



**Office Consolidation**

**The Corporation of the Town of Orangeville**

**Display of Merchandise on Sidewalks**

**By-law 031-2003**

**Amended By:**

<u>By-law Number</u>	<u>Date Amended</u>
019-2020	April 6, 2020
022-2021	March 8, 2021
033-2022	April 11, 2022
037-2023	May 1, 2023

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## The Corporation of the Town of Orangeville

### By-law Number 031-2003

#### A By-law to Regulate the Displaying of Merchandise on Sidewalks

WHEREAS the *Municipal Act, 2001, S.O. 2001, c.25, S.11* authorizes a municipality to pass by-laws respecting matters within the jurisdiction of highways (which includes sidewalks);

AND WHEREAS *Municipal Act, 2001, S.O. 2001, c.25, S.130* also authorizes a municipality to regulate matters for purposes related to the health and safety and well-being of its inhabitants;

AND WHEREAS the Council of the Town of Orangeville wishes to ensure the safe and accessible passage over sidewalks within the Town of Orangeville;

BE IT THEREFORE ENACTED by the municipal council of the Corporation of the Town of Orangeville as follows:

#### 1. **Definitions**

In this by-law:

“display area” means an area of the sidewalk adjacent to the store, no wider than the width of the storefront:

- a) excluding the width of the entrance to the store, extending from the façade of the building to a distance that is no greater than .75 metres (2.5 ft) from the façade; or
- b) by erecting a tent on the street side of the boulevard  
(*By-law 2022-033*)

“façade” means that portion of the façade of a building which fronts on a street.

“merchandise” means goods or wares customarily sold by the retail establishment and includes benches, cafe tables and chairs and other items associated with the promotion of the retail establishment but does not include signs, signage, heaters, lights, hazardous or flammable materials such as gasoline, oil, antifreeze, kerosene, poisons, pesticides and similar items.

“merchandise display tent” means a free-standing temporary unenclosed shelter structure with a minimum of two sides remaining open and its interior space devoted to merchandise display.  
(*By-law 2023-037*)

“merchant” means an owner or occupant of a retail establishment.

“sidewalk” means the paved surface provided for exclusive use of pedestrians in the public right-of-way, and situated between and extending from any building to the curb of any street.

“Town” means The Corporation of the Town of Orangeville.

## **2. Regulations**

2.1 Merchandise customarily sold within the retail establishment adjacent to the display area may be displayed on the sidewalk only within the display area in a manner that does not impede the flow of pedestrian traffic, or reduce the width of walking area available to pedestrians to less than 1.5 metres (5 feet).

2.2 Fruits, vegetable and other food displayed in the display area shall be placed at a height of not less than .75 metres (2.5 feet) from the surface of the sidewalk.

2.3 All merchandise located within the display area shall be placed so that the fixtures or devices on which the merchandise is displayed are stable, and free from sharp edges, protrusions, or other features that may be hazardous to the public.

2.4 No fixtures or devices on which outdoor merchandise is displayed shall be attached to the sidewalk.

2.5 No merchandise shall be displayed on any Town structure, including but not limited to trees, planters, parking metre posts.

2.6 The merchant is entirely responsible for the safety and protection of any and all items in the display area.

2.7 At the close of business, the merchant shall have removed all merchandise and related tables and structures used for display, and any merchandise display tent.  
*(By-law 2023-037)*

## **3. Regulations for Merchandise Display Tents**

3.1 No more than one (1) merchandise display tent may be used per display area.

3.2 A merchandise display tent shall not exceed a height of 2.1 metres.

3.3 A merchandise display tent may only be erected during the merchant business hours and must be removed outside of such periods.

3.4 A merchandise display tent shall not impede the flow of pedestrian traffic. A minimum of 1.5 metre wide free and clear pathway must be maintained on the sidewalk at all times.

3.5 The display of merchandise within a merchandise display tent shall adhere to all regulations of Section 2 of this By-law.

- 3.6 No part of a merchandise display tent shall encroach within 0.5 metres from the street-side face of the curb, or any such greater distance as the Town may require.
- 3.7 A merchandise display tent shall not be attached to a building and will not comprise of any elements that require a building permit.
- 3.8 The positioning of a merchandise display tent is subject to review and approval by the Town for the purposes of evaluating potential impacts.
- 3.9 No person shall erect a merchandise display tent unless approval has been obtained from the Town in accordance with the requirements of this By-law.
- 3.10 A merchant that wishes to erect a merchandise display tent on the street side of the boulevard shall submit the following to the satisfaction of the Planning Division:
- a) a drawing illustrating:
    - i. the precise limits of the merchandise display tent size, location and any anchoring implements;
    - ii. Measurements of the sidewalk, boulevard area and building frontage;
    - iii. Distance measurements (in metres) from the proposed merchandise display tent to any nearby obstructions (such as trees, poles, street furnishings, signs, etc.);
    - iv. A general description of the merchandise display and related display fixtures (such as racks, tables, etc.); and
  - b) a certificate or insurance in a form satisfactory to the Town naming the Town as an additional insured with a coverage limit not less than two (2) million dollars in Commercial General Liability.
- 3.11 The authority to grant approval of a request to erect a merchandise display tent on the street side of the boulevard that meets the requirements of this By-law is hereby delegated to the Manager of Planning or their designate.
- 3.12 The granting of approval to erect a merchandise display tent that meets all requirements of this By-law shall be subject to the following terms and conditions:
- a) That any safety measures applied by the Town as part of an application to erect a merchandise display tent shall be adhered-to at all times;
  - b) That the tent shall not be attached/embedded to the sidewalk or boulevard surface and shall be properly secured through the use of weights or other appropriate means;
  - c) That all display items, furniture, equipment, tent and ancillary items be removed as required by the Town for snow removal or property maintenance; and
  - d) That the merchandise display tent may be erected at any time only during the period from between April 1 and October 31 of any given year.

3.13 Approval to erect a merchandise display tent within the Downtown Orangeville Heritage Conservation District will constitute approval of a Heritage Permit for the alteration of the exterior of a building within the District pursuant to Part V of the Ontario Heritage Act and will be subject to prior consultation with Heritage Orangeville or their designate.  
(By-law 2023-037)

#### **4. Exceptions**

The regulations in this by-law do not apply to:

4.1 Goods or merchandise in the actual course of receipt, delivery or removal.

4.2 Events organized by the Orangeville Business Improvement Area or authorized by the Town, which events involve sidewalk sales or the closed of Broadway to vehicular traffic.

#### **5. Offence and Penalty**

5.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine and/or penalty as provided for in the *Provincial Offences Act, R.S.O. 1990, Chapter P.33 as amended*, for each offence and such penalty and/or fine shall be recoverable under the *Provincial Offences Act*.

#### **6. Word Usage**

6.1 As used in this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; and the singular number includes the plural and plural the singular.

6.2 The headings and subheadings used in this by-law shall not form part of the by-law, but shall be deemed to be inserted for the convenience for reference only.

#### **7. Severability**

7.1 Should any section or subsection of this by-law or any part of parts thereof be found by law to be illegal or beyond the power of Council to enact, such section or subsection or part or parts thereof shall be deemed to be severable so that the remainder of this by-law is separate and therefore enacted as such.

#### **8. Conflict with any other By-law**

8.1 In the event of any conflict between any provisions of this by-law and any other by-law previously passed, the provisions of this by-law shall prevail.

#### **9. Repealing Section**

9.1 By-laws 1822 and 1845 of the Town of Orangeville are hereby repealed.

#### **10. Short Title**

10.1 This by-law shall be known as the "Display of Merchandise By-law."

**11. Effective Date**

11.1 This by-law shall come into force and take effect on the date of passing.

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL THIS 17<sup>TH</sup> DAY OF MARCH, 2003.