

TOWN OF QUALICUM BEACH
BYLAW NO. 506.08

A Bylaw for the licencing and regulation of mobile vending within the Town of Qualicum Beach.

WHEREAS Section 363 of the *Local Government Act* allows for the imposition of fees and charges;

AND WHEREAS Sections 652 to 663 of the *Local Government Act* empowers the Council of the Town of Qualicum Beach to enact a bylaw to:

1. require an owner or operator of a business to hold a valid and subsisting licence for carrying on the business;
2. fix and impose licence fees for licences;
3. provide for the collection of licence fees and the granting, issuing and transferring of licences; and
4. regulate the carrying on of business within the municipality.

NOW THEREFORE the Council of the Town of Qualicum Beach, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Town of Qualicum Beach Mobile Vending Bylaw No. 506.08, 2002".

2. **Interpretation:**

"Approved Product" shall mean either perishable or non-perishable merchandise for sale to the general public, which has been approved by Council for a specific mobile vendor.

"Council" shall mean Council of the Town of Qualicum Beach

"Mobile Vending" shall mean any cart or other such unit, which may be easily moved from place to place to provide for the sale of an approved product.

"Mobile Vendor" shall mean the mobile vending operator.

"Town" shall mean the Town of Qualicum Beach

3. **Regulations:**

- 3.1 Applications for mobile vending must be made to the Town by way of Schedule 'A' attached to and forming part of this bylaw. During the month of February in each year the Town shall advertise in a local newspaper for Requests for Proposals for mobile vending within the Town.

- 3.2 Council reserves the right to restrict the number of mobile vending licences issued per year.
- 3.3 Council reserves the right to accept or decline any proposal for mobile vending. However, previous mobile vendors within the Town who have satisfied all requirements of mobile vending, will be given preference.
- 3.4 Mobile vending licences may be issued for either a one-year term (January through December) or a six-month term (May through October).
- 3.5 Save and except for mobile vending by non-profit organizations on private property for the purpose of fundraising, mobile vending shall be restricted to Town owned property.
- 3.6 Council reserves the right to determine the final location of any mobile vendor.
- 3.7 Where the mobile vending offers for sale food products, proof of 'Permit to Operate' received from the Vancouver Island Health Authority to operate a mobile food vending service within the Town is required.
- 3.8 The mobile vendor must obtain and maintain a minimum of \$3,000,000 general public liability insurance coverage with the Town as an additional named insured.
- 3.9 Mobile vending must be conducted in a safe manner and is not to interfere with pedestrian or vehicular traffic.
- 3.10 The mobile vendor shall remove daily any refuse associated with the mobile vending.
- 3.11 Mobile vendors must comply with all Federal and Provincial Acts and Town bylaws.
- 3.12 Mobile vendors shall be responsible for their own utility needs such as electricity and water.
- 3.13 Despite anything in this bylaw, the Town may require a mobile vendor to vacate a designated location to accommodate Town approved special events.

4. **Licencing:**

- 4.1 Each mobile vendor must apply for, and obtain from the Town, a licence for mobile vending by completing a Business Licence Application for Mobile Vending as attached as Schedule 'A'.
- 4.2 The cost of a mobile vending permit shall be \$110.00 for a full year term (January through December) and \$55.00 for a six month term (May through October).

5. **Section 5 - Penalty, Suspension or Cancellation:**

- 5.1 Except where the penalty is otherwise provided for, every person who offends against any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of the provisions of this Bylaw, or neglects to do or refrains from doing anything to be done by this Bylaw, or who does any act or thing which violates any of the provisions of this Bylaw, shall be deemed to have committed an offence under this Bylaw and
 - a) subject to notification and an opportunity to be heard by Council, may have a permit cancelled or suspended, and
 - b) shall be liable, upon summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00).

6. **Severability**

- 6.1 If any section or lesser portion of this Bylaw is held invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.
- 6.2 Unless otherwise specified within this bylaw "Town of Qualicum Beach Business Licencing and Regulation Bylaw No. 506.07, 2000" or amendments thereto shall apply to mobile vending.

7. **Repeal**

- 7.1 The following sections of "Town of Qualicum Beach Business Licencing and Regulation Bylaw No. 506.07, 2000" are hereby repealed.

Under Section 1 – Definitions

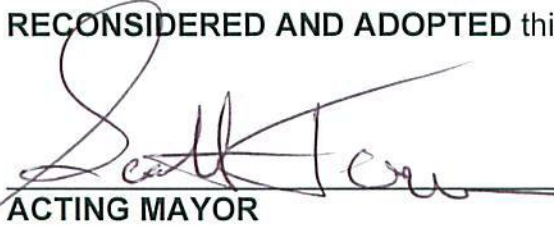
Mobile Vending means any commercial operation accommodated in a vehicle so as to serve various places.

Under Section 3 – General Provisions

3.13 The Licence Inspector shall not grant a Business Licence, to any person, for the purpose of conducting mobile vending, within

READ A FIRST TIME this 4th day of February, 2002.
READ A SECOND TIME this 18th day of February, 2002.
READ A THIRD TIME this 17th day of February, 2003.

RECONSIDERED AND ADOPTED this 3rd day of March, 2003.



ACTING MAYOR



CORPORATE ADMINISTRATOR

Certified a true copy of the "Town of Qualicum Beach Mobile Vending Bylaw No. 506.08, 2002".

CORPORATE ADMINISTRATOR

TOWN OF QUALICUM BEACH

#201-660 Primrose St., PO Box 130, Qualicum Beach, BC, V9K 1S7
Ph: (250)752-6921 Fax: (250)752-1243

BUSINESS LICENCE APPLICATION – MOBILE VENDING

Business Name: _____

Mailing Address: _____

Postal Code: _____

Bus. Ph.#: _____ Fax #: _____ Cell #: _____

Location of business (as approved by Council):

Describe type of mobile vending business: _____

Business Owner / Agent Names: _____

INFORMATION AND REQUIREMENTS:

1. Compliance with any Health Authority requirements, if applicable;
2. Compliance with the Business Licence Bylaw No. 506.07 or amendments thereto; and
3. Compliance with Mobile Vending Bylaw No. 506.08, including payment of licence fee.

I hereby apply to carry on the above-named business within the Town of Qualicum Beach, I have read the attached Bylaw, and will comply with all of the above-noted requirements.

Signature of Business Owner

Date

OFFICE USE ONLY

CLASS. CODE: _____ B/L ACC. #: _____

DEPT. APPROVALS (Dates / Signatures)

COUNCIL APPROVAL DATE: _____ HEALTH DEPT. APPROVAL DATE: _____

FINAL APPR. _____