

**Town of Nipawin**  
**Bylaw No. 1104/20**

**A BYLAW OF THE TOWN OF NIPAWIN TO CLASSIFY, LICENSE AND REGULATE BUSINESS  
ACTIVITY WITHIN THE TOWN OF NIPAWIN TO BE KNOWN AS THE “BUSINESS LICENSING  
BYLAW”**

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The Council of the Town of Nipawin, in the Province of Saskatchewan enacts as follows:

**1) Title**

This Bylaw may be cited as **“The Business Licensing Bylaw”**

**2) Purpose**

The purpose of this Bylaw is to license businesses in the Town of Nipawin in order to:

- a) To regulate businesses;
- b) To gather land-use information;
- c) To ensure compliance with land-use and building regulations;
- d) To facilitate planning decisions; and
- e) To ensure that once licensed, the person complies with all terms and conditions of the license as set out under the Bylaw.

**3) Authority**

The authority for this Bylaw is *The Municipalities Act*, and in particular, sections 8 and 9 of *The Municipalities Act*.

**4) Definitions:**

In this Bylaw:

- a) **Airport** means the Nipawin Municipal Airport, owned and operated by the Town of Nipawin,
- b) **Business** means any of the following activities, as defined in *The Municipalities Act*, whether or not for profit and however organized or formed:
  - i) a commercial, merchandising or industrial activity or undertaking;
  - ii) the carrying on of a profession, trade, occupation, calling or employment;
  - iii) an activity promoting goods and services.

- c) **Bylaw Enforcement Officer** shall mean a person hired or contracted by the Town of Nipawin to enforce the Bylaws of the Town.
- d) **Cannabis Retail Store** means a building or part of a building in which the owner or tenant is legally permitted to sell non-medical cannabis or other items as defined within *The Cannabis Act*.
- e) **Charity** means an organization that is:
  - i) incorporated as a non-profit corporation in the Province of Saskatchewan;
  - ii) a registered charity authorized to issue tax receipts for donations pursuant to *The Income Tax Act*; or
  - iii) an organization that can demonstrate that it is formed for social, educational, religious or philanthropic purposes from which the members do not receive any direct economic gain;
- f) **Council** shall mean and include the Council of the Town of Nipawin.
- g) **Craft Show or Exposition** means a group of three or more people engaged in the business of producing, preparing, exhibiting or selling arts and crafts for gain.
- h) **Direct Seller** means a person(s) who:
  - i) are licensed according to the *The Direct Sellers Act*;
  - ii) go from house to house selling or offering for sale, or soliciting orders for the future delivery of, goods or services;
  - iii) by telephone offers for sale or solicits orders for the future delivery of goods or services; or
  - iv) do both of the things mentioned in subclasses (i) and (ii);
- i) **Home-Based Business** means any business that is owned and operated by a resident or residents in a dwelling unit and is permitted according to the Nipawin Zoning Bylaw.
- j) **Licensee** means a business/person holding a valid and subsisting license.
- k) **License Inspector** means a person employed by the Town of Nipawin responsible for reviewing business license applications and application approval.
- l) **Mobile Food Vendor** means a person selling prepared food items from an approved Mobile Food Vending Unit.
- m) **Mobile Vendor** means a person selling items, merchandise, or non-prepared food items from an approved mobile vehicle, mobile structure, or cart. Even though they may reside in the Town will be classed under “Transient Trader”.

- n) **Non-Profit Organization** means a non-profit corporation that is registered under the provisions of *The Non-Profit Corporations Act*.
- o) **Non-Resident Contractor** means a person who:
- i) does not operate a commercial or industrial facility within the Town of Nipawin;
  - ii) carries on business in the Town of Nipawin as a contractor, building contractor, municipal contractor, (whether for waterworks, sewerage or otherwise) painter, cabinet maker, tinsmith, plumber, electrician, mason bricklayer, plasterer, decorator, or other trade relating to the building or construction industry; but
  - iii) does not include a person who is required to be licensed pursuant to *The Direct Sellers Act* or who is an occupant of property that is used for business purposes.
- p) **Pawnbroker** means any business that provides secure loans in exchange for goods offered as collateral, including the sale of such goods pursuant to *The Pledged Property Act*.
- q) **Person** means an individual or a corporation and includes a partnership, an association, or a group of **persons** acting in concert unless the context explicitly or by necessary implication otherwise requires.
- r) **Resident Contractor** means a person who carries on business in the Town of Nipawin as a contractor, building contractor, municipal contractor, (whether for waterworks, sewerage or otherwise) painter, cabinet maker, tinsmith, plumber, electrician, mason bricklayer, plasterer, decorator, or other trade relating to the building or construction industry.
- s) **Retail Store** means a place where goods, wares, or merchandise are offered for sale or rent, but excludes the retail sale of cannabis other than in licensed pharmacies, and may include the manufacturing of products to be sold on site, provided the gross floor area used for manufacturing does not exceed 25% of the gross floor area of the retail store.
- t) **Taxicab** means a vehicle which is employed in the conveyance of passengers for hire except:
- i) an ambulance;
  - ii) a bus;
  - iii) a vehicle especially designed to transport, for hire, persons confined to wheelchairs along with the said wheelchairs, and which does not carry for compensation any other type of passenger;
  - iv) a vehicle known as a U-Drive vehicle which is rented without a driver;
  - v) a vehicle approved for use as a limousine by the License Inspector;
  - vi) A vehicle approved for use as a transportation depot limousine by the License Inspector; and
  - vii) Vehicles restrictively licensed by a valid and subsisting Operating Authority Certificate issued pursuant to *The Traffic Safety Act*, and/or *The Motor Vehicles*

*Transportation Act (Canada, 1987)*, to provide specialized non-emergency transportation for hire for medically stable passengers and for medical purposes;

- u) **Town** means the Town of Nipawin, in the Province of Saskatchewan.
- v) **Trade Show** means a place where the public is invited and where goods or merchandise are offered for sale by retail or auction on a short-term basis, such as hobby shows, home improvement shows, sportsman shows, and craft shows; and includes an exhibition organized so that companies in a specific industry can showcase and demonstrate their latest products, service, study activities of rivals and examine recent market trends and opportunities;
- w) **Transient Trader** means a person carrying on business in a Town who:
  - i) offers goods, services or merchandise for sale or auction; or
  - ii) solicits any person who is not a wholesaler or retail dealer for orders for future delivery of goods or merchandise; and
  - iii) does not have a business address in the Town of Nipawin.

But does not include a person who is required to be licensed pursuant to *The Direct Sellers Act* or who is an occupant of property that is used for business purposes;

- x) **Unclassified Business** means a person carrying on a trade or business for gain, if in regard to licensing of the same with no provision is made in this Bylaw, and who is not occupying a property taxed at the commercial rate.

## 5) License Required

No person shall carry on business within the Town unless such person holds a valid and subsisting license to do so issued pursuant to the provisions of this Bylaw.

- a) A license shall be required:
  - i) for any person carry on business within the Town;
  - ii) if business is carried on at more than one location; a person must obtain a license for each location;
  - iii) if any form of advertising of business activity is deemed to be prima facie proof that the person is carrying on such business activity;
  - iv) for all commercial operations of any type or activity at the Airport, whether it is aeronautical or not.
- b) A license shall not be required:
  - i) for any activity carried on by the Town or at a location operated by an official or employee of the Town, acting on behalf of the Town in an official capacity;
  - ii) for any activity undertaken by a charity;
  - iii) for such other activities as Council may, by resolution, exempt from the requirements of this bylaw;

- iv) for any person, activity or premises, if such person, activity or premises is exempt from municipal licensing by Federal and Provincial statute.

**6) Application**

- a) A person must complete and submit a business licence application, including all required information, to the Town for approval.
- b) An application must include all requested information, including but not limited to:
  - i) name, occupation, and address of the applicant;
  - ii) the nature of the business for which the license is required;
  - iii) the place where the business is to be carried on;
  - iv) the name under which the business will be operated;
  - v) the business registration number or proof of Provincial business registration; and
  - vi) any other information which may be reasonably requested by the Town from time to time.
- c) If a license inspector concludes a license application should be denied, the application shall be referred to Council which, in its absolute discretion, may deny the application but must give reasons for doing so.

**7) License Fees**

- a) The fee payable in respect of any license required under the provisions of this Bylaw shall be in the amount set out in Schedule “1” and “2” of this Bylaw.
- b) A license shall not be issued until the fee has been paid.

**8) Prorating of Fees**

- a) The license for a business in the first year of operation-may be prorated to the following:

New Licenses	
January 1 to June 30	\$100.00
July 1 to December 31	\$ 50.00

Home Based Businesses	
January 1 to June 30	\$150.00
July 1 to December 31	\$ 75.00

- b) No refunds shall be issued with respect to any license except when a license is revoked as provided for by Section 15.

## 9) Granting of Licenses

All licenses required under the provisions of this Bylaw shall be issued by a Town of Nipawin designated license inspector, except where Council reserves to itself the right to decide whether a license shall be issued or not.

- a) Where a license inspector refuses to issue any license, the application for license together with a report thereon shall be presented to Council, and the applicant shall be advised of the date on which Council will consider the application.
- b) Every license granted under this Bylaw shall be made out in duplicate, and one copy shall be delivered to the licensee who shall produce the same whenever it may be demanded by any by-law / police officer in the employ of the Town or other person duly authorized to demand its production.

## 10) Term of Business License

- a) Unless otherwise stated, all licenses issued pursuant to this Bylaw shall be for one calendar year, or portion thereof remaining, and shall expire on **December 31<sup>st</sup>** of the year in which it was issued.
- b) A person to whom a business license has previously been issued intending to continue conducting any activity for which a license is required pursuant to this Bylaw in the year subsequent thereto will be invoiced prior to **February 28<sup>th</sup>** of that subsequent year, unless the Town is advised in writing that a license is no longer required due to discontinuance of the business.
- c) In the event a person to whom a business license has previously been issued:
  - i) Refuses or neglects to renew business license prior to February 28<sup>th</sup>; or
  - ii) fails to tender the applicable license fee or provide information required by the Town prior to February 28<sup>th</sup>;

that person shall be deemed to be conducting a business without a license contrary to the provisions of this Bylaw and shall be subject to prosecution therefore.

## 11) Fees Payable

- a) All license fees required to be paid under the provisions of this Bylaw shall be paid to the Town of Nipawin at 210 – 2<sup>nd</sup> Ave. E, Nipawin, SK immediately on receipt of invoice.
- b) A person shall be deemed to be conducting business without a license contrary to the provisions of this Bylaw:

- i) to whom a business license has previously been issued refuses or neglects to renew the business license prior to **February 28<sup>th</sup>**; or
- ii) fails to tender the applicable license fee or provide information required by the Town prior to **February 28<sup>th</sup>**.

## **12) Display of Licenses**

Every licensee granted a license to carry on the business and who occupies premises in connection therewith shall keep the license posted in a conspicuous place on the licensed premises. All persons licensed under the provisions of this Bylaw where there are no licensed premises shall, on demand of the Bylaw Enforcement Officer or a customer or client, produce the license to such individual.

## **13) Inspection of Licensed Premise**

- a) Inspection of property by the Town to determine if this bylaw is being complied with is hereby authorized;
- b) Inspections under this bylaw shall be carried out in accordance with *Section 362 of The Municipalities Act*; and
- c) No person shall obstruct a designated officer who is authorized to conduct an inspection under this section, or a person who is assisting a designated officer.

## **14) Revocation of Licenses**

A license inspector may suspend or revoke any license granted under the provisions of this Bylaw, and where such license is revoked the licensee shall be entitled to a refund of that part of the license fee proportioned to the unexpired term for which is granted.

## **15) Provincial License Required**

**A license shall not be issued under this Bylaw to any person required by law to obtain a provincial license, until the person has first produced the required provincial license to the Town.** Any license issued under this Bylaw, without the person first obtaining the required provincial license is invalid.

## **16) Authority Approval Required**

A license shall not be issued under this Bylaw to any person for a business for which a license inspector determines that third party approval is required from:

- a) Provincial or municipal fire inspector(s);
- b) Public health inspector of the Saskatchewan Health Authority;

- c) The Building Inspector; or
- d) Any other third party as required until such time as the required third-party approval is granted.

### **17) Zoning and Building Standards**

The issuing of a license to a person does not relieve that person of the responsibility of conforming to any zoning, building, plumbing and any other requirements of the Town.

### **18) Discontinuance, Change, Relocation or Transfer**

- a) A person must notify the Town:
  - i) if a business is discontinued; or
  - ii) if any changes are made with regard to location, ownership, registered business name, mailing address or other nature of the business.
- b) A person to whom a license has been issued under this Bylaw **shall not change the location of the premises** in which the business, activity, profession or other occupation is carried out, without first having applied to a license inspector to have the license amended to reflect the new location, and payment of a fee of Twenty-Five Dollars (\$25.00); the powers, conditions, requirements and procedure relating to the granting or refusal of licenses and appeals thereon, shall apply to all such applications.
- c) Unless otherwise provided herein, any subsisting license issued under this Bylaw may be transferred upon application to a license inspector and a payment of a fee of Twenty-Five Dollars (\$25.00) provided that the applicant has the required qualifications and furnishes legal documentation releasing the rights and interests of the previous owner. No person who purchases the interest of, or part of the interest of, any person licensed pursuant to this Bylaw, shall carry on or continue such business, activity, profession or other occupation without first having obtained a transfer of license or a new license.

### **19) Compliance with Provisions of Bylaw**

- a) A person carrying on or engaged in business in respect of which a license is required shall, upon request of the Bylaw Enforcement Officer, give to the Bylaw Enforcement Officer, all information necessary to enable the Officer to carry out the assigned duties.
- b) A person carrying on or engaged in any such business who fails to furnish such information within 10 days from the date on which the request is made is guilty of an offense and liable on summary conviction.

For the purpose of ensuring compliance with this Bylaw, a license inspector may, after being properly identified, at any reasonable time enter and inspect any business and may be accompanied by any person having special or expert knowledge on any matter to which this



bylaw relates. Any person hindering, preventing, or refusing such free access shall be guilty of a breach of this bylaw.

## **21) Failure to Comply – Notice of Violation**

- a) Notwithstanding the offences and penalties set out in Section 22 of this Bylaw, no person shall fail to comply with any other provision of this bylaw.
- b) Notwithstanding the offences and penalties set out in Section 22 of this Bylaw, any person who contravenes any other provisions of this Bylaw is liable on summary conviction to a fine of not less than the minimum penalty shown in Schedule 3
- c) The following procedure shall apply to contraventions of the Bylaw under Section 19 Subsection a):
  - i) a Designated Officer may issue a Notice of Violation to any person committing a contravention under Section 21 Subsection a). The notice shall require the person to pay to the Municipality the penalty set out in Schedule '3';
  - ii) the fine may be paid:
    - a. in person, during regular office hours, to the cashier located at Town Office, 210 2 Ave E, Nipawin, Saskatchewan;
    - b. by deposit, at the depository located in front of the Town Office; or
    - c. by mail addressed to Town of Nipawin, c/o Bylaw Enforcement, PO Box 2134, Nipawin, SK S0E 1E0.
  - iii) the amount of the fine under Schedule '3' shall be discounted in accordance with the amounts set out in Schedule '3' if paid within 15 calendar days of the date of the notice of bylaw violation. The date of payment shall be determined as follows:
    - a. for payment in person, the date of the payment shall be the date payment is received by the Municipality;
    - b. for payment by deposit, the date of payment shall be the date payment is deposited in the depository at The Town Office; or
    - c. for payment by mail, the date of payment shall be the post marked date on the remittance.
  - iv) If payment of the fine as provided in Schedule '3' is not made within 30 calendar days of service of the Notice of Violation, such outstanding fine will be forwarded to a Collections Agency for pursuit at the Town's discretion.

- v) If payment of the fine as provided in Schedule '3' is made within 60 calendar days of service of the Notice of Violation, the person shall not be liable to prosecution for that offence.
- vi) All violations and associated notices will be given in accordance to The General Penalty Bylaw.

## **20) Offences and Penalties**

- a) Any person who contravenes any provision **of this Bylaw** is guilty of an offence and liable on summary conviction to a fine of not more than:
  - i) \$2,000.00 in the case of an individual
  - ii) \$5,000.00 in the case of a corporation
- b) Any person who contravenes a provision of any Provincial Act or is guilty of any offence under the *Criminal Code of Canada* is liable on summary conviction to fines and penalties as determined by legislation.

## **21) Prosecution**

In a prosecution for contravention of a bylaw against engaging in or operating a business without a license, proof of one transaction in the business or that the business has been advertised is sufficient to establish that a person is engaged in or operates the business.

## **22) From Whom License is Recoverable**

In accordance with Subsection 9(2) to 9(5) of *The Municipalities Act*, if any contractor fails to pay the license fee imposed by this Bylaw, a license inspector;

- a) may give notice in writing to any person by whom the contractor is employed requiring the person to pay the license fee out of the monies payable by that person to the contractor; and
- b) upon receipt of the notice, the amount of the license fee shall be a debt due to the Town and may be recovered in the same manner as taxes may be recovered.

## **23) Licensing Categories**

- a) **General Business Licenses** are required for any business operating within the corporate boundaries of the Town or operating on Town owned land (including the municipal airport).
- b) **Transient Trader/Non-Resident Contractor Business Licenses** are required for any business operating within the corporate boundaries of the Town or operating on Town

owned land (including the municipal airport) that **does not** have an office or premises within those corporate limits.

- c) **Home-Based Business Licences** are required for any business activity conducted wholly or partly on the business operator's residential property.
- d) **Unclassified Business Licences** are required for any business where no provision is made in this Bylaw, and that is not occupying a property taxed at the commercial rate.
- e) **Mobile Food Vendor Licenses** are required for any Mobile Food Vending Unit engaged in the sale of prepared food.

## **24) Special Provisions**

### **a) Direct Seller:**

A person operating as a direct seller must produce the following to the Town:

- i) a copy of their provincial license under *The Direct Sellers Act*;
- ii) if selling for a company, a copy of the identification tag issued to the seller from the company; and
- iii) if selling for a company, the company must be registered with the Province and must provide to the Town the PST Number or Entity Number that was issued by the Province.

### **b) Home-Based:**

- i) A person applying for a home-based business license, or transfer of a home-based business license, must obtain the appropriate approval issued under the provisions of the Zoning Bylaw.
- ii) The regulations as contained in the Zoning Bylaw shall apply in respect of all home-based businesses.

### **c) Trade Show:**

- i) If a trade show is carried on at more than one location, a person must obtain a license for each location;
- ii) A license issued for a trade show is only valid at the location for which it is issued;
- iii) The license fee provided for in Schedule No. 2 shall cover all persons offering goods or merchandise for sale at the trade show;
- iv) A person must obtain a license to operate a trade show, whether or not the person already has a business license for another premise, unless the trade show is to be held at such other premise.

### **d) Mobile Vendor:**

- i) A separate license must be obtained for each vehicle, mobile structure, or cart operated by a mobile vendor;

- ii) A license issued for a mobile vendor is only valid for the location(s) specified in the license;
- iii) Written approval must be obtained from the organizer of an event prior to a Mobile Vendor setting up;
- iv) A license shall not be issued for a mobile vendor for a location on public right of way or a sidewalk; unless the vendor has received permission from Town Council;
- v) There is no separation distance between two or more Mobile Vendors.
- vi) There shall be no reduction in fee rates for partial year operations.

**e) Mobile Food Vendor:**

- i) A separate license must be obtained for each vehicle, mobile structure, or a food cart operated by a mobile vendor;
- ii) A license issued for a mobile vendor is only valid for the location(s) specified in the license;
- iii) Mobile Food Vendors operating on **private property** shall comply with regulations outlined in Schedule '4' of this Bylaw;
- iv) Mobile Food Vendors operating on Town of Nipawin property or on road rights-of-way shall comply with regulations outlined in Schedule '4' of this Bylaw.
- v) There shall be no reduction in fee rates for partial year operations.
- vi) Written approval must be obtained from the organizer of an event prior to a Mobile Vendor setting up.

**f) Pawnbroker:**

- i) A person making application to operate as a pawnbroker must:
  - (1) Obtain the appropriate approval issued under the provisions of the *Zoning Bylaw*;
  - (2) Operate in compliance with all provisions of *The Pawned Property Act* and all the associated regulations;
  - (3) Every person who contravenes the provisions of *The Pawned Property Act* is guilty of an offence and liable on summary conviction under the *Criminal Code of Canada*.

**g) Cannabis Retail:**

- i) A person making application to operate a Cannabis Retail store must:
  - (1) be in possession of a *Saskatchewan Liquor and Gaming Authority Cannabis Retail Permit*;
  - (2) obtain the appropriate approval issued under the provisions of the *Zoning Bylaw*; and
  - (3) only operate the business between the hours of 8:00 am and 11:00 pm.

**25) Taxicab License:**

An Application to Operate a Taxi in the Town of Nipawin shall be taken out by every person who owns or keeps for hire or profit a taxicab(s) as per Schedule 1 and shall pay therefore the annual license fee as per Schedule 1 and shall adhere to all provisions contained within the current Town of Nipawin Traffic Bylaw.

**26) Bylaws Repealed**

Bylaw No. 961/14 and all amendments thereto are hereby repealed.

**27) Coming into Force**

This Bylaw shall come into full force upon the final passing thereof.

Read a Third Time and  
Adopted This \_\_\_Day  
of \_\_\_\_\_, A.D., 2020

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

## Schedule "1"

### Town of Nipawin General Business License Fees

Business License Fee – <b>New Application</b>	\$100.00
Business License Fee - <b>Renewal</b>	\$ 50.00
Change of Address	\$ 25.00
Change of Ownership	\$ 25.00
Resident Contractor	\$ 300.00
Home Based Business	\$ 150.00
Taxicab License	\$ 180.00
<b>Mobile Food Vending – Property Type</b>	
Mobile Food Vendor – Private Property	\$100.00
Mobile Food Vendor – Public Property	\$200.00
<b>Mobile food Vending – Unit</b>	
Small (cart/motorcycle)	\$25.00
Large (Truck/trailer)	\$100.00

**Schedule "2"**

**Town of Nipawin  
Non-Resident Licensing Fees**

**Non-Resident Contractor**

(a) Total Contracts within the town over \$1,000,000	\$ 1,200.00
(b) Total Contracts within the town between \$100,000 - \$1,000,000	\$ 600.00
(c) Total Contracts under \$100,000	\$ 300.00

**Direct Seller (per person)** \$ 30.00

**Transient Trader** \$ 100.00/day  
(\$500.00 cap)

**Trade Show** \$ 100.00/day  
(\$1,000.00 cap)

**Unclassified** \$ 200.00

Schedule '3'

**Town of Nipawin  
Minimum Penalties**

<b>Offence Pursuant to The Business Licensing Bylaw</b>		<b>Penalty (Fine)</b>	
		<b>Time of Issuance</b>	
		<b>(paid within 15 days)</b>	<b>After 15 days</b>
Section 5 a) i)	Conducting business activity without a license	\$200.00	\$300.00
Section 5 a) ii), Section 6 b) iii)	Conducting business activity from a premises not identified on a business license	\$150.00	\$200.00
Section 11(c)	Continuing to conduct business activity without making application for renewal of previous license, payment of prescribed fees or provision of required information within specified period of time.	\$200.00	\$300.00
Section 13	Failing to post copy of business license at premises from or at which business activities are being conducted.	\$100.00	\$150.00
Section 13	Failing to produce copy of business license when requested to do so by Bylaw Enforcement Officer.	\$100.00	\$150.00



## Schedule '4'

### **Town of Nipawin Mobile Food Vending Regulations**

#### **1) Purpose**

To provide a set of regulations for the operation of mobile food trucks, trailers, or carts on private property, Town of Nipawin property and road rights-of-way.

#### **2) Definitions**

**Mobile food vending unit** – means a mobile truck, trailer, cart, or other vehicle containing appropriate equipment for the type and method of prepared food served.

**Prepared Food** – Means food sold by Mobile Food Vendors intended for immediate consumption without further preparation/ cooking.

**Non-prepared Food** – means food sold by Mobile Vendors not intended for immediate consumption any typically requiring further preparation /cooking. Non-prepared foods are typically in a fresh or frozen state. These businesses are classified under Transient Trader.

**Regulations** – means these Mobile Food Vending Regulations

#### **3) Applications**

Applications for a Mobile Food Vending Permit are subject to approval of the Chief Administration Officer or delegate. Proof that the following permissions have been obtained, and regulations met, must be provided prior to the issuance of a permit.

- a) Saskatchewan Health Authority Approval (renewed annually);
- b) Fire Inspection Approval (renewed annually);
- c) Proof of motor vehicle insurance, or applicable insurance;
- d) Proof of liability insurance with a minimum liability limit of \$2,000,000. The Town of Nipawin must be named as an additional insured;
- e) Discharge management plan that includes a description of how and where FOG (Fats, Oils, Greases) and grey water will be disposed;
- f) If the applicant wishes to locate on private property, written approval of the private property owner(s) where the Mobile Food Vender desires to operate.
- g) Saskpower/Saskenergy Inspections indicating the Mobile Food Vending Unit meets minimum code requirements.
- h) Outside dimensions of the unit and photographs of the exterior.
- i) If the applicant wishes to operate on public sidewalk, pictures or diagrams of the location(s).

#### **4) Application Review**

After receipt of all necessary information and applicable fees, municipal staff will review and either approve or deny the request. If a request is denied, the application can be taken to Council for final decision.

#### **5) Permit Conditions**

##### **a) General**

- i. No minimum distance is required between two or more Mobile Food Vending Units or Mobile Vendors
- ii. Vendors are free to relocate their Mobile Food Vending Unit at any time in accordance with these regulations.
- iii. The Mobile Food Vending Unit must be clean, well lit, and aesthetically pleasing in appearance;
- iv. Generators are allowed provided that the noise does not exceed 65 decibels measured at any property line;
- v. Music or devices used to attract business shall not exceed 60 decibels measured at any property line;
- vi. Mobile Food Vendors shall provide trash and recycling receptacles and clean up the property when operations are complete;
- vii. Overhead canopies or doors shall not obstruct or hinder pedestrian or vehicular traffic;
- viii. No Alcohol is permitted to be sold from Mobile Food Vending Units.
- ix. Large Mobile Vending Units shall provide, at a minimum, four chairs and two tables of professional quality for patrons/public use.

##### **b) Private Property Conditions**

- i. Mobile Food Vending Units are only allowed on commercially zoned private property with permission from the owner;
- ii. Operations on private property shall not interfere with the ingress or egress of the adjacent property owner or constitute an obstruction to adequate access by emergency vehicles.

##### **c) Public Property Conditions**

###### **i. Acceptable Locations**

- i. Parallel parking stalls immediately adjacent to the "Town Square" on a first come first served basis.
- ii. Mobile Food Vendors wishing to locate downtown or on the public sidewalk shall submit a location request for review by administration and approval or refusal by Council. The request must clearly indicate:
  1. Rationale for each location
  2. Image of the proposed locations
  3. Distance from Intersection(s)
  4. Distance from existing prepared food establishment(s)

- iii. Along the roads abutting public parks but not within parks.
  - iv. Within Central Park but not during Large Events unless provided written permission to do so from event organizer.
- ii. Prohibited Locations
- i. Areas with “No Parking” or “No Stopping” signage;
  - ii. Operation within 20m (5 parking stalls) of the property line of a permanent business selling prepared food between the hours of 9:00am – 11:00pm, unless the business owner/manager agrees in writing.
  - iii. Operation within 10m (3 parking stalls) of an intersection;
  - iv. Operation within 100m of an Elementary or High School;
  - v. Operation on any portion of a block that is primarily residential for more than 30 minutes per day.

#### **6) Required Signage for Mobile Food Vending Units**

A slow-moving vehicle warning device in accordance with *The Vehicle Equipment Regulations, 1987* shall be affixed to the rear of the vehicle.

#### **7) Hours of Operation**

- a) In the Commercial Zoned areas: 7:00am – 2:00am daily
- b) In all other zones, from dawn to dusk daily.

#### **8) Mobile Food Vending Unit Requirements**

- a) Mobile Food Vending Units may not exceed 24’ in length and 8’ in width
- b) Serving window or area shall be on the passenger side.
- c) Mobile Food Vending Units shall be equipped with a garbage receptacle.
- d) Mobile Food Vending Units shall comply with Town of Nipawin 48hr parking.
- e) While operating, Mobile Food Vending Units shall not be left unattended for more than 15 minutes.
- f) Mobile Food Vending Units shall be in good condition and aesthetically pleasing in appearance. Vending units in a poor state of maintenance or repair will result in suspension of the permit.
- g) Vendors are encouraged to professionally decorate their units, umbrellas, canopies, etc.
- h) When not in use, Mobile Food Vending Units shall be stored on private property in relation to *The Traffic Bylaw*.

#### **9) Exemptions**

- a) All Mobile Food Vending Units related to non-profit/charity events do not require a license.
- b) Any person set up at Farmers Market or Exhibition.
- c) Town of Nipawin organized events.

### **10) Merchandise Vending**

In addition to food, Mobile Food Vendors may sell promotional items linked to their Mobile Food Vending Operation on a limited basis at the discretion of the planning department.

### **11) Maintenance at Vending sites**

The area immediately around the vending unit shall be kept clear of all garbage and litter. The Mobile Food Vendor shall be responsible to the removal and proper disposal of all garbage collected at the site during operation.

### **12) Compliance**

The Town of Nipawin reserves the right to revoke or suspend the Mobile Food Vendor's permit for failure to meet one or more of the regulations outlined in the *Business Licensing Bylaw* or these Regulations.

### **13) Indemnification**

The Mobile Food Vendor shall indemnify and save the Town, its employees and agents from and against any and all claims, demands, actions, and costs arising from the Mobile Food Vendor's activities under these Regulations.

### **14) Insurance**

Mobile Food Vendors shall always carry and maintain comprehensive general liability insurance in the amount of \$2,000,000 and automobile liability insurance, where applicable, in the amount of \$1,000,000 for each approved permit. The Mobile Food Vendor shall provide the Town of Nipawin with proof of the insurance.

### **15) Legislation**

The Mobile Food Vendor shall comply with all applicable legislation and Bylaws and shall keep a copy of the Regulations with their Mobile Food Vending Unit, along with a Town Zoning Map at all times.

### **16) Fees**

All fees for the operation of a Mobile Food Vending Unit shall be found within Schedule '1' of *The Business Licensing Bylaw*.