

**Vending By-Law  
V-1048-25**

Effective Date:  
August 29, 2025

**Part 1 Purpose**

The purpose of this By-Law is to regulate the sale, or offering for sale, of food, beverages, goods, or merchandise not in an enclosed permanent structure, whether on Municipal property, private property, or public property within the *Municipality of Yarmouth*.

**Part 2 Definitions**

- 2.1 **“Busking”** means providing entertainment in a public space for donations.
- 2.2 **“Chief Administrative Officer” (CAO)** means the Chief Administrative Officer of the Municipality of the District of Yarmouth.
- 2.3 **“Council”** means the Council of the Municipality of the District of Yarmouth.
- 2.4 **“Merchandise”** means any item other than those specifically excluded in this By-Law.
- 2.5 **“Mobile unit”** means any vehicle, including a trailer, as defined in the Nova Scotia Motor Vehicle Act, used for the display, storage, transportation, or sale of food, beverages, goods or merchandise by a vendor, which is required to be licensed and registered pursuant to the Nova Scotia Motor Vehicle Act.
- 2.6 **“Motor vehicle”** means every device in, upon or by which any person or property is or may be transported or drawn and which is propelled or driven otherwise than by muscular power, but does not include motorized wheelchairs, or railway equipment.
- 2.7 **“Municipality”** means the Municipality of the District of Yarmouth.
- 2.8 **“Non-mobile unit”** means any table, showcase, bench, rack, pushcart, wagon or wheeled vehicle or device used for the display, storage, transportation or sale of food, beverages, goods or merchandise by a vendor, which is not required to be licensed and registered pursuant to the Nova Scotia Motor Vehicle Act. For greater certainty, a “non-mobile unit” does not include an enclosed permanent structure.
- 2.9 **“Peddle”** means try to sell merchandise by going from house to house or place to place.
- 2.10 **“Person”** means an individual, guild, agency, or body corporate.
- 2.11 **“Sell”** includes selling, trading, or otherwise transferring for a valuable consideration, whether present or executory.
- 2.12 **“Vend” or “Vending”** means the sale, or offering for sale, of food, beverages, goods or merchandise not in an enclosed permanent structure, whether on Municipal, private, or

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public property.

- 2.13 **“Vendor”** means and person engaged in vending and/or any owner, operator, or employee of a business engaged in vending.

**Part 3 Sale of Merchandise**

- 3.1 No person shall vend in the *Municipality* without having been issued a permit to do so pursuant to this By-Law.

**Part 4 Exceptions**

- 4.1 This By-Law shall not apply to:
- 4.1.1 A person who peddles fruits, vegetables, meats or other products.
  - 4.1.2 A person who peddles fish, shellfish, or other salt-water/fresh-water products.
  - 4.1.3 A person who peddles forestry products.
  - 4.1.4 A person who provides wholesale sales to retail merchants by commercial travelers, or agents selling in the usual course of business.
  - 4.1.5 Persons employed by any benevolent or religious society in the Province for the peddling or selling of moral or religious publications under the direction of such Society to the exclusion of other goods and merchandise.
  - 4.1.6 A barrister, physician, certified accountant, civil engineer or anybody legally entitled to practice a profession within the Province of Nova Scotia.
  - 4.1.7 A service club, not for profit, school, or religious organization conducting fund raising projects.
  - 4.1.8 A garage or yard sale held at a residential home, when conducted by the owner or legal occupant, or a group including the owner or legal occupant. The *Municipality* may designate properties upon which yard sales are not permitted to occur, upon recommendations or advice from the relevant traffic authority that yard sales at such properties are or may cause a safety hazard or an obstruction to traffic.
  - 4.1.9 A person engaged in estate auctions held to dispose of property and/or personal items belonging to properties within the *Municipality*.

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- 4.1.10 A person aged 18 years or younger operating their own lemonade or hotdog stand within the *Municipality*.
- 4.1.11 A person busking in the *Municipality*.
- 4.1.12 Sales made by a seller or contractor at residential premises under an invitation issued by the owner or legal occupant of the premises (e.g. door-to-door sales, or contracted yard work at the request of the occupant).
- 4.1.13 A multipurpose center or festival conducting activities for amusement or entertainment (may be subject to the Municipality's Festivals and Special Events Policy).

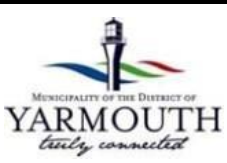
#### Part 5 Federal/Provincial Legislation and Regulations

- 5.1 No person shall vend in the *Municipality* unless in compliance with the requirements of the Nova Scotia Health Protection Act and/or Food Safety Regulations, as well as all other applicable federal or provincial legislation or regulations, as amended from time to time.
- 5.2 A permit holder must immediately advise the *Municipality* in the event its permit(s) issued pursuant to the Nova Scotia Health Protection Act and/or Food Safety Regulations has/have been revoked or has/have expired.

#### Part 6 Location

- 6.1 An application for a permit must identify the proposed vending location(s).
- 6.2 Where an application for a permit proposes a vending location on a street, the applicant must obtain written authorization and approval from the relevant traffic authority permitting the applicant to vend at the proposed vending location(s) before the *Municipality* may issue a permit to the applicant. The relevant traffic authority may impose terms and conditions on the applicant in addition to those required in this By-Law.
- 6.3 The issuance of a permit pursuant to this By-Law does not provide or otherwise authorize the permit holder to have exclusive use of the location(s) identified in the permit.
- 6.4 No person shall vend in a location that:
  - 6.4.1 Obstructs or interferes with vehicle, bicycle or pedestrian traffic or safety;

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- 6.4.2 Obstructs or interferes with doorways, entrances and exits, fire doors or emergency exits adjacent to the street;
- 6.4.3 Obstructs or interferes with any utility, postal or similar installation;
- 6.4.4 Obstructs or interferes with Municipal works, structures, projects or operations, on or adjacent to the street;
- 6.4.5 Interferes with, restricts, or otherwise affects streetscape improvement projects and/or construction;
- 6.4.6 Is within 7.5 meters of any driveway entrance to a police or fire station, or within 4.5 meters of any other driveway other than a driveway for private or public property on which the permit holder is permitted to vend in accordance with this By-Law;
- 6.4.7 Is within 50 meters of the doorway of a business operating in an enclosed permanent structure which is offering the same and/or similar food, beverage, goods and/or merchandise;
- 6.4.8 Is within 100 meters of the property line of a school between the half hour prior to the start of the school day and the half hour after dismissal at the end of the school day;
- 6.4.9 Contravenes any provision of this By-Law.

**Part 7 Fire Inspection**

- 7.1 Before approval, a copy of the application will be provided to the Municipal Fire Inspector.
- 7.2 The Municipal Fire Inspector will determine whether a mobile or non-mobile unit identified in the application needs to be inspected for compliance with the Nova Scotia Fire Safety Act and its regulations, as amended from time to time.
- 7.3 Where the Municipal Fire Inspector has determined that a mobile or non-mobile unit identified in the application needs to be inspected as set out in Section 7.2 of this By-Law, then the *Municipality* may not issue a permit to the applicant unless the Municipal Fire Inspector has completed an inspection and any and all deficiencies identified by the Municipal Fire Inspector have been corrected and completed by the applicant. It is the responsibility of the applicant to provide the *Municipality* with a report completed by the Municipal Fire Inspector recommending that a permit be issued.

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- 7.4 Once a permit has been issued by the *Municipality*, the Municipal Fire Inspector may inspect the mobile or non-mobile unit at any time for compliance with the Nova Scotia Fire Safety Act and its regulations, as amended from time to time.
- 7.5 A permit holder must comply with an order issued by the Municipal Fire Inspector.
- 7.6 No person shall interfere with the Municipal Fire Inspector in the performance of the Municipal Fire Inspector's duties.

### Part 8 Insurance

- 8.1 When applying for a permit, an applicant must provide the *Municipality* with proof that the applicant holds general commercial liability insurance in the amount of not less than \$2,000,000 per claim with respect to the applicant's vending business, naming the Municipality of the District of Yarmouth as an additional insured on the insurance policy, during the term of the permit.
- 8.2 In addition to the insurance requirements in Section 8.1 of this By-Law, an applicant applying for a permit for a mobile unit must also provide the *Municipality* with proof that the applicant holds automobile liability insurance for each mobile unit to be used in the operation of the vending business.
- 8.3 During the term of the permit, a permit holder must:
- 8.3.1 Maintain the insurance coverage required in Section 8.1 of this By-Law;
  - 8.3.2 Provide proof of the insurance coverage required in Section 8.1 of this By-Law to the *Municipality* upon request; and
  - 8.3.3 Provide the *Municipality* with at least five (5) business days' notice in writing if the permit holder's insurance coverage identified in Section 8.1 of this By-Law is going to expire or if it is to be cancelled or altered.
- 8.4 For greater clarity, the automobile liability insurance coverage identified in Section 8.2 of this By-Law is not required for a non-mobile unit.

### Part 9 Indemnification

- 9.1 A permit holder must indemnify and hold harmless the Municipality of the District of Yarmouth, its Warden, Deputy Warden, Councillors, *Council*, and Staff against all loss, claims, actions, damage costs (including solicitor costs), liability and expense in connection with loss of life, personal injury, damage to property or any other loss or

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injury whatsoever arising from their operation and/or the issuance of a permit pursuant to this By-Law.

- 9.2 The *Municipality* is not liable for, nor responsible for, any injury, loss or damage to any person arising from a permit holder's operation or to any property belonging to any person engaged in vending.

**Part 10 Litter and Waste Control**

- 10.1 Vendors must comply with the Municipality's Solid Waste Resource Collection and Disposal By-Law.
- 10.2 No person shall vend unless solid waste storage facilities are provided immediately adjacent to the mobile or non-mobile unit adequate to receive the trash, refuse and recyclables generated by sales from the mobile or non-mobile unit.
- 10.3 No person shall dump any trash, refuse, fat, or any other food substance generated by the mobile or non-mobile unit into the Municipality's sewer system and/or sewer infrastructure.
- 10.4 No permit holder shall leave a location from which they have been vending without first picking up, removing and disposing of all trash, refuse and recyclables generated by sales from the mobile or non-mobile unit.

**Part 11 Permits**

- 11.1 Vendors and/or a trader shall obtain a permit to sell merchandise in the *Municipality*, and any sale by such vendor and/or trader without a current and valid permit shall be an offence.
- 11.2 The applicant must submit the following to the *Municipality* **at least thirty (30) business days** in advance of the applicant's anticipated vending start date:  
A **completed** application form; and  
**All required** supporting documentation.
- 11.3 Every application for a permit shall be made in writing to the *Municipality* and shall contain the following information and supporting documentation:
- 11.3.1 The name, mailing address, telephone number and e-mail address of the applicant;
- 11.3.2 The corporate or partnership name, if applicable;

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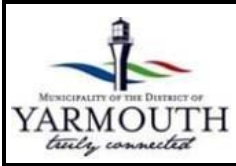
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- 11.3.3 A description of items the applicant proposes to sell;
- 11.3.4 A description of the mobile or non-mobile unit to be used in the operation of the business (including transportation), including the make, model and year of each mobile unit, and all dimensions of mobile or non-mobile unit;
- 11.3.5 For vehicle vendors, a certified copy of a valid and current Motor Vehicle Dealer's License issued by the Province of Nova Scotia under the applicable regulations pursuant to the Motor Vehicle Act;
- 11.3.6 A copy of the up-to-date motor vehicle inspection and motor vehicle registration for each mobile unit to be used in the operation of the business, as well as the license plate number;
- 11.3.7 The hours of operation requested for the business;
- 11.3.8 Copies of all applicable federal, provincial or municipal permits that may be required;
- 11.3.9 If the applicant is proposing to sell at a site of which the applicant is not the owner, written permission from the owner;
- 11.3.10 Proof of commercial liability insurance;
- 11.3.11 If the applicant is proposing to vend on a street:
  - 11.3.11.1 The specific location(s), described by civic number and a plan diagram, where the applicant is seeking permission to vend; and written authorization and approval from the relevant traffic authority permitting the applicant to vend from the mobile or non-mobile unit at the proposed vending location(s).
- 11.3.12 If the applicant is proposing to vend on Municipal property:
  - 11.3.12.1 The specific location(s) described by civic number and a plan diagram where the applicant is seeking permission to vend.
- 11.3.13 If the applicant is proposing the vend on property owned by the applicant:
  - 11.3.13.1 A detailed description of the private or public property identifying the civic number and specific parcel(s) of land including a diagram or sketch of the location. Each diagram or sketch of the location shall show the area to be utilized by the applicant in the operation of the business, ingress and egress, and the location of all buildings on the property. The diagram or

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sketch should include measurements and be to scale.

11.3.14 If the applicant proposes to vend on property not owned by the applicant:

11.3.14.1 A detailed description of the private or public property identifying the civic number and specific parcel(s) of land including a diagram or sketch of the location. Each diagram or sketch of the location shall show the area to be utilized by the applicant in the operation of the business, ingress and egress, and the location of all buildings on the property. The diagram or sketch should include measurements and be to scale; and

11.3.14.2 Written and signed permission from the owner of the private or public property permitting the applicant to use the property to vend from the mobile or non-mobile unit for the requested period of time.

11.3.15 The applicable license permit fee as established by *Council* in the Fees Policy F-044-02;

11.4 A vending permit shall remain in effect for the period stated thereon. Permits may be issued for intervals of 1 week, 1 month, or 1 year, with corresponding fees set by policy. The permit shall expire at the conclusion of that period of sale, and must be reissued at each subsequent period of sale. Failure to renew a license is an offense. Applicants shall be required to pay the applicable fee as outlined in the Fees Policy.

11.5 A license issued under this By-Law shall not be transferable by the holder thereof to any other person.

11.6 No permit holder shall vend anything other than that which the permit authorizes.

11.7 A permit holder must be the owner/operator of the mobile or non-mobile unit for which the permit has been issued.

11.8 A permit issued pursuant to this By-Law applies only to the mobile or non-mobile unit for which it has been issued.

11.9 No permit holder shall fail to produce for inspection the permit issued to the permit holder upon demand of the By-Law Enforcement Officer.

**Part 12 Additional Prohibitions**

12.1 No person shall:



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- 12.1.1 Contravene the Municipality of Yarmouth Noise By-Law, or any other Municipal By-Law or policy;
- 12.1.2 Leave any mobile or non-mobile unit unattended on a street or municipal property;
- 12.1.3 Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry their wares which disturbs or offends the quiet of the neighbourhood;
- 12.1.4 Vend when customers or persons apparently waiting to become customers are standing in or obstructing a street;
- 12.1.5 Vend upon a sidewalk when there is snow or ice on the sidewalk; and
- 12.1.6 Vend as to obstruct the traffic of pedestrians.

### Part 13 Revocation

- 12.2 A ~~license~~ permit may be revoked where:
  - 12.2.1 The permit holder has provided incorrect information in the application for a license;
  - 12.2.2 The permit holder is selling food, beverages, goods or merchandise not stipulated in the permit application;
  - 12.2.3 The permit holder is in violation of any provision of this By-Law or of any other By-Law of the *Municipality*;
  - 12.2.4 The licensee fails to adhere to any statute, law or regulation of the Federal or Provincial Government.
  - 12.2.5 For greater clarity, if the *Municipality* determines, in their sole discretion, that the mobile or non-mobile unit is a safety issue, danger or hazard, the *Municipality* may, without notice to the permit holder, suspend or revoke a permit without compensation to the permit holder.

### Part 14 Appeals

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- 14.1 Any person who has been refused a ~~license~~ permit, or whose ~~license~~ permit has been revoked by the CAO shall receive notification in writing stating the reasons for the refusal or revocation and may appeal such refusal or revocation to the CAO.
- 14.2 Such appeal shall be in writing and shall be filed with the CAO within **fourteen (14) calendar days** of such refusal or revocation and shall clearly state the grounds for such appeal.
- 14.3 The decision of the CAO on an appeal is final and binding.

**Part 15 Enforcement**

- 15.1 Every person who contravenes or fails to comply with any provision of this By-Law, or any person who owns or controls premises or property used for non-permitted sale of merchandise by a vendor and/or a trader is guilty of an offence punishable on summary conviction by a fine of not less than five-hundred dollars (\$500.00) and not more than ~~ten~~ five-thousand dollars (\$5,000.00).
- 15.2 A person who is alleged to have violated this By-Law and where the notice so provides may pay a penalty in the amount of one-hundred (\$100.00) to one-thousand (\$1000.00) dollars to the office of the *Municipality* of the District of Yarmouth provided that said payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed 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 in accordance with the Payment In Lieu of Prosecution Policy P-082.02.
- 15.3 Where a vendor or trader is selling merchandise contrary to this By-Law, or the terms and conditions of a permit, the *Municipality* may, in addition to any other remedy or penalty herein, and without notice of any kind, impound and remove any merchandise and all costs or charges for removal and storage shall be paid before the merchandise is released.
- 15.4 The *Municipality* may apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order where:
  - 15.4.1 Land is being used in contravention of this By-Law;
  - 15.4.2 A person is selling merchandise without having paid the permit fee required; or
  - 15.4.3 A breach of this By-Law is anticipated or is of a continuing nature.
- 15.5 Each day that an offence of this By-Law continues to exist shall constitute a separate offence.

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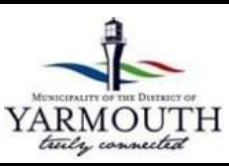
**Part 16 Repeal**

This By-Law hereby repeals and replaces Transient Vendor By-Law T-088-23.

<p style="text-align: center;"><b>Chief Administrative Officer’s Annotation for Official By-Law Book</b></p>	
Date of First Reading	July 16, 2025
Date of Advertisement of Notice of Intent to Consider	July 28, 2025
Date of Second Reading	August 20, 2025
Date of Advertisement of Passage of By-law	August 29, 2025
Date of Mailing to Minister a Certified Copy of By-law	September 8, 2025
<p>I certify that this Vending By-Law V-1048-25 was adopted by Council and published as indicated above.</p>	
 <hr/> <p>Chief Administrative Officer</p>	<p style="text-align: center;"><u>September 8, 2025</u> Date</p>

**Date last reviewed by Council: August 20, 2025**

**Date last amended: August 20, 2025**



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**Appendix A**

**Vending Application Form**

**Please complete the application below and check all that apply.**

**Contact Information:**

First & Last Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email Address: \_\_\_\_\_

Business/Corporate/Partnership Name: \_\_\_\_\_

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**Item Description(s):**

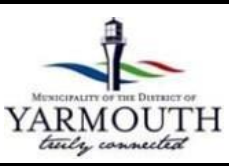
List and describe the item(s) you propose to sell:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Proposed dates and hours of operation:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Site Location, Event Location or Proposed Mobile Route:**

Please provide the Site Location or Civic Address of your preferred sites:

Site Location: \_\_\_\_\_

Civic Address: \_\_\_\_\_

If vending from a food truck on a private lot please include a site plan to indicate the location on the lot. Please show the setbacks from all property boundary lines and driveways, and any desired signage, along with its type and size.

**Vending on Private or Public Property:**

To be completed only if applicant is proposing to be vending on private or public property not owned by the applicant.

**Property Owner Details**

Property Owners First & Last Name: \_\_\_\_\_

Property Owners Phone Number: \_\_\_\_\_

Property Owners Email: \_\_\_\_\_

Property Owners Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_ (print property owners name), **hereby give permission for the applicant to vend from my property in accordance with the terms of this application.**

\_\_\_\_\_  
**Signature**

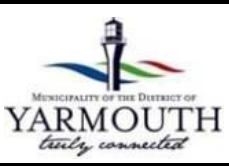
\_\_\_\_\_  
**Date**

**Waste Disposal:**

Are there proper containers for the disposal of garbage, recycling, and organics? \_\_\_\_\_

\_\_\_\_\_

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**Vending Apparatus:**

Please provide the following information:

Description of vending apparatus (Mobile or Non-Mobile Unit):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provincial Vehicle Registration Number, Make, Model and Year (if a truck and trailer, include registration for both):

\_\_\_\_\_  
\_\_\_\_\_

License Plate Number: \_\_\_\_\_

Classification: \_\_\_\_\_

Date of Vehicle Inspection: \_\_\_\_\_

Vehicle Inspection Number: \_\_\_\_\_

\_\_\_\_\_

**I hereby make an application to the Municipality of the District of Yarmouth for a Vendor's Permit starting the information in this application is true and complete, and that I agree to comply with the provisions of the Municipality of the District of Yarmouth's Vending By-Law V-1048-25.**

Applicant Name (print): \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Development Technician

\_\_\_\_\_

**Document Attachments:**

- Photos of each vending unit attached? Yes  / No

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- Applicable federal, provincial, and municipal permits attached?  
Health Permit: Yes  / No   
Motor Vehicle Dealer's License: Yes  / No   
Other: Yes  / No  If yes, please specify: \_\_\_\_\_
- Proposed site map attached? Yes  / No
- Proof of commercial liability insurance attached? Yes  / No
- Copy of Motor Vehicle Inspection & Registration? Yes  / No
- Approval from relevant traffic authority? Yes  / No
- Diagram of location? Yes  / No