

## TERMS & CONDITIONS FOR A SIDEWALK SALE

The operator of the sidewalk sale must agree to abide by all terms and conditions set forth in this Form, and with any other terms and conditions assigned by the Development Officer. Failure to comply with any or all of these terms and conditions may result in the revoking of permission to operate the said sidewalk sale. The Development Officer reserves the right to require that the sidewalk sale be removed at any time.

1. Sidewalk sales are permitted within the City Centre Planning Area between May 1st and September 21st subject to the ability of each individual site meeting the terms and conditions set out in this Checklist or receiving an exemption from the Development Officer, in consultation with the Director of Engineering & Public Works, where it can be demonstrated the safety and function of the sidewalk is not compromised.
2. Due to their unique traffic situations, sidewalk sales are not permitted on Westmorland, Regent or Smythe Street or in locations, which, in the opinion of the Director of Engineering and Public Works, obstruct sightlines at an intersection or cause any operational or safety problem on the public road rights-of-way.
3. Planning/Design Requirements: Tables and/or racks must be of uniform style and design. Each operator is limited to two (2) standard .8 metre by 1.8 metre (2.5 feet by 6 feet) tables and one clothing or shoe rack for the display of merchandise. Clothing racks must be positioned vertical to the façade of the building. A solid base perimeter must be incorporated on the table to facilitate identification by visually impaired individuals.
4. Table Skirting: Tables will be required to be covered with standardized table skirting. Downtown Fredericton Inc. is responsible for providing and distributing the required skirting to the participating merchants. The table skirting is equipped with a specially designed weight system that serves as the required solid base perimeter noted in condition 3 above.
5. Barrier-Free Access: Pedestrian entrances to all buildings shall be wheelchair accessible. A 1.1 metre walkway shall be maintained, free from all obstructions, directly to the main door of the associated business.
6. Accessory Use: The sidewalk sale is considered an accessory use to the adjacent commercial/retail establishment.
7. Advertising/Signs: The use of any sign(s) is subject to the issuance of a Sign Permit and the relevant provisions of *Bylaw No. Z-2, The Zoning By-law for the City of Fredericton*.
8. Hours of Operation: The hours of operation of the sidewalk sale shall be between normal business operating hours, Monday - Sunday.
9. Insurance: The operator of the sidewalk sale must carry a minimum of two million dollars ($2,000,000) of public liability and property damage insurance for the operation of the sidewalk sale. The City of Fredericton is not liable for any harm or damages suffered as a result of an accident/incident of any kind within the boundaries of, or caused by, the sidewalk sale.
10. Removal: All merchandise and other structures including tables and all display racks shall be removed at the end of each business day without exception.
11. Setback from Street Corners and Alleys: Where a sidewalk sale is located at a street intersection, the retail sale area shall be set back a minimum of three (3) metres from the corner of the building located at the intersection. Where a sidewalk sale is located adjacent to a driveway or alley, the sale retail area shall be set back a minimum of one and a half (1.5) metres from the corner of the building adjacent to the driveway or alley.
12. Unobstructed Sidewalk Clearance: A minimum area shall be reserved for pedestrian use not less than two and a half (2.5) metres in width and shall be for the entire width of the building. Such pedestrian areas shall be maintained free and clear of all obstructions at all times and shall allow for a continuous walkway along the entire front of the building, connecting with pedestrian walkway areas on both ends thereof.
13. Sidewalk Retail Area Locations: The sidewalk retail sale area shall not extend beyond the frontage of adjacent buildings. Retail sale displays must be located next to the building façade. Where deemed less intrusive, retail sale displays may be located within the one (1) metre strip adjacent to the curb where the street furniture and utilities are located if deemed not to interfere with the operation of the adjacent public road right-of-way. The merchant is required to submit a request for exemption if the sidewalk sale area is proposed to be located within the service strip area adjacent to the curb.
14. Enforcement: Sidewalk sales operating on a public right-of-way (sidewalk) not according to these terms and conditions is subject to various forms of enforcement which can be initiated by the Engineering and Public Works Department. Enforcement measures can include a verbal warning from authorized City personnel and/or removal of the obstructions (including tables, racks and any other item placed on the right-of-way) by City forces.
15. Fines: Sidewalk sale operators who violate these terms and conditions may be subject to potential fine of not less than fifty dollars ($50.00) to a maximum of five hundred ($500.00) (in accordance with By-law No. T-4, *A By-law Respecting Streets and Sidewalks*).
16. Permit Renewal: Sidewalk sale operators who violate these terms and conditions may not be eligible to participate in the program the following year.
17. Storm Water: The use of the public right-of-way shall not interfere with storm water run-off as determined by the Director of Engineering and Public Works.
18. Utility/Infrastructure Access: The Director of Engineering and Public Works and public utility agencies reserve the right of access to the sidewalk sale area for the installation, maintenance or repair of all utility infrastructure. In the event of an emergency, notice of access may not be given. For all scheduled work, every effort will be made to provide the operator with a one (1) week notice. Should access be required, sidewalk sale operation is suspended until notified.

Checklist No.: MOB-CHK-017

Service: Sidewalk Occupancy Permit

Issue No.: 1.1

Issue Date: 07/06/04

Printed On: June 12, 2007

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