

**SCHEDULE NO. 27**  
**Relating to Rural Itinerant Sellers**  
**(Added by By-law 2009-151)**

**LICENSES AVAILABLE**

1. The following licenses may be issued pursuant to this by-law:
  - (a) a License "A", an annual license to a rural itinerant seller vending on private property or at one or more rural special events in the rural wards;
  - (b) a License "B", an eight month license valid for eight consecutive months to a rural itinerant seller vending on private property or at rural special events in the rural wards;
  - (c) a License "C," a rural special event license to a rural itinerant seller vending at one or more rural special events in the rural wards expiring thirty (30) days after its issuance.

**LICENSES REQUIRED**

2. Every person who operates as a rural itinerant seller shall obtain a license.
3. A person who operates as a rural itinerant seller for a licensed rural itinerant seller shall obtain a separate rural itinerant seller license.
4. Every licensed rural itinerant seller may vend goods from:
  - (a) his or her person,
  - (b) a hand-powered vehicle,
  - (c) a pedal-powered vehicle,
  - (d) a motor vehicle, or
  - (e) from a stand when vending at a rural special event.

**EXEMPTIONS**

5. (1) Despite Sections 2 and 3, no rural itinerant seller license shall be required by a person operating as a rural itinerant seller at:
  - (a) a farmers' market and events that are sponsored by or for the benefit of farmers' markets,
  - (b) a public market managed by the City,

- (c) an agricultural fair or agricultural events that are sponsored by or for the benefit of an agricultural fair,
  - (d) any rural property where permission is granted by the property owner and where the person sells only locally grown farm produce and such vending is limited to the rural Wards as prescribed in this by-law,
  - (e) the Central Canada Exhibition,
  - (f) a fundraising event for a charitable or not-for-profit organization that support cultural or religious goals, social welfare, civic improvement, recreation, amateur sport or any other similar community enhancement initiative 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, and provided that the organization has a Revenue Canada number, and
  - (g) an event that takes place indoors at a shopping mall.
- (2) Despite Sections 2 and 3, no rural itinerant seller license shall be required by a person selling his or her own original art and craft creations in any rural wards.
- (3) Despite paragraph (f) of subsection 5(1), a rural itinerant seller participating at a fundraising event shall require a license if he or she does not remit all profits, raised by the itinerant vending activity, to the charity or not-for-profit organization for which the event is being held.
6. No holder of a valid license "A" or "B" issued pursuant to this by-law shall be permitted to vend at a rural special event unless the licensee:
- (a) has notified the Chief License Inspector in writing of:
    - (i) his or her intention to vend at the rural special event,
    - (ii) the description of the rural special event including its location, duration and hours of operation, and
    - (iii) the name and phone number of the event promoter;
  - (b) has written proof that he or she is permitted to operate at the rural special event, from the event organizer;

- (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) is the holder of license that is valid at the time of and for the duration of the rural special event.

7. The provisions of this by-law do not apply to a person who sells to wholesale or retail dealers in similar goods.

8. Despite any of the provisions of this by-law, a rural itinerant seller's license 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) a rural itinerant seller who vends at an exhibition for which the promoter or organizer of such exhibition has obtained an Exhibition License under this by-law,
- (c) a rural itinerant seller who vends at a flea market for which the promoter or organizer of such flea market has obtained a Flea Market license under this by-law, or
- (d) a vendor of items that are being sold for charitable purposes and community betterment provided that the rural itinerant seller remits all revenues to the charitable cause.

9. The provisions of this by-law do not apply to a person who sells official programs for a special outdoor event provided the activity takes place on the property where the event is held,

- (a) within the hour prior to the event,
- (b) during the event, and
- (c) within one hour after the event.

10. Despite subsection 5(1), every rural itinerant seller must comply with all other municipal, provincial and federal by-laws, Acts and regulations.

11. The provisions of this Schedule apply only to the rural wards.

### **CONDITIONS FOR ISSUANCE**

12. (1) No applicant for a rural itinerant seller's license shall be issued a license unless:
- (a) the applicant is at least eighteen (18) years of age,
  - (b) where a the motor vehicle is used for the business, the applicant is the holder of a current motor vehicle permit issued pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended,
  - (c) the applicant has filed proof of insurance in accordance with the requirements of Section 16,
  - (d) the applicant who proposes to vend at a rural special event has furnished details as to the rural special event including its location and duration and complies with the provisions of this by-law,
  - (e) the applicant who proposes to hold a rural special event has furnished details of the rural special event including its location and duration and complies with the provisions of this by-law,
  - (f) the applicant provides proof that all vehicles used in the business comply with the standards and dimensions prescribed in this by-law,
  - (g) where applicable, the applicant has presented the hand-powered vehicle, pedal-powered vehicle, motor vehicle or stand, for inspection by the Chief License Inspector and received approval in writing,
  - (h) the General Manager, Planning, Real Estate and Economic Development of the City has reported in writing, that the location from which the applicant intends to vend complies with applicable zoning by-laws and does not contribute to a deficiency in required parking spaces or obstruct proper vehicular circulation,
- (amended by By-law 2023-516)**
- (i) the applicant has paid the fees prescribed in Schedule "A", and
  - (j) if applying to sell on private property, the applicant has filed written proof with the Chief License Inspector that the owner or occupant of the property has granted permission to the applicant for the use of the property for:
    - (a) the vending business indicated on the application,

- (b) the duration and conditions of permission, and
  - (c) the name and telephone number of the owner or occupant of the property.
- (2) The Chief License Inspector may waive any or all of the requirements listed in subsection (1), where the Chief License Inspector determines that any or all of these requirements do not apply to the licensee's business.
- (3) Despite paragraph (h) of subsection 12(1), the Chief License Inspector may approve a location suitable for the sale of farm produce, provided that:
- (a) the farm produce is locally grown,
  - (b) the location does not obstruct pedestrian or vehicular traffic,
  - (c) there are no safety concerns,
  - (d) the Ward Councillor has been notified, and
  - (e) the Traffic and Parking Operations Branch has been notified.

#### **CONDITIONS FOR RENEWAL OF LICENSE**

13. (1) The holder of a "A" or "B" licensee shall within thirty (30) days of the expiration of the license submit for inspection by the Chief License Inspector, his or her:
- (a) hand-powered vehicle,
  - (b) pedal-powered vehicle,
  - (c) motor vehicle,
  - (d) stand, and
  - (e) vending equipment,
- as the case may be.
- (2) The licensee must also comply with the applicable requirements pursuant to Section 12.

#### **REFUSAL OF LICENSE**

14. In addition to the provisions of Section 21 of the by-law, the Chief License Inspector may refuse to issue or renew a rural itinerant seller license if,
- (a) an inspection or investigation reveals that the site conditions are deemed unsuitable for the business;

- (b) an inspection or investigation reveals that the vehicle or equipment used for vending does not comply with the provisions of this by-law; or
- (c) the location from which the applicant proposes to operate contravenes applicable zoning by-laws or any other by-law.

### **ISSUANCE OF LICENSE**

15. (1) The Chief License Inspector shall, upon issuance, furnish to the successful applicant:
  - (a) a license certificate bearing the following information:
    - (i) the name of the licensee;
    - (ii) the period for which the License is valid; and
    - (iii) the type of License;
  - (b) if a vehicle is used in the business, a plate or decal bearing:
    - (i) an identification number;
    - (ii) the category for which the license was issued;
    - (iii) the words "Rural Itinerant Seller"; and
    - (iv) the word "Ottawa".
- (2) Despite subsection 15(1), the Chief License Inspector shall not furnish a plate or decal if:
  - (a) the licensee carries the articles on his or her person, or
  - (b) the license issued is a License "C".

### **APPROVALS REQUIRED TO VEND FROM A PARTICULAR LOCATION**

16. (1) The issuance of a license to operate as a rural itinerant seller does not authorize the licensee:
  - (a) to vend on or from a highway or sidewalk;
  - (b) to vend on private property without the written consent of the owner or occupant of such property.
- (2) 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.
- (3) Despite subsection 16(1), a licensed rural itinerant seller may vend at a rural special event on a highway provided:

- (a) the event is approved pursuant to By-law No. 2001-260, entitled “A by-law of the City of Ottawa to regulate rural special events on City streets”, as amended;
- (b) the licensee has obtained written authorization from the event organizer to operate at the rural special event; and
- (c) the licensee is able to produce upon being requested to do so by a By-law Officer:
  - (i) the written authorization prescribed in paragraph (j) of subsection 12(1), and
  - (ii) a valid license of the appropriate category.

### **LOCATION RESTRICTIONS**

17. No person shall locate or operate as a rural itinerant seller:
- (a) within six hundred (600) meters of a place of business selling the same or similar products,
  - (b) in an area in contravention of the applicable Zoning By-law,
  - (c) within nine (9) metres of an intersection,
  - (d) within ten (10) metres of a bus stop, and
  - (e) within two hundred (200) metres of another rural itinerant vendor.

### **INSURANCE AND INDEMNIFICATION**

18. (1) Every person who operates as a rural 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.
19. 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**

20. No license issued pursuant to this Schedule shall be transferred from person to person in any manner including leasing agreement and assignment.

### **LOCATION TRANSFERS**

21. Despite Section 20, a transfer from one location to another suitable location may be approved by the Chief License Inspector provided the location complies with all applicable regulations.

### **VEHICLE AND EQUIPMENT STANDARDS**

22. (1) Every hand-powered or pedal-powered vehicle shall be purpose built and suitable for the rural itinerant seller business.
- (2) No person operating as a rural itinerant seller shall use,
- (a) an external gasoline-powered generator,
  - (b) an external propane-powered generator,
  - (c) an external diesel-powered generator, or
  - (d) an external natural gas-powered generator,
- in conjunction with the rural itinerant seller activity.
- (3) Every licensee shall maintain his or her hand-powered vehicle, pedal-powered vehicle, motor vehicle or stand in a clean and sanitary condition and in a state of good repair and appearance.
- (4) Every licensee shall ensure that any hand-powered vehicle, pedal-powered vehicle, or motor vehicle used in the licensed business has attached to or painted on both sides of its exterior body so as to be clearly visible the businesses trade name and address legibly printed in letters and figures not less than seven (7) centimetres in height.
- (5) No person shall operate a hand-powered vehicle, pedal-powered vehicle or motor vehicle in connection with the licensed business that is not:
- (a) structured so as to be safe and stable with or without goods therein, and
  - (b) capable of immediate relocation by the user.



## HAND-POWERED VEHICLE STANDARDS

23. (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) meters 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 therein.
- (2) The hand-powered vehicle may be equipped with 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 in Section 24 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 24 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 as part of a rural itinerant seller business vend with or from a hand-powered vehicle that does not comply with the provisions of this Schedule.

### **DIMENSIONS OF HAND-POWERED VEHICLES**

- 24. (1) No licensee shall use a hand-powered vehicle that exceeds:
  - (a) three (3) metres in length,
  - (b) one (1) metre in width, and
  - (c) two point five (2.5) metres in height.
- (2) The provisions of subsection (1) do not apply to a licensee operating on private property provided that the hand-powered vehicle is approved by the Chief License Inspector.

### **DIMENSIONS OF PEDAL-POWERED VEHICLES**

- 25. No licensee shall use a pedal-powered vehicle that exceeds:
  - (a) three (3) metres in length,
  - (b) one (1) metre in width, and
  - (c) two point five (2.5) metres in height.

### **GENERAL REGULATIONS**

- 26. Every licensee using a hand-powered vehicle, a pedal-powered vehicle or a motor vehicle shall ensure that the decal furnished pursuant to subsection 15(1)(b) is:
  - (a) properly affixed to the upper right corner of the plate, and
  - (b) 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.
- 27. Every licensee shall ensure that the license certificate issued by the Chief License Inspector pursuant to subsection 15(1) is, at all times during the operation of the licensed business,
  - (a) posted on or in the vehicle and visible to the public; or
  - (b) on his or her person.

28. 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 15 (1).
29. Every licensee shall produce the license certificate for inspection when so requested by a By-law Officer or Peace Officer.
30. Every licensee who permanently ceases to operate as a rural itinerant seller shall return the plate to the Chief License Inspector within seven (7) business days of the cessation of operations.
31. No person shall vend on private property of the City without first obtaining written permission from the City.
32. 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 (pursuant to section 16) 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.
33. No licensee or 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) if vending at a rural special event, a copy of the permission from the promoter of the rural special event including the name and telephone number of the promoter, indicating that the licensee is authorized to vend during the rural special event; and
  - (c) if vending on private property, 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.
34. 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.

35. Every person who vends under the authority of a license shall ensure that he or she has the original license certificate in his or her possession.

36. 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.

37. A person who operates a rural itinerant seller business, whether a single enterprise, partnership or corporation, shall obtain a license for each individual who vends goods for that business.

38. 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.

39. In any prosecution, the onus of proof that he or she does not require a license shall be upon the person so prosecuted.

40. 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.

41. Every licensee who relocates his or her rural itinerant seller business during the currency of the license shall obtain prior approval from the Chief License Inspector.

42. Every licensee shall:

- (a) comply with the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended,
- (b) 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 by-law enacted in substitution therefor, and

**(amended by By-law 2023-516)**

- (c) ensure 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.

43. Despite any other provision of this by-law, every person who vends goods for a person who operates a rural itinerant seller's business shall produce the license certificate of the appropriate category for inspection if requested by any By-law Officer or Peace Officer.

44. No rural itinerant seller shall conduct door to door sales within the rural wards of the City between 9:00 p.m. of one day and 9:00 a.m. of the following day from Monday to Saturday inclusive.

45. Every licensee shall 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.

46. For the purposes of Section 45 the placing of the garbage or litter in a sidewalk refuse container provided by the City is not sufficient to constitute removal.

#### **REPRESENTATION**

47. 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.

48. No licensee shall alter, erase or modify or permit to the alteration erasure or modification of that license or any part thereof, unless approved by the Chief License Inspector of the City, or an authorized designate, who has initialized the change.

**(amended by By-law No. 2023-516)**