of the vehicle;</p>	<p>Section 7.3(c) Remove the word 'mobile canteen'.</p>	<p>12-Jul-04</p>	<p>12-Jul-04</p>	<p>14-Jul-04</p>
	<p>8.9 A police officer, the License Inspector or any other person authorized by Council may inspect any confectionery tricycle, mobile canteen or push cart for which a license plate has been issued under this Bylaw at all reasonable times.</p>	<p>Section 8.9 Remove the word 'mobile canteen'.</p>			
	<p>12.1 A person who violates or fails to comply with the provisions of this Bylaw is guilty of an offence and is liable on summary conviction to a fine not exceeding \$500.00 and in default of payment to imprisonment for a period not exceeding 30 days.</p>	<p>12.1 A person who violates or fails to comply with the provisions of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not less than \$100 and not more than \$500 and in default of payment to imprisonment for a period not exceeding 30 days.</p>			
	<p>12.2 Where a person is carrying on business without a license required by this Bylaw, or from a space other than the space allocated to him and specified in a license issued under this Bylaw, in addition to any other remedy or penalty imposed by this Bylaw, the City may immediately and without notice of any kind remove any vehicle or other device used in the storing, transporting, displaying or selling of goods together with any goods displayed thereon to a place selected by the City and all costs and charges incurred by the City for the removal and storage shall be a lien</p>	<p>12.2(a) Where a person is carrying on business without a license required by this Bylaw, or from a space other than the space allocated to him and specified in a license issued under this Bylaw, in addition to any other remedy or penalty imposed by this Bylaw, the City may immediately and without notice of any kind remove any vehicle or other device used in the storing, transporting, displaying or selling of goods together with any goods displayed thereon to a place selected by the City and all costs and charges incurred by the City for the removal and storage thereof; and (b) Each day a person so operates shall comprise a separate offence.</p>			

STREET VENDORS BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	thereon and the City may, by action in any Court of competent jurisdiction, recover as a civil debt due to the City by the owner the cost of removal and storage thereof.				
<p>To amend the Street Vending Bylaw:</p> <ul style="list-style-type: none"> • to allow for the sale of food, grocery and beverage products in designated parking spaces on Queen Street south of Grafton Street; and • to add wording clarity to various sections throughout. 	<p>2.1 "Abutting Retailer" means a person who carries on retail business from a permanent place of business abutting a sidewalk in the City and who pays business taxes to the City;</p>	<p>Amend as follows: 2.1 "Abutting Retailer" means a person who carries on retail business from a permanent place of business abutting a sidewalk in the City and pays business taxes to the City or is a tenant of the building for which taxes are paid to the City;</p>	10-May-06	10-May-06	11-May-06
<p><i>Nothing</i></p>	<p>Add new definition: 2.2 "Agreement" means all agreements mentioned in this Bylaw which shall be executed by the Mayor and Chief Administrative Officer of the City of Charlottetown;</p>	<p>Add the words "and/or beverages" after the word 'food' in Sections 2.6, 2.9, 2.10, 2.11, 2.13, 2.14, 7.7</p>			
<p><i>Nothing</i></p>	<p>4.1(c) A person using a portion of a street for a reasonable time during the taking in or delivery of goods;</p>	<p>Section 4.1(c) Remove subsection and renumber remaining subsections</p>			
<p>4.2 Notwithstanding Sections 3, Subsection 3.1 and 3.2 of this Bylaw:</p>	<p>Section 4.2 Remove the words "Sections 3"</p>	<p>Amend as follows: 8.1(d) Consideration of licenses received after March 15 of any year shall be on an as-received basis and the above criteria may apply.</p>			
<p>8.1(d) Consideration of licenses received after March 15 of any year shall be on an as-received basis or the above criteria may apply.</p>	<p>8.1(d) Consideration of licenses received after March 15 of any year shall be on an as-received basis and the above criteria may apply.</p>				

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	<p>9.1 An abutting retailer may make application to the Licensing Inspector for a permit to conduct a sidewalk sale of goods, beverage and food products. An application for such a permit shall be on a form prescribed by the Licensing Inspector and contain:</p>	<p>Amend as follows: 9.1 An abutting retailer may make application to the Licensing Inspector for a permit to conduct a sidewalk sale of goods, beverages and/or food products for no more than two (2) days in a week. An application for such a permit shall be on a form prescribed by the Licensing Inspector and contain:</p>			
	<p>9.2(a) The Downtown Business Association or the Chamber of Commerce may make application to the Licensing Inspector to hold sidewalk sales for the months of June, July, August and September as long as Subsection 7.1, 7.2, 7.3, 7.4, and 7.5 have been complied with; and</p>	<p>Amend as follows: 9.2(a) The Downtown Charlottetown Inc. or the Chamber of Commerce may make application to the Licensing Inspector to hold sidewalk sales for the months of June, July, August and September as long as Subsection 7.1, 7.2, 7.3, 7.4, and 7.5 have been complied with; and</p>			
	<p>9.5 If requested by the Licensing Inspector provide the size and proposed location of any tables, racks or other display devices to be used by the merchants for the sidewalk sales.</p>	<p>Combine and reword Sections 9.5 and 9.6 as follows and renumber remaining sections: 9.5 The Applicant shall provide such other information as the Licensing Inspector may require, including the size and proposed location of any tables, racks or other display devices to be used by the merchants for the sidewalk sales.</p>			
	<p>9.6 Such other information as the Licensing Inspector may require.</p> <p>9.7 A permit may be issued under this Bylaw to an abutting restaurant or lounge and shall permit them to hold a sidewalk sale of food and beverages with a dining-room licence only, under the <u>Liquor Control Act</u> of the Province (R.S.P.E.I. 1974, Cap. L-17), provided: (a) The provisions of Subsection 9.1 (complete), 9.2, 9.3, 9.4, 9.5, and 9.6 are followed;</p>	<p>Amended and renumbered as follows: 9.6 A permit may be issued under this Bylaw to an abutting retailer which shall permit the holding of a sidewalk sale of food and beverages, including alcoholic beverages, with a dining-room licence only, under the <u>Liquor Control Act</u> of the Province (R.S.P.E.I. 1974, Cap. L-17) in areas approved by Council south of Fitzroy Street only, provided: (a) The provisions of Subsection 9.1 (complete), 9.2, 9.3, 9.4 and 9.5 are complied with;</p>			

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	<p>(b) Council has approved the use of any areas between the sidewalk and the street;</p> <p>(c) Council has approved the closing of part or all of the travel portion of the sidewalk for a specified time;</p> <p>(d) That sidewalk sales for a licensed restaurant or lounge be permitted in those areas of the City south of Fitzroy Street;</p> <p>(e) Council shall require that an agreement be signed with the City, and Council shall consider but is not limited to the following in the agreement:</p> <ol style="list-style-type: none"> (1) liability insurance, (2) time limits for use of the street right-of-way, (3) any fees to be charged for encroachment on a street right-of-way, (4) a scaled drawing showing the location of street furniture accessories and landscaping on a street, (5) hours of operation; <p>(f) The restaurant or lounge holds a dining room licence only for the area used on the sidewalk under the <u>Liquor Control Act</u> of the Province (R.S.P.E.I. 1974, Cap. L-17);</p> <p>(g) No permit shall be issued to an abutting retailer under this Section unless:</p> <ol style="list-style-type: none"> (1) the applicant is seeking a permit to hold a sidewalk sale on a sidewalk abutting his permanent place of business; (2) the occupation of the sidewalk proposed by the applicant will not impede pedestrian traffic or block or impair the entrance to any premises abutting the area proposed to be 	<p>(b) Council has approved the use of any areas between the sidewalk and the street to be used in the sidewalk sale;</p> <p>(c) Council has approved the closing of part or all of the travel portion of the sidewalk for a specified time;</p> <p>(d) That an agreement be entered into with the City in a form approved by Council, which shall address, but is not limited to matters such as:</p> <ol style="list-style-type: none"> (1) liability insurance; (2) time limits for use of the street right-of-way; (3) any fees to be charged for encroachment on a street right-of-way; (4) a scaled drawing showing the location of street furniture accessories and landscaping on a street; and (5) hours of operation. <p>(e) The abutting retailer that holds a dining room licence pursuant to the <u>Liquor Control Act</u> of the Province (R.S.P.E.I. 1974, Cap. L-17) and that the abutting retailer shall only conduct its sale of food and beverages in the area on the sidewalk approved by Council;</p> <p>(f) That no permit shall be issued to an abutting retailer under this Section unless:</p> <ol style="list-style-type: none"> (1) the applicant is seeking a permit to hold a sidewalk sale on a sidewalk abutting his permanent place of business; (2) the occupation of the sidewalk proposed by the applicant will not impede pedestrian traffic or block or impair the entrance to any premises abutting the area proposed to be occupied by the applicant during the sidewalk sale; and (3) the size and proposed location of all tables or racks or other display devices intended to be used by the applicant during the sidewalk sale has been approved by the Licensing Inspector. 			

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	<p>occupied by the applicant during the sidewalk sale; and (3) the size and proposed location of all tables or racks or other display devices intended to be used by the applicant during the sidewalk sale has been approved by the Licensing Inspector</p> <p><i>Nothing</i></p>	<p>Add new section as follows: 9.7 (a) An abutting retailer that holds a dining room licence pursuant to the <u>Liquor Control Act</u> of the Province (R.S.P.E.I. 1974, Cap. L-17) may make application to occupy a parking space(s) on Queen Street south of Grafton Street for the sale of food, grocery and beverage products from May 1 to October 31 of any year. The application shall not be made earlier than April 1 and not later than June 15 in any year. (b) Consideration of applications for licenses in any year shall be on a first received basis. Applications for licenses for spaces that are already licensed for that year shall not be considered. (c) Any license issued shall be subject to the requirement for the Applicant to enter into an agreement with the City on terms acceptable to the City, and which agreement addresses, but is not limited to the following: (1) liability insurance; (2) time limits for use of the street right-of-way; (3) any fees to be charged for encroachment on a street right-of-way; (4) a scaled drawing showing the location of street furniture accessories and landscaping on a street; (5) hours of operation and space(s) approved; (6) the design of the fence to be constructed pursuant to Section 9.7(g) of this Bylaw. (d) The Licensing Inspector may issue a license to an abutting retailer for one or more years but not more than five (5) years at a time. In determining the duration of the license to be issued, the Licensing Inspector may consider the expense to be incurred in constructing the required fencing around the space. If, at the expiration of a license, no new applications are received for a license for that space, then the license may be renewed by the Licensing</p>			

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	<p>12.1 A person who violates or fails to comply with the provisions of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not less than \$100 and not more than \$500 and in default of payment to imprisonment for a period not exceeding 30 days.</p> <p style="text-align: center;">SCHEDULE "A" DESIGNATED PUSH CART AREA On specific street corners and parking meter spaces as designated by resolution of City Council - otherwise it is prohibited.</p> <p style="text-align: center;"><u>STREET VENDORS - SITES</u></p> <ol style="list-style-type: none"> 1. Northeast corner of Pownal and Richmond Streets - Meter space number 67. 2. Canadian Imperial Bank of Commerce corner being the corner of Grafton and Queen Streets. The stand shall be located on the Grafton Street side in the parking meter spot close to the corner - Meter space number 56. 	<p>Inspector. Council shall by resolution from time to time delete, assign new or additional spaces on Queen Street south of Grafton Street, which may be issued licenses pursuant to this Bylaw; (e) In determining whether to issue a license, the Licensing Inspector shall consider, but not be limited to consideration of the quality in the workmanship and materials used in the construction of the fencing and any tables and chairs, umbrellas and displays and attractiveness in the design and coloration. (f) The hours of operation pursuant to any license issued are from 8:00 AM to 12:00 midnight; (g) Every space for which a license is issued shall require the licensee to construct a metal fence around the site in accordance with the designs contained in Schedule "D".</p> <p>Amend as follows: 12.1 A person who violates or fails to comply with the provisions of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not less than \$100 and not more than \$500 and in default of payment to imprisonment for a period not exceeding 30 days. Each day a person so operates shall comprise a separate offence.</p> <p style="text-align: center;">SCHEDULE "A" DESIGNATED PUSH CART AREA On specific street corners and parking meter spaces as designated by resolution of City Council – otherwise, it is prohibited.</p> <p style="text-align: center;"><u>STREET VENDORS - SITES</u> See attached map for designated parking spaces</p> <ol style="list-style-type: none"> 1. Northwest corner of Queen and Grafton Streets intersection with space allocated on the Grafton Street side 2. Northeast corner of Queen and Richmond Streets intersection with space allocated on Queen Street 3. Southeast corner of University Avenue and Kent Street intersection with space allocated on Kent Street 4. Southeast corner of Queen and Kent Streets intersection with space allocated on Kent Street 			

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	<p>3. Southeast corner of Richmond and Great George Streets.</p> <p>4. Northeast corner of Queen and Richmond Streets - Meter space number 25.</p> <p>5. Kent and University Avenue - H.F. Trust - Meter space number 26.</p> <p>6. Queen and Kent Streets - Toronto Dominion Bank - Meter space number 11.</p> <p>7. Northwest corner of Queen and Water Streets - Meter space number 139.</p>				
	<p style="text-align: center;">SCHEDULE "B" LICENSE FEE</p> <p style="text-align: center;"><i>All Articles</i> <i>Confectionery</i></p> <p>1. Push Cart \$600.00 \$25.00 per tricycle</p>	<p style="text-align: center;">SCHEDULE "B" LICENSE FEE PER YEAR</p> <p>1. Push Cart per space \$600.00</p> <p>2. Street Vending per parking space \$600.00</p> <p>3. Confectionary per tricycle \$ 25.00</p>			
	<p style="text-align: center;">APPLICATION FOR STREET VENDORS LICENSE (second page)</p> <p>The applicant acknowledges that he/she has read the Street Vendors Bylaw in its entirety, being Bylaw No. 47.</p> <p>DATED: _____ AT: _____</p> <p>WITNESS: _____</p> <p>APPLICANT: _____</p> <p>PHOTOGRAPHS OR ARTIST CONCEPT ATTACHED (AS PER BYLAW) OF CONFECTIONERY TRICYCLE, OR PUSH CART. THREE (3) PHOTOGRAPHS OF THE APPLICANT ATTACHED (AS PER BYLAW).</p>	<p>Amended as follows:</p> <p style="text-align: center;">APPLICATION FOR STREET VENDORS LICENSE (second page)</p> <p>The applicant acknowledges that he/she has read the Street Vendors Bylaw in its entirety.</p> <p>DATED: _____ AT: _____</p> <p>WITNESS: _____ APPLICANT: _____</p> <p>PHOTOGRAPHS OR ARTIST CONCEPT ATTACHED (AS PER BYLAW) OF CONFECTIONERY TRICYCLE, PUSH CART OR PARKING SPACE FOR A RESTAURANT, ABUTTING RETAILER OR LOUNGE. THREE (3) PHOTOGRAPHS OF THE APPLICANT ATTACHED (AS PER BYLAW).</p>			
<p>To amend by deleting Schedule "A" and replacing with new schedule</p>	<p>Section "A" ...</p> <p>2. Northeast corner of Queen and Richmond Streets intersection with space allocated on Queen Street</p>	<p>Amend as follows:</p> <p>2. Space in front of 72-74 Queen Street as shown on map below and also shown as parking space # 81 on Schedule "D"</p>	10-Nov-08	10-Nov-08	08-Dec-08