
Licensing and Street Vendor Bylaw Effective May 15th, 2017



A bylaw to fix and determine the amount of annual license fees to be paid by various and sundry businesses, companies, arts, trades and employments doing business in the Town of Georgetown.

Be it enacted and it is hereby enacted by the Town Council of the Town of Georgetown, pursuant to Sections 30, 59 and 64 of the *Municipalities Act*, R.S.P.E.I. 1988, c. M-13 and amendments thereto:

1. **Name**

This Bylaw may be referred to as the "Georgetown Licensing and Street Vendor Bylaw".

2. **Definitions**

In this Bylaw:

- a. "chief administrative officer" means the Chief Administrative Officer appointed by council pursuant to the act;
- b. "council" means the Town Council of the Town of Georgetown;
- c. "lunch truck" means a motorized vehicle which is used or intended to be used for transporting to and selling prepared food products at various locations;
- d. "mobile sales establishment" means a business located in a motorized vehicle or moveable structure that is towed or moved by a motorized vehicle and where all of the goods, wares or foodstuffs that are offered for sale are contained entirely within the motorized vehicle or moveable structure, or on allotted space subject to site approval, but does not include a lunch truck;
- e. "person" means any person, persons, partnership or company;
- f. "push cart" means a push cart or pedal powered cart where all of the goods offered for sale are contained entirely within the cart and consists primarily of food and beverages;
- g. "Town" means the Town of Georgetown, Prince Edward Island.
- h. "Non-Profit" means an organization that has been formed by a group of people in order to pursue a common not-for-profit goal.



3. License Regulations

Council may make regulations from time to time by simple resolution establishing:

- a. Categories of persons who shall be required to obtain a license from the Town before carrying out any business, art, trade or employment in the Town. Parcel 1035997 may only be granted a permit for a maximum period of three days
- b. Annual fees payable for persons carrying out any business, art, trade or employment in the Town.
- c. Council will maintain a list of non-profit organizations that are exempt from a one day permit. Non-profit organizations shall make application to council and will be approved on a case to case basis. Non-profits must adhere to all health and safety regulations.
- d. Any applicant whose operation is longer than one day, and is establishing its business within 100 foot radius of a residential property, that residential owner must be consulted.
- e. In the event an applicant who proposal is deemed by Council to be in direct competition with an existing full time business operating in the Town of Georgetown. Council must make available the opportunity for input from the full time business before any decision.

4. Licensing Year

Annual license fees payable pursuant to section 3 shall be in effect from January 1 in each year to December 31 in the same year and shall be due and payable on April 1 each year except where persons establish any business, art, trade or employment in the Town after April 1 in any year, the license fee shall be due and payable immediately.

5. Offence

Any persons who violates any provision of this Bylaw or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of an offence and liable on summary conviction, in addition to an order to pay the applicable license fee, to a fine not exceeding \$1,000. Each day the violation continues shall constitute a separate offence. The CAO shall have the authority to enforce this bylaw.

6. Liability

The agent or manager of any Corporation carrying on a business in the Town which is the subject of this Bylaw shall be personally liable for payment of the license fee in the manner set out herein, and upon default of payment shall be guilty of the offence set out in section 5 of this Bylaw.

7. *Interest*

License fees not paid when due shall bear interest at the rate of ten percent per annum and in addition to the penalty provided in section 5 and 6 of this Bylaw, the chief administrative officer may take action by way of civil suit in the name of the Town to enforce payment of any outstanding license fee or interest.

8. *License Category*

Where the persons carrying on any business, art, trade or employment in the Town that falls into more than one licensing category, the category bearing the higher license fee shall apply.

9. *Payment*

Payment of license fees required under this Bylaw shall be made to the Town of Georgetown.

10. *License Forms and Insurance Certificates*

The chief administrative officer shall determine the form or forms of the licenses and which are the subject of this Bylaw, and where no form is established, a receipt from the Town for the appropriate license fee shall be evidence that the appropriate license has been granted for the year specified on the receipt. Schedule “A” Insurance Certificate must be completed by the applicant and submitted to the chief administrative officer along with proof of required insurance, and completed Schedule “B”.

11. *Push Cart License*

- a. Any person or company seeking a license to operate a push cart in the Town shall make application therefor to the council:
- b. Council shall allow or refuse the application based upon considerations of safety, desirability, impact on established businesses in the Town, public convenience and such other considerations as it deems appropriate.
- c. Council may attach terms and conditions to the approval of the license if granted including but not limited to:
 - i. hours and days of operation;
 - ii. health code requirements;
 - iii. litter control;
 - iv. approved locations.

- d. The license for a push cart shall be valid for the calendar year in which the application is made only. A new application is required to council for each calendar year.
- e. No appeal shall lie from a decision of council respecting a push cart license.

12. *Door to Door Salesperson License*

- a. Any person or company seeking a license to operate as a door to door salesperson in the Town shall make application therefor to the council.
- b. Council shall allow or refuse the application based upon considerations of safety, desirability, impact on established businesses in the Town, public convenience and such other considerations as it deems appropriate.
- c. Council may attach terms and conditions to the approval of the license if granted including but not limited to:
 - i. hours and days of operation.
- d. The license for a door to door salesperson shall be valid for the calendar year in which the application is made only. A new application is required to council for each calendar year.
- e. No appeal shall lie from a decision of council respecting a door to door salesperson license.

13. *Mobile Sales Establishment License:*

- a. Any person or company seeking a license to operate a mobile sales establishment in the Town shall make application therefor to the council.
- b. Licenses may be granted for a mobile sales establishment to conduct business on a maximum of two locations in the Town and each application shall be accompanied by a letter of permission from the owner(s) of the property on which the mobile sales establishment will be located.
- c. Council shall allow or refuse the application based upon considerations of safety, desirability, impact on established businesses in the Town, public convenience and such other considerations as it deems appropriate.
- d. Council may attach terms and conditions to the approval of the license if granted including but not limited to:

- i. hours and days of operation.
 - ii. health code requirements.
 - iii. litter control.
 - iv. approved locations.
- e. The license for a mobile sales establishment shall be valid for the calendar year in which the application is made only. A new application is required to council for each calendar year
- f. No appeal shall lie from a decision of council respecting a mobile sales establishment license.

14. Lunch Truck License

- a. Any person or company seeking a license to operate a lunch truck in the Town shall make application therefor to the council.
- b. Council may require a letter of permission from the owner(s) of the property on which the lunch truck will be located.
- c. Council shall allow or refuse the application based upon considerations of safety, desirability, impact on established businesses in the Town, public convenience and such other considerations as it deems appropriate.
- d. Council may attach terms and conditions to the approval of the license if granted including but not limited to:
 - i. hours and days of operation.
 - ii. health code requirements.
 - iii. litter control.
 - iv. approved locations.
- e. The license for a lunch truck shall be valid for the calendar year in which the application is made only. A new application is required to council for each calendar year.
- f. No appeal shall lie from a decision of council respecting a lunch truck license.

15. Effective Date The effective date of this Bylaw is May 15th, 2017.

Schedule “A”

INSURANCE CERTIFICATE

During the Period of the term of this license agreement with,

(Street Vending Business & Applicant)

shall maintain a policy of public liability and property damage insurance, including liquor liability coverage if applicable, in the amount of **Two Million Dollars (\$2,000,000)** and containing endorsements showing the “Town of Georgetown” as an additional insured and having a cross-liability clause, in a form satisfactory to the Town of Georgetown. Proof of insurance shall be made available to the Town of Georgetown with this application.

Name of Applicant - must be incorporated or an individual:	
Signature of Applicant or Authorized Representative:	Signature of Witness:
Print Name and Title:	Print Name of Witness:
Date:	



**Schedule “B”
APPLICATION FOR STREET VENDORS LICENSE**

Business Name:

Is this a first time application? Yes <input type="checkbox"/> No <input type="checkbox"/>	Number of Years in business? <hr/>
Type of Vendors License: <input type="checkbox"/> Mobile Sales Establishment <input type="checkbox"/> Food Truck <input type="checkbox"/> Push Cart <input type="checkbox"/> Other Specify	

Applicant:

Mailing Address & Postal Code:

Telephone #(day):	Telephone #(night):
Cell:	Fax:

Email Address:

Description of Goods Being Offered for Sale and/or Rented:

Location(s) Requested:

Food Truck –	Location 1 <input type="checkbox"/>	Location 2 <input type="checkbox"/>	Location 3 <input type="checkbox"/>
Push Cart –	Location 1 <input type="checkbox"/>	Location 2 <input type="checkbox"/>	Location 3 <input type="checkbox"/>
Mobile Sales Establishment –	Location 1 <input type="checkbox"/>	Location 2 <input type="checkbox"/>	Location 3 <input type="checkbox"/>
Other -	Location 1 <input type="checkbox"/>	Location 2 <input type="checkbox"/>	Location 3 <input type="checkbox"/>

Start Date: Seasonal – Apr – Dec. Year Round (Food Trucks Only) Daily / Weekly	End Date: <hr/>
Operating Hours – Start:	Operating Hours – Closing:



**... Continuation of- Schedule “B”
APPLICATION FOR STREET VENDORS LICENSE**

Apparatus Description Information: (Food Truck/ Push Cart/ Mobile Sales Establishment Licenses Only)

Make:	Model:	Year:
Serial Number:		
Does Vehicle/ Equipment require Provincial Vehicle Registration?:		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	
License Number:	Inspection Valid Until:	
ATTACHMENTS – Check all that apply:		
Photographs/Artist Conception of:		
<input type="checkbox"/> Mobile Sales Establishment	<input type="checkbox"/> Food Truck	<input type="checkbox"/> Push Cart <input type="checkbox"/> Other Specify
Site Plan of Selected Location:	Attached	<input type="checkbox"/>
Certificate of Insurance:	Attached	<input type="checkbox"/>
Hold Harmless Agreement:	Attached	<input type="checkbox"/>
Photos (3) Applicant:	Attached	<input type="checkbox"/>
Public Health Certificate:	Attached	<input type="checkbox"/>
Electrical Inspection Certification:	Attached	<input type="checkbox"/>



**... Continuation of- Schedule “B”
APPLICATION FOR STREET VENDORS LICENSE**

The applicant acknowledges that he/she has read the Licensing and Street Vendor Bylaw in its entirety, fully understands the terms and conditions as outlined and has fully disclosed all details and components related to the applications of the street vending license.

Applicant Name:	Date:
<hr/>	
Applicant Signature:	
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HOLD HARMLESS AGREEMENT

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

(Street Vending Business)

excluding only such liability as may solely rise out of the negligence of the Town of Georgetown, its employees, officers, or agents.



**... Continuation of- Schedule “B”
APPLICATION FOR STREET VENDORS LICENSE “CHECK LIST”**

Push carts, food trucks, mobile sales equipment and other:

1. Application (Schedule “B”); and
 - a. Insurance (Schedule “A”) Form.

2. Full description and photograph or an artist’s concept of any push cart, food truck, mobile sales equipment or other.

3. Approvals:
 - a. Police

 - b. Building Inspector

 - c. Fire Inspector

 - d. Insurance for at least two million dollars (\$2,000,000) liability with the Town of Georgetown named as a third party and with notice given by the insurance company to the Town of Georgetown if the insurance is ever cancelled.

4. Permits:
 - a. Push Carts
 - i. Public Health
 - ii. Electrical

 - b. Food Trucks
 - i. Public Health

 - c. Mobile Sales Equipment
 - i. Public Health
 - ii. Electrical

 - d. Other (as required and/or):
 - i. Public Health
 - ii. Electrical

5. Fee: Cash or certified cheque payable to the Town of Georgetown (refer to Schedule “C” License Fee Schedule).

Schedule “C”**LICENSE FEE SCHEDULE**

1. Push Cart per space (or other similar)	\$300 (year round)
2. Push Cart per space (or other similar)	\$200 (Apr. –Dec.)
3. Food Truck per space (or other similar)	\$900 (year round)
4. Food Truck per space (or other similar)	\$600 (Apr. – Dec.)
5. Mobile Sales Equipment (or other similar)	\$500 (year round)
6. Mobile Sales Equipment (or other similar)	\$300 (Apr.-Dec.)

Applies to all – in lieu of a season or year license, you can purchase a Daily or Weekly License in the Town of Georgetown. *Schedule “A” & “B” must be completed and approved. Prices as follows:

All	\$30.00 (Daily)
All	\$120.00 (Weekly)

Additional Fees:

Written request will be required if other Town services or utilities are requested to be utilized by the applicant. Additional fees will be required to utilize Town of Georgetown utilities (i.e. electricity, etc.) costs/fees to be determined by Council on a case by case basis where deemed approved by Council.

Location changes must be applied for by applicant and request submitted to Council along with a new site plan. Re-application fees may be deemed necessary by Council.