



THE CORPORATION OF THE TOWN OF ORANGEVILLE

**BY-LAW NUMBER 31-2003**

**A BY-LAW TO REGULATE THE DISPLAYING OF MERCHANDISE  
ON SIDEWALKS**

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

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

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

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

**1 Definitions**

In this by-law:

“display area” means an area of the sidewalk adjacent to the store, no wider than the width of the storefront, excluding the width of the entrance to the store, extending from the façade of the building to a distance that is no greater than .75 metres (2.5 feet) from the façade.

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

“merchandise” means goods or wares customarily sold by the retail establishment, not including signage nor hazardous and flammable materials such as gasoline, oil, antifreeze, kerosene, poisons, pesticides and similar items.

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

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

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

**2 Regulations**

- 2.1** Merchandise customarily sold within the retail establishment adjacent to the display area may be displayed on the sidewalk only within the display area in a manner that does not impede the flow of pedestrian traffic, or reduce the width of walking area available to pedestrians to less than 1.5 metres (5 feet).
- 2.2** Fruits, vegetables and other food displayed in the display area shall be placed at a height of not less than .75 metres (2.5 feet) from the surface of the sidewalk.
- 2.3** All merchandise located within the display area shall be placed so that the fixtures or devices on which the merchandise is displayed are stable, and free from sharp edges, protrusions, or other features that may be hazardous to the public.
- 2.4** No fixtures or devices on which outdoor merchandise is displayed shall be attached to the sidewalk.
- 2.5** No merchandise shall be displayed on any Town structure, including but not limited to trees, planters, parking metre posts.

- 2.6 The merchant is entirely responsible for the safety and protection of any and all items in the display area.
- 2.7 At the close of business, the merchant shall have removed from the display area all merchandise and related tables and structures used for display.

### 3 Exceptions

- 3.1 The regulations in this by-law do not apply to:
- 3.1.1 Goods or merchandise in actual course of receipt, delivery or removal.
- 3.1.2 Events organized by the Orangeville Business Improvement Area or authorized by the Town, which events involve sidewalk sales or the closing of Broadway to vehicular traffic.

### 4 Offence and Penalty

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

### 5 Word Usage

- 5.1 As used in this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.
- 5.2 The headings and subheadings used in this by-law shall not form part of the by-law, but shall be deemed to be inserted for convenience of reference only.

### 6 Severability

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

### 7 Conflict with any other By-law

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

### 8 Repealing Section

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


### 9 Short Title


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

### 10 Effective Date

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

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

  
Drew Brown, Mayor

  
Cheryl Johns, Clerk