



## TOWN COUNCIL SPECIAL MEETING - AGENDA

August 6, 2020

Immediately following the 6:30pm Public Hearing

YouTube Live

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### Call to Order

### 1 Approval of Agenda

### 2 Consideration of Draft By-laws

#### 2.1 Report of the Clerk – Public Hearing August 6, 2020

2.1.a Staff Report Temporary Vending By-law and Special Events By-laws (June 9/20)

2.1.b Staff Report Temporary Vending By-law and Special Events By-laws (July 14/20)

#### 2.2 Draft Temporary Vending By-law

#### 2.3 Draft Special Events By-law

### 3 Adjournment





## **Town of Mahone Bay**

Staff Report

RE: Temporary Vending By-law and  
Special Events By-law

June 9, 2020

### **General Overview:**

The purpose of this report is to provide Council with an update on the review of the Temporary Vending By-Law and the development of a Special Events By-Law as discussed at Council on February 27, 2020.

### **Background:**

Over the past year and a half, staff have been in the process of reviewing the way that events are permitted and conducted in the Town of Mahone Bay, working with a group of community events organizers and representation from the business community, and at the October 24, 2019 meeting of Council, Council indicated their interest in a review of the Temporary Vending By-law.

The current Temporary Vending By-law was written a time when Mahone Bay was not as busy as it is now and it bears review to ensure that it reflects the needs of the Town including its business and residential community members.

In the fall of 2018, Town staff were invited to join a group of community event organizers in Mahone Bay to discuss events in town, specifically due to the growth of existing events in Town and the more frequent addition of new events. The process included a facilitated session to identify key issues and ultimately Town staff were part of an Events Coordination Steering Group, which discussed possible solutions and opportunities identified by participants. Key take-aways included the need for clarity in the application process, the need for oversight of events, knowledge of available resources, and support to plan successful events.

Staff presented a report to Council on February 27, 2020 in which it was noted that the current legislation in respect to Special Events/Festivals is insufficient. The only legislation regarding events at present is included in the current Temporary Vending By-law and Policy, which is not only outdated but also insufficient to address the complexities of planning for events in Mahone Bay as they now exist.

Additionally, a Public Information Meeting (PIM) was held on January 14, 2020 to discuss changes to the Temporary Vending By-law with the public (Appendix A), and another PIM was held on April 29, 2020 to discuss legislation regarding Special Events with the public. A further opportunity for the public to submit their thoughts on permitting Events was extended to May 15, 2020. (Appendix B)

## **Analysis:**

### Temporary Vending By-law

Feedback from the business community is that there is a need for temporary vendors in Mahone Bay, particularly temporary food vendors, as temporary vendors provide diversity of options which is a draw for outside visitors, and increased capacity to serve visitors and residents. Staff have also been advised by the business community that temporary vendors provide an option for sales which complement their own businesses.

Staff regularly receive comments from Temporary Vendors that the fees to obtain a Temporary Vendor Permit in Mahone Bay are prohibitive. Analysis of the specific financial concerns regarding the cost of a Temporary Vending Permit indicates that the concern has more to do with the length of the permit as the Rate of Return for the vendor is decreased for a weekly permit as most sales are made over two or three days on the weekend. To address this concern, the schedule of fees recommended with the draft By-law provides for single day and weekend permit periods, which also addresses the comments expressed at the Temporary Vending PIM that the revised By-law needs to emphasize the impermanence of temporary vending.

Staff have received comments, particularly from Council, about the importance of aligning our vending by-law with the community's vision for where commercial activities should take place (as expressed in the MPS and LUB) by encouraging temporary vending in commercial zones. To best reflect suggestions about location, the draft Temporary Vending By-law (Appendix B) requires that temporary vendors may only receive a permit for a maximum of one week outside of a Commercial Zone, and that no more than one permit a month may be issued for any vendor outside of a commercial zone or for a property outside of a commercial zone.

It has been the practice of the Town that the owner of an existing "brick and mortar" business within the town is not required to obtain a Temporary Vendor

Permit if they sell or provide their product at another business in Town. We have seen an increase in collaborative events within the business community in Mahone Bay and this practice has supported businesses in their ability to make these creative decisions to support their enterprise. The draft by-law explicitly outlines this benefit to existing Town businesses while clarifying that they are still subject to the regulations of the by-law, such as safety, signage, and location, for example.

A suggestion that came from the discussion at the Temporary Vending PIM was that a business be permitted to obtain a permit for a temporary vendor space. The idea was received with much enthusiasm by those present as it was seen as another way to facilitate complementary business for Mahone Bay's business community to offer creative business opportunities.

### Special Events By-law

Comments received on the permitting of Special Events have been consistent in that town residents, businesses, and event organizers are all concerned about the chaos that can develop from particularly busy events and the need to be clear in what regulation can be expected during a special event. The attached by-law contains requirements for special event application deadlines and community notification to help the community prepare for a special event and to help event organizers gain the buy-in of a community that feels informed and included.

The draft by-law approaches special events permitting in a way that is intended to improve coordination with event organizers as a first start to an overall approach of coordination. It provides the oversight of events, clarity of requirements, a way to connect with available resources through an improved application process, and with the improved clarity an opportunity to further support successful events through sharing permitted events on the Town's website calendar.

Concerns expressed by the community, and emergency services providers were predominantly around the congestion of streets and sidewalks during special events in town. To address those concerns the attached draft by-law includes a requirement for special events planners to address parking and traffic concerns, as well as a special set of requirements for a Mass Gathering, which is an event that anticipates bringing enough people to Town that will have an impact on available Town resources such as parking, traffic, washrooms, etc. Included in the Mass

Gathering planning requirements is coordination with emergency services providers to ensure that planners do their due diligence.

One concern that has arisen at the staff level in review of the by-law is making the distinction between an event on private property, such as a wedding or anniversary party, and a planned special event, such as a festival or sporting event. The distinction made was that a special event, for the purposes of this By-law, is one which involves Town property (including streets, sidewalks and parking areas) and/or brings with it the expectation that enough people will come to town that Town resources will be required to support. Staff feel that this is an appropriate way to distinguish between the ability of a property owner to enjoy their own property and the Town's need to properly prepare for events which will have an impact on life in Mahone Bay.

The primary concern that was raised by event organizers was the need for clarity as to what is expected from organizers and how they can best work with the Town regulations and timelines. Staff feel that the added clarity of the attached by-law provides an opportunity to give event organizers a clear outline of what they need to do for their event, as opposed to the vague references that were covered across a separate by-law and policy dedicated to Temporary Vending.

As the draft by-law has been developed primarily to improve coordination in respect to special events in Mahone Bay, permit fees have not been suggested, though there may be fees for specific services required of the Town, and it is hoped that this will maximize compliance with the new permit requirements. Further clarification will be beneficial to the organizers and not costly or difficult for them.

#### Coordination of By-laws

Staff strongly recommend that Council consider the interconnectedness of the draft of Temporary Vending and Events By-laws in adopting one or both drafts presented here. For example, only legislation that the Town currently has in respect to Events is contained in the existing Temporary Vending By-law (which will be repealed by the adoption of a new vending by-law).

#### **Financial Analysis:**

Changes in the fee structure for the Temporary Vending By-law, 2020 excepted due to COVID-19 shutdowns and travel limitations, may cause a reduction in permit

revenue by about 70%, but as the business community has stated that a more accessible fee structure would make more frequent short-stops feasible in Mahone Bay, this fee structure has the potential to increase permit revenue with more frequent turnover of vendors.

Changes to the permitting fees surrounding special events would result in a negligible decrease in revenue, but the improved clarity of the special event permitting process is expected to reduce the amount of staff hours coordinating with organizers so the overall financial impact of the special events bylaw is expected to be a benefit to the Town.

### **Links to Strategic Plan:**

#### 3.2 Economic and Community Development

- Ensure that Town policies, procedures, by-laws and other regulations foster growth and development.
- Collaborate with organizations that are involved in economic development activities.

### **Recommendation:**

It is recommended that at Council's meeting on June 9, 2020:

THAT Council give first reading to the attached Temporary Vending By-law as presented and schedule a Public Hearing to receive questions and comments from the Public about the proposed by-law.

And

THAT Council give first reading to the attached Events By-law as presented and schedule a Public Hearing to receive questions and comments from the Public about the proposed by-law.

Respectfully submitted,



Maureen Hughes

Town Clerk and Deputy CAO



Public Information Meeting – Temporary Vending By-law

January 14, 2020

Council Chambers

Attendees

Council: 5

Staff: 2

Public: 5

Topics Discussed

- Fee structure is the biggest impediment for food vendors
- Could a business pay a business/commercial rate – annual fee for a parking spot then vendors use it
  - o To enforce the temporary aspect of a business parking spot, the duration for any one vendor can be physically domiciled
- Look into seasonal vendors and food vendors RE: provincial permitting
- What about vending events such as a food truck festival?
- What is our vision for vending in Town?
- Importance of equity for traditional brick and mortar businesses and temporary vendors
- Several restaurants had to close for extra time to prepare this past summer
- Balance: protect brick and mortar businesses, but also allow for complementary business to support brick and mortar businesses – how do we make it easier to support our existing businesses?
- What areas are most desirable for temporary vending?
  - o Mahone Bay is a very desirable location for vending throughout the year and we can incentivize vendors in respect to location
- If businesses are already paying taxes, don't "double dip them" by making them pay for a temporary vending permit in town
- Important to avoid a sense of permanency
- What is the difference between vending under a roof and in a parking lot?
- Any chance of vending along the shoreline? A vending space?



# **Town of Mahone Bay**

## **Temporary Vendors**

# **Recommendations from staff:**

- **Removing special vending provisions for festivals**
  - all vendors would apply directly to the Town under new by-law
- **A new fee structure:**
  - standardized daily rate (provide flexibility desired by vendors) & incentivize vendors to operate when the town is at its busiest (adding capacity to local businesses during events)
- **Restrictions on vending outside of commercial zones**
  - limit of one permit per month – for no more than 7 consecutive days – to any individual operator to operate outside of a commercial zone to reduce impacts of vending in non-commercial areas and concentrate vending operations in appropriate zones.
- **Other considerations for the new draft by-law:**
  - special provisions for farm markets, not-for-profit fundraising activities, temporary signage, home-based activities such as yard sales and children's lemonade stands, etc.

# What do you think?

- **Location**
  - Currently only on private property with permission of property owner
  - Duration/timing of vending in areas (festivals, town core, tourist draw, etc)
- **Fees**
  - Currently weekly, monthly, yearly
  - Increased fees during festival weekends
  - Available for free: school & church fundraisers
  - Discounted rates: not-for-profit
- **Other Regulations**



January 21, 2020

Mr. Dylan Heide,

CAO Town Of Mahone Bay.

Mr. Heide,

Thank you for the meeting earlier this morning.

We are very concerned of the impact that the draft changes to Mobile Vending By-laws will have on our R&M Properties Inc property at 249 Edgewater Street. Currently and historically the parking area across the street has been used for mobile vending periodically. The latest mobile vending "SeaSide Creamery" unit was strategically placed so it would not obstruct the view of the "Three Churches" vista thus eliminating the concerns of Town Council.

Under the current draft proposed by-law changes incorporating the new guidelines would essentially make it impossible for the Creamery to continue. We feel that this would be extremely unfair and would be a huge loss to student employment in the town as well as negatively impact our destination property resulting in a huge financial loss.

Last summer the Creamery alone employed 11 students and proved to be an amazing opportunity to teach customer service, sales and marketing as well as entrepreneurship to those students. We have received tremendous support and feedback from other Town businesses, the local school, the Town residents as well as parents, grandparents, uncles and aunts of the students, those in nearby communities, as well as tourists. They appreciate not just the service we provide, but they also appreciate us for giving an opportunity for students to learn and prosper. We need to create more jobs for students in the Town, not chase businesses away! Our young people need jobs, they need to see a future in this community because they are the future of this community. We need to work together to both enhance and expand the future of Mahone Bay, so that our town residents and our young people can prosper here. We follow the principles set forth in the Ivany Report and supporting our youth, our entrepreneurs and our community is what we are dedicated to and passionate about supporting.

In this spirit, I request that the Town remove the suggested bylaw change of allowing only seven (7) consecutive days per month of mobile vending outside of a commercial zone.

Best regards,

Mark Lowe

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**Canadian Division:**  
Lobster Made Easy, Inc  
249 Edgewater Street  
Mahone Bay  
Nova Scotia, Canada  
B0J 2E0

## Public Information Meeting – Events Planning

April 29, 2020

Online

### Attendees

Council: 4

Staff: 2

Public: 5

### Topics Discussed

- Washroom/Hygiene Facilities need to be adequate for attendees
- Traffic Congestion is and the “impossibility of movement” is a problem and needs to be taken into consideration when planning an event
  - o Parking and Emergency vehicles are the most critical
    - Consider designated parking
    - Consider paid parking with money going toward improved visitor infrastructure
  - o Marshalls for guidance with parking, etc
- Signage – needs to be coordinated
  - o Need to be aware of lines of sight
  - o Need to preserve attractive/uncluttered appearance
  - o Need to avoid blocking streets/sidewalks/walking paths
- Garbage clearance needs to be a part of the plan
- Basic Hygiene/bathrooms must be a part of the planning to accommodate crowds
- Limit concurrent events to prevent overwhelming the town’s infrastructure
  - o Events that we have are concentrated in a few days
  - o Work with emergency services providers to identify what is a manageable level of attendees
  - o Over-planning overwhelms the Town without benefit to businesses and causes disturbance to residence
- Are event planners properly insured for the possibilities i.e. intoxication
- Increased “policing” of “the rules” during planned events
  - o Partnership between Town and event-organized staff
- Vendors should apply to event organizers before a set deadline so that there is time to prepare for what to expect and to coordinate and communicate amongst organizers, residents, businesses, Town staff, and other community groups
- Improved communication is essential





*TOWN OF*  
***Mahone Bay***

**Events Permitting  
Public Information Meeting**





# WHY

The current guidelines on Festival planning are out of date as Special Events in Mahone Bay have grown beyond three major festivals in a year

Issues that have been identified include:

- Need to streamline process for event organizers
- Need for clarity in regulations
- Need for timely planning communication
- Need for better coordination within the Town

# This is what we see:

- Event Planning is hectic for both Event Organizers and Town Staff
- Not all events involve temporary vending and not all vending is related to events.
- Events bring increased vehicular and pedestrian traffic to Town which can result in crowding and parking issues, especially where road or sidewalk use or closure is anticipated.
- Crowding can create concerns for Emergency Services and Emergency Access
- Signage can clutter busy streets and sidewalks
- Large crowds are a strain on public services and local businesses
- Overlapping events increase all of the above factors



## **Our proposal:**

An events permitting structure that is separate from vending

## **Our request:**

Your input, suggestions, comments, observations, and thoughts about Events in Mahone Bay to help us develop what this could look like.

# What do you think about...

Traffic – parking, sidewalk and street closures, marshals and routes, etc.

Event and Regulatory Signage

Town services

Location/Scheduling of Events

Solid Waste Management

Permit applications and Fees

Annual/Recurring Events

# What Happens Next

- A draft by-law will be brought to Council for review
- Council will review the draft by-law and either ask staff for amendments or pass a motion to give first reading
- A Public Hearing to receive comments from the public would be scheduled before Council considered the By-law for 2<sup>nd</sup> and final reading
- The new by-law will be communicated to the public, posted on the Town website, and communicated to planners of current events
- The procedure for events permit applications will be clearly outlined on the Town website for those who want to plan an event in Mahone Bay or learn more about how to do so.





# THANK YOU



[www.townofmahonebay.ca](http://www.townofmahonebay.ca)

Maureen Hughes  
Town Clerk and Deputy CAO  
493 Main Street  
PO Box 530  
Mahone Bay, NS B0J 2E0

5<sup>th</sup> May 2020

Dear Maureen,

**Public Information Meeting (PIM) – Events Planning April 29, 2020**  
**Follow up to information provided**

As discussed during the meeting, please see my additional comments below to add to any further discussion.

a) Washroom/Hygiene Facilities need to be adequate for attendees

*This is an issue that we, as a Chamber, have already raised and is currently being considered by the Town. However, as mentioned at this Public Information Meeting, for the Town to be a tourist “destination”, it is imperative that washroom facilities need to be Winterised and be available on a year-round basis.*

b) Traffic Congestion is and the “impossibility of movement” is a problem and needs to be taken into consideration when planning an event

Any events, large-scale or small, should be known to the Town and, as a result, suitable accommodations for traffic flow and access for emergency services be addressed. There should be suitable dialogue and understanding between the event organisers, Town representatives and emergency services to ensure a safe and secure environment for all.

c) Parking and Emergency vehicles are the most critical

As mentioned in (b), access and egress for emergency vehicles must be accommodated. Parking should be clearly signposted, marshalled if necessary and enforced.

d) Consider designated parking

Again, if clearly allocated, signposted, enforced and marshalled, this should not become a problem. Perhaps the need to have visitors directed to parking outside the Town (Bayview, Keddy’s Landing)? However, suitable walkways would have to be created to ensure safe access.

- e) Consider paid parking with money going toward improved visitor infrastructure

This is a valid suggestion as any funds gained from this could be used for the Town to assist with not only infrastructure but tourism e.g. Winterising washrooms. As visitors generate income to businesses, entrepreneurs will be attracted to the town as a possible venture. Perhaps, to aid and support the local community, resident parking permits could be issued enabling free parking. The cost of parking would then only be incurred by visitors. This would have to be “policed” by the Town, but the rewards would be worth the cost.

- f) Marshalls for guidance with parking, etc

See (b-d). Additionally, we, as a town, have a vast volunteer base which could assist with this aspect, but it’s having the necessary supportive enforcement which will assist this aspect.

- g) Signage – needs to be coordinated

Already under consideration by the Town Infrastructure Plan, but this needs to be moved on sooner rather than leave it for another year in the planning and then sliding into obscurity.

- h) Need to be aware of lines of sight

Again, this could be considered under the Town Infrastructure Plan. An option was suggested at the PIM to place vendors in a separate, “controlled” area e.g. Pond Street parking lot. This can be safely cordoned off for the public use (could cause an impact on the Legion, but they could also run events in-house?), creates safe access to the town and the Mahone Bay Centre?

- i) Need to preserve attractive/uncluttered appearance

Could (h) accommodate this?

- j) Need to avoid blocking streets/sidewalks/walking paths

There is a definite need to accommodate our local community as certain type events tend to spread out and multiply. The option is (h) or to clearly dictate which streets may be closed off (Town Infrastructure Plan provides a space in front of the Council building?).

- k) Garbage clearance needs to be a part of the plan

See (s)

- l) Basic Hygiene/bathrooms must be a part of the planning to accommodate crowds

Existing facilities are insufficient, which would require the Town (not the event planners) to invest in additional temporary facilities. If we want a tourism “destination” and all that it brings with it, there must be more investment.

- m) Limit concurrent events to prevent overwhelming the town’s infrastructure

There is obvious competition among most South Shore communities to advertise and bring in vital tourist income. Consequently, we have a telescoped “season” of June to August to run such events. As a result, large-scale events running too closely together lead to businesses either being under/over staffed for a limited period, having to turn potential customers away due to increased demand.

These events, in turn, overwhelm the town infrastructure which is not geared to such an influx of visitors, hence my points raised regarding an overall Town representative responsible for co-ordinating these events and the numbers expected. If businesses are (openly) consulted, they can plan accordingly.

- n) Events that we have are concentrated in a few days

With effective management and co-ordination, this can be addressed.

- o) Work with emergency services providers to identify what is a manageable level of attendees

See (b,h,s)

- p) Over-planning overwhelms the Town without benefit to businesses and causes disturbance to residents

See (m)

- q) Are event planners properly insured for the possibilities i.e. intoxication

This was mentioned in relation to Commercial General Liability insurance. While a policy may cover the event (FC Festival and Reindeer Run is covered by Chamber), should a “rogue” vendor introduce alcohol, the insurance would be invalid! However, even for the smaller type events, does the Town monitor insurance validation?

- r) Increased “policing” of “the rules” during planned events

See (f and s)



s) Partnership between Town and event-organized staff

*See (b). What I did suggest was a designated person within the Town who would act as an overall co-ordinator for the events. They would then work with all parties - emergency services, refuse collection, event organisers (who would in turn work with the vendors under their umbrella) – ensuring provision of suitable hygiene stations, parking, egress/ingress, permit issue etc.*

*I, personally, did not find it appropriate for the Town to comment that they are trying to take the pressure off the Town for issue of permits, as it must be a joint effort from all parties to ensure any event is run safely, securely and effectively. Event management, led by the Town, has the opportunity to present the town in its most attractive format as a tourism and home “destination” which, in turn, attracts possible future residents and entrepreneurs to our location.*

t) Vendors should apply to event organizers before a set deadline so that there is time to prepare for what to expect and to coordinate and communicate amongst organizers, residents, businesses, Town staff, and other community groups

Provided the event organisers and Town advertise well enough in advance, with a specific and non-contestable deadline for applications, there should be no late permit/vendor applications. This can be administered through the procedure under (s).

u) Improved communication is essential

See all above

Finally, what we should consider is what does Mahone Bay want for its town? In light of past “observations” made regarding the Town and the way it operates, I found it surprising that not many interested parties attended the PIM, which impacts the community on so many levels? Consequently, should more be done to advertise this type of meeting, apart from using Social Media – a maildrop perhaps? These are, after all, important decisions and discussions that we are conducting for the future welfare of the town!

If events create an attractiveness and prosperous environment, thus encouraging people and families to visit with, possibly, making this their destination of choice as a home and future location, there must be suitable buy in and investment from the Town Council, organisers, and local community to make this happen. The alternative is to not do anything and continue with the town, community, business, and infrastructure being overwhelmed and creating the opposite view.

Happy to discuss further.

Jeff Phillips

Chair, Mahone Bay Tourism and Chamber of Commerce



## Town of Mahone Bay Events

From Val Header

Thank you for the opportunity to add my ideas to the Town's Events planning discussion. I know that you are looking for comments and thoughts that will easily feed into a new events permitting bylaw. My thoughts are not that specifically focused. They are aimed, rather, at the philosophy and policy objectives that the by-law will serve.

The large festivals in Mahone Bay are initiated by the Chamber of Commerce to attract business to their members. Community groups like the MBC, Museum and Churches participate. They are a huge success, albeit with downsides: congested traffic, parking problems, volunteer burnout and worries about bad weather.

In this time of Covid we all wonder what the future will look like. Will we be avoiding crowded concerts and festivals for the next few years before Covid settles down? Are packed festivals a thing of the past? With these questions in mind I wonder if this is not an opportunity to consider other ways to hold events, create activities and attract visitors.

I'd like to suggest it may be wise to consider holding smaller, more frequent, events throughout the year. I'd also like to propose building *sustainable event structures* for activities.

## Scarecrow and Father Christmas

I've noticed that many visitors think the festival is only on the designated weekends. It is heavily promoted as being on 2 weekends and yet the figurines are up for full 3 weeks and the shops are open all the time. If the Festivals were promoted as being on for 2 full weeks with inclusive dates, ex: 15 to 30 November, and events scheduled throughout that time, rather than happening all on one week-end, visitors will spread over the 2 week period. Yes, there are special events on the weekends, but organizers could hold and promote some, such as church lunches etc., for mid-week. This is best done voluntarily by cooperation amongst all that are involved but I suppose that events permitting could make it a requirement to spread things out.

**Smaller more Frequent Events may be the way of the future:** In the 13 May Chronicle Herald there is an article on Tourism in Yarmouth and Acadian Shore which is promoting shoulder season and culinary tourism as the way to go forward as Nova Scotians are predicted to choose more staycations.:

[https://www.thechronicleherald.ca/business/local-business/culinary-tourism-shoulder-seasons-ns-staycations-part-of-future-focus-for-yarmouth-and-acadian-shores-tourism-448860/?utm\\_term=Autofeed&utm\\_medium=Social&utm\\_source=Facebook&fbclid=IwAR0xOrEtkINrdPAKTCHyhNOTI0Vqxps1Mp-8dIndOeHinKX\\_kuXAhHK8y4#Echobox=1589335024](https://www.thechronicleherald.ca/business/local-business/culinary-tourism-shoulder-seasons-ns-staycations-part-of-future-focus-for-yarmouth-and-acadian-shores-tourism-448860/?utm_term=Autofeed&utm_medium=Social&utm_source=Facebook&fbclid=IwAR0xOrEtkINrdPAKTCHyhNOTI0Vqxps1Mp-8dIndOeHinKX_kuXAhHK8y4#Echobox=1589335024)

This led me to check out Tourism Industry of Canada (TIAC). Their response to Covid is to encourage national tourism organizations and operators to develop shoulder season events and culinary tourism specifically. This is a good idea regardless of the pandemic but if the tourism industry actively pursues the idea as a response to Covid it could take root.

There are plenty of creative ideas for smaller events, workshops, activities and experiences for visitors throughout the seasons:

- *Wassailing Festival* in winter months at the Old Apple Tree. Discussions already underway with Three Churches Foundation, Talking Trees and Saltbox Brewery.
- *Sweet Ride Fat Bike Rally* happens in winter and draws hundreds of bike riders to Town in the snow. A community oven, which is an idea on its own, discussed below, would be put to good use.
- *Magnolia Blossom Festival* – already started by Biscuit Eater which just held the 2<sup>nd</sup> annual Mother day Magnolia Festival. Plant more magnolia trees for a May shoulder season festival.
- *Locavore Food Festival* – an idea: invite celebrity chefs to feature local foods in each of the 5 or 6 kitchen halls in town: church halls, Legion, and MBC. Visitors could be encouraged to walk the trails to food destinations for brunch, lunch and dinners and picnic baskets. Pre-sold tickets could control numbers. A community oven would be put to good use.
- *Our Best to You* - Mahone Bay Museum local cooks of Mahone Bay food sale has been a tradition for more than 40 years and is perfectly positioned to be expanded as a culinary event with pop-up lunches, farmer's market and local preserves, cooking workshops. Usually late May. A community oven would enhance this event.
- *Traditional Field Day on the Village Green* – an idea: set up traditional children's races like egg and spoon, sack race, three legged race, tug o'war, kites and maypole dancing and more on the playing field. Pop up tents for food. Our Waldorf School residents are well versed in holding field day events. Again, a community oven is perfect here.

### **Utilize Our Recreational Green Space: our biggest, under-utilized asset.**

Green space serves as what I call "Passive Events Venues". My concept is to develop an events "perma-culture" by building beautiful venues in and around Town and green spaces that passively attract visitors all year round – the idea that if you build it people will come – mostly in their own time and at their own pace but also when

events are being promoted. The Town already has examples such as the Gazebo, Water Garden, Tiny Tots, Trails, Ball field, Pool tennis courts and playing field. These all attract people in their time and can all be actively promoted as venues for events.

Our green assets are extensively enjoyed by residents and can be enhanced to attract visitors through out the year – not in droves but in a steady gentle stream. Roger Brooks, Destinations Expert advised our community on elements that attract visitors, what to do and what to avoid. He indicated that **people want activities** and experiences. Environmental destinations are already among the biggest draws for visitors.

Enhancing our trails and parks as experiential, and diverse places to spend many hours will put Mahone Bay in a strong position as an environmental destination.

Creating *passive sustainable events spaces and venues* requires infrastructure funds and a cohesive, long-term plan for how these *event spaces* can be developed while preserving our historic green spaces.

Most importantly, planning for trails and recreational spaces and infrastructure must be conducted with extreme environmental conservation ethic for preserving green assets and habitats.

There are plenty of creative ideas for visitor activities throughout the seasons:

**Interlinked trails.** Already in discussion at Town level in connection with healthy living and active transportation.

**Communities in Bloom (CiB):** <https://www.communitiesinbloom.ca/> The mission of Communities in Bloom Foundation is to provide information and education on the environmental, social and economic benefits of green spaces. It is an international organization linking beautiful towns around the world. A town with an CiB designation attracts visitors through out the shoulder and summer season. Annual competitions award towns in various categories and are a big point of pride. Tourism data indicates many thousands of visitors plan tours around visiting CiB designations. With *staycations* identified as a leading trend, this is well worth investing resources in. Mahone Bay has many elements already on the CiB checklist in order to win the designation. If we expand our trails and provide green space experiences and activities we could win the coveted designation. All plans for gardens, trails and green space usage need a cohesive vision that includes projects like Communities in Bloom. A CiB designation requires full support of the Town, Chamber of Commerce and the Garden Club plus organizations and many volunteers. This is another example of an on going *sustainable event* throughout the season.

**Stone labyrinth** Not to be confused with a maze, but a stone pathway based on the historic labyrinth in Chartres Cathedral, France, and duplicated in Grace Cathedral, San Francisco. Many Provinces have a directory of labyrinths as they are sought

after as places to visit. Ontario has scores of labyrinths and some lovely designs here: <http://www.labyrinthnetwork.ca/ontario-labyrinth-directory/> Wherever they're built, they attract thousands of visitors every year.

There is a perfect level spot off the playing field in an almost amphitheater-like setting among trees. This would take visitors to the heart of our quiet green space over our interlinked trails or from parking at the MBC. This experiential paved area can serve as an outdoor teaching area, for ceremonies, concerts and contemplation. This is a prime example of a *passive sustainable event structure or venue*, that will naturally attract visitors to linger in Mahone Bay throughout the year. The labyrinth could be surrounded by a teaching garden with indigenous medicinal plants of Mi'kma'ki.

**Community Oven.** They've become popular across the country in cities like Toronto and Dartmouth <http://www.parkoven.ca/> and one in Margaree, Cape Breton. They promote a strong social network of community gathering for socializing, for cooking workshops and fundraising. They're a great example of a *passive events structure* for big and small events such as Village Green Picnics, bike rallies, or private parties. The playing field is a huge green and sustainable venue. We need to breathe life into it as the Village Green, just as MBC is the heart of our community. There are many ways this can be expanded with community gardens, orchards, perimeter walking track and interlinked trails.

Destinations expert Roger Brooks advised The Bluenose Coast on attracting visitors in 2008 and again in 2013. It is worth re-visiting: [https://tourismns.ca/sites/default/files/page\\_documents/bluenose\\_coast\\_assess\\_lo\\_res.pdf](https://tourismns.ca/sites/default/files/page_documents/bluenose_coast_assess_lo_res.pdf)

Brooks gives a lot of excellent advice on how to attract visitors. His advice is if you can get people to spend 2 hours in your town, they will spend more dollars here, and more time. 80% of spending happens after 5 pm. How can we get people to not just drive through Mahone Bay for the one great photo opportunity of the Three Churches, but enjoy our Town as a welcome break in their journey to re-charge, re-fresh, and exercise in our extensive green space and stay over night.

## 1. Title

This By-law shall be known as the Temporary Vending By-law.

## 2. Purpose

Whereas Section 173 of the Municipal Government Act enables a municipality to regulate vending by enacting a by-law, the Town of Mahone Bay is enacting this by-law to ensure a fair and transparent process to permit vending within the town of Mahone Bay.

## 3. Definitions

In this By-law:

- a. **Busking** means providing entertainment in a public place, not for a set fee, but with the expectation that members of the public may choose to make a donation for the entertainment;
- b. **Community Group** means a group or organization that works to carry out activities that will benefit a particular group and/or the Town as a whole;
- c. **Council** means the Mayor and Councillors of the Town of Mahone Bay;
- d. **Crosswalk** means that portion of a roadway ordinarily included within the prolongation or connection of curb lines or the edge of a roadway and property lines at intersections or any portion of a roadway and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface;
- e. **Mobile Canteen** means a motorized vehicle used for the display, preparation or sale of food or beverages by a mobile vendor;
- f. **Not for Profit** means an organization operated on a cost-recovery basis and not seeking profit;
- g. **Permit** means a Vending Permit issued pursuant to this By-law;
- h. **Premises** means any place of business, or place to which the public has access
- i. **Public Place** means roadways, sidewalks, parks and trails, cemeteries and to not restrict the generality hereof, all lands, structures and facilities own by or leased to

the Town, including the grounds, parking lot and any adjacent sidewalk to such lands, structures or facilities

- j. **Private Property** means any real property within the Town of Mahone Bay not owned by the Town.
- k. **Roadway** means that portion of a public right of way between the regularly established curb lines or that part improved and intended to be used for vehicular traffic;
- l. **Seasonal Market** means a regular outdoor seasonal vending location with multiple vendors, coordinated under a single organizing group;
- m. **Sidewalk** means that portion of a public right of way between the curb line and adjacent property line or any part of the roadway especially set aside for pedestrian travel and separated from the roadway;
- n. **Stand or Mobile Stand** means an outdoor table, showcase, bench, rack, without the assistance of a motor, and is used for the display, storage, transportation or sale of food, beverages or other merchandise by a vendor;
- o. **Town** means the Town of Mahone Bay;
- p. **Vehicle** means any vehicle required to be licensed and registered pursuant to the Motor Vehicle Act of Nova Scotia as well as any vehicle propelled by human power, whether required to be licensed or not;
- q. **Vending** means the sale and offering for sale of food, beverages or other merchandise or services from outside of an enclosed building, in a public place or on private property in the Town of Mahone Bay but, for greater clarity, does not include busking, door-to-door sales or yard sales;
- r. **Vendor** means an owner, agent, operator or employee of a vending business, including mobile vendors;
- s. **Yard Sale** means an occasional sale of personal property held at the home of the seller in a residential area. May also be referred to as a garage sale.

#### **4. General Requirements**

##### 4.1 Permit Required to Vend

No person shall vend in the Town without a permit, except as where specifically exempted by this by-law.

##### 4.2 Vending Categories

a. Mobile Canteens

- i. Permitted on private property subject to a vending permit and expressed permission of the property owner
- ii. Permitted on public property subject to a vending permit when part of a Special Event as defined by the Town of Mahone Bay Special Event By-law
- iii. Mobile Canteens must present their current Provincial Health certification
- iv. Mobile Canteens must present proof of one million dollars (\$1,000,000) of liability insurance
- v. Mobile Canteens must adhere to the following safety precautions:
  - a. Combustible media must not be used in an enclosed space
  - b. Cooking equipment must not be left unattended while it is still hot
  - c. Adhere to all fire and life safety regulations
  - d. Ensure that all safety precautions are followed for cooking equipment
  - e. Subject to all terms and conditions of this By-law.

b. Stands or Mobile Stands

- i. Permitted on private property subject to a vending permit and expressed permission of the property owner.
- ii. Permitted on public property subject to a vending permit when part of a Special Event as defined by the Town of Mahone Bay Special Event By-law.
- iii. Subject to all terms and conditions of this By-law.

c. Fundraising Events for not-for-profit community groups

- i. Permitted on private property subject to express permission of property owner;
- ii. Permitted on public property subject to approval of Mahone Bay Town Council;
- iii. Subject to all terms and conditions of this By-law.

d. Mobile Vending of alcohol and alcoholic products

- i. Permitted on private property subject to a vending permit and expressed permission of the property owner
- ii. Permitted on public property subject to a vending permit when part of a Special Event as defined by the Town of Mahone Bay Special Event By-law
- iii. Mobile vendors offering alcohol and alcoholic products must present provincial liquor license
- iv. Mobile vendors offering alcohol and alcoholic products for consumption on premises must present proof of five million dollars (\$5,000,000) of liability insurance.

- v. Mobile vending of alcohol and alcoholic products are subject to the terms and conditions of this by-law.

e. Mobile Vendor Space

- i. A business operating at a permanent location in the Town of Mahone Bay may obtain an annual permit for a Mobile Vendor Space located on the same property, which they may make available to temporary vendors
- ii. Vendors located in the Mobile Vendor Space are exempt from the requirement to obtain a permit under this By-law (other terms and conditions of the By-law still apply)
- iii. it is the responsibility of the Mobile Vendor Space permit holder to ensure that vendors using the space adhere to the terms and conditions of this By-law
- iv. Except as expressly permitted by motion of Council, no more than one Mobile Vendor Space permit shall be issued to a single business at a time and no permit will be issued for a location outside of a commercial zone (or a property outside of a commercial zone where a business has been permitted to operate in accordance with a Development Agreement)

f. Seasonal Market

- i. Permitted on private property subject to a vending permit and expressed permission of the property owner
- ii. Permitted on public property subject to a vending permit when part of a Special Event as defined by the Town of Mahone Bay Special Event By-law
- iii. Permitted on public property subject to a vending permit and expressed permission of Council
- iv. No more than one seasonal market may be permitted per property per calendar year
- v. The holder of the seasonal market permit must ensure that vendors using the space adhere to the terms and conditions of this by-law
- vi. A seasonal market location must be located in compliance with any existing development agreements or development permits
- vii. Application may be made to Council for more than one seasonal market permit or a mobile vendor space outside of a commercial zone

4.3 Conditions Applicable to Vending Generally

- a. No person shall vend in the town except in accordance with the terms and conditions of a Vending Permit and/or the terms and conditions of this by-law.
- b. No person, with or without a Vending Permit, shall:



- i. Vend between 10:00pm and 10:00am of the following day;
- ii. Occupy a vending location before 9:30am or after 10:30am;
- iii. Leave any stand or mobile canteen unattended on public property;
- iv. Vend to persons in motor vehicles;
- v. Vend within 3 metres of a fire hydrant or a fire exit;
- vi. Vend on public property within 10 metres of any driveway entrance to a police or fire station, or within 3 metres of any driveway entrance;
- vii. Vend within 3 meters of any crosswalk;
- viii. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry their wares to the disturbance of the public;
- ix. Vend in an obstructive manner which would include but not be limited by:
  - a. The restricting of the ingress or egress of the abutting property owner or tenant;
  - b. Obstructing pedestrian traffic
  - c. Increasing traffic congestion or delay;
  - d. Constituting a hazard to traffic;
  - e. Obstruct a roadway;
  - f. Vend when customers or people apparently waiting to become customers are standing in a roadway
- x. Install more than one (1) portable sign.
  - a. The portable sign shall be placed within 3.5 metres of the vendor location; and
  - b. shall be no more than one (1) metre in height and not more than 0.6 metres in width; and
  - c. must be of stable design so that it can reasonably be expected to withstand regular weather conditions
  - d. must be removed if weather conditions prevent it from remaining in place
  - e. surfaces and finish must be well maintained
- xi. Vend with any type of lighting that is directed toward, or in any way negatively impacting neighbouring property owners;
- xii. Sell anything other than that which is included in the Temporary Vending Permit
- xiii. Sell anything that is threatening, obscene, racist and/or otherwise discriminatory.

## **5. Solid Waste Disposal**

- 5.1 Vendors are responsible to ensure that appropriate solid waste receptacles are provided immediately adjacent to the vending operation. The facilities shall be emptied on a regular basis to prevent overflow and spillage.
- 5.2 No vendor shall dispose of solid waste contrary to methods prescribed in the Town of Mahone Bay Solid Waste Management By-law.
- 5.3 No vendor shall leave any vending location without first picking up, removing and properly disposing of all recyclables, litter, and trash associated in any way with the vending activity, including emptying the litter and recycling receptacles.
- 5.4 No vendor shall dump any products in Town sewers or storm sewers.

## **6. Location**

- 6.1 A vendor may engage in temporary vending only at the location specified on the permit, and provided that the vendor is in compliance with the other terms and conditions of this By-law.
- 6.2 Temporary Vending Permits for locations outside of a Commercial Zone (or a property outside of a commercial zone where a business has been permitted to operate in accordance with a Development Agreement) are restricted to a one-week maximum duration.
- 6.3 Only one Temporary Vending Permit a month may be issued to an individual vendor for a location outside of a Commercial Zone (or a property outside of a commercial zone where a business has been permitted to operate in accordance with a Development Agreement).
- 6.4 Only one Temporary Vending Permit a month may be issued for an individual property outside of a Commercial Zone (or a property outside of a commercial zone where a business has been permitted to operate in accordance with a Development Agreement).

## **7. Exemptions**

- 7.1 The following activities shall be exempt from the requirement to obtain a permit under this By-law (other terms and conditions of the By-law still apply):
- a) Vending undertaken as a fundraiser for not for profit groups engaged in sporting, educational, or volunteer activities.
  - b) Businesses operating a permanent location within the Town of Mahone Bay, when setting up a Temporary Vending location elsewhere.
- 7.2 The following activities shall be exempt from the terms and conditions of this By-law:
- a) Busking in public places.
  - b) Door-to-door sales.
  - c) Home-based sales involving private residence, invitation-only events and activities.
  - d) Yard sales (subject to the terms and conditions of the Land Use By-law).
  - e) Sales of homemade products (e.g. lemonade stands) on private property with the expressed permission of the property owner and subject to the terms of the Land Use By-law that refer to Yard Sales. This includes previously prepared food products that are not required to be permitted under Provincial Food Safety Regulations.

## **8. Issuing a Permit**

- 8.1 A Vending Permit issued under this By-law shall be specific to that person, business, or organization to which it is issued and shall not be transferrable.
- 8.2 A Vending Permit issued under this By-law shall be conspicuously displayed so as to be clearly visible from the roadway at all times during which goods or services are being offered for sale pursuant to this by-law.
- 8.3 All persons wanting to provide for sale goods or services within the Town of Mahone Bay are required to obtain a Temporary Vending Permit in accordance with this By-law by making application to the Town of Mahone Bay. Authorized Town of Mahone Bay staff will issue permits under this By-law upon compliance with all requirements and payment of prescribed permit fees, contained in Appendix A: Schedule of Fees.

- 8.4 A Vending Permit issued under this By-law shall specify the food, beverages, merchandise, or services to be sold under the permit.
- 8.5 A sponsoring individual, group or organization may obtain a permit or permits for multiple vendors to be located at a specific location.
- 8.6 A vending permit shall remain in effect for the period stated thereon. Permits may be issued for varying lengths of time with corresponding fees as outlined in this By-law.
- 8.7 In addition to the requirements contained in this By-law, a vendor shall have in effect all permits required by any other applicable Municipal, Provincial, and Federal statute, regulation, or licensing.
- 8.8 It shall be an offense for any person to make a false statement in their application for a permit under this By-law.

## **9. Cancellation of a Permit**

- 9.1 Where it is found that a Vendor is in violation of the Temporary Vendors Permit, the Town may cancel the permit or suspend the permit until conditions are met.
- 9.2 Where it appears to the Council that it is in the public interest to do so, Council may, by motion, instruct Town staff to cancel any permit issued under this By-law.
- 9.3 Town of Mahone Bay staff will notify the holder of the Temporary Vendors Permit of any cancellation or revocation via mail to the address provided on the application.

## **10. Penalty**

- 10.1 Applicants who are found to be in violation of the terms and conditions of this by-law may be held liable, and, on the discretion of Town staff, may:
- have their permit(s) revoked by the Town of Mahone Bay;
  - be served with a Summary Offense Ticket;
  - not be refunded their permit fee;

- d. not be issued subsequent permits within the Town of Mahone Bay;
- e. be barred from applying for a permits within the Town of Mahone Bay for a fixed period of time;
- f. be interrupted in their activity and be required to cease trade; and
- g. be reported to the RCMP for activities which are in violation of the Criminal Code of Canada

10.2 Any person who contravenes any provision of this By-law is punishable on summary conviction by a fine of not less than two hundred (200) dollars and not more than one thousand (1,000) dollars.

### **11. Severability**

A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part, and does not affect the enforceability of the remainder of the By-law.

### **12. Force and Effect**

This By-law is to come into effect and take effect on the date of its enactment.

**This by-law shall repeal and supersede any and all previous regulations and/or by-laws held by the town of Mahone Bay regarding the vending of goods and services.**

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David W. Devenne, Mayor

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Maureen Hughes, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the \_\_\_\_ day of \_\_\_\_\_ 2020.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this \_\_\_\_ day of \_\_\_\_\_ 2020.

CLERK'S NOTATION

First Reading:	
"Notice of Intent" Publication:	
Second Reading:	
Ministerial Approval:	
Date of Publishing:	
Forwarded to the Minister:	
Forwarded to Town Website:	

DRAFT

## Schedule of Fees

<b><u>Vendor Category</u></b>	<b><u>Permit Fee</u></b>
Daily Vendor (Fri – Monday)	\$25/day
Weekend Vendor (Fri – Mon inclusive)	\$90/weekend
Weekly Vendor	\$125/week (7 days inclusive)
Monthly Vendor	\$450/month
Seasonal Market	\$25/year
Mobile Vendor Space	\$1,500/year

DRAFT

## 1. Title

This By-law shall be known as the Special Event By-law.

## 2. Purpose

Special events enrich the cultural life of the community and contribute to the business community of Mahone Bay by encouraging visitors. The purpose of this Special Events By-Law is to ensure consistency as well as the safety of Event Organizers and participants.

## 3. Definitions

- a. **Mass Gathering** means a special event, typically 300 or more, at an event or activity where there is potential to place exceptional demands on, or have impact on, the community and its services and resources. Such events can be one-time or recurring annual activities attracting a relatively large number of people in a confined area (either indoor or outdoor). For clarity, all Mass Gatherings shall be considered Special Events as defined under this By-law.
- b. **Organizer** means the person/organization who has the financial and operational responsibility for the special event or mass gathering including contracting with entertainers, facility booking, advertising the special event, and any and all other arrangements for the event.
- c. **Special Event** means a sporting, cultural, business or other type of activity that may be one-time or annual but occurs for a limited or fixed duration and has an impact on the Town by involving the use of Town lands, including streets and sidewalks, or requiring Town services such as additional policing, or traffic/operational support.
- d. **Temporary Street Closure** means a permit issued by the Town Traffic Authority to allow a special event on a Town Street.
- e. **Town** means the Town of Mahone Bay.



#### **4. Event Permit Application Procedure**

4.1 A promoter wishing to organize or hold a Special Event in the Town of Mahone Bay must first obtain a Special Event Permit from the Town. It shall be considered an offence under this by-law to organize or hold a Special Event without an approved Special Event permit from the Town.

4.2 A Special Event Permit will not be issued unless an application is received at least 30 days prior to the event.

4.3 It shall be considered an offence under this by-law to publicize or cause to be publicized a Special Event as defined under this by-law without an approved Special Event permit from the Town.

4.4 The Special Event permit application must:

- a. include the completed Town of Mahone Bay Special Event permit application form (form must be signed by the Organizer);
- b. be presented to the Town of Mahone Bay at least thirty (30) business days prior to the event; and
- c. be accompanied by Schedule of Events in the manner requested
- d. be accompanied by Site and Route Map in the manner requested (as required)
- e. be accompanied by any fees as required
- f. be accompanied by insurance documents as required

4.5 The Town will only issue a Special Events Permit for events where:

- a. there is adequate traffic and parking control to ensure that streets are clear for the passage of emergency vehicles;
- b. adequate provisions have been made for first aid;
- c. it is reasonably expected that Town resources will not be over-extended by the events and/or the parking and traffic associated with the event

4.6 The Town will not approve applications from organizers/organizations that support social or racial intolerance, violence or hatred.

#### **5. Temporary Street/Sidewalk Closure**

5.1 All Temporary Street/Sidewalk Closures must be approved by the Town Traffic Authority

5.2 On receiving approval from the Traffic Authority for a Sidewalk or Street Closure request the Organizer shall:

- a. provide notification of the event to all properties abutting the route of the closure, including times and specific locations or the closure, a minimum of fourteen (14) days prior to the event.
- b. provide proof to the Town that the notification to abutters has been circulated no less than fourteen (14) days before the date of the special event.
- c. work with abutting businesses and residents to minimize inconvenience

## **6. Responsibilities of Organizer**

The Organizer (or their declared designate) must:

- 6.1 be available to be contacted by the Town or emergency personnel for the duration of the event
- 6.2 ensure that Town land is cleared of all debris and waste after the Special Event is over.
- 6.3 Ensure compliance with all Provincial guidelines and regulations pertaining to the Special Event.
- 6.4 ensure that appropriate solid waste receptacles are provided for the activities and attendees of the Special Event. The facilities shall be emptied on a regular basis to prevent overflow and spillage.
- 6.5 dispose of solid waste contrary to methods prescribed in the Town of Mahone Bay Solid Waste Management By-law.
- 6.6 not leave any Special Event location without first picking up, removing and properly disposing of all recyclables, litter, and trash associated in any way with the vending activity, including emptying the litter and recycling receptacles.
- 6.7 not dump any products in Town sewers or storm sewers.

## **7. Mass Gathering**

7.1 When a Special Event can reasonably be expected to attract 300 or more people the organizer must include with their Special Event application, a Mass Gathering Planning Form.

7.2 The Mass Gathering Planning Form application must be submitted to the Town of Mahone Bay no later than 45 days prior to the scheduled Event.

7.3 Mass Gathering organizers must show with their completed Mass Gathering Planning Form that they have ensured:

- a. coordination with REMO and Emergency Services to ensure that all reasonable precautions have been taken to address public safety risks, including during response to an emergency
- b. an appropriate plan for traffic and parking which will ensure safe passage for regular traffic and emergency services vehicles
- c. a communication plan to disseminate information on the planned event to residents and businesses in the Town of Mahone Bay
- d. Medical and lost person procedure

7.4 Mass Gathering organizers are responsible to:

- a. ensure that Emergency Services (RCMP, Ambulance/EHS, and Fire Department) are advised of the specific dates, times, and locations of activities at least fourteen (14) days in advance of the Mass Gathering.
- b. provide proof to the Town no less than fourteen (14) days before the Mass Gathering that the notification to the Emergency Services has been circulated.

## **8. Signage**

8.1 Signage for the Special Event or Mass Gathering may only be posted in locations approved by the Traffic Authority and are subject to being removed if not approved.

8.2 Any signs which are found to be an impediment to the visibility of vehicle operators will be removed immediately.

8.3 Any signs which are an impediment to the safe passage of pedestrians will be removed immediately.

8.4 Event signage shall not be posted on private property without the permission of the property owner.

8.5 Signs for Special Events are not to be posted more than 30 days prior to the scheduled event.

## **9. Insurance**

9.1 The organizer shall provide and maintain General Liability insurance subject to limits of not less than Five Million (\$5,000,000) dollars inclusive per occurrence for incident, bodily injury, death and damage to property. The policy will be held with an insurer acceptable to the Town and the policy shall contain a cross liability clause, waiver of subrogation.

9.2 The organizer shall provide a Certificate of Insurance within 15 business days of the event date, evidencing proof of required insurance with the Town named on the policy as Additional Insured.

9.3 Dependent on the scope and nature of the special event – such as whether the event includes the consumption of alcohol – and as determined by the Town insurer, the organizer may be required to provide additional insurance coverage in excess of Five Million (5,000,000) dollars.

## **10. Cancellation of Permit**

10.1 Where it is found that a Special Event permit holder is in violation of this By-law, the Town may cancel the permit or suspend the permit until conditions are met.

10.2 Where it appears to the Council that it is in the public interest to do so, Council may, by motion, instruct Town staff to cancel any permit issued under this By-law.

10.3 Where a permit issued under this by-law is cancelled due to failure of an organizer to adhere to the by-law and/or remediation instruction from the Town, the Town may withhold future permits for the organizer(s) of the Special Event or Mass Gathering.

10.4 Town of Mahone Bay staff will notify the holder of the Special Event Permit of any cancellation or revocation via mail to the address provided on the application.

## **11. Penalty**

11.1 Applicants who are found to be guilty of an offense against this by-law may be held liable, and, on the discretion of Town staff, may:

- a. have their license(s) revoked by the Town of Mahone Bay;

- b. be served with a Summary Offense Ticket;
- c. not be refunded their application fee;
- d. not be issued subsequent permits within the Town of Mahone Bay;
- e. be barred from applying for a permits within the Town of Mahone Bay for a fixed period of time;
- f. be interrupted in their activity and be required to vacate Town property; and
- g. be reported to the RCMP for activities which are in violation of the Criminal Code of Canada

11.2 Any person who is guilty of an offense under this By-law is punishable on summary conviction by a fine of not less than \$200 and not more than \$1,000.

## **12. Canadian Charter of Rights and Freedoms**

Section 2 of the Canadian Charter of Rights and Freedoms sets out the fundamental freedoms of all Canadians, including freedom of peaceful assembly. The Charter is the highest law in Canada. As such, all federal and provincial statutes, as well as municipal by-laws, must be compliant with the Charter.

Nothing in this By-law should be construed as limiting the freedoms afforded by the Charter, however the Town requires permits for Special Events as defined herein to maintain public safety (particularly for events on public property, where street closure is required for example). If a Special Event Organizer is unable to meet the requirements of this By-Law due to the spontaneous nature of the event, they are encouraged to contact the Town immediately. Town staff will work with the Organizer to ensure the Special Event complies with the By-law to the greatest extent possible.

## **13. Severability**

A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part, and does not affect the enforceability of the remainder of the By-law.

## **14. Force and Effect**

This By-law is to come into effect and take effect on the date of its enactment.

**This by-law shall repeal and supersede any and all previous regulations and/or by-laws held by the town of Mahone Bay regarding the scheduling of special events.**

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David W. Devenne, Mayor

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Maureen Hughes, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the \_\_\_\_ day of \_\_\_\_\_ 2020.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this \_\_\_\_ day of \_\_\_\_\_ 2020.

CLERK'S NOTATION

First Reading:	
"Notice of Intent" Publication:	
Second Reading:	
Ministerial Approval:	
Date of Publishing:	
Forwarded to the Minister:	
Forwarded to Town Website:	



## **Town of Mahone Bay**

Staff Report

RE: Temporary Vending By-law and  
Special Events By-law

July 14, 2020

### **General Overview:**

The purpose of this report is to provide Council with an update on the review of the draft Temporary Vending By-Law and Special Events By-Law as directed by Council on June 25, 2020.

### **Background:**

Staff provided a report to accompany draft versions of a Temporary Vending By-law and a draft Special Events By-law for the June 9, 2020 Council agenda. At that time, the report was deferred to the regular Council meeting of June 25, 2020.

In the time between the June 9<sup>th</sup> and June 25<sup>th</sup> meetings of Council, staff answered a number of questions concerning the draft by-laws. At the June 25, 2020 meeting of Council, staff were directed by motion to make a number of specific amendments to the draft by-laws and then return the drafts for Council consideration at the July 14, 2020 regular meeting of Council.

### **Analysis:**

#### Temporary Vending By-law

Staff were asked to ensure consistency with the use of "temporary vending" in section 2; amend section 5 to state provisions in the positive as opposed to negative case; amend section 8.3 for consistency in respect to applying for a temporary vending permit when required; review vending on private property in the residential area; specify the number of markets that are included in the definition of Seasonal Market; specify that a vehicle as described in the Temporary Vending By-law must be mobile and review the clause that it must be moved when the permit expires; review the clause that only one mobile vendor space shall be issued outside of a Commercial zone (or a property with an appropriate development agreement, except with the permission of Council; and amend section 8.4 to clarify that permits shall clearly state what is being vended.

Staff have made the requested amendments to wording for consistency and reviewed the other aspects of the draft by-law as requested by Council.

Other revisions to the draft by-law made by staff to address the direction of Council include the addition of Clause 6.5 stating that Temporary Vending Permits will not be issued for vending in a Residential Zone, and the removal of the provision under Section 4.2(e)(iv) that more than one mobile vendor space (or a vendor space on a non-commercial property) may be approved by Council. Under Section 8.4 the sentence has been amended to be more precise that all goods and services being vended must be listed by changing the word 'or' to 'and/or'.

On review, it was found that the draft by-law was sufficiently clear on the number of Seasonal Markets, but during review of the by-law staff amended section 7.2(d) respecting yard sales to include the provisions regarding yard sales currently detailed in the Land-Use By-law, rather than referencing a separate by-law. Similarly, staff have added a provision under 7.2(a) that busking is permitted provided that said busking does not interfere with the use of public spaces.

#### Special Events By-law

Staff were directed to amend Section 2 to include “contribute to the viability of the business community” in the stated purpose of the By-law and to review the use of ‘days’ and ‘business days’ throughout the draft by-law for consistency.

In addition to amending the by-law purpose as directed, staff amended the by-law to consistently reference ‘calendar days’. In making this clarification, under Section 9.2 staff amended the draft by-law to read 21 calendar days as opposed to the previous 14 days. In the development of the by-law staff learned that special event insurance certificates are often not issued more than 30 days in advance of an event, but the prompt submission of an insurance certificate is crucial to planning an event safely so with the clarification of calendar days, staff recommend 21 calendar days as the submission deadline.



**Financial Analysis:**

There are no financial implications to the amendments to the draft by-laws provided for Council consideration.

**Links to Strategic Plan:**

3.2 Economic and Community Development

- Ensure that Town policies, procedures, by-laws and other regulations foster growth and development.
- Collaborate with organizations that are involved in economic development activities.

**Recommendation:**

It is recommended that at Council’s meeting on July 14, 2020:

THAT Council give first reading to the attached Temporary Vending By-law as presented and schedule a Public Hearing to receive questions and comments from the Public about the proposed by-law.

And

THAT Council give first reading to the attached Events By-law as presented and schedule a Public Hearing to receive questions and comments from the Public about the proposed by-law.

Respectfully submitted,



Maureen Hughes

Town Clerk and Deputy CAO



## 1. Title

This By-law shall be known as the Temporary Vending By-law.

## 2. Purpose

Whereas Section 173 of the Municipal Government Act enables a municipality to regulate temporary vending by enacting a by-law, the Town of Mahone Bay is enacting this by-law to ensure a fair and transparent process to permit vending within the town of Mahone Bay.

## 3. Definitions

In this By-law:

- a. **Busking** means providing entertainment in a public place, not for a set fee, but with the expectation that members of the public may choose to make a donation for the entertainment;
- b. **Community Group** means a group or organization that works to carry out activities that will benefit a particular group and/or the Town as a whole;
- c. **Council** means the Mayor and Councillors of the Town of Mahone Bay;
- d. **Crosswalk** means that portion of a roadway ordinarily included within the prolongation or connection of curb lines or the edge of a roadway and property lines at intersections or any portion of a roadway and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface;
- e. **Mobile Canteen** means a motorized vehicle used for the display, preparation or sale of food or beverages by a mobile vendor;
- f. **Not for Profit** means an organization operated on a cost-recovery basis and not seeking profit;
- g. **Permit** means a Vending Permit issued pursuant to this By-law;
- h. **Premises** means any place of business, or place to which the public has access
- i. **Public Place** means roadways, sidewalks, parks and trails, cemeteries and to not restrict the generality hereof, all lands, structures and facilities own by or leased to

the Town, including the grounds, parking lot and any adjacent sidewalk to such lands, structures or facilities

- j. **Private Property** means any real property within the Town of Mahone Bay not owned by the Town.
- k. **Roadway** means that portion of a public right of way between the regularly established curb lines or that part improved and intended to be used for vehicular traffic;
- l. **Seasonal Market** means a regular outdoor seasonal vending location with multiple vendors, coordinated under a single organizing group;
- m. **Sidewalk** means that portion of a public right of way between the curb line and adjacent property line or any part of the roadway especially set aside for pedestrian travel and separated from the roadway;
- n. **Stand or Mobile Stand** means an outdoor table, showcase, bench, rack, without the assistance of a motor, and is used for the display, storage, transportation or sale of food, beverages or other merchandise by a vendor;
- o. **Town** means the Town of Mahone Bay;
- p. **Vehicle** means any vehicle required to be licensed and registered pursuant to the Motor Vehicle Act of Nova Scotia as well as any vehicle propelled by human power, whether required to be licensed or not;
- q. **Vending** means the sale and offering for sale of food, beverages or other merchandise or services from outside of an enclosed building, in a public place or on private property in the Town of Mahone Bay but, for greater clarity, does not include busking, door-to-door sales or yard sales;
- r. **Vendor** means an owner, agent, operator or employee of a vending business, including mobile vendors;
- s. **Yard Sale** means an occasional sale of personal property held at the home of the seller in a residential area. May also be referred to as a garage sale.

#### **4. General Requirements**

##### 4.1 Permit Required to Vend

No person shall vend in the Town without a permit, except as where specifically exempted by this by-law.

##### 4.2 Vending Categories

a. Mobile Canteens

- i. Permitted on private property subject to a vending permit and expressed permission of the property owner
- ii. Permitted on public property subject to a vending permit when part of a Special Event as defined by the Town of Mahone Bay Special Event By-law
- iii. Mobile Canteens must present their current Provincial Health certification
- iv. Mobile Canteens must present their current Motor Vehicle Registration
- v. Mobile Canteens must be able to demonstrate that their vehicle is able to be moved
- vi. Mobile Canteens must present proof of one million dollars (\$1,000,000) of liability insurance
- vii. Mobile Canteens must adhere to the following safety precautions:
  - a. Combustible media must not be used in an enclosed space
  - b. Cooking equipment must not be left unattended while it is still hot
  - c. Adhere to all fire and life safety regulations
  - d. Ensure that all safety precautions are followed for cooking equipment
  - e. Subject to all terms and conditions of this By-law.

b. Stands or Mobile Stands

- i. Permitted on private property subject to a vending permit and expressed permission of the property owner.
- ii. Permitted on public property subject to a vending permit when part of a Special Event as defined by the Town of Mahone Bay Special Event By-law.
- iii. Subject to all terms and conditions of this By-law.

c. Fundraising Events for not-for-profit community groups

- i. Permitted on private property subject to express permission of property owner;
- ii. Permitted on public property subject to approval of Mahone Bay Town Council;
- iii. Subject to all terms and conditions of this By-law.

d. Mobile Vending of alcohol and alcoholic products

- i. Permitted on private property subject to a vending permit and expressed permission of the property owner
- ii. Permitted on public property subject to a vending permit when part of a Special Event as defined by the Town of Mahone Bay Special Event By-law

- iii. Mobile vendors offering alcohol and alcoholic products must present provincial liquor license
- iv. Mobile vendors offering alcohol and alcoholic products for consumption on premises must present proof of five million dollars (\$5,000,000) of liability insurance.
- v. Mobile vending of alcohol and alcoholic products are subject to the terms and conditions of this by-law.

e. Mobile Vendor Space

- i. A business operating at a permanent location in the Town of Mahone Bay may obtain an annual permit for a Mobile Vendor Space located on the same property, which they may make available to temporary vendors
- ii. Vendors located in the Mobile Vendor Space are exempt from the requirement to obtain a permit under this By-law (other terms and conditions of the By-law still apply)
- iii. it is the responsibility of the Mobile Vendor Space permit holder to ensure that vendors using the space adhere to the terms and conditions of this By-law
- iv. ~~Except as expressly permitted by motion of Council,~~ No more than one Mobile Vendor Space permit shall be issued to a single business at a time and no permit will be issued for a location outside of a commercial zone (or a property outside of a commercial zone where a business has been permitted to operate in accordance with a Development Agreement)

f. Seasonal Market

- i. Permitted on private property subject to a vending permit and expressed permission of the property owner
- ii. Permitted on public property subject to a vending permit when part of a Special Event as defined by the Town of Mahone Bay Special Event By-law
- iii. Permitted on public property subject to a vending permit and expressed permission of Council
- iv. No more than one seasonal market may be permitted per property per calendar year
- v. The holder of the seasonal market permit must ensure that vendors using the space adhere to the terms and conditions of this by-law
- vi. A seasonal market location must be located in compliance with any exiting development agreements or development permits
- vii. Application may be made to Council for more than one seasonal market permit or a mobile vendor space outside of a commercial zone

### 4.3 Conditions Applicable to Vending Generally

- a. No person shall vend in the town except in accordance with the terms and conditions of a Vending Permit and/or the terms and conditions of this by-law.
- b. No person, with or without a Vending Permit, shall:
  - i. Vend between 10:00pm and 10:00am of the following day;
  - ii. Occupy a vending location before 9:30am or after 10:30am;
  - iii. Leave any stand or mobile canteen unattended on public property;
  - iv. Vend to persons in motor vehicles;
  - v. Vend within 3 metres of a fire hydrant or a fire exit;
  - vi. Vend on public property within 10 metres of any driveway entrance to a police or fire station, or within 3 metres of any driveway entrance;
  - vii. Vend within 3 meters of any crosswalk;
  - viii. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry their wares to the disturbance of the public;
  - ix. Vend in an obstructive manner which would include but not be limited by:
    - a. The restricting of the ingress or egress of the abutting property owner or tenant;
    - b. Obstructing pedestrian traffic
    - c. Increasing traffic congestion or delay;
    - d. Constituting a hazard to traffic;
    - e. Obstruct a roadway;
    - f. Vend when customers or people apparently waiting to become customers are standing in a roadway
  - x. Install more than one (1) portable sign.
    - a. The portable sign shall be placed within 3.5 metres of the vendor location; and
    - b. shall be no more than one (1) metre in height and not more than 0.6 metres in width; and
    - c. must be of stable design so that it can reasonably be expected to withstand regular weather conditions
    - d. must be removed if weather conditions prevent it from remaining in place
    - e. surfaces and finish must be well maintained
  - xi. Vend with any type of lighting that is directed toward, or in any way negatively impacting neighbouring property owners;

- xii. Sell anything other than that which is included in the Temporary Vending Permit
- xiii. Sell anything that is threatening, obscene, racist and/or otherwise discriminatory.

## **5. Solid Waste Disposal**

- 5.1 Vendors are responsible to ensure that appropriate solid waste receptacles are provided immediately adjacent to the vending operation. The facilities shall be emptied on a regular basis to prevent overflow and spillage.
- 5.2 Vendors shall dispose of solid waste in accordance with methods prescribed in the Town of Mahone Bay Solid Waste Management By-law.  
No vendor shall dispose of solid waste contrary to methods prescribed in the Town of Mahone Bay Solid Waste Management By-law.
- 5.3 Vendors shall pick up, remove, and properly dispose of all recyclables, litter, and trash associated in any way with the vending activity, including emptying litter and recycling receptacles before leaving any vendor location.  
No vendor shall leave any vending location without first picking up, removing and properly disposing of all recyclables, litter, and trash associated in any way with the vending activity, including emptying the litter and recycling receptacles.
- 5.4 Vendors shall ensure that no products are dumped in Town sewers or storm sewers.  
No vendor shall dump any products in Town sewers or storm sewers.

## **6. Location**

- 6.1 A vendor may engage in temporary vending only at the location specified on the permit, and provided that the vendor is in compliance with the other terms and conditions of this By-law.
- 6.2 Temporary Vending Permits for locations outside of a Commercial Zone (or a property outside of a commercial zone where a business has been permitted to operate in accordance with a Development Agreement) are restricted to a one-week maximum duration.



- 6.3 Only one Temporary Vending Permit a month may be issued to an individual vendor for a location outside of a Commercial Zone (or a property outside of a commercial zone where a business has been permitted to operate in accordance with a Development Agreement).
- 6.4 Only one Temporary Vending Permit a month may be issued for an individual property outside of a Commercial Zone (or a property outside of a commercial zone where a business has been permitted to operate in accordance with a Development Agreement).
- 6.5 Temporary Vending Permits will not be issued for vending in a Residential Zone.

## 7. Exemptions

- 7.1 The following activities shall be exempt from the requirement to obtain a permit under this By-law (other terms and conditions of the By-law still apply):
- a) Vending undertaken as a fundraiser for not for profit groups engaged in sporting, educational, or volunteer activities.
  - b) Businesses operating a permanent location within the Town of Mahone Bay, when setting up a Temporary Vending location elsewhere.
- 7.2 The following activities shall be exempt from the terms and conditions of this By-law:
- a) Busking in public places provided that
    - i. Busking activities do not interfere with the use of public space
  - b) Door-to-door sales.
  - c) Home-based sales involving private residence, invitation-only events and activities.
  - d) Yard sales (subject to the terms and conditions of the Land Use By-law) provided that
    - i. Articles for sale shall include only the tangible personal property of the residents conducting the sale;
    - ii. There shall be no more than four yard sales on any property during each calendar year;
    - iii. Yard sales shall not last longer than four consecutive days; and

iv. Retail sales shall be conducted only during daylight hours between sunrise and sunset

e) Sales of homemade products (e.g. lemonade stands) on private property with the expressed permission of the property owner and subject to the terms of the Land Use By-law that refer to Yard Sales. This includes previously prepared food products that are not required to be permitted under Provincial Food Safety Regulations.

## 8. Issuing a Permit

8.1 A Vending Permit issued under this By-law shall be specific to that person, business, or organization to which it is issued and shall not be transferrable.

8.2 A Vending Permit issued under this By-law shall be conspicuously displayed so as to be clearly visible from the roadway at all times during which goods or services are being offered for sale pursuant to this by-law.

8.3 **To obtain a Temporary Vending Permit** All persons wanting to provide for sale goods or services within the Town of Mahone Bay **vendors** are required to obtain a Temporary Vending Permit in accordance with this By-law by making application to the Town of Mahone Bay. Authorized Town of Mahone Bay staff will issue permits under this By-law upon compliance with all requirements and payment of prescribed permit fees, contained in Appendix A: Schedule of Fees.

8.4 A Vending Permit issued under this By-law shall specify the food, beverages, merchandise, **and/or** services to be sold under the permit.

8.5 A sponsoring individual, group or organization may obtain a permit or permits for multiple vendors to be located at a specific location.

8.6 A vending permit shall remain in effect for the period stated thereon. Permits may be issued for varying lengths of time with corresponding fees as outlined in this By-law.

8.7 In addition to the requirements contained in this By-law, a vendor shall have in effect all permits required by any other applicable Municipal, Provincial, and Federal statute, regulation, or licensing.

8.8 It shall be an offense for any person to make a false statement in their application for a permit under this By-law.

## **9. Cancellation of a Permit**

9.1 Where it is found that a Vendor is in violation of the Temporary Vendors Permit, the Town may cancel the permit or suspend the permit until conditions are met.

9.2 Where it appears to the Council that it is in the public interest to do so, Council may, by motion, instruct Town staff to cancel any permit issued under this By-law.

9.3 Town of Mahone Bay staff will notify the holder of the Temporary Vendors Permit of any cancellation or revocation via mail to the address provided on the application.

## **10. Penalty**

10.1 Applicants who are found to be in violation of the terms and conditions of this by-law may be held liable, and, on the discretion of Town staff, may:

- a. have their permit(s) revoked by the Town of Mahone Bay;
- b. be served with a Summary Offense Ticket;
- c. not be refunded their permit fee;
- d. not be issued subsequent permits within the Town of Mahone Bay;
- e. be barred from applying for a permits within the Town of Mahone Bay for a fixed period of time;
- f. be interrupted in their activity and be required to cease trade; and
- g. be reported to the RCMP for activities which are in violation of the Criminal Code of Canada

10.2 Any person who contravenes any provision of this By-law is punishable on summary conviction by a fine of not less than two hundred (200) dollars and not more than one thousand (1,000) dollars.

## **11. Severability**

A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part, and does not affect the enforceability of the remainder of the By-law.

**12. Force and Effect**

This By-law is to come into effect and take effect on the date of its enactment.

**This by-law shall repeal and supersede any and all previous regulations and/or by-laws held by the town of Mahone Bay regarding the vending of goods and services.**

\_\_\_\_\_

David W. Devenne, Mayor

\_\_\_\_\_

Maureen Hughes, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the \_\_\_\_ day of \_\_\_\_\_ 2020.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this \_\_\_\_ day of \_\_\_\_\_ 2020.

CLERK'S NOTATION

First Reading:	
"Notice of Intent" Publication:	
Second Reading:	
Ministerial Approval:	
Date of Publishing:	
Forwarded to the Minister:	
Forwarded to Town Website:	

DRAFT

### 1. Title

This By-law shall be known as the Special Event By-law.

### 2. Purpose

Special events enrich the cultural life of the community and contribute to the business community of Mahone Bay by encouraging visitors. The purpose of this Special Events By-Law is to contribute to the viability of the business community by ensuring consistency and providing guidelines for the ensure consistency as well as the safety of Event Organizers and participants.

### 3. Definitions

- a. **Mass Gathering** means a special event, typically 300 or more, at an event or activity where there is potential to place exceptional demands on, or have impact on, the community and its services and resources. Such events can be one-time or recurring annual activities attracting a relatively large number of people in a confined area (either indoor or outdoor). For clarity, all Mass Gatherings shall be considered Special Events as defined under this By-law.
- b. **Organizer** means the person/organization who has the financial and operational responsibility for the special event or mass gathering including contracting with entertainers, facility booking, advertising the special event, and any and all other arrangements for the event.
- c. **Special Event** means a sporting, cultural, business or other type of activity that may be one-time or annual but occurs for a limited or fixed duration and has an impact on the Town by involving the use of Town lands, including streets and sidewalks, or requiring Town services such as additional policing, or traffic/operational support.
- d. **Temporary Street Closure** means a permit issued by the Town Traffic Authority to allow a special event on a Town Street.

e. **Town** means the Town of Mahone Bay.

#### 4. Event Permit Application Procedure

4.1 A promoter wishing to organize or hold a Special Event in the Town of Mahone Bay must first obtain a Special Event Permit from the Town. It shall be considered an offence under this by-law to organize or hold a Special Event without an approved Special Event permit from the Town.

4.2 A Special Event Permit will not be issued unless an application is received at least 30 **calendar** days prior to the event.

4.3 It shall be considered an offence under this by-law to publicize or cause to be publicized a Special Event as defined under this by-law without an approved Special Event permit from the Town.

4.4 The Special Event permit application must:

- a. include the completed Town of Mahone Bay Special Event permit application form (form must be signed by the Organizer);
- b. be presented to the Town of Mahone Bay at least thirty (30) **calendar** days prior to the event; and
- c. be accompanied by Schedule of Events in the manner requested
- d. be accompanied by Site and Route Map in the manner requested (as required)
- e. be accompanied by any fees as required
- f. be accompanied by insurance documents as required

4.5 The Town will only issue a Special Events Permit for events where:

- a. there is adequate traffic and parking control to ensure that streets are clear for the passage of emergency vehicles;
- b. adequate provisions have been made for first aid;
- c. it is reasonably expected that Town resources will not be over-extended by the events and/or the parking and traffic associated with the event

4.6 The Town will not approve applications from organizers/organizations that support social or racial intolerance, violence or hatred.

## **5. Temporary Street/Sidewalk Closure**

5.1 All Temporary Street/Sidewalk Closures must be approved by the Town Traffic Authority

5.2 On receiving approval from the Traffic Authority for a Sidewalk or Street Closure request the Organizer shall:

- a. provide notification of the event to all properties abutting the route of the closure, including times and specific locations or the closure, a minimum of fourteen (14) **calendar** days prior to the event.
- b. provide proof to the Town that the notification to abutters has been circulated no less than fourteen (14) **calendar** days before the date of the special event.
- c. work with abutting businesses and residents to minimize inconvenience

## **6. Responsibilities of Organizer**

The Organizer (or their declared designate) must:

- 6.1 be available to be contacted by the Town or emergency personnel for the duration of the event
- 6.2 ensure that Town land is cleared of all debris and waste after the Special Event is over.
- 6.3 Ensure compliance with all Provincial guidelines and regulations pertaining to the Special Event.
- 6.4 ensure that appropriate solid waste receptacles are provided for the activities and attendees of the Special Event. The facilities shall be emptied on a regular basis to prevent overflow and spillage.
- 6.5 dispose of solid waste contrary to methods prescribed in the Town of Mahone Bay Solid Waste Management By-law.
- 6.6 not leave any Special Event location without first picking up, removing and properly disposing of all recyclables, litter, and trash associated in any way with the vending activity, including emptying the litter and recycling receptacles.
- 6.7 not dump any products in Town sewers or storm sewers.

## **7. Mass Gathering**

7.1 When a Special Event can reasonably be expected to attract 300 or more people the organizer must include with their Special Event application, a Mass Gathering Planning Form.



7.2 The Mass Gathering Planning Form application must be submitted to the Town of Mahone Bay no later than 45 **calendar** days prior to the scheduled Event.

7.3 Mass Gathering organizers must show with their completed Mass Gathering Planning Form that they have ensured:

- a. coordination with REMO and Emergency Services to ensure that all reasonable precautions have been taken to address public safety risks, including during response to an emergency
- b. an appropriate plan for traffic and parking which will ensure safe passage for regular traffic and emergency services vehicles
- c. a communication plan to disseminate information on the planned event to residents and businesses in the Town of Mahone Bay
- d. Medical and lost person procedure

7.4 Mass Gathering organizers are responsible to:

- a. ensure that Emergency Services (RCMP, Ambulance/EHS, and Fire Department) are advised of the specific dates, times, and locations of activities at least fourteen (14) **calendar** days in advance of the Mass Gathering.
- b. provide proof to the Town no less than fourteen (14) **calendar** days before the Mass Gathering that the notification to the Emergency Services has been circulated.

## **8. Signage**

8.1 Signage for the Special Event or Mass Gathering may only be posted in locations approved by the Traffic Authority and are subject to being removed if not approved.

8.2 Any signs which are found to be an impediment to the visibility of vehicle operators will be removed immediately.

8.3 Any signs which are an impediment to the safe passage of pedestrians will be removed immediately.

8.4 Event signage shall not be posted on private property without the permission of the property owner.

8.5 Signs for Special Events are not to be posted more than 30 **calendar** days prior to the scheduled event.

## **9. Insurance**

9.1 The organizer shall provide and maintain General Liability insurance subject to limits of not less than Five Million (\$5,000,000) dollars inclusive per occurrence for incident, bodily injury, death and damage to property. The policy will be held with an insurer acceptable to the Town and the policy shall contain a cross liability clause, waiver of subrogation.

9.2 The organizer shall provide a Certificate of Insurance within ~~14~~ 21 calendar days of the event date, evidencing proof of required insurance with the Town named on the policy as Additional Insured.

9.3 Dependent on the scope and nature of the special event – such as whether the event includes the consumption of alcohol – and as determined by the Town insurer, the organizer may be required to provide additional insurance coverage in excess of Five Million (5,000,000) dollars.

## **10. Cancellation of Permit**

10.1 Where it is found that a Special Event permit holder is in violation of this By-law, the Town may cancel the permit or suspend the permit until conditions are met.

10.2 Where it appears to the Council that it is in the public interest to do so, Council may, by motion, instruct Town staff to cancel any permit issued under this By-law.

10.3 Where a permit issued under this by-law is cancelled due to failure of an organizer to adhere to the by-law and/or remediation instruction from the Town, the Town may withhold future permits for the organizer(s) of the Special Event or Mass Gathering.

10.4 Town of Mahone Bay staff will notify the holder of the Special Event Permit of any cancellation or revocation via mail to the address provided on the application.

## **11. Penalty**

11.1 Applicants who are found to be guilty of an offense against this by-law may be held liable, and, on the discretion of Town staff, may:

- a. have their license(s) revoked by the Town of Mahone Bay;

- b. be served with a Summary Offense Ticket;
- c. not be refunded their application fee;
- d. not be issued subsequent permits within the Town of Mahone Bay;
- e. be barred from applying for a permits within the Town of Mahone Bay for a fixed period of time;
- f. be interrupted in their activity and be required to vacate Town property; and
- g. be reported to the RCMP for activities which are in violation of the Criminal Code of Canada

11.2 Any person who is guilty of an offense under this By-law is punishable on summary conviction by a fine of not less than \$200 and not more than \$1,000.

## **12. Canadian Charter of Rights and Freedoms**

Section 2 of the Canadian Charter of Rights and Freedoms sets out the fundamental freedoms of all Canadians, including freedom of peaceful assembly. The Charter is the highest law in Canada. As such, all federal and provincial statutes, as well as municipal by-laws, must be compliant with the Charter.

Nothing in this By-law should be construed as limiting the freedoms afforded by the Charter, however the Town requires permits for Special Events as defined herein to maintain public safety (particularly for events on public property, where street closure is required for example). If a Special Event Organizer is unable to meet the requirements of this By-Law due to the spontaneous nature of the event, they are encouraged to contact the Town immediately. Town staff will work with the Organizer to ensure the Special Event complies with the By-law to the greatest extent possible.

## **13. Severability**

A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part, and does not affect the enforceability of the remainder of the By-law.

## **14. Force and Effect**

This By-law is to come into effect and take effect on the date of its enactment.

**This by-law shall repeal and supersede any and all previous regulations and/or by-laws held by the town of Mahone Bay regarding the scheduling of special events.**

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David W. Devenne, Mayor

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Maureen Hughes, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the \_\_\_\_ day of \_\_\_\_\_ 2020.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this \_\_\_\_ day of \_\_\_\_\_ 2020.

CLERK'S NOTATION

First Reading:	
"Notice of Intent" Publication:	
Second Reading:	
Ministerial Approval:	
Date of Publishing:	
Forwarded to the Minister:	
Forwarded to Town Website:	

1. Title

This By-law shall be known as the Temporary Vending By-law.

2. Purpose

Whereas Section 173 of the Municipal Government Act enables a municipality to regulate temporary vending by enacting a by-law, the Town of Mahone Bay is enacting this by-law to ensure a fair and transparent process to permit vending within the town of Mahone Bay.

3. Definitions

In this By-law:

- a. Busking means providing entertainment in a public place, not for a set fee, but with the expectation that members of the public may choose to make a donation for the entertainment;
- b. Community Group means a group or organization that works to carry out activities that will benefit a particular group and/or the Town as a whole;
- c. Council means the Mayor and Councillors of the Town of Mahone Bay;
- d. Crosswalk means that portion of a roadway ordinarily included within the prolongation or connection of curb lines or the edge of a roadway and property lines at intersections or any portion of a roadway and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface;
- e. Mobile Canteen means a motorized vehicle used for the display, preparation or sale of food or beverages by a mobile vendor;
- f. Not for Profit means an organization operated on a cost-recovery basis and not seeking profit;
- g. Permit means a Vending Permit issued pursuant to this By-law;
- h. Premises means any place of business, or place to which the public has access
- i. Public Place means roadways, sidewalks, parks and trails, cemeteries and to not restrict the generality hereof, all lands, structures and facilities own by or leased to

the Town, including the grounds, parking lot and any adjacent sidewalk to such lands, structures or facilities

- j. Private Property means any real property within the Town of Mahone Bay not owned by the Town.
- k. Roadway means that portion of a public right of way between the regularly established curb lines or that part improved and intended to be used for vehicular traffic;
- l. Seasonal Market means a regular outdoor seasonal vending location with multiple vendors, coordinated under a single organizing group;
- m. Sidewalk means that portion of a public right of way between the curb line and adjacent property line or any part of the roadway especially set aside for pedestrian travel and separated from the roadway;
- n. Stand or Mobile Stand means an outdoor table, showcase, bench, rack, without the assistance of a motor, and is used for the display, storage, transportation or sale of food, beverages or other merchandise by a vendor;
- o. Town means the Town of Mahone Bay;
- p. Vehicle means any vehicle required to be licensed and registered pursuant to the Motor Vehicle Act of Nova Scotia as well as any vehicle propelled by human power, whether required to be licensed or not;
- q. Vending means the sale and offering for sale of food, beverages or other merchandise or services from outside of an enclosed building, in a public place or on private property in the Town of Mahone Bay but, for greater clarity, does not include busking, door-to-door sales or yard sales;
- r. Vendor means an owner, agent, operator or employee of a vending business, including mobile vendors;
- s. Yard Sale means an occasional sale of personal property held at the home of the seller in a residential area. May also be referred to as a garage sale.

#### 4. General Requirements

##### 4.1 Permit Required to Vend

No person shall vend in the Town without a permit, except as where specifically exempted by this by-law.

##### 4.2 Vending Categories

a. Mobile Canteens

- i. Permitted on private property subject to a vending permit and expressed permission of the property owner
- ii. Permitted on public property subject to a vending permit when part of a Special Event as defined by the Town of Mahone Bay Special Event By-law
- iii. Mobile Canteens must present their current Provincial Health certification
- iv. Mobile Canteens must present their current Motor Vehicle Registration
- v. Mobile Canteens must be able to demonstrate that their vehicle is able to be moved
- vi. Mobile Canteens must present proof of one million dollars (\$1,000,000) of liability insurance
- vii. Mobile Canteens must adhere to the following safety precautions:
  - a. Combustible media must not be used in an enclosed space
  - b. Cooking equipment must not be left unattended while it is still hot
  - c. Adhere to all fire and life safety regulations
  - d. Ensure that all safety precautions are followed for cooking equipment
  - e. Subject to all terms and conditions of this By-law.

b. Stands or Mobile Stands

- i. Permitted on private property subject to a vending permit and expressed permission of the property owner.
- ii. Permitted on public property subject to a vending permit when part of a Special Event as defined by the Town of Mahone Bay Special Event By-law.
- iii. Subject to all terms and conditions of this By-law.

c. Fundraising Events for not-for-profit community groups

- i. Permitted on private property subject to express permission of property owner;
- ii. Permitted on public property subject to approval of Mahone Bay Town Council;
- iii. Subject to all terms and conditions of this By-law.

d. Mobile Vending of alcohol and alcoholic products

- i. Permitted on private property subject to a vending permit and expressed permission of the property owner
- ii. Permitted on public property subject to a vending permit when part of a Special Event as defined by the Town of Mahone Bay Special Event By-law

- iii. Mobile vendors offering alcohol and alcoholic products must present provincial liquor license
- iv. Mobile vendors offering alcohol and alcoholic products for consumption on premises must present proof of five million dollars (\$5,000,000) of liability insurance.
- v. Mobile vending of alcohol and alcoholic products are subject to the terms and conditions of this by-law.

e. Mobile Vendor Space

- i. A business operating at a permanent location in the Town of Mahone Bay may obtain an annual permit for a Mobile Vendor Space located on the same property, which they may make available to temporary vendors
- ii. Vendors located in the Mobile Vendor Space are exempt from the requirement to obtain a permit under this By-law (other terms and conditions of the By-law still apply)
- iii. it is the responsibility of the Mobile Vendor Space permit holder to ensure that vendors using the space adhere to the terms and conditions of this By-law
- iv. No more than one Mobile Vendor Space permit shall be issued to a single business at a time and no permit will be issued for a location outside of a commercial zone (or a property outside of a commercial zone where a business has been permitted to operate in accordance with a Development Agreement)

f. Seasonal Market

- i. Permitted on private property subject to a vending permit and expressed permission of the property owner
- ii. Permitted on public property subject to a vending permit when part of a Special Event as defined by the Town of Mahone Bay Special Event By-law
- iii. Permitted on public property subject to a vending permit and expressed permission of Council
- iv. No more than one seasonal market may be permitted per property per calendar year
- v. The holder of the seasonal market permit must ensure that vendors using the space adhere to the terms and conditions of this by-law
- vi. A seasonal market location must be located in compliance with any exiting development agreements or development permits



- vii. Application may be made to Council for more than one seasonal market permit or a mobile vendor space outside of a commercial zone

#### 4.3 Conditions Applicable to Vending Generally

- a. No person shall vend in the town except in accordance with the terms and conditions of a Vending Permit and/or the terms and conditions of this by-law.
- b. No person, with or without a Vending Permit, shall:
  - i. Vend between 10:00pm and 10:00am of the following day;
  - ii. Occupy a vending location before 9:30am or after 10:30am;
  - iii. Leave any stand or mobile canteen unattended on public property;
  - iv. Vend to persons in motor vehicles;
  - v. Vend within 3 metres of a fire hydrant or a fire exit;
  - vi. Vend on public property within 10 metres of any driveway entrance to a police or fire station, or within 3 metres of any driveway entrance;
  - vii. Vend within 3 meters of any crosswalk;
  - viii. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry their wares to the disturbance of the public;
  - ix. Vend in an obstructive manner which would include but not be limited by:
    - a. The restricting of the ingress or egress of the abutting property owner or tenant;
    - b. Obstructing pedestrian traffic
    - c. Increasing traffic congestion or delay;
    - d. Constituting a hazard to traffic;
    - e. Obstruct a roadway;
    - f. Vend when customers or people apparently waiting to become customers are standing in a roadway
  - x. Install more than one (1) portable sign.
    - a. The portable sign shall be placed within 3.5 metres of the vendor location; and
    - b. shall be no more than one (1) metre in height and not more than 0.6 metres in width; and
    - c. must be of stable design so that it can reasonably be expected to withstand regular weather conditions
    - d. must be removed if weather conditions prevent it from remaining in place
    - e. surfaces and finish must be well maintained

- xi. Vend with any type of lighting that is directed toward, or in any way negatively impacting neighbouring property owners;
- xii. Sell anything other than that which is included in the Temporary Vending Permit
- xiii. Sell anything that is threatening, obscene, racist and/or otherwise discriminatory.

## 5. Waste Disposal

- 5.1 Vendors are responsible to ensure that appropriate solid waste receptacles are provided immediately adjacent to the vending operation. The facilities shall be emptied on a regular basis to prevent overflow and spillage.
- 5.2 Vendors shall dispose of solid waste in accordance with methods prescribed in the Town of Mahone Bay Solid Waste Management By-law.
- 5.3 Vendors shall pick up, remove, and properly dispose of all recyclables, litter, and trash associated in any way with the vending activity, including emptying litter and recycling receptacles before leaving any vendor location.
- 5.4 Vendors shall ensure that no waste products are dumped in Town sewers or storm sewers.

## 6. Location

- 6.1 A vendor may engage in temporary vending only at the location specified on the permit, and provided that the vendor is in compliance with the other terms and conditions of this By-law.
- 6.2 Temporary Vending Permits for locations outside of a Commercial Zone (or a property outside of a commercial zone where a business has been permitted to operate in accordance with a Development Agreement) are restricted to a one-week maximum duration.
- 6.3 Only one Temporary Vending Permit a month may be issued to an individual vendor for a location outside of a Commercial Zone (or a property outside of a

commercial zone where a business has been permitted to operate in accordance with a Development Agreement).

- 6.4 Only one Temporary Vending Permit a month may be issued for an individual property outside of a Commercial Zone (or a property outside of a commercial zone where a business has been permitted to operate in accordance with a Development Agreement).
- 6.5 Temporary Vending Permits will not be issued for vending in a Residential Zone.

## 7. Exemptions

- 7.1 The following activities shall be exempt from the requirement to obtain a permit under this By-law (other terms and conditions of the By-law still apply):
- a) Vending undertaken as a fundraiser for not for profit groups engaged in sporting, educational, or volunteer activities.
  - b) Businesses operating a permanent location within the Town of Mahone Bay, when setting up a Temporary Vending location elsewhere.
- 7.2 The following activities shall be exempt from the terms and conditions of this By-law:
- a) Busking in public places provided that
    - i. Busking activities do not interfere with the use of public space
  - b) Door-to-door sales.
  - c) Home-based sales involving private residence, invitation-only events and activities.
  - d) Yard sales provided that
    - i. Articles for sale shall include only the tangible personal property of the residents conducting the sale;
    - ii. There shall be no more than four yard sales on any property during each calendar year;
    - iii. Yard sales shall not last longer than four consecutive days; and
    - iv. Yard sales shall be conducted only during daylight hours between sunrise and sunset.

- e) Sales of homemade products (e.g. lemonade stands) on private property with the expressed permission of the property owner and subject to the terms of the Land Use By-law that refer to Yard Sales. This includes previously prepared food products that are not required to be permitted under Provincial Food Safety Regulations.

## 8. Issuing a Permit

- 8.1 A Vending Permit issued under this By-law shall be specific to that person, business, or organization to which it is issued and shall not be transferrable.
- 8.2 A Vending Permit issued under this By-law shall be conspicuously displayed so as to be clearly visible from the roadway at all times during which goods or services are being offered for sale pursuant to this by-law.
- 8.3 To obtain a Temporary Vending Permit to provide for sale goods or services within the Town of Mahone Bay vendors are required to obtain a Temporary Vending Permit in accordance with this By-law by making application to the Town of Mahone Bay. Authorized Town of Mahone Bay staff will issue permits under this By-law upon compliance with all requirements and payment of prescribed permit fees, contained in Appendix A: Schedule of Fees.
- 8.4 A Vending Permit issued under this By-law shall specify the food, beverages, merchandise, and/or services to be sold under the permit.
- 8.5 A sponsoring individual, group or organization may obtain a permit or permits for multiple vendors to be located at a specific location.
- 8.6 A vending permit shall remain in effect for the period stated thereon. Permits may be issued for varying lengths of time with corresponding fees as outlined in this By-law.
- 8.7 In addition to the requirements contained in this By-law, a vendor shall have in effect all permits required by any other applicable Municipal, Provincial, and Federal statute, regulation, or licensing.

8.8 It shall be an offense for any person to make a false statement in their application for a permit under this By-law.

## 9. Cancellation of a Permit

9.1 Where it is found that a Vendor is in violation of the Temporary Vendors Permit, the Town may cancel the permit or suspend the permit until conditions are met.

9.2 Where it appears to the Council that it is in the public interest to do so, Council may, by motion, instruct Town staff to cancel any permit issued under this By-law.

9.3 Town of Mahone Bay staff will notify the holder of the Temporary Vendors Permit of any cancellation or revocation via mail to the address provided on the application.

## 10. Penalty

10.1 Applicants who are found to be in violation of the terms and conditions of this by-law may be held liable, and, on the discretion of Town staff, may:

- a. have their permit(s) revoked by the Town of Mahone Bay;
- b. be served with a Summary Offense Ticket;
- c. not be refunded their permit fee;
- d. not be issued subsequent permits within the Town of Mahone Bay;
- e. be barred from applying for a permits within the Town of Mahone Bay for a fixed period of time;
- f. be interrupted in their activity and be required to cease trade; and
- g. be reported to the RCMP for activities which are in violation of the Criminal Code of Canada

10.2 Any person who contravenes any provision of this By-law is punishable on summary conviction by a fine of not less than two hundred (200) dollars and not more than one thousand (1,000) dollars.

11. Severability

A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part, and does not affect the enforceability of the remainder of the By-law.

12. Force and Effect

This By-law is to come into effect and take effect on the date of its enactment.

This by-law shall repeal and supersede any and all previous regulations and/or by-laws held by the town of Mahone Bay regarding the vending of goods and services.

\_\_\_\_\_  
David W. Devenne, Mayor

\_\_\_\_\_  
Maureen Hughes, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the \_\_\_\_ day of \_\_\_\_\_ 2020.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this \_\_\_\_ day of \_\_\_\_\_ 2020.

CLERK'S NOTATION

First Reading:	July 14, 2020
"Notice of Intent" Publication:	
Second Reading:	
Ministerial Approval:	
Date of Publishing:	
Forwarded to the Minister:	
Forwarded to Town Website:	

DRAFT

## Schedule of Fees

<u>Vendor Category</u>	<u>Permit Fee</u>
Daily Vendor	\$25/day
Weekend Vendor (Fri – Mon inclusive)	\$90/weekend
Weekly Vendor	\$125/week (7 days inclusive)
Monthly Vendor	\$450/month
Seasonal Market	\$25/year
Mobile Vendor Space	\$1,500/year

DRAFT



1. Title

This By-law shall be known as the Special Event By-law.

2. Purpose

Special events enrich the cultural life of the community and contribute to the business community of Mahone Bay by encouraging visitors. The purpose of this Special Events By-Law is to contribute to the viability of the business community by ensuring consistency and providing guidelines for the safety of Event Organizers and participants.

3. Definitions

- a. Mass Gathering means a special event, typically 300 or more, at an event or activity where there is potential to place exceptional demands on, or have impact on, the community and its services and resources. Such events can be one-time or recurring annual activities attracting a relatively large number of people in a confined area (either indoor or outdoor). For clarity, all Mass Gatherings shall be considered Special Events as defined under this By-law.
- b. Organizer means the person/organization who has the financial and operational responsibility for the special event or mass gathering including contracting with entertainers, facility booking, advertising the special event, and any and all other arrangements for the event.
- c. Special Event means a sporting, cultural, business or other type of activity that may be one-time or annual but occurs for a limited or fixed duration and has an impact on the Town by involving the use of Town lands, including streets and sidewalks, or requiring Town services such as additional policing, or traffic/operational support.
- d. Temporary Street Closure means a permit issued by the Town Traffic Authority to allow a special event on a Town Street.

e. Town means the Town of Mahone Bay.

#### 4. Event Permit Application Procedure

4.1 A promoter wishing to organize or hold a Special Event in the Town of Mahone Bay must first obtain a Special Event Permit from the Town. It shall be considered an offence under this by-law to organize or hold a Special Event without an approved Special Event permit from the Town.

4.2 A Special Event Permit will not be issued unless an application is received at least 30 calendar days prior to the event.

4.3 It shall be considered an offence under this by-law to publicize or cause to be publicized a Special Event as defined under this by-law without an approved Special Event permit from the Town.

4.4 The Special Event permit application must:

- a. include the completed Town of Mahone Bay Special Event permit application form (form must be signed by the Organizer);
- b. be presented to the Town of Mahone Bay at least thirty (30) calendar days prior to the event; and
- c. be accompanied by Schedule of Events in the manner requested
- d. be accompanied by Site and Route Map in the manner requested (as required)
- e. be accompanied by any fees as required
- f. be accompanied by insurance documents as required

4.5 The Town will only issue a Special Events Permit for events where:

- a. there is adequate traffic and parking control to ensure that streets are clear for the passage of emergency vehicles;
- b. adequate provisions have been made for first aid;
- c. it is reasonably expected that Town resources will not be over-extended by the events and/or the parking and traffic associated with the event

4.6 The Town will not approve applications from organizers/organizations that support social or racial intolerance, violence or hatred.

## 5. Temporary Street/Sidewalk Closure

5.1 All Temporary Street/Sidewalk Closures must be approved by the Town Traffic Authority

5.2 On receiving approval from the Traffic Authority for a Sidewalk or Street Closure request the Organizer shall:

- a. provide notification of the event to all properties abutting the route of the closure, including times and specific locations of the closure, a minimum of fourteen (14) calendar days prior to the event.
- b. provide proof to the Town that the notification to abutters has been circulated no less than fourteen (14) calendar days before the date of the special event.
- c. work with abutting businesses and residents to minimize inconvenience

## 6. Responsibilities of Organizer

The Organizer (or their declared designate) must:

6.1 be available to be contacted by the Town or emergency personnel for the duration of the event

6.2 ensure that Town land is cleared of all debris and waste after the Special Event is over.

6.3 Ensure compliance with all Provincial guidelines and regulations pertaining to the Special Event.

6.4 ensure that appropriate solid waste receptacles are provided for the activities and attendees of the Special Event. The facilities shall be emptied on a regular basis to prevent overflow and spillage.

6.5 dispose of solid waste contrary to methods prescribed in the Town of Mahone Bay Solid Waste Management By-law.

6.6 not leave any Special Event location without first picking up, removing and properly disposing of all recyclables, litter, and trash associated in any way with the vending activity, including emptying the litter and recycling receptacles.

6.7 not dump any products in Town sewers or storm sewers.

## 7. Mass Gathering

8.

7.1 When a Special Event can reasonably be expected to attract 300 or more people the organizer must include with their Special Event application, a Mass Gathering Planning Form.

7.2 The Mass Gathering Planning Form application must be submitted to the Town of Mahone Bay no later than 45 calendar days prior to the scheduled Event.

7.3 Mass Gathering organizers must show with their completed Mass Gathering Planning Form that they have ensured:

- a. coordination with REMO and Emergency Services to ensure that all reasonable precautions have been taken to address public safety risks, including during response to an emergency
- b. an appropriate plan for traffic and parking which will ensure safe passage for regular traffic and emergency services vehicles
- c. a communication plan to disseminate information on the planned event to residents and businesses in the Town of Mahone Bay
- d. Medical and lost person procedure

7.4 Mass Gathering organizers are responsible to:

- a. ensure that Emergency Services (RCMP, Ambulance/EHS, and Fire Department) are advised of the specific dates, times, and locations of activities at least fourteen (14) calendar days in advance of the Mass Gathering.
- b. provide proof to the Town no less than fourteen (14) calendar days before the Mass Gathering that the notification to the Emergency Services has been circulated.

## 9. Signage

8.1 Signage for the Special Event or Mass Gathering may only be posted in locations approved by the Traffic Authority and are subject to being removed if not approved.

8.2 Any signs which are found to be an impediment to the visibility of vehicle operators will be removed immediately.

8.3 Any signs which are an impediment to the safe passage of pedestrians will be removed immediately.

8.4 Event signage shall not be posted on private property without the permission of the property owner.

8.5 Signs for Special Events are not to be posted more than 30 calendar days prior to the scheduled event.

## 10. Insurance

9.1 The organizer shall provide and maintain General Liability insurance subject to limits of not less than Five Million (\$5,000,000) dollars inclusive per occurrence for incident, bodily injury, death and damage to property. The policy will be held with an insurer acceptable to the Town and the policy shall contain a cross liability clause, waiver of subrogation.

9.2 The organizer shall provide a Certificate of Insurance within 21 calendar days of the event date, evidencing proof of required insurance with the Town named on the policy as Additional Insured.

9.3 Dependent on the scope and nature of the special event – such as whether the event includes the consumption of alcohol – and as determined by the Town insurer, the organizer may be required to provide additional insurance coverage in excess of Five Million (5,000,000) dollars.

## 11. Cancellation of Permit

10.1 Where it is found that a Special Event permit holder is in violation of this By-law, the Town may cancel the permit or suspend the permit until conditions are met.

10.2 Where it appears to the Council that it is in the public interest to do so, Council may, by motion, instruct Town staff to cancel any permit issued under this By-law.

10.3 Where a permit issued under this by-law is cancelled due to failure of an organizer to adhere to the by-law and/or remediation instruction from the Town, the Town may withhold future permits for the organizer(s) of the Special Event or Mass Gathering.

10.4 Town of Mahone Bay staff will notify the holder of the Special Event Permit of any cancellation or revocation via mail to the address provided on the application.

## 12. Penalty

11.1 Applicants who are found to be guilty of an offense against this by-law may be held liable, and, on the discretion of Town staff, may:

- a. have their license(s) revoked by the Town of Mahone Bay;
- b. be served with a Summary Offense Ticket;
- c. not be refunded their application fee;
- d. not be issued subsequent permits within the Town of Mahone Bay;
- e. be barred from applying for a permits within the Town of Mahone Bay for a fixed period of time;
- f. be interrupted in their activity and be required to vacate Town property; and
- g. be reported to the RCMP for activities which are in violation of the Criminal Code of Canada

11.2 Any person who is guilty of an offense under this By-law is punishable on summary conviction by a fine of not less than \$200 and not more than \$1,000.

## 13. Canadian Charter of Rights and Freedoms

Section 2 of the Canadian Charter of Rights and Freedoms sets out the fundamental freedoms of all Canadians, including freedom of peaceful assembly. The Charter is the highest law in Canada. As such, all federal and provincial statutes, as well as municipal by-laws, must be compliant with the Charter.

Nothing in this By-law should be construed as limiting the freedoms afforded by the Charter, however the Town requires permits for Special Events as defined herein to maintain public safety (particularly for events on public property, where street closure is required for example). If a Special Event Organizer is unable to meet the requirements of this By-Law due to the spontaneous nature of the event, they are encouraged to contact the Town immediately. Town staff will work with the Organizer to ensure the Special Event complies with the By-law to the greatest extent possible.

## 14. Severability

A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part, and does not affect the enforceability of the remainder of the By-law.

15. Force and Effect

This By-law is to come into effect and take effect on the date of its enactment.

This by-law shall repeal and supersede any and all previous regulations and/or by-laws held by the town of Mahone Bay regarding the scheduling of special events.

\_\_\_\_\_  
David W. Devenne, Mayor

\_\_\_\_\_  
Maureen Hughes, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the \_\_\_\_ day of \_\_\_\_\_ 2020.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this \_\_\_\_ day of \_\_\_\_\_ 2020.

CLERK'S NOTATION

First Reading:	July 14, 2020
"Notice of Intent" Publication:	
Second Reading:	
Ministerial Approval:	
Date of Publishing:	
Forwarded to the Minister:	
Forwarded to Town Website:	