



Town of Logy Bay-Middle Cove-Outer Cove

Mobile Canteen Regulations 2021

8 February 2021



MOBILE CANTEEN REGULATIONS 2021

PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Logy Bay-Middle Cove-Outer Cove pursuant to the authority conferred by Sections 198 and 414 (2) (c) of the Municipalities Act, 1999, Chapter M-24 as amended.

Adopted by the Town Council of the Town of Logy Bay-Middle Cove-Outer Cove on the 8th day of February 2021 to come into effect on the date that the notice is published in The Newfoundland and Labrador Gazette.

A handwritten signature in black ink, appearing to read "B. Hickey", written over a horizontal line.

Bert Hickey
Mayor

A handwritten signature in black ink, appearing to read "Janine Walsh", written over a horizontal line.

Janine Walsh, P. Tech.
Town Clerk/Manager

REGULATIONS

1. TITLE

These Regulations shall be known and cited as "The Town of Logy Bay-Middle Cove-Outer Cove Mobile Canteen Regulations, 2021".

2. INTERPRETATION

In these Regulations:

- (a) "Act" means the Municipalities Act, Statutes of Newfoundland, 1999, Chapter M-24 as amended.
- (b) "Approved Vending Site" means a site approved by Council where a mobile canteen is permitted to operate.
- (c) "Council" means the Town Council of Logy Bay-Middle Cove-Outer Cove.



- (d) "Food" means materials of all sorts which are intended to be or are capable of being consumed regardless of whether such food is in a raw or prepared state and without limiting the generality of the foregoing shall be deemed to include fish or farm produce and other products whether natural or artificial.
- (e) *Mobile Canteen*" means any vehicle or trailer, whether self-moving or drawn by another vehicle or person from which foods or services are sold.
- (f) *Operator*" means the operator of a mobile canteen, an approved vending site or a vending operation.
- (g) *Permit*" means a permit issued by the Town of Logy Bay- Middle Cove-Outer Cove.
- (h) *Person*" means any individual, corporation, company, partnership, club, society or association.
- (i) *Town*" means the Town of Logy Bay-Middle Cove-Outer Cove as defined by Order-in-Council dated the 1st day of September, 1986, and any amendments thereto.
- (j) *Vendor*" means a person who sells or offers for sale food or services from a mobile canteen.

3. CONFORMITY WITH REGULATIONS

No person shall operate a mobile canteen within the Town except in accordance with these Regulations.

4. PERMIT REQUIRED

- 4.1 No person shall, at any time, operate a mobile canteen in the Town without the issuance of a permit by Council.
- 4.2 A permit placard issued to the operator must be displayed in full view to the public.
- 4.3 A permit for a mobile canteen shall be issued to an owner or operator or agent of such mobile canteen and shall not be transferrable.



5. FORM OF APPLICATION

- 5.1 An application to operate a mobile canteen shall be on such form as may be prescribed by Council. Each application shall include the following
- (a) The name and home and business address of the vendor;
 - (b) A description of the foods intended to be sold;
 - (c) The location from which the applicant proposes to operate the mobile canteen;
 - (d) The days and hours of operation;
 - (e) The location at which the mobile canteen will be stored when not in use; and,
 - (f) A description of the mobile canteen including the licence plates where the vehicle is required to be licenced under the Highway Traffic Act;
- 5.2 With the exception of an application to occupy municipal property, written permission from the property owner must accompany the application if the proposed location of the mobile canteen is not owned by the applicant.

6. FEES AND SECURITIES

- 6.1 The application must be accompanied by the fee prescribed by Council as approved in the Fee Schedule.
- 6.2 A security may be required by Council for the clean up and rehabilitation of an approved vending site when the mobile canteen operation ceases to operate from that site and such security shall be returned to the applicant upon the satisfactory clean up or rehabilitation of the site.

7. APPROVAL

- 7.1 Conditions may be prescribed and attached to any permit issued under these Regulations.



- 7.2 A mobile canteen will operate in accordance with these Regulations and the terms and conditions issued pursuant to these Regulations.
- 7.3 A permit for the operation of a mobile canteen shall not be issued if the mobile canteen is deemed unsafe or unfit by Council for the purpose for which it is intended.
- 7.4 Permits for mobile canteens shall be valid for a period not exceeding twelve (12) months and shall expire on the 31st day of December following the date of issue.

8. FREE OF DEBRIS

- 8.1 All owners and operators of mobile Canteens and their employees and agents shall keep their mobile canteen approved vending sites and the surrounding areas clean and free of litter, garbage, cartons, wrappers, paper, rubbish and other debris and shall dispose of any such materials in an authorized garbage receptacle.
- 8.2 Each operator of a mobile canteen and approved vending site shall provide a garbage receptacle for the disposal of garbage, rubbish and other debris.
- 8.3 Garbage in the garbage receptacle shall be removed from the approved vending site every day.

9. CONDITIONS

- 9.1 A vendor shall not:
 - (a) Vend between 10:00 pm and 7:00 am of the following day unless specifically permitted to do so by Council or its representative;
 - (b) Generate any undue noise that creates a disturbance to adjacent properties or the general peace and quiet of a neighbourhood as determined by the Council;
 - (c) Orient lighting towards adjacent properties and lighting shall illuminate only the area of the approved vending site;
 - (d) Discharge fat or other waste onto property or into storm systems,



waterways, wetlands and waterbodies;

- (e) Leave any mobile canteen unattended;
- (f) Use a mobile canteen for the purpose of either temporary or permanent habitation;
- (g) Use the mobile canteen for overnight accommodation;
- (h) Leave a location without first disposing of all litter and refuse associated with the operation of the mobile canteen unit;
- (i) Sell anything other than that for which the permit is granted; or,
- (j) Install a temporary or permanent sign on the approved vending site or other property except for a sign affixed to the mobile canteen.

9.2 The operator of a mobile canteen containing cooking and/or heating equipment are required to obtain and submit the following documents and approvals to the Town prior to the placement of a vehicle or trailer on the approved vending site:

- (a) approval from the St. John's Regional Fire Department regarding the appliances to be used and the required fire suppression measures; and,
- (b) licence, permit or approval from Service NL regarding the storage and preparation of food and/or refreshments;
- (c) a certificate of insurance which policy complies with the following requirements:
 - i. \$2,000,000.00 general liability providing coverage for all products and completed operations and all movable equipment including, but not limited to, all fuel tanks and cooking equipment;
 - ii. \$2,000,000.00 automobile liability insurance for any mobile vending unit which is required to be licenced under the Highway Traffic Act; and,
 - iii. The Town named as additional insured.



- 9.3 A mobile canteen which requires power shall have its own power source. The use of generating units and electrical cords is prohibited.
- 9.4 A mobile canteen will be required to provide, or have access to, washroom facilities as determined by Council.

10. TOWN PROPERTY

Council may lease approved vending sites to vendors on the following terms and conditions:

- (a) The site shall be advertised for lease by tender call and leased to the highest bidder provided, however, that Council may establish a minimum bid;
- (b) The lease shall not exceed a term of one year, however, the lease may be renewed for additional time upon such terms and conditions as may be mutually-agreed upon.

11. REVOCATION OF PERMIT

If the operation or the operator is not in compliance with the conditions of the permit or the mobile canteen is being operated in an unsafe and unsatisfactory manner as determined by Council, the Council may issue a notice to comply with the conditions of the permit or to operate in a safe and satisfactory manner within a specific time period and should the operator not comply with the notice within the time period, the Council may revoke the permit.

12. PENALTY

Pursuant to Section 420 of the Act, every person, firm or corporation who contravenes or fails to comply with any of the provisions of these Regulations is guilty of an offence and liable on summary conviction:

- (a) for a first offence to a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or to a term of imprisonment of not more than one month or to both the fine and imprisonment;
- (b) or a subsequent offence to a fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) or to a term



of imprisonment of not more than 3 months or to both the fine and imprisonment.

13. COMPLIANCE WITH OTHER ACTS AND REGULATIONS

Nothing in these Regulations serves to exempt any person from obtaining any licence, permission, permit, authority or approval required by any other regulation of the Town or any statute or regulations of the Province of Newfoundland and Labrador and, in such cases, where more than one regulation or statute applies, the more restrictive regulation or statute shall apply.

14. COMING INTO EFFECT

These Regulations come into effect on the date that the notice is published in The Newfoundland and Labrador Gazette.

15. PUBLICATION

Notice of these Regulations is to be published in the Newfoundland and Labrador Gazette on the 12th day of March, 2021 and in the Northeast Avalon Times in the March edition, 2021.

16. COPY TO MINISTER

A copy of these Regulations was sent to the Minister of Environment, Climate Change and Municipalities on the 24th day of March, 2021.