



TOWN OF SHELBURNE

2013-01

Seasonal Sales Area By-Law

WHEREAS pursuant to section 172 (1) c of the Municipal Government Act, as amended, the Town of Shelburne has the authority to regulate activities within the Town;

AND WHEREAS the community has requested a by-law to regulate the use of sidewalks by retail vendors;

NOW THEREFORE THE COUNCIL OF THE TOWN OF SHELBURNE ENACTS AS FOLLOWS:

1. Title

This by-law shall be known as By-Law 2013-01, the Seasonal Sales Area By-Law.

2. Purpose

This by-law is intended to establish guidelines for the installation and operation of seasonal sales areas on the sidewalks in the town of Shelburne.

3. Definitions

“Seasonal Sales Areas” means an area on the sidewalk directly in front of the retail outlet used to display and sell items normally found in the retail outlet. This might include areas for sitting and/or consumption of food products.

“Foot Traffic” means any traffic that would normally be travelling along the sidewalk.

“Sidewalk” means the concrete formed sidewalks along roadways in the Town.

4. Requirements

4.1 Permitted Areas

- a. This by-law covers retail outlets with store fronts located in areas with sidewalks.
- b. The seasonal area must be an extension of the normal retail business conducted by the same owner.

4.2 Times of Operation

- a. Seasonal sales areas shall not be setup up prior to April 15th in any calendar year;
- b. Seasonal sales areas shall be removed by November 15th of each calendar year;
- c. The seasonal sales area shall be operated only during the regular operating hours of the primary retail outlet.

- 4.3 Dimensions and Design
- a. Seasonal sales areas shall not extend onto the frontage of abutting properties;
 - b. Seasonal sales areas shall not extend beyond the roadside edge of the existing sidewalk;
 - c. All parts of the seasonal sales area shall be contained in the approved area;
 - d. Any lighting of the seasonal sales area shall be of a temporary nature and shall not project light onto adjacent properties, nor conflict with traffic control indicators;
 - e. Landscaping of the area is encouraged, however, shall be of a temporary nature, unless otherwise approved;
 - f. All elements of the seasonal sales area shall be designed and finished to a standard that is consistent with the general appearance of the existing downtown streetscapes and buildings;
 - g. All elements of the seasonal sales area shall be maintained in good repair and must be free of hazards;
 - h. There must be an allowance of at least three feet maintained for the passage of foot traffic through the area.
- 4.4 Waste, Storage and Maintenance
- a. The seasonal sales area owner shall maintain the seasonal sales area, the temporary sidewalk area and the immediately adjacent area, in a clean and safe condition, free of hazards at all times;
 - b. The owner shall ensure any refuse originating in the seasonal sales area is removed from the street right-of-way.
- 4.5 Building Access
- a. The owner shall maintain an unobstructed walkway or the entrance of the main retail outlet.
- 4.6 Utility Access
- a. The Town of Shelburne and the public utility agencies retain the right of entry to the seasonal sales area and the temporary sidewalk for the installation, maintenance and repair of pipes, cables, wires, poles, hydrants and other elements as may be necessary;
 - b. In case of emergency, entry (as noted in "a") shall be made without notice. For scheduled work, a minimum notice of 48 hours will be given. Every effort will be made to ensure that routine work is completed prior to April 15th or after November 15th if at all possible.
- 4.7 Emergency Access
- a. The Town of Shelburne retains the right of entry to the approved seasonal sales area for emergency vehicle access if required.

- 4.8 Liability
- a. The Owner of the seasonal sales area must carry a minimum of \$1,000,000 liability insurance for the operation of the area naming the Town as insured and must indemnify the Town of Shelburne save it harmless from any and all claims of injury to persons or damage to property attributable in whole or in part to the existence, location and operation of a seasonal sales area in the public right-of-way.
 - b. The Town of Shelburne shall be notified 30 days prior to the cancellation of this insurance.

5. Application and Approval Process:

- 5.1 Permit Process
- a. No owner shall establish or maintain a seasonal sales area without a permit granted annually under this by-law;
 - b. When a retail outlet with a store front in the designated area decides to establish a seasonal sales outlet, the application attached as Schedule "A" to this by-law will be completed and submitted to the Development Officer;
 - c. The completed Schedule "A" will be accompanied by a site plan (drawn to scale) showing the delineated area of the proposed seasonal sales area including the placement and numbers of items and accessories to be located within the area. This plan should include the placement of utility poles hydrants, traffic signs or any other element that is located within 2 metres of the edge of the proposed seasonal sales area;
 - d. The owner must pay the applicable Seasonal Sales Area permit fee along with the submission of the application'
 - e. The review and permit initial decision will be completed within 30 days of receipt of a complete application (all elements are received – completed application, compliant site plan and permit fee);
 - f. Any other applicable permits required are the responsibility of the owner prior to installation and/or set up;
 - g. When a permit application is approved, the Development Officer will advise adjacent property owners of the seasonal sales area;
 - h. The permit will be displayed at the site of the seasonal sales area.
- 5.2 Appeal Process
- a. If an application is to be refused or a permit is to be revoked, the owner will be provided with a letter detailing the reasons for the action, the required changes and a time frame in which to comply;
 - b. If the owner complies to the satisfaction of the Development Officer, the permit will be granted and if the owner does not comply to the satisfaction of the Development Officer, the permit will not be granted;
 - c. If an owner is not satisfied with the decision of the Development Officer, the owner may provide a request to Council to be heard, Council will hear from the owner, hear from the Development Officer,

BYLAW

may conduct a site survey and will deliver a written decision, through its Chief Administrative Officer or Clerk within 15 days of the hearing.

NOW THEREFORE THE COUNCIL OF THE TOWN OF SHELBURNE ENACTS AS FOLLOWS:

1. THAT Schedule "A", Permit Application, and any amendments thereto are hereby adopted and form part of this by-law.
2. THAT any by-law or parts of any by-law that are inconsistent with this by-law are hereby deemed repealed.
3. THAT this by-law shall come into force and effect on the date of its final passing.

READ and finally passed this 1st Day of May, 2013.

Karen Mattatall – Mayor

Brenda Stimpson - Clerk

Appendix "A"



Town of Shelburne
PO Box 670
Shelburne, NS
B0T 1W0
(902) 875-2991

TOWN OF SHELburne
SEASONAL SALES AREA BY-LAW
APPLICATION FOR PERMIT

Date Received:	Date Completed:
Applicant's Name	Mailing Address:
Phone Numbers	
Business Name	Civic Address
Zoning	Assessment Number

NOTES:

- This application and permit ensures conformity of the proposed use of the named property, building or business with the Town of Shelburne's Seasonal Sales Area By-Law 2013-01.
- This permit does not grant the undersigned the right to proceed with construction of a building.
- This permit does not exempt any person from complying with the requirements of the Building Bylaw or any other bylaw of the Town or obtaining of any license, permit or approval required by statute or regulation of the Province of Nova Scotia.
- This permit is valid until November 15 in the year it was issued.
- Please contact the Development Officer for any information pertaining to the application and permit.

NOTES FOR DETAILED SITE PLAN TO BE ATTACHED TO THIS APPLICATION

1. The site plan must be drawn to scale and show the delineated area of the proposed seasonal sales area, including the placement and numbers of items and accessories to be located within the areas.
2. Show the location, size and outline of the existing building located on the property that houses the retail outlet associated with the Seasonal Sales Area.
3. This plan should include the placement of utility poles, hydrants, traffic signs or any other element that is located within 2 metres of the edge of the proposed seasonal sales area.
4. Measurements of relevant distance must be shown.
5. Additional plans, photographs, etc. to support the proposed plan can be attached for reference.

