

THE CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NUMBER 45-2024

A BY-LAW TO AMEND BY-LAW 01-2022 - CORPORATE POLICIES AND PROCEDURES MANUAL TO INCLUDE POLICY A-004, A POLICY FOR LICENSING, REGULATING AND GOVERNING VENDORS IN THE TOWN OF DEEP RIVER.

WHEREAS Council adopted By-Law Number 01-2022 on January 12, 2022 to approve the Corporate Policies and Procedures Manual for the Corporation of the Town of Deep River;

AND WHEREAS Council deems it necessary and expedient to amend the Corporate Policies and Procedures Manual from time to time to meet changing requirements as policies are added, removed, or amended,

AND WHEREAS Council of the Corporation of the Town of Deep River deems it expedient to amend the Corporate Policies and Procedures Manual to include a Policy to regulate Vendors in the Town of Deep River;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Deep River enacts as follows:

1. THAT the Corporate Policies and Procedures Manual is hereby amended to include Policy Number A-004, a Policy for Licensing, Regulating and Governing Vendors in the Town of Deep River.
2. THAT By-laws 27-2019 and 28-2019 be repealed
3. THAT this By-Law shall take effect and come into force upon final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 20TH DAY OF NOVEMBER, 2024.


Suzanne D'Eon, Mayor


Jackie Mellon, Clerk

SCHEDULE 'A' TO BY-LAW 45-2024

Town of Deep River

POLICY / PROCEDURE MANUAL

Corporate Policies and Procedures				
DEPARTMENT: Administration				POLICY NO.:
				A-004
POLICY: Licensing, Regulating and Governing Vendors				
DATE OF ORIGIN:	REVIEW DATE:	REVISION DATE:	APPLICABLE TO:	PAGE #:
Nov 20 th , 2024			All Vendors operating within the Town of Deep River	1 to 10

1 POLICY STATEMENT

- 1.1 The Town of Deep River recognizes the contribution of Vendors to the vitality of the Town's economic sector.
- 1.2 The Town of Deep River wishes to regulate the operation of Vendors on private and public lands, and in public facilities within the Town of Deep River for public health and safety reasons.

2 PURPOSE

- 2.1 The purpose of the Licensing, Regulating and Governing Vendors Policy is to provide guidance, basic requirements, and standards for Vendors operating within the Town to minimize risks associated with Vendor operations, and to establish a standardized permit application and review procedure.

3 SCOPE

- 3.1 This Policy applies to all Vendors operating within the boundaries of the Town of Deep River, including Vendors operating on private lands, public lands, and in public facilities and buildings.
- 3.2 This policy does not apply to Temporary Outdoor Commercial Patios, as defined in Policy A-003, as amended.

3.3 This policy does not apply to Farmers Markets, as defined and regulated by the Renfrew County and District Health Unit.

4 DEFINITIONS

4.1 **“Charitable Organization”** means registered charities that are charitable organizations, public foundations or participation in an event managed by a charitable organization. Charitable Organizations must use their resources for charitable activities and have charitable purposes that fall into one or more of the following categories:

- the relief of poverty; e the advancement of education;
- the advancement of religion; and/or
- other purposes that benefit the community

4.2 **“Clerk”** means the person appointed by Council to fill the role of Clerk as defined in the Municipal Act, 2001, as amended.

4.3 **“Daylight Triangle”** means an area free of buildings, structures or obstacles determined by measuring from the point of intersection of street lines on a corner lot, the distance required by the Zoning By-law, as amended, along each such street line and joining such points with a straight line.

4.4 **“Event”** means a social or other occasion of up to five days involving a gathering of multiple licensed vendors at one location for a specific purpose such as a sporting event, fundraising event or other event of a municipal, provincial or federal significance.

4.5 **“Non-profit organizations”** means associations, clubs, or societies that are not charities and are organized and operated exclusively for social welfare, civic improvement, pleasure, recreation, or any other purpose except profit. Examples of non-profit organizations are:

- Farmers Markets
- Social, recreational, or hobby groups (bridge clubs, curling clubs, and golf clubs);
- Certain amateur sports organizations (hockey associations, baseball leagues, and soccer leagues); and
- Certain festival organizations (parades and seasonal celebrations).

4.6 **“Public Facilities”** means one of the following Town-owned structures or buildings to which the public has access:

- **Town Hall**, situated at 100 Deep River Road
- **Community Arena**, situated at 2 Club House Road
- **Community Pool**, situated at 57 Brockhouse Way
- **Community Library**, situated at 55 Ridge Road.

- 4.7 **"Public Lands"** means any highway, sidewalk, parkland, public bridge, roadway, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and includes any open space to which the public have or are permitted to have access, whether by payment or otherwise owned or controlled by the Town.
- 4.8 **"Town"** means The Corporation of the Town of Deep River.
- 4.9 **"Vehicle"** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, a commercial motor vehicle whether permanently stationary or otherwise.
- 4.10 **"Vending Unit"** means any vehicle, trailer, cart, tent, table, display, structure or a combination thereof, from which Vending takes place.
- 4.11 **"Vendor"** means any person(s) offering to sell, displaying for sale, and/or selling goods, services, or merchandise, other from a permanent business location, and includes the owner and the individual operating or conducting business. "Vending" shall have a corresponding meaning.
- 4.12 **"Vendor Classification"** means one of the following classifications of vendors
- i. **"Outdoor Mobile Vendor"** means a Vendor who operates from a vehicle, trailer, or other device, whether motorized or propelled by muscular power which is transported from site to site, and is equipped with a means of preparing, displaying, and/or selling goods, services and merchandise.
 - ii. **"Outdoor Stationary Vendor"** means a Vendor who operates from any immobile vehicle or structure that is temporarily placed at a location for the duration of the licence and is equipped with a means of preparing, displaying, and/or selling goods, services and merchandise.
 - iii. **"Indoor Vendor"** means any Vendor operating within one of the Town's public facilities.
- 4.13 **"Vendor Licence"** means the permitted authority to operate as a Vendor. The applicant must select one of the following licences:
- iv. **"General"** means that the Vendor can operate during the whole of the calendar year for a total of the maximum number of days (including inoperable hours) specified in the licence.
 - v. **"Fresh Produce"** means a Vendor selling locally grown fresh produce (grown within the County of Renfrew)
 - vi. **"Event"** means a licence issued to the organizer of an Event which allows an unlimited number of vendors to operate as part of the event. The licence expires upon the termination of the event.
 - vii. **"Charitable Organization"** means if the Vendor is considered a Charitable Organization, or is participating in an event managed by a charitable organization, as defined herein.
 - viii. **"Youth Vendor"** means a Vendor where the vending business is wholly owned and operated by a person eighteen years old or younger.

5 ADMINISTRATION AND ENFORCEMENT

- 5.1 Unless otherwise indicated in this policy, the administration of this policy shall be performed by the Clerk, the Director or Departmental Head in charge of by-law enforcement, and any delegate(s).
- 5.2 The Clerk and/or delegate(s) will review all applications and will license the Outdoor Vendor, if approved, based on the specifications in the application.
- 5.3 Every application for an Outdoor Vending Licence shall be in accordance with the application form approved by the Clerk, and all requirements herein. Completed Applications must be submitted thirty (30) days prior to the proposed operation date, unless otherwise authorized by the Clerk.
- 5.4 The fee for a licence under this policy shall be set out in the Fees and Charges By-law as amended from time to time.
- 5.5 Vendor Licence fees are in addition to any other fees that may apply, including any rental fees for the use of public lands or facilities.
- 5.6 Council shall approve any rebates or discounts on fees for a licence under this policy for any combination of Licence Type or Vendor Classification. Such approval will be performed when Council approves the Fees and Charges By-law as amended from time to time.
- 5.7 The fee for a licence under this policy may be waived up to 100% at the complete discretion of the CAO where the applicant is a Non-profit Organization.
- 5.8 The applicant must indicate which Vendor Licence is being applied for and which Vendor Classification applies, both as defined herein.
- 5.9 All applications for a Vendor Licence must include:
 - i. Completed application form.
 - ii. Site plan of the property showing the proposed location of the Vending business and all setback distances.
 - iii. Proof of the required general liability insurance as described in section 6.5 below.
 - iv. Written authorization from the property owner, where applicable.
 - v. Written authorization from the Event Organizer, where applicable.
 - vi. Where the vending unit is a vehicle, proof of vehicle registration and insurance, and a current certificate of mechanical fitness for the vehicle issued under the Highway Traffic Act.

- vii. Where the Vendor prepares or sells food and drinks, written approval from the Renfrew County and District Health Unit, or other appropriate public health authority which shall be dated within thirty (30) days of the date of application for a Vending licence.
 - viii. Where the Vending Unit contains equipment for the storage, handling, or use of propane, a certificate signed by an inspector to the effect that the vending unit has been inspected within the twelve months preceding the application and meets the requirements of Ontario Regulation 825/82.
 - ix. Any other documentation as may be required by this policy.
- 5.10 If approved, a Vendor Licence will only be issued once proof of the payment of the Licence fee has been received by the Clerk.
- 5.11 No other vending is allowed within the Town of Deep River unless authorized by Council.
- 5.12 A licence issued under this policy shall be valid from the first date of permitted operation to the expiry provided for on the Vendor Licence.
- 5.13 General Licences expire on December 31 of the calendar year in which the licence was issued, regardless of when the licence application was approved, and regardless of the actual number of operating days. No "unused" days will be carried over to the new year.
- 5.14 Vendors can apply for multiple, General Licences in a single calendar year, but only to a combined maximum total of 20 days in the calendar year on public property, and 270 days in the calendar year on private property.
- 5.15 Council, at its sole discretion, may approve Vendor Licences for longer periods, or under different conditions to those contained in this policy, at their sole discretion, upon request. Council, at its sole discretion, may place additional limitations, conditions, requirements, and fees to those contained in this policy on any Vendor Licence.
- 5.16 A licence issued under this policy is not transferrable.
- 5.17 The Vendor will be given the opportunity to renew the licence within thirty (30) days of expiration to guarantee the same location(s), where applicable.
- 5.18 The Clerk and/or their delegate(s) may amend a licence based on errors and omissions.
- 5.19 Following the issuance of a licence the Vendor may operate in accordance with the licence and application specifications and the provisions of this policy.
- 5.20 This policy may be enforced by every Municipal Law Enforcement Officer or Police Officer, who may inspect all aspects

6 GENERAL DUTIES AND OBLIGATIONS

- 6.1 No person shall operate as a Vendor within the Town unless they hold a valid Vendor Licence.
- 6.2 Every Vendor shall operate in accordance with all applicable federal and provincial legislation, and all municipal by-laws and policies, including but not limited to:
- The Zoning By-law
 - The Prohibiting Excessive Noise by-law
 - The Clean and Clear Yards by-law
 - Policy H-001: Workplace Conduct
- 6.3 Every Vendor shall operate only in areas with the zoning designations C1, C2, HC (Commercial), M1, M2, M3 (Industrial), OS1, or OS2 (Outdoor Space). Additionally, when reviewing requests for locations within thirty (30) metres of residentially zoned areas, the Clerk and/or the Director or Departmental Head in charge of by-law enforcement will consider the potential disruption to the residential area and will deny requests for locations where any potential for residential disruption exists;
- 6.4 Every Vendor shall:
- i. Be permitted to only sell, display or offer to sell goods, services, and merchandise as defined and regulated herein, that are identified in the licence application.
 - ii. Have a license for each individual type of vending unit and if an Outdoor Stationary Vendor or Indoor Vendor must have a license for each location.
 - iii. Only operate within the time limits permitted in the Noise By-law.
 - iv. Only operate on the date(s) specified on the licence.
 - v. Only operate at the location specified on the licence.
 - vi. Not interfere with the visibility or safe passage of pedestrians and vehicles.
 - vii. Not use loud speakers, amplifiers, flashing lights or other hailing devices.
 - viii. Not operate within thirty (30) metres of any other vendor, notwithstanding the participation in Event Vending as defined herein.
 - ix. Not operate within thirty (30) metres of the nearest corner of the building of a competing commercial establishment where the primary goods are the same.
 - x. Not operate within the daylight triangle as defined herein and in the Zoning Bylaw, as amended.
 - xi. Not be permitted within three (3) meters from a means of egress, property

names or number, fire hydrants or display windows. The minimum distance applies to any part of the operation such as display signs, equipment, propane tanks, etc.

- xii. Present the Vendor Licence when requested by a Municipal Law Enforcement Officer or designated staff personnel.
- xiii. Surrender the licence if the licence has been revoked by the Clerk for any contravention of the provisions of this by-law, any Town of Deep River by-law, or applicable legislation.

6.5 All vendors shall hold harmless the Corporation of the Town of Deep River from any claim of any nature or kind resulting from the operation of the Vending business pursuant to this licence. Prior to issuance of a licence, all applicants will be required to submit a certificate of general liability insurance in the amount of \$2,000,000.00.

7 DUTIES AND OBLIGATIONS OF OUTDOOR MOBILE VENDORS

7.1 In addition to the other duties and obligations contained in this policy, every Outdoor Mobile Vendor shall:

- i. Maintain a valid insurance policy for each vehicle, if applicable;
- ii. Be properly licensed for the vehicle from which they are operating, if applicable.
- iii. Maintain the vehicle and/or cart in good repair and appearance including any storage shelving and appliance(s), etc;
- iv. Have refuse container(s) readily accessible to persons making purchases and keep the adjoining area in a clean and sanitary condition. The refuse container(s) must be stored to prevent wildlife nuisance and must move with the Vendor;
- v. Not permit indoor storage of natural gas or propane cylinders. Where vandalism and other destruction to the equipment is a concern the tank cylinders shall be disconnected and stored in a secure exterior location.
- vi. Not use gas- or diesel-powered generators as a primary source of electrical power for any Mobile Outdoor vending unit.
- vii. Comply with the Town's zoning by-law regulations regarding Undesirable Uses.

8 DUTIES AND OBLIGATIONS OF OUTDOOR STATIONARY VENDORS

8.1 In addition to the other duties and obligations contained in this policy, every Outdoor Stationary Vendor shall:

- i. Maintain the vending unit and premises in good repair and appearance including any storage shelving and appliance(s), etc.
- ii. Have refuse container(s) readily accessible to persons making purchases and keep the adjoining area in a clean and sanitary condition. The refuse container(s) must be stored to prevent wildlife nuisance and must move with the Vendor.
- iii. Comply with the Town's zoning by-law regulations regarding Undesirable Uses.

9 DUTIES AND OBLIGATIONS OF INDOOR VENDORS

- 9.1 An Indoor Vendor licence is required for any vendors operating in a public facility.
- 9.2 Where a public facility has been rented in its entirety under a Facility Rental Contract, the Rental Contract Holder may, at their discretion, allow licenced Vendors to operate within the facility during the rental period.
- 9.3 An Indoor Vendor licence may be issued to a Vendor only where the entire facility has been privately rented, provided that written authorization has been provided to the Vendor by the Facility Rental Contract holder.
- 9.4 An Indoor Vendor licence is limited to the rental period only; a new Vendor Licence is required for each separate rental period.
- 9.5 No vending is permitted at public facilities where only portions of the facility have been privately rented, for example where only the ice surface at the Community Arena has been rented, or during regular programming hours.
- 9.6 In addition to the other duties and obligations contained in this policy, every Indoor Vendor shall:
 - i. Not interfere with the safe and efficient use of the facility.
 - ii. Not interfere with the duties or operations of any municipal staff.
 - iii. Shall follow the instructions of any municipal staff member regarding the operations and use of the facility, including any changes to the location, hours, extent, and other aspects of the vending operations.
 - iv. Maintain the vending unit and premises in good repair and appearance including any storage shelving and appliance(s), etc.

10 DUTIES AND OBLIGATIONS OF EVENT VENDORS

- 10.1 An Event organizer may apply for an Event Licence which allows an unlimited number of vendors to participate in the Event, and which remains valid for the

duration of the Event only.

10.2 The Event Licence is limited to vending only at the location specified in the Licence.

10.3 Valid Vendor Licences which were issued prior to the application and approval of the Event Licence remain in place.

10.4 Vendor Licences may be subsequently issued to Vendors which are not participants in the Event, but these licences may include additional conditions and requirements, including those related to location and operating times.

10.5 In addition to the other duties and obligations contained in this policy, every Event organizer shall:

- i. Provide a list of authorized vendors participating under the Event Licence to the Clerk not later than seven calendar days before the start date of the Event.
- ii. Provide proof of, and maintain, general liability insurance in the amount of \$2,000,000, which covers any and all activities undertaken by every Vendor participating under the Event Licence.
- iii. Ensure that every and all Vendors participating under the Event Licence comply with all applicable provisions contained in this policy, and any applicable by-laws.

11 OFFENSES AND PENALTIES

11.1 Every person who violates this Policy commits an offense and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33.

11.2 The Clerk and any delegate(s) may revoke a Vendor Licence at any time where the Clerk becomes aware of any contravention of the provisions of this by-law, any Town of Deep River by-law, or applicable legislation. Where a Licence has been revoked, the Vendor shall immediately surrender the Licence.

12 APPEALS PROCESS

12.1 In the event that an application for a Vendor Licence is refused or revoked by the Clerk, the applicant may request Council review the decision by submitting a written request for review within fourteen days following receipt of the decision. The request to review must include the reason for the request. After receiving the request, Council shall review the decision and decide in its sole discretion to:

12.1.1 Uphold the decision of the Clerk, or

12.1.2 Quash the decision of the Clerk and issue a Licence on any conditions that Council deems necessary.