

## **BY-LAW NO. 25-02**

### **A BY-LAW REGULATING THE LICENSING OF PEDDLERS, BUSKERS, TRANSIENT TRADERS, AND FOOD TRUCKS IN THE TOWN OF SAINT ANDREWS**

BE IT ENACTED by the Council of the Town of Saint Andrews, under the authority vested in it by the *Local Governance Act*, and amendments thereto, hereby makes and enacts this By-Law as follows:

#### **1. DEFINITIONS**

- 1.1. "Business" means any marketing activity conducted for the sale of goods, merchandise, or services for a profit.
- 1.2. "Busker" means one who provides a form of entertainment in the public realm regardless of whether payment is solicited, offered, or accepted.
- 1.3. "Busking" means an activity of making money from audiences on the street and the choice of how much, if anything, to pay for the entertainment received.
- 1.4. "Busking Licence" means a licence and any renewal thereof issued pursuant to this By-Law for the purpose of busking that has not expired or been revoked.
- 1.5. "Clerk" means the Clerk of the Town of Saint Andrews.
- 1.6. "Council" means the Mayor and Councillors of the Town of Saint Andrews.
- 1.7. "Food Truck" means a large vehicle equipped with facilities for cooking and selling food.
- 1.8. "Food Truck and Food Vending Vehicle Licence" means a Licence and any renewal thereof issued pursuant to this By-Law for the purpose of food vending that has not expired or been revoked.
- 1.9. "Food Vending Vehicle" means a mobile food facility, temporary food facility, catering truck, or other motorized conveyance upon which food and beverages are sold or offered for sale and distributed.
- 1.10. "Licence" means the Peddler's Licence or Transient Trader's Licence, or both, as the context of the section requires.
- 1.11. "Municipality" means the Town of Saint Andrews.
- 1.12. "Peddler" means any person who peddles, hawks, or carries from place to place for the purpose of peddling or hawking goods or merchandise.
- 1.13. "Peddler's Licence" means a Licence and any renewal thereof issued pursuant to this By-Law for the purpose of peddling that has not expired or been revoked.
- 1.14. "Person" means a corporation, partnership, association, club, or individual.
- 1.15. "Street" means the whole or part of a highway, road, lane, trail, footpath, square, alley, or passage, whether a thoroughfare or not.
- 1.16. "Temporary Business" means the sale of goods, merchandise, or services sold by a business being operated in the Municipality for less than six weeks or operating out of a vehicle, truck, trailer, or another mobile unit.
- 1.17. "Transient Trader" means a person who carries on temporary business.

- 1.18. "Transient Trader's Licence" means a Licence and any renewal thereof issued pursuant to this By-Law for the purpose of transient trading that has not expired or been revoked.

## 2. GEOGRAPHICAL AREA

- 2.1. This By-Law is in effect for the Municipal boundaries of the Town of Saint Andrews.

## 3. PEDDLER'S LICENCE

- 3.1. No person shall, within the Municipality, peddle or hawk, or carry from place to place for peddling or hawking, any goods or merchandise unless that person has been issued a Peddler's Licence by the Clerk.
- 3.2. A Peddler's Licence is valid only for peddling or hawking or for carrying from place to place for peddling or hawking the class or type of goods and merchandise expressly described or referred to on the face of the Peddler's Licence.
- 3.3. A Peddler's Licence is only valid for the dates and times specified on the face of the Peddler's Licence.
- 3.4. A Peddler will ensure that the Peddler's Licence is always clearly displayed in the place from which they are peddling.
- 3.5. No person shall be granted more than one Peddler's Licence.
- 3.6. No holder of a Peddler's Licence shall transfer the licence to any other person.
- 3.7. An application for a Peddler's Licence attached as Schedule "A" to this By-Law shall be submitted by the Peddler to the Clerk.
- 3.8. Upon receipt of a duly completed application, the Clerk shall issue such licence to the Peddler upon payment by the Peddler of a fee of **one hundred dollars (\$100.00) under Schedule "A"**.
- 3.9. A Peddler's Licence shall expire 30 days after the Peddler's Licence issuance date. A potential renewal of an additional 30 days may be requested from the Municipality. A renewal for an additional 30 days is subject to a fee of **fifty dollars (\$50.00) under Schedule "A"**.
- 3.10. See **Schedule "D"** for locations of operation for Peddlers.
- 3.11. A Peddler shall not obstruct or hinder the passage of pedestrians or vehicles.
- 3.12. A Peddler must cooperate immediately with the request of any member of the RCMP Detachment or Town of Saint Andrews By-Law Enforcement.

## 4. BY-LAW EXEMPTIONS FOR PEDDLER'S LICENCE

- 4.1. This By-Law does not apply to:
- 4.1.1. A person peddling or hawking fruits, vegetables, meats, and other products harvested by that person from his or her farm or garden.

- 4.1.2. A fisherman peddling or hawking fish, oysters, or any product harvested by him or her from the sea.
- 4.1.3. A person employed by a temperance, benevolent or religious society in the Province of New Brunswick for the peddling or selling of temperance or other moral or religious publications under the direction of such society.
- 4.1.4. A person hosting a yard sale or garage sale on their property, at their storage unit, or a community craft sale event.
- 4.1.5. Persons who have been approved by resolution of the Town Council to an exemption.
- 4.1.6. Resident merchants operating in the Historic Business District fronting Water Street may have sidewalk displays within one (1) metre of their storefront. Their displays shall not impede pedestrian traffic.
- 4.1.7. Municipally based service clubs, religious organizations, schools, and non-profit organizations conducting fundraising projects.

## 5. BUSKING LICENCE

- 5.1. No person shall, within the Municipality, perform on the streets of Saint Andrews unless that person has been issued a Busking Licence by the Clerk.
- 5.2. Persons categorized as Buskers include music performers, jugglers, singers, comedians, or other similar acts or performances.
- 5.3. A Busking Licence is only valid for the dates and times specified on the face of the Busking Licence.
- 5.4. A Busker shall ensure that the Busking Licence is always clearly displayed in the place from which they are performing.
- 5.5. When granting a Busking Licence, the Clerk may attach such conditions to it as reasonably necessary, including dates, times, and locations of performances allowed.
- 5.6. No person shall be granted more than one Busking Licence.
- 5.7. No holder of a Busking Licence shall transfer that licence to any other person.
- 5.8. An application for a Busker Licence attached as Schedule "B" to this By-Law shall be submitted by the Busker to the Clerk.
- 5.9. Upon receipt of a duly completed application, the Clerk shall issue such licence to the Busker upon payment by the Busker of a fee of **twenty dollars (\$20.00) under Schedule "B"**.
- 5.10. A Busking Licence shall expire thirty (30) days after the Busking Licence issuance date. A potential renewal of an additional thirty (30) days may be requested from the Municipality. A renewal for an additional thirty (30) days is subject to a fee of **ten dollars (\$10.00) under Schedule "B"**.
- 5.11. The following conditions apply in cases where a Busking Licence has been issued:

- 5.11.1. A Busker shall not entertain at any site for more than two (2) hours. Busking is only to be conducted between the hours of 9:00 a.m. and 8:00 p.m.
- 5.11.2. A Busker may solicit money by placing a receptacle on the ground but shall not directly approach members of the public for money. Buskers can sell merchandise associated with their entertainment including CDs, cassettes, or other small merchandise. Note Buskers cannot take up more than ten (10) feet of space in a designated area for Busking and selling merchandise.
- 5.11.3. A Busker shall not obstruct or hinder the passage of pedestrians or vehicles.
- 5.11.4. The Busker shall not create any nuisance or unreasonable noise. Amplification equipment may be used under the issuance of a Busker Licence if it is kept at a volume that does not become a nuisance.
- 5.11.5. The use of sharp or dangerous objects is prohibited. Juggling knives, chainsaws or flaming objects is not permitted.
- 5.11.6. A Busker must cooperate immediately with the request of any member of the RCMP Detachment or Town of Saint Andrews By-Law Enforcement.
- 5.11.7. Performers must be sixteen (16) years of age or over at the time of application. Exceptions may be made if an adult supports the application, and this adult is present at all performances given under the terms of the Licence.
- 5.11.8. See **Schedule “D”** for locations of operation as a Busker.

## **6. TRANSIENT TRADER LICENCE**

- 6.1. No person shall operate a temporary business within the Municipality unless that person has been issued a Transient Trader's Licence by the Clerk.
- 6.2. The issuance of a Transient Trader's Licence permits a temporary business to operate at one location for a period of six (6) weeks or less within the Municipality.
- 6.3. A Transient Trader Licence is only valid for the dates and times specified on the face of the Transient Trader Licence.
- 6.4. A Transient Trader shall ensure that the Transient Trader Licence is always clearly displayed in the place from which they are trading.
- 6.5. No person shall be granted more than one (1) Transient Trader Licence.
- 6.6. See **Schedule “D”** for locations of operation for Transient Traders.
- 6.7. An application for a Transient Trader's Licence attached as Schedule “C” to this By-Law shall be submitted by the Transient Trader to the Clerk.
- 6.8. Upon receipt of a duly completed application, the Clerk shall issue such licence to the Transient Trader upon payment by the Transient Trader of a fee of:

- 6.8.1. **Seventy-five dollars (\$75.00) for up to three (3) days under special events under Schedule "C".**
- 6.8.2. **Three Hundred Dollars (\$300.00) for up to six (6) weeks under Schedule "C".**
- 6.8.3. **A renewal for an additional six (6) weeks is subject to a fee of one hundred and fifty dollars (\$150.00) under Schedule "C".**
- 6.9. No holder of a Transient Trader's Licence shall transfer the licence to any other person.
- 6.10. A Transient Trader must cooperate immediately with the request of any member of the RCMP Detachment or Town of Saint Andrews By-Law Enforcement.

## **7. FOOD TRUCKS AND FOOD VENDING VEHICLES**

- 7.1. The Town of Saint Andrews authorizes the use of Food Trucks within Municipal limits. Food Trucks or Food Vending Vehicles must apply for a Food Truck or Food Vending Licence and must be awarded a licence before operation within Municipal limits.
- 7.2. A maximum of three (3) Food Trucks or Food Vending Vehicles will be allowed to operate at one time in any of the locations noted. See **Schedule "D"** for locations to operate a Food Truck or Food Vending Vehicle.
- 7.3. Upon receipt of a duly completed application, the Clerk shall issue such licence to the Food Truck or Food Vending Vehicle upon payment of a fee of:
  - 7.3.1. **One Hundred Dollars (\$100.00) under Schedule "C" for special events permits.**
  - 7.3.2. **Five Hundred Dollars (\$500.00) under Schedule "C" for permits booking eight (8) weeks or less.**
  - 7.3.3. **One Thousand Five Hundred Dollars (\$1,500.00) for a seasonal permit under Schedule "C".**
- 7.4. For permits of eight (8) weeks or less, applications must be submitted based on the following schedule:
  - 7.4.1. March 15 of each year for dates to be considered for April and May.
  - 7.4.2. May 15 of each year for dates to be considered for June and July.
  - 7.4.3. July 15 of each year for dates to be considered for August and September.
  - 7.4.4. September 15 of each year for dates to be considered for October and November.
- 7.5. Prior to the issuance of a Licence, proof of Department of Health Licensing from the Province of New Brunswick must be provided to the Municipality.
- 7.6. A Food Truck or Food Vending Vehicle must cooperate immediately with the request of any member of the RCMP Detachment or Town of Saint Andrews By-Law Enforcement.
- 7.7. If a Food Truck or Food Vending Vehicle does not comply with the RCMP or By-Law Enforcement, it can be towed off the premises at the Food Truck or Food Vending Vehicle's expense.
- 7.8. No person shall be granted more than one (1) Food Truck or Food Vending Vehicle Licence.

- 7.9. No holder of a Food Truck or Food Vending Vehicle Licence shall transfer the licence to any other person.
- 7.10. A Food Truck or Food Vending Vehicle operator shall ensure that the Food Truck or Food Vending Vehicle Licence is clearly displayed in the vehicle from which they are operating.

## 8. GENERAL

- 8.1. An application for a licence shall be submitted to the Clerk upon the forms provided by the Municipality and such application shall be filed with the Clerk at least **fourteen (14) days** prior to the time in which the licence applied for shall become effective.
- 8.2. The Clerk shall examine such applications filed under this By-Law for a licence and shall make, or cause to be made, such further investigation of the application and the applicant as the Clerk shall deem necessary and the licence will not be issued until the Clerk determines the following facts:
- 8.2.1. That all the statements made in the application are true.
  - 8.2.2. That the applicant has not engaged in any fraudulent transaction or enterprise.
  - 8.2.3. Nothing in the proposal will violate any provision of the Zoning By-Law or Municipal Plan of the Municipality or any other law or By-Law.
- 8.3. Upon being satisfied concerning the facts required in Section 8.2, the Clerk shall promptly issue such licence upon payment.
- 8.4. The Clerk may require additional information from the applicant from time to time as it deems necessary.

## 9. REVOKING OF LICENCE

- 9.1. Where in the opinion of the Clerk, a Peddler, a Transient Trader, a Busker or a Food Truck or Food Vending Vehicle operator has violated any provision of this By-Law, the Clerk or designate shall, other than any remedy or penalty prescribed herein, by notice served revoke their licence issued.
- 9.2. Any applicant who has been refused by the Clerk has the right to appeal to the Council.

## 10. ENFORCEMENT

- 10.1. Every person who violates any provision of this By-Law is guilty of an offence and is liable to an Administrative Penalty of not less than **fifty dollars (\$50.00)** and not more than **two hundred dollars (\$200.00)**. Each day that the person violates any provision of this By-Law, an Administrative Penalty can be administered up to a total of **two thousand dollars (\$2,000.00)**.
- 10.2. If Administrative Penalties are not paid to the Town within thirty (30) days of issuance or exceeds the two-thousand-dollar (\$2,000.00) threshold, the Administrative Penalties will be submitted to the Court of King's Bench of the Province of New Brunswick.

10.3. Every person who violates any provision of any other Municipal By-Law is subject to the Administrative Penalties associated with those By-Laws.


10.4. Any expenses as it relates to towing, the costs are borne by the Licensee.

11.REPEAL PROVISION

11.1. By-Law No. 75, A By-Law Regulating and Licensing Peddlers and Transient Traders in the Town of Saint Andrews, passed by Council on June 3, 1985, and amendments thereto, are hereby repealed.

11.2. By-Law No. 75, A By-Law Regulating and Licensing Peddlers and Transient Traders in the Town of Saint Andrews, and amendments thereto, shall not affect any penalty, forfeiture, or liability, incurred before such repeal or any process for enforcing the same completed or pending at the time of repeal, nor shall it repeal, defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

Read the First Time this	3 <sup>rd</sup> day of	February, 2025
Read the Second Time this	18 <sup>th</sup> day of	February, 2025
Public Hearing of Objections this	3 <sup>rd</sup> day of	February, 2025
Read for the Third and Final time this	3 <sup>rd</sup> day of	March, 2025

  
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Brad Henderson, Mayor

  
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Paul Nopper, Clerk – Senior Administrator



**SCHEDULE "A"**  
**TOWN OF SAINT ANDREWS**  
**PEDDLER'S LICENCE APPLICATION FORM**

<b>Name of Applicant</b>	
<b>Address</b>	
<b>Phone Number</b>	
<b>Email</b>	
<b>Company Name</b>	
<b>Address</b>	
<b>Phone Number</b>	
<b>Email</b>	

<b>Licence Type</b>	<b>Check Box</b>
Peddler Licence Application \$100.00	
Peddler Licence Application Renewal \$50.00	

<b>Location for Peddling</b>	
<b>Dates Requested for Peddling</b>	

I acknowledge that I have read and understood the rules and regulations outlined in By-Law 25-02, A By-Law Regulating the Licensing of Peddlers, Buskers, Transient Traders, and Food Trucks in the Town of Saint Andrews.

Signature

Date

<b>Date Received at Town Hall</b>	
<b>Received By</b>	
<b>Application Date Reviewed</b>	
<b>Application Reviewed By</b>	
<b>Approved/Denied</b>	



**SCHEDULE “B”**  
**TOWN OF SAINT ANDREWS**  
**BUSKER LICENCE APPLICATION FORM**

<b>Name of Applicant</b>	
<b>Address</b>	
<b>Phone Number</b>	
<b>Email</b>	
<b>Company Name</b>	
<b>Address</b>	
<b>Phone Number</b>	
<b>Email</b>	

<b>Licence Type</b>	<b>Check Box</b>
Busker Licence Application \$20.00	
Busker Licence Renewal \$10.00	

<b>Location for Busking</b>	
<b>Dates Requested for Busking</b>	

I acknowledge that I have read and understood the rules and regulations outlined in By-Law 25-02, A By-Law Regulating the Licensing of Peddlers, Buskers, Transient Traders, and Food Trucks in the Town of Saint Andrews.

Signature

Date

<b>Date Received at Town Hall</b>	
<b>Received By</b>	
<b>Application Date Reviewed</b>	
<b>Application Reviewed By</b>	
<b>Approved/Denied</b>	

**SCHEDULE "C"**  
**TOWN OF SAINT ANDREWS**  
**TRANSIENT TRADER or FOOD TRUCK AND FOOD VENDING VEHICLES**  
**LICENCE APPLICATION FORM**

<b>Name of Applicant</b>	
<b>Address</b>	
<b>Phone Number</b>	
<b>Email</b>	
<b>Company Name</b>	
<b>Address</b>	
<b>Phone Number</b>	
<b>Email</b>	

<b>Licence Type</b>	<b>Check Box</b>
Transient Trader Licence Application \$300.00 (up to six weeks)	
Transient Trader Licence Application Renewal \$150.00 (up to six weeks)	
Transient Trader Special Event Licence \$75.00 (up to three days)	

<b>Licence Type</b>	<b>Check Box</b>
Food Truck/Food Vending Vehicle Licence Application \$1,500.00 (seasonal)	
Food Truck/Food Vending Vehicle Licence Application \$500.00 (up to eight weeks)	
Food Truck/Food Vending Vehicle Licence Application Special Event \$100.00 (up to three days)	

<b>Location for Transient Trader or Food Truck/ Food Vending Vehicle</b>	
<b>Dates Requested for Transient Trader or Food Truck/Food Vending Vehicle</b>	
<b>Proof of Department of Health NB Licence Provided</b>	

I acknowledge that I have read and understood the rules and regulations outlined in By-Law 25-02, A By-Law Regulating the Licensing of Peddlers, Buskers, Transient Traders, and Food Trucks in the Town of Saint Andrews.

Signature

Date

<b>Date Received at Town Hall</b>	
<b>Received By</b>	
<b>Application Date Reviewed</b>	
<b>Application Reviewed By</b>	
<b>Approved/Denied</b>	

## **SCHEDULE “D”**

### **TOWN OF SAINT ANDREWS ALLOWABLE LOCATIONS FOR PEDDLERS, BUSKERS, TRANSIENT TRADERS, AND FOOD TRUCKS**

#### **PEDDLER’S LOCATION**

- The Municipality will designate the location where a Peddler can operate their business. The location will be on Municipal-owned property including parks, streets, sidewalks, or a Municipal facility.
- A Peddler can work on private property if they have written approval from the private landowner and the written approval is provided as part of the Peddler’s Licence application.

#### **BUSKER’S LOCATION**

- The Busker must obtain the permission of the shopkeeper with premises directly adjacent to the performance area before performing and must cease performing immediately if requested to do so by the premises’ occupier.
- Busking premises approved by the Municipality include:
  - In front of Town Hall at 212 Water Street, Saint Andrews.
  - In front of Market Square across from 212 Water Street, Saint Andrews.
  - A Busker can work on private property if they have written approval from the private landowner and the written approval is provided as part of the Peddler’s Licence application.
  - Request another option on public land but must be reviewed and approved by the Municipality.
- Privately owned facilities are not under the jurisdiction of the Municipality. To perform in these facilities, Buskers must seek permission from the owner/operator of the business.

#### **TRANSIENT TRADER LOCATION**

- The location of the Transient Trader set up will be approved by the Clerk.

#### **FOOD TRUCK AND FOOD VENDING LOCATION**

- Food Truck or Food Vending Vehicles will only be authorized to operate in the following locations:
  - The W.C. O’Neill Arena Complex, located at 24 Reed Avenue, Saint Andrews, is an option for Food Trucks or Food Vending Vehicles that want to operate from Friday to Sunday. The location of the vehicle must be approved by the Municipality to ensure non-interference with the Welcome Centre and the Wellness Centre parking. Vending in this area may occur year-round. Food Trucks or Food Vending Vehicles will only be allowed at the W.C. O’Neill Arena Complex only if the canteen is not operational or permission of the canteen operator has been obtained.
  - Indian Point Park, located at 550 Water Street, Saint Andrews, is an option for Food Trucks or Food Vending Vehicles that want to operate from Monday to Sunday. Vending in this area can occur year-round.

- Other locations within the Ward of Saint Andrews can be considered, i.e., on private property or other identified Town-owned land, but must be approved by Council.
- If a Food Truck or Food Vending Vehicle wants to operate outside of the Ward of Saint Andrews, in the Wards of Chamcook and Bayside, then the vendor must provide the following information to be considered:
  - Proof of location for vending.
  - Written approval from the landowner for vending location.