



Municipality of Five Rivers

By-Law B.04.01

Respecting Mobile Vendors and Peddlers

1. **AUTHORITY.** The Council of Fiver Rivers, under the authority vested in it by the Local Governance Act, S.N.B. 2017, c. 18.
2. **PURPOSE.** To ensure the consistency of all applications for Mobile Vendors within the boundaries of the Municipality.
3. **DEFINITIONS.**
 - 3.1. **“CAO”** means the Chief Administrative Officer of Five Rivers.
 - 3.2. **“Licensed vendor”** refers to an individual or business that has obtained a permit, authorization, or license from a governing authority to sell goods or operate in a specific location or industry. The license demonstrates compliance with relevant laws, regulations, and standards, ensuring the vendor can legally conduct business and potentially collect taxes such as sales taxes. The specific requirements and type of license vary depending on the nature of the business, the products or services offered, and the area.
 - 3.3. **“Mobile Vendor”** refers to someone who sells goods, products, or merchandise in public places (streets, sidewalks, parking lots, parks, etc.) on an intermittent and temporary basis from a mobile structure such as a food truck.
 - 3.4. **“Municipality”** refers to the municipality of Five Rivers, which is comprised of the former village of Rexton, parts of the former Local Service Districts (LSDs) Harcourt and Weldford, and all of the former LSD Richibucto Parish.
 - 3.5. **“Non-edible goods”** refers to any item that is not meant for human or animal consumption. Examples of non-edible goods from licensed vendors include vehicles, auto parts, machinery, furniture, electronic devices, and construction materials. Examples of non-edible goods from unlicensed vendors include homemade arts and crafts (such as jewelry, pottery, quilts), specialty goods (such as paintings, flower baskets, knit clothing), and other miscellaneous merchandise.
 - 3.6. **“Peddler”** refers to someone who sells goods in public places (streets, sidewalks, parking lots, parks, etc.) on an intermittent and temporary basis.
 - 3.7. **“Edible goods”** refers to foods and/or beverages that are meant for human or animal consumption. Some edible goods are perishable goods that require refrigeration to prevent spoilage. Examples of perishable

goods include eggs, dairy products, frozen treats, as well as raw seafood, meat, and poultry. In addition, many prepared foods such as salads, sandwiches, and quiches contain perishable ingredients such as mayonnaise or cream cheese. Other edible goods have medium-to-long shelf lives and do not require constant refrigeration. Examples of these edible goods are fruits, vegetables, maple syrup, and baked goods.

- 3.8. **“Prepared foods and/or beverages”** refers to food and drink products sold for immediate consumption that can be purchased from restaurants, grocery stores, food trucks, and other establishments. These items include things such as pizza, sandwiches, salads, and ready-to-eat meals. They are distinct from basic groceries, which are typically unprocessed and sold for home preparation.
- 3.9. **“Public Property”** refers to any property owned by the Municipality of Five Rivers.
- 3.10. **“Unlicensed vendor”** refers to an individual or business that has not obtained a permit, authorization, or license from a governing authority to sell goods. Unlicensed vendors operate at their own risk and often sell goods on a short-term and/or seasonal basis at local markets, roadside stands, craft shows, and yard or garage sales.

4. LICENSE REQUIREMENTS AND PAYMENT.

- 4.1. Unlicensed vendors and peddlers are not required to purchase a peddler’s license from the Municipality.
- 4.2. All licensed vendors and peddlers must purchase a peddler’s license from the Municipality to sell goods on any private or public property within Five Rivers.¹
- 4.3. Licensed vendors and peddlers must use the online form to apply for their license (there are 1-day, 1-week, 1-month, and 1-year options).
- 4.4. Licensed vendors and peddlers must render payment to the Municipality within thirty (30) days of receiving their license. See Policy P.04 (Municipal Fees and Charges) for a list of peddler licenses and fees.

5. OTHER RULES AND OPERATING PARAMETERS.

- 5.1. Mobile vendors and peddlers, both licensed and unlicensed, may not locate and conduct their business from a property where a Fire Station is located.
- 5.2. Licensed mobile vendors and peddlers may not locate and conduct their business from properties where the municipal office and Public Works building are located.
- 5.3. Licensed mobile vendors and peddlers may not locate and conduct their business from any property that is less than 150 meters (or 500 feet) from a grocery store or a restaurant.
- 5.4. All mobile vendors and peddlers must ensure that someone attends and is responsible for their vending structure at all times during operating hours.

¹ The Municipality may waive the license fee if it has arranged to have a vendor or peddler operate at a public event on a municipal property (for example, to have a food truck at a municipal festival).

- 5.5. All mobile vendors and peddlers must obtain written permission from the Municipality to erect signage that is not directly attached to their vending structure.
- 5.6. All mobile vendors and peddlers must conduct their business in a manner that does not hinder, obstruct, or delay pedestrians.
- 5.7. All mobile vendors and peddlers must conduct their business in a manner that does pose any threat to public safety, including vehicular traffic.
- 5.8. The Municipality, in its sole discretion, may require mobile vendors and peddlers to implement barriers, pylons, signage, and other such features to preserve public safety.
- 5.9. The Municipality, in its sole discretion, may require a mobile vendor or a peddler to terminate their operation or relocate their vending structure to preserve public safety.
- 5.10. A mobile vendor or peddler cannot transfer or assign a peddler's license to another mobile vendor or peddler.
- 5.11. The Municipality may revoke a peddler's license if a mobile vendor or peddler violates any term or condition in this by-law.
- 5.12. The CAO, in their sole discretion, may waive or reduce a peddler's license fee, although any such waiver shall only be issued to account for exceptional circumstances and shall not demonstrate any favoritism toward a given mobile vendor or peddler.
6. FINES.
 - 6.1. Mobile vendors and peddlers that fail to acquire a required license are subject to a fine of \$100 per day.
 - 6.2. Mobile vendors and peddlers shall be subject to a fine of up to \$2500 for damages to public property that resulted from their operations.
 - 6.3. Mobile vendors and peddlers shall be subject to a fine of up to \$500 if Five Rivers has to clean up any mess, litter, or clutter left on public property because of their operations.
7. REPEAL OF PRIOR BY-LAW. This By-Law B.04.01 repeals By-Law 22-01, enacted by the Village of Rexton in 2022.

8. EFFECTIVE DATE.

FIRST READING

SECOND READING

THIRD READING AND ENACTMENT

9. SIGNATURES.

MAYOR

Tina Beers

CLERK

Rob Webber
