



PUBLISHED BY AUTHORITY

The following regulations have been made by the Makkovik Inuit Community Government under the provisions of the Labrador Inuit Land Claims Agreement, Section 17.41.1, Section (k).

Reviewed and adopted by the Makkovik Inuit Community Government on the _____ day of _____ Year _____.

AngajukKak

Executive Clerk

VENDOR REGULATIONS

Short Title

1. These regulations may be cited as the Makkovik Inuit Community Government Vendor Regulations.

Definitions

2. In these regulations, unless the context otherwise requires:

- (a) "Agreement" means Labrador Inuit Land Claims Agreement
Land By-Law means the Makkovik Inuit Community Community Land By-Law.
- (b) "Council" means the Makkovik Inuit Community Government
- (c) "Goods" includes food
- (d) "Park" means to allow a vending vehicle, whether occupied or not, to remain in a stationary position, otherwise than in obedience to the Highway Traffic Act.
- (e) "Permit" means a vendor's permit issued under these regulations to a person and includes a renewal permit;
- (f) "Person" includes an individual, a corporation, partnership and/or other organization whether incorporated or not;
- (g) "Town" means the Town of Makkovik as defined by order in Council dated the March 26, 1970.
- (H) "Executive Clerk" means the Executive Clerk" of the Council.
- (I) "Vending Vehicle" means a device, including without limiting the generality of the foregoing, a motor vehicle as defined in the Highway Traffic Act, in, upon or by which persons or property may be transported or drawn upon a public road and used for the selling or exposing for sale of goods.
- (j) "Vendor" means a person, corporation, partnership or any organization whether incorporated or not, which owns and/or operates and/or causes to be operated a stand and/or vending vehicle;
- (k) "Vend" or "vending" means the sale, or offering for sale, outside an enclosed building of food and beverages unless they are immediately delivered to a residence or shop by the person selling them;
- (l) "Public place" includes public roads, parks and entrances, parking areas, driveways, roads, streets, and alleys of a local business.

General Provisions

3. The Executive Clerk is authorized to issue, renew or refuse a vendor's permit under these regulations.

4. (a) No person, corporation, partnership and/or organization whether Incorporated or not, shall sell or otherwise cause to be sold or dispense food from a vending vehicle within the limits of the Town unless such person is the holder of a valid permit.

(b) Notwithstanding Section 4 (a) the following persons or groups are exempted from this regulation and will not require a permit:
 - (i) a person selling newspapers door to door;
 - (ii) a child or youth, being a person under the age of eighteen years, selling goods for the purpose of raising funds for school activities or non-profit youth raising activity has been approved by such school or non profit youth group;
 - (iii) canvassers or fund-raisers for not for profit groups and registered charities;
 - (iv) vending by the operator of a commercial business on the sidewalk in front of that commercial business;
 - (v) Any committee or organization vending for the purpose of fundraising during Makkovik Trout Festival, Easter Events, Canada Day Events, and other special events held during the year.

Application

1. (a) An application for a permit or any renewal thereof under these regulations shall be made to the Executive Clerk upon an application in such form as may be approved by Council from time to time.
- (b) A permit fee shall be paid in accordance with the fee structure as set forth in Schedule "B".
- (C) The application shall be accompanied by a copy of their Food Establishment Permit from Services NL in respect of the activity for which a permit is applied for hereunder.
- (d) At any time the Executive Clerk may require a copy of all health and/or other authorizations which may be required to be issued under Services NL in respect to the activity for which a permit is applied for.

Permits

2. A person may be issued a permit to operate a vending vehicle on the parking lot of private business establishments within the Town provided that the person submits with the Executive Clerk a written authorization from the owner of the private business establishment authorizing the parking lot for the particular use for which the permit is applied for, provided nevertheless that such permit, at any time following issuance thereof if the Council for any reason in its absolute discretion shall deem it advisable or appropriate to do so, may cancel and/or revoke and/or amend such permit upon such terms as Council may deem appropriate.
3. Where a permit has been refused, a further application for permit may be made upon new or other material facts and/or where material circumstances have changed.
4. A vendor, following the issuance of a permit and during the validity of any such permit, shall notify the Executive Clerk in writing within five (5) days of any change of;
 - (a) vendor's address;
 - (b) vendors' name;

5. A permit may be issued or renewed subject to such terms, conditions and restrictions as may be prescribed by the regulations and to such additional terms, conditions and/or restrictions, if any, as the Executive Clerk may deem appropriate.
6. A vendor shall comply with the terms, conditions and restrictions to which the permit is subject.
7. A Vending Permit issued under these regulations shall be conspicuously displayed on the mobile canteen, to which it relates so as to be clearly visible from the public roads

Revoke

8. The Executive Clerk may suspend or cancel a permit where in the opinion of the Executive Clerk such suspension and/or cancellation is in the public interest, and without limiting the generality of the foregoing, the Executive Clerk may suspend or cancel a permit where the vendor:
 - (a) has violated any provision of these regulations or has failed to comply with any one or more of the terms, conditions or restrictions to which the permit is subject;
 - (b) has made a material misleading -statement in the application for the permit in any of the information or material submitted to the Executive Clerk.
 - (c) has been guilty of misrepresentation, fraud or dishonesty; or
 - (d) has demonstrated incompetency or untrustworthiness to carry on the business in respect of which the permit was issued.
9. When a person is dissatisfied with a decision of the Executive Clerk respecting the issue, renewal or refusal of a permit, an appeal may be made to the Council. within 14 days of the date the decision is made. Appeals may be made in letter form and submitted to the Executive Clerk

Restrictions

13. A vendor shall not:
 - (a) conduct business within 100 meters of the grounds of JCEM School
 - (b) conduct business in any area prohibited by Council and/or secure zones during special events including Makkovik Trout Festival, Canada Day, Easter Events and any other special events occurring during the year, unless the vendor has written authorization from the organization to conduct business during these events, and that a copy of this written authorization is to be submitted to council prior to the event.
 - (c) vend when customers or persons apparently waiting to become customers are standing in a roadway or are obstructing the traffic of pedestrians on a sidewalk;
 - (d) vend within 7 meters of any driveway entrance to a police or fire station, or within 5 meters of any other driveway other than a driveway for property on which the vending is lawfully occurring;
 - (e) leave a vending vehicle or stand, set-up for business, unattended;
 - (f) park or leave a vending vehicle overnight on any streets within the limits of the Town.
 - (g) sell food or beverage from a vending vehicle or stand in a fixed location unless adequate litter receptacles are available or provided by the vendor;
 - (h) leave any fixed location of operation without first picking up, removing or disposing of all trash and refuse;
 - (i) sell anything other than that which is indicated on the vendor's permit;
 - (j) conduct business within 7 meters of any street intersection or stop sign.

- (k) have a vending vehicle or stand pose an unsightly appearance.

- (l) Insure that any awaiting customers or the customer's vehicles are not blocking access to the public roads for any ongoing traffic which including passing vehicles and pedestrians.

Fines and Penalties

- 14. Council may order that a vehicle used for the sale of food and not operating in accordance with a permit issued by the Council be removed.

- 15. (a) Every person who fails to comply with or otherwise contravenes any of the provisions of these regulations is guilty of an offence and is liable on summary conviction to the penalty.

- (b) Each day that a person shall fail to comply with or otherwise contravenes any of the provisions of these regulations shall constitute a separate offence.

- (c) Any person who violates any provision of these regulations is guilty of an offence and is liable, on summary conviction, to a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) and in default of payment thereof to a term of imprisonment not to exceed thirty (30) days.

- (d) A person who is alleged to have violated these regulations and where the notice so provides shall pay a penalty in the amount of \$75.00 to the office of the Executive Clerk provided that said payment is made within a period of twenty-one (21) days following the day on which the activity alleged to constitute that a violation took place and where the said notice so provides for a voluntary payment, said payment shall be in full satisfaction, releasing and discharging all penalties incurred by the person for said violation.

These regulations were adopted by resolution of Council at a meeting on

_____ by Motion_____.

Council Seal

Schedule A Vendor Fees

Term of Vendor Permit	Amount of Fee
Daily Rate	\$ 10.00
Seasonal Rate	\$ 50.00
Annual Rate	\$ 150.00

Daily Rate is defined as a 24 hour period from the date of issue of the permit.

Seasonal Rate is defined as a period of three(3) months from the date of issue of the permit

Annual rate is defined as 365 days from the date of the issue of the permitted.

Vendor Permit

Once a vendor permit is issued, it is valid for a period of two years from the date it is approved. Once the two years has expired, the vendor must apply for a renewal of vendor permit.

Vendor Terms and Fees

The vendor terms and fees will be the decision of council and the vendor will be notified upon approval, the terms and cost of the vendor permit. The fees must be paid upon issuance of permit.