

SCHEDULE NO. 21
Relating to Itinerant Sellers
(added by By-law 2008-95)

LICENSES REQUIRED

1. (1) The following licenses may be issued to an itinerant seller pursuant to this Schedule:
 - (a) a License "A," an annual license to a person operating as an itinerant seller on private property or at special events from May 15th to May 14th of the following year;
 - (b) a License "B," a six-month license to a person operating as an itinerant seller on private property or at special events from May 15th to November 14th of the same year or November 15th to May 14th of the following year;
 - (c) a License "C," a monthly license to a person operating as an itinerant seller on private property or at special events from the fifteenth (15th) of one month until the fourteenth (14th) of the following month;
 - (d) a License "D," a special event license to a person operating as an itinerant seller at a special event for one (1) to twenty-one (21) consecutive days and includes a flower vendor;
 - (e) a License "E," a special event license to a person operating as an itinerant seller at a special event for one (1) to four (4) consecutive days and includes a flower vendor;
 - (f) a License "F," a sidewalk annual license to a person operating as an itinerant seller pursuant to the Designated Space Programme By-law on the sidewalk in the former City of Ottawa or at special events from May 15th to May 14th of the following year;
 - (g) a License "G," a sidewalk six-month license to a person operating as an itinerant seller pursuant to the Designated Space Programme By-law on the sidewalk in the former City of Ottawa or at special events from May 15th to November 14th or from November 15th to May 14th of the following year;
 - (h) a License "H," a sidewalk monthly license to a person operating as an itinerant seller pursuant to the Designated Space Programme

By-law on the sidewalk in the former City of Ottawa or at special events from the 15th of one month until the 14th of the following month;

- (i) a License “I, “ a Canada Day license to a person operating as an itinerant seller and also selling bottled and canned beverages on Canada Day (July 1st) within the removal zone as indicated in the Designated Space Programme By-law;
- (2) Every person or business that operates as an itinerant seller shall obtain a license.
- (3) Every person or business that operates as an itinerant seller shall obtain a separate license for each person who is selling.
- (4) No “F”, “G” or “H” class license shall be issued to applicants who do not have a designated space permit issued pursuant to the Designated Space Programme By-law.
- (5) Every itinerant seller shall require a Canada Day license to operate within the removal zone as identified in the Designated Space Programme on July 1st.
- (6) Every itinerant seller may vend from his or her person, from a hand-powered vehicle, a pedal-powered vehicle, a motor vehicle and only in the case of a special event a stand will be permitted.

EXEMPTIONS

- 2. (1) Subsection 1 (2) does not apply to:
 - (a) farmers’ markets and events that are sponsored by and benefit farmers’ markets,
 - (b) public markets managed by the City,
 - (c) agricultural fairs and events that are sponsored by and benefit agricultural fairs,
 - (d) the Central Canada Exhibition,
 - (e) fundraisers for charitable and not-for-profit organizations that operate solely for cultural or religious goals, social welfare, civic improvement, recreation, amateur sport or any other similar community enhancement initiatives for any purpose except profit, and any profits or economic advantages which are received by it

are used to promote its objectives and not used for the personal gain of any of its members or of any other person, provided that the organization has a Revenue Canada number,

- (f) Despite subsection (e) individual itinerant sellers participating in an event for fundraising purposes that do not donate all of their profits to the charity or not-for-profit organization for which the event is being held shall require a license,
 - (g) an event that takes place indoors at a shopping mall, and
 - (h) original arts and crafts creations by Canadian artists.
- (2) No holder of a Class “A”, “B”, “C”, “F”, “G” or “H” license issued under this Schedule shall be permitted to vend at a special event unless the licensee:
- (a) has notified the Chief License Inspector in writing of:
 - (i) his or her intention to vend at the special event,
 - (ii) the description of the special event including its location, duration and hours of operation,
 - (iii) the name and phone number of the promoter,
 - (b) has written proof that he or she is permitted to operate at the special event,
 - (c) if applicable, he or she operates from a hand-powered or pedal-powered vehicle or motor vehicle, or stand identified under his or her license, and
 - (d) has obtained a license that is valid at the time of and for the duration of the special event.
- (3) The provisions of this by-law do not apply to a person who sells to wholesale or retail dealers in similar goods, wares or merchandise.
- (4) Despite any of the provisions of this by-law, an itinerant seller's license or related fee shall not be required by:
- (a) a tenant association or community association that holds a sale of personal household effects where
 - (i) the personal household effects are owned by persons who are members of the association,

- (ii) the sale is for a period no longer than two (2) days, and
 - (iii) no more than two (2) sales are held by that association in a single calendar year,
 - (b) an itinerant seller who vends at an exhibition for which the promoter or organizer of such exhibition has obtained a License under this by-law,
 - (c) a vendor of items that are being sold for charitable purposes and community betterment.
- (5) The provisions of this by-law do not apply to a person who sells official programs for special outdoor events, in the vicinity of the events, for the period of one (1) hour prior to the event, during the event and one (1) hour after the activity, and this event is not to be construed as itinerant vending.
- (6) Despite subsection (1), every itinerant seller must comply with all municipal, provincial and federal acts, regulations and by-laws.
- (7) The provisions of this Schedule do not apply in the rural wards:
- (a) Ward 5 - West Carleton March,
 - (b) Ward 19 - Orléans South-Navan,
 - (c) Ward 20 - Osgoode,
 - (d) Ward 21 – Rideau-Jock.

((b) and (d) amended by By-law 2023-516)

CONDITIONS FOR ISSUANCE

3. (1) No applicant for an itinerant seller's license shall be issued a license unless the applicant:
- (a) is at least eighteen (18) years of age,
 - (b) where applicable, is the holder of a current motor vehicle permit issued pursuant to the Highway Traffic Act, R.S.O. 1990, Chap. H.8, as amended, for the motor vehicle being used for the business,
 - (c) has filed proof of insurance in accordance with the requirements of Section 8,

- (d) in the case of an applicant who proposes to vend at a special event, has furnished details as to the special event including its location and duration and has met complied with the provisions of this by-law,
 - (e) in the case of an applicant who proposes to hold a special event, has furnished details as to the special event and has complied with the provisions of this by-law,
 - (f) where applicable has complied with the standards and dimensions prescribed for the hand-powered vehicle or pedal-powered vehicle to be used by the applicant for vending, and
 - (g) has presented the hand-powered vehicle, pedal-powered vehicle, motor vehicle or stand, as applicable, for inspection by the Chief License Inspector and received approval in writing.
- (2) The location from which the applicant proposes to vend as an itinerant seller shall comply with the applicable zoning by-law and shall not contravene zoning use or lead to a deficiency in required parking and proper vehicular circulation.
 - (3) The Chief License Inspector is authorized to require that each hand-powered vehicle, pedal-powered vehicle, motor vehicle or stand to be used by the licensee for vending under a license be submitted for inspection prior to the issuance of the license.
 - (4) The Chief License Inspector may waive any or all of the requirements listed in Section 3 where the Chief License Inspector determines that any or all of these requirements do not apply to the licensee's business.

CONDITIONS FOR RENEWAL OF LICENSE

- 4. (1) The licensee shall ensure that prior to the expiration of the license, his or her hand-powered vehicle, or pedal-powered vehicle, or motor vehicle, or stand, and vending equipment, as the case may be, is submitted for inspection, by the Chief License Inspector as if the applicant were filing an original application.
- (2) The licensee must also comply with the applicable requirements of Section 3.

REFUSAL OF LICENSE

- 5. In addition to Section 21 of By-law No. 2002-189, the Chief License Inspector may refuse to issue or renew an itinerant seller license if,

- (a) an inspection or inspections reveal that the site conditions are deemed unsuitable for the business;
- (b) an inspection or inspections reveal that the vehicle or equipment used for vending does not meet the regulations of this licensing schedule; or
- (c) the location from which the applicant proposes to operate does not comply with the applicable zoning by-law and will contravene zoning use or lead to a deficiency in required parking and proper vehicular circulation.

ISSUANCE OF LICENSE

6. (1) The Chief License Inspector shall, upon issuing a license, furnish to the licensee who operates a hand-powered vehicle, a pedal-powered vehicle or motor vehicle, one (1) plate or decal bearing an identifying number, the category for which the license was issued, the words "Itinerant Seller" and "Ottawa", and a serial number to be encoded on the hand-powered vehicle or other vehicle if the vehicle does not have one.
- (2) Despite subsection 6 (1), the Chief License Inspector shall not furnish a plate or decal if the vendor is carrying the articles on his or her person or the vendor is not selling from a vehicle, in such a case the license certificate shall be displayed.
- (2) Despite subsection 6(1), the Chief License Inspector shall not furnish a plate for "D", "E" or "I".
- (4) Every licensee using a hand-powered vehicle, a pedal-powered vehicle or a motor vehicle shall ensure that the decal furnished pursuant to subsection 6 (1) is properly affixed to the upper right corner of the plate, and that the plate is attached by bolts to the right rear of the vehicle for which it has been issued so as to be clearly visible to the public during the currency of the license.
- (5) Every licensee shall ensure that the license certificate issued by the Chief License Inspector is posted on or in the vehicle and visible to the public.
- (6) Every licensee who vends under the authority of a license shall ensure that he or she has the license certificate in his or her possession.

- (7) Every person who vends under the authority of a license shall ensure that the license certificate corresponds with the plate or decal furnished by the Chief License Inspector pursuant to subsection 6 (1).
- (8) Every licensee shall produce the license certificate for inspection when so requested by a By-law Officer or Peace Officer.
- (9) Every licensee who ceases to operate as an itinerant seller permanently shall return the plate to the Chief License Inspector within fifteen (15) business days.

APPROVALS REQUIRED TO VEND FROM A PARTICULAR LOCATION

7. (1) The issuance of a license to operate as an itinerant seller does not constitute the granting of authority to vend on any of the highways in the City.
- (2) The issuance of a license to operate as an itinerant seller within the City does not constitute the granting of authority to vend on private property.
- (3) No person shall vend on private property without the written consent of the owner or occupant of such property.
- (4) No person shall vend on private property of the City without first obtaining written permission from the City.
- (5) The onus of obtaining the necessary approval to vend from a particular location on private property from the owner of such property is solely on the licensee.
- (6) Every person who vends on private property with the consent of the owner or occupant of such property shall:
 - (a) ensure that he or she has the consent in his or her possession, and that the consent includes the name and telephone number of the property owner, the duration of the permission and other conditions if applicable and,
 - (b) when so requested by the Chief License Inspector, or a Peace Officer, produce the consent for inspection.
- (7) No person shall vend on the street or sidewalk without a valid permit, or authorization, to do so issued pursuant to the Designated Spaces Programme By-law.
- (8) Licensed itinerant sellers who are participating in a special event on a

highway that is carried on under the authority of a permit issued pursuant to By-law No. 2001-260, entitled “A by-law of the City of Ottawa to regulate special events on City streets”, as amended, may vend within the special event area.

- (9) No person shall vend on the Sparks Street Mall without first obtaining the written consent of the Sparks Street Mall Management Board and a license under this Schedule.
- (10) No person shall locate or operate as an itinerant seller:
 - (a) within forty-six (46) meters of a place of business selling the same or similar products,
 - (b) in a residential zone as specified by the applicable Zoning by-law,
 - (c) within nine (9) metres of an intersection,
 - (d) within ten (10) metres of a bus stop,
 - (e) within twenty (20) metres of a vendor who holds an encroachment permit pursuant to By-law No. 2003-446 entitled “A by-law of the City of Ottawa to regulate encroachments on City highways”, as amended, or a designated space permit pursuant to the Designated Space Programme By-law,
 - (f) within three (3) metres of another vendor,
 - (g) within six (6) metres of a pedestrian mall or promenade, or
 - (h) within (91) metres of the public markets.
- (11) Despite subsection (10) (b), (e), and (f) vendors participating in a special event held pursuant to the said By-law No. 2001-260 are exempt.
- (12) The location regulations in this Schedule shall not apply to any vending location established pursuant to the Designated Space Programme By-law.
- (13) Every person who vends shall ensure that:
 - (a) he or she does not vend within forty-six (46) metres of premises known municipally as,
 - (i) 240 Sparks Street Mall, 240 and 250 Sparks Street and 235 Queen Street,

- (ii) L'Esplanade Laurier, 300 Laurier Avenue West, West Tower, 171-181 Bank Street, L'Esplanade Laurier Shopping Mall and 136-140 O'Connor Street, East Tower, and
- (iii) Place Bell Mall, 160 Elgin Street.

INSURANCE

8. (1) Every person who operates as an Itinerant Seller shall file with the Chief License Inspector proof of Commercial General Liability insurance subject to limits of not less than \$1,000,000 inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof and including damage occasioned by any accident arising out of the operation of the vehicle for which a license has been applied for or obtained.
- (2) Such insurance shall be in the name of the applicant and shall name the City of Ottawa as an additional insured thereunder. Such insurance policy shall contain an endorsement to provide the City of Ottawa with thirty (30) days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the City of Ottawa prior to the issuance of a license.

INDEMNIFICATION

9. The licensee shall indemnify and save harmless the City of Ottawa from and against any and all claims, demands, causes of action, loss, costs or damages that the City of Ottawa may suffer, incur or be liable for, resulting from the performance or non-performance of the licensee of his or her obligations under the license whether with or without negligence on the part of the licensee, the licensee's employees, directors, contractors and agents.

LICENSE TRANSFERS

10. (1) No license issued pursuant to this Schedule shall be transferred from person to person in any manner, including leasing agreement and assignment.
- (2) No person shall transfer a license issued pursuant to this Schedule in any manner, including leasing agreement or assignment.
- (3) Despite subsections 10 (1) and (2), a license "F", "G" or "H" may be transferable to a parent, spouse, brother, sister, son or daughter of the original permit holder for a designated space provided that the permit has

been transferred to said person pursuant to the Designated Space Programme By-law.

LOCATION TRANSFERS

11. Despite Section 10, location transfers may be permitted with the approval of the Chief License Inspector.

VEHICLE AND EQUIPMENT STANDARDS

12. (1) Every hand-powered or pedal-powered vehicle shall be purpose built and suitably designed for the licensed business and shall not include a table with castors.
- (2) No person who vends shall use,
- (a) a gasoline-powered generator,
 - (b) a propane-powered generator,
 - (c) a diesel-powered generator, or
 - (d) a natural gas-powered generator,
- in conjunction with the vending activity.
- (3) Every licensee shall keep his or her hand-powered vehicle, pedal-powered vehicle or motor vehicle or stand at all times in a clean and sanitary condition and in a state of good repair and appearance.
- (4) Every licensee shall use a hand-powered vehicle, pedal-powered vehicle, or motor vehicle that is capable of immediate relocation by the user.
- (5) Every licensee shall have attached to or painted on both sides of the exterior body of every licensed motor vehicle, hand-powered or pedal-powered vehicles in a clearly visible position, a sign showing his or her trade name and business address legibly printed in letters and figures not less than seven (7) centimetres in height.
- (6) No person shall use a hand-powered vehicle, pedal-powered vehicle or motor vehicle for vending that is not,
- (a) structured so as to be safe and stable with or without goods, wares or merchandise therein, or
 - (b) capable of easy relocation by the user.

HAND-POWERED VEHICLE STANDARDS

13. (1) Every hand-powered vehicle shall,

- (a) have,
 - (i) at least two (2) wheels,
 - (ii) two (2) handles or a push-bar, and
 - (iii) a body that is not higher than one point two (1.2) metres as measured from the ground to the top of the body,
 - (b) be mobile so that it may be pulled or pushed by hand by the person who is vending, and,
 - (c) be structured so as to be safe and stable with or without goods, wares or merchandise therein.
- (2) The hand-powered vehicle may have a canopy so long as the canopy conforms to the provisions of subsection (3) or (4), whichever is applicable.
- (3) The canopy may extend beyond the dimensions of the hand-powered vehicle prescribed by Section 14 provided that:
- (a) the extension of the canopy is at the height of not less than two point two (2.20) metres measured from the ground,
 - (b) the extension of the canopy does not extend beyond the said dimensions by more than sixty-five (65) centimetres on any one (1) side, and
 - (c) the canopy does not extend into the street.
- (4) Despite subsection (3), where the canopy is an umbrella it may extend beyond the dimensions of the hand-powered vehicle prescribed by Section 14 provided that:
- (a) the diameter of the umbrella does not exceed two point three (2.3) metres,
 - (b) the outside perimeter of the umbrella does not extend beyond the said dimensions by more than sixty-five (65) centimetres on any one (1) side,
 - (c) the extension of the umbrella is at the height of not less than two point two (2.20) metres measured from the ground, and
 - (d) the umbrella is securely attached to the hand-powered vehicle.

- (5) The maximum height of the display on or in the hand-powered vehicle shall not exceed a height of one point four (1.4) metres as measured from the ground to the top of the display.
- (6) No person shall vend with or from a hand-powered vehicle that does not comply with the provisions of this Section.

DIMENSIONS OF HAND-POWERED VEHICLES

14. (1) No licensee shall use a hand-powered vehicle that exceeds the dimensions of three (3) metres in length, by one (1) metre in width, by two point five (2.5) metres in height.
- (2) The provisions of subsection (1) do not apply to prevent a person from using a hand-powered vehicle for vending on private property so long as it is on private property and approved by the Chief License Inspector.

DIMENSIONS OF PEDAL-POWERED VEHICLES

15. (1) No licensee shall use a pedal-powered vehicle that exceeds the dimensions of three (3) metres in length, by one (1) metre in width, by two point five (2.5) metres in height.

GENERAL REGULATIONS

16. (1) No licensee and a person who vends under the authority of a license shall fail to produce the following documentation when so requested by a By-law Officer or a Peace Officer:
 - (a) a copy of the valid itinerant seller license;
 - (b) a copy of the permission from the promoter of the event including the name and telephone number of the promoter, indicating that the licensee is authorized to vend during the special event; and
 - (c) a copy of the permission from the owner or occupant of the property including the name and telephone number of the property owner or occupant, indicating that the licensee is authorized to vend on the property and any conditions related to the permission if any.
- (2) No licensee shall fail to submit the hand-powered vehicle, pedal-powered vehicle, or motor vehicle for inspection if requested to do so by a By-law Officer or a Peace Officer.
- (3) Every person who vends under the authority of a license shall ensure that he or she has the license certificate in his or her possession.

- (4) Every person who vends under the authority of a license shall ensure that the license corresponds with the plate or decal furnished by the Chief License Inspector pursuant to Section 6.
- (5) A person who operates a business, whether a single enterprise, partnership or corporation, shall obtain a license for each individual who vends goods, wears or merchandise for that business.
- (6) The license issued under Section 6 may be in the name of the business or the individual who is doing the actual vending to the public.
- (7) In any prosecution, the onus of proof that he or she does not require a license shall be upon the person so prosecuted.
- (8) Every licensee shall take prompt measures to reduce or eliminate nuisances created by the business when so directed by a By-law Officer or a Peace Officer.
- (9) Every licensee participating in an event that takes place on private property or public property must provide the Chief License Inspector with a letter from the promoter of the event or the property owner or occupant of the location of the event stating that the licensee has permission to vend at the event.
- (10) No licensee may change his or her location during the currency of the license without prior approval from the Chief License Inspector.
- (11) Every licensee shall ensure that:
 - (a) he or she conforms, where applicable, in all respects with,
 - (i) the Highway Traffic Act, R.S.O. 1990, Chap. H.8, as amended,
 - (ii) the Traffic and Parking By-law (No. 2017-301) entitled "A by-law of City of Ottawa regulating traffic and parking on highways", as amended, or any Act or by-law enacted in substitution therefor, and

(amended by By-law 2023-516)
 - (iii) he or she does not interfere with the normal movement of pedestrian or vehicular traffic or the maintenance of the sidewalks or streets in the City.

- (12) Despite any other provision of this by-law, when a person who operates a business has a license issued in the name of the business he or she shall ensure that the person who vends under the authority of the license has possession of the license certificate during the vending activity.
- (13) Despite any other provision of this by-law, every person who vends merchandise for a person who operates a business shall produce the license certificate for inspection if requested by any By-law Officer or Peace Officer.
- (14) No person who vends on the sidewalk, street or private property shall place any article around the hand-powered vehicle.
- (15) Every person licensed as an itinerant seller who vends from door to door within the City shall restrict such sales to occur between the hours of 9:00 o'clock in the forenoon (9:00 a.m.) and 9:00 o'clock in the afternoon (9:00 p.m.) during the days of Monday to Saturday inclusive.
- (16) Every licensee who vends on a sidewalk or street shall restrict such sales to occur between 6:00 o'clock in the forenoon (6:00 a.m.) and 11:00 o'clock in the afternoon (11:00 p.m.) of the same day.
- (17) Every licensee shall ensure that his or her hand-powered vehicle or other vehicle or any article used in the business is removed from the sidewalk or street from the hours of 11:00 o'clock in the afternoon (11:00 p.m.) of one day to 6:00 o'clock in the forenoon (6:00 a.m.) of the next following day.
- (18) No person who vends shall leave the hand-powered vehicle or anything on the highway after the vending activity has ceased, or after eleven o'clock in the afternoon (11:00 p.m.) whichever occurs first.
- (19) No licensee shall leave his or her hand-powered vehicle unattended on the sidewalk for a period of time in excess of thirty (30) minutes between 6:00 o'clock in the forenoon (6:00 a.m.) and 11:00 o'clock in the afternoon (11:00 p.m.) of the same day.
- (20) No licensee shall vend before 12:30 o'clock in the afternoon (12:30 p.m.) on November 11 (Remembrance Day):
 - (a) on Rideau Street or Wellington Street between Sussex Drive and Metcalfe Street, or
 - (b) on Elgin Street between Wellington Street and Queen Street.

- (21) No licensee or a person who vends shall fail to ensure that the garbage or litter resulting from his or her vending activity is collected and removed from the vending area immediately after the vending activity has ceased.
- (22) For the purposes of Section 21 the placing of the garbage or litter in a sidewalk refuse container provided by the City is not sufficient to constitute removal.
- (23) No person licensed to vend on any sidewalk in the City shall vend within three (3) metres of any other itinerant seller or refreshment vehicle on July 1st (Canada Day).
- (24) No person who vends on a sidewalk shall occupy or locate or utilize an area that exceeds three (3) metres in length by one (1) metre in width, by two point five (2.5) metres in height
- (25) No person shall vend with or from a vehicle, other than a hand-powered vehicle, on a boulevard that has been improved with asphalt, decorative bricks, concrete or other fabricated substances.
- (26) No person who vends shall locate a vending activity or equipment or thing on any portion of a sidewalk that,
 - (a) abuts a pedestrian mall or a pedestrian promenade, or
 - (b) is located within six (6) metres on either side of the area referred to in paragraph (a).
- (29) For the purposes of subsection (26), the measurement shall be taken from the extension of the general building lines across the sidewalk to the curb for the determination of,
 - (a) the area of the abutting sidewalk, and
 - (b) the commencement of the six (6) metres.
- (30) No licensee shall vend on the north side of Wellington Street and Rideau Street between MacKenzie Avenue and Bank Street.
 - (a) No licensee shall vend on Rideau Street between Sussex Drive and the east side of King Edward Avenue.
 - (b) No person shall vend on the sidewalk or property located in Confederation Square at the south side of Wellington Street and the bisection of Elgin Street on which the National War Memorial is sited.

- (31) Every licensee shall ensure that he or she conforms with By-law No. 2005-358, entitled “A by-law of the City of Ottawa respecting vendors on highways”, as amended.
- (32) Every street vendor, as defined in the said By-law No. 2005-358, as amended, shall ensure that he or she conforms with the said by-law.

REPRESENTATION

- 17. (1) No person shall publish or cause to be published any representation that the person is licensed under this by-law if they are not so licensed.
- (2) No person to whom a license has been issued to under this by-law shall alter, erase or modify or permit to the alteration erasure or modification of that license or any part thereof, unless approved by the Manager of Licensing or her designate who has initialized the change.