

Town of Annapolis Royal **Vending-Law #208**

1. Title

- 1.1. This By-law is entitled the "Vending By-law #208".

2. Definitions

In this By-law:

- 2.1. "abutter" means the owner, lessee or occupier of any premises or lot in the Town of Annapolis Royal which abuts a Town of Annapolis Royal street;
- 2.2. Boardwalk" means the scenic wooden walkway from the Town wharf on St George Street leading to the Oqwa'titek Amphitheatre;
- 2.3. "busker" means a person performing music and/or one or more acts or plays;
- 2.4. "DMO/D" means Director of Municipal Operations and Development
- 2.5. "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 clearly indicated for pedestrian crossings by lines or other markings on the road surface;
- 2.6. "Farmers' Market" means the Farmers' Market under an existing lease arrangement with the Town;
- 2.7. "flea market" means an outdoor market at which persons are rented or provided space for a fee or rent for the purpose of selling new or used merchandise to the public;
- 2.8. "Linear meters" means the length of the longest dimension of a

non-mobile stand;

- 2.9. "mobile canteen" means a motor vehicle used for the vending of food or beverages by a mobile vendor;
- 2.10 "National Historic District" encloses both sides of St. George Street from its beginning at the northeastern town boundary to its termination in the northwest corner of the townsite. Included are the southernmost properties on Prince Albert Road and the grounds of Fort Anne National Historic Site and the old cemetery. The boundary continues southeast along the axis of Chapel Street to include the south side of the street, then extends southwest on St. Anthony streetscape. From the St. Anthony - Church Street intersection, it extends southeast, parallel to the St. George Street axis, roughly following the rear property lines of the houses aligning the north side of St. George Street. All of the secondary streets in the downtown area - Church, St. James, lower St. Anthony, Victoria, Bohaker, Prince William, Drury Lane, Grange and Ritchie streets are included;
- 2.11. "public places" means:
- 2.11.1. streets;
 - 2.11.2. property owned by the Town of Annapolis Royal;
 - 2.11.3. property owned by the Province of Nova Scotia that is open to the public; and
 - 2.11.4. public parks and trails; and
- 2.12. "in, on or near a public place" includes locations that are
- 2.12.1. driveways, parking lots, and vacant or undeveloped lots any portion of which is within 25 metres of a public place;
 - 2.12.2. within 25 metres of a public place; or
 - 2.12.3. visible from a public place;
- 2.13. "retail commercial enterprise" means any retail business situated in a commercial zone (see Schedule "A");
- 2.14. "roadway" means that portion of a street between the curb lines or the traveled portion of a street designed for vehicular traffic and,

except where the context indicates otherwise, includes a crosswalk;

- 2.15. "sidewalk" means that portion of a street between the curb line and adjacent property line or any part of the street especially set aside for pedestrian travel and separated from the roadway;
- 2.16. "stand" includes a table, showcase, bench, rack, pushcart, wagon or wheeled non-motorized vehicle or device that can be moved without the assistance of a motor and is used for vending by a mobile vendor;
- 2.17. "street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith;
- 2.18. "Town" means the Town of Annapolis Royal;
- 2.19. "Grant Potter Park" means the Town playground and park area on St George Street;
- 2.20. "vend" or "vending" means the sale, or offering for sale, outside an enclosed building of:
- 2.20.1. food, beverages or other merchandise, unless they are immediately delivered to a residence or shop by the person selling them;
 - 2.20.2. services, unless they are provided in a building;
- 2.21. "vending machine" means a mechanical or electronic device that:
- 2.21.1. is operated by the introduction of a coin, counter or slug; and
 - 2.21.2. dispenses food, beverages, goods, wares or services, including newspapers and other publications; and
- 2.22. "yard sale" means a sale of surplus household goods and materials by the occupants of the residential property at which the sale is carried on. As defined by section 4.35.1 of the Town's Land Use By-law, there is a limit of two yard sales per calendar year not to exceed a two-day duration.

3. Vending Machines

- 3.1. Commercial Properties are exempt if machines are abutting their building on their own property.
- 3.2. Vending machines placed and operated in compliance with the terms of any valid and subsisting written lease, license or permission from the property owner upon which they are situate do not contravene this By-law.
- 3.3. To maintain the integrity of the National Historic District, vending machines placed and operated within the National Historic District should not be visible from any street within the National Historic District.

4. Vending on Abutting Streets or Land

- 4.1. On the streets, or portions of streets, identified in Schedule "A" to this By-law, and on properties abutting them, vending carried out at stands by abutters who operate a retail commercial enterprise in the abutting property, during the hours that the abutting retail commercial enterprise is open for business does not contravene this By-law if it is carried out in compliance with section 27 of this By-law.

5. Exceptions

- 5.1. This By-law does not apply to busking.
- 5.2. This By-law does not apply to door-to-door sales, and lemonade stands operated by children. For the purposes of this By-law, a child shall be considered any person aged 12 or less.
- 5.3. Exceptions may also be made by Council for special events and conferences including book launches held off the premises of an existing Town business.
- 5.4. This By-law does not apply to canvassers or fundraisers for not-for-profit groups and registered charities.

6. Yard Sales

6.1. Subject to section 4.35.1 of the Town of Annapolis Royal's Land Use By-law, Yard Sales, Community Organization Sales, Flea Markets:

4.35.1. Notwithstanding anything else in this By-law, frequent or ongoing yard sales are not permitted within the Town. Residents may hold a yard sale of their own excess household goods and materials up to two times in any calendar year in any residential zone, as long as:

The yard sale is of a maximum two-day duration, and no merchandise is left outside after the two days.

The re-sale of general commercial merchandise or secondhand goods acquired for resale is not considered to be the sale of excess household goods and materials for the purposes of this By-law and is not allowed.

4.35.2. Community groups, service clubs and other non-profit organizations may hold sales and flea markets, with landowner consent, up to two times in any calendar year in any non-residential zone.

- 6.1.1. Signs must be removed within two (2) hours of the end of the yard sale;
- 6.1.2. Under special circumstances, Council may by policy prohibit yard sales for specific days or periods of the year in the interests of public safety and/or movement of traffic within the Town.

6.2. No yard sale may cause a safety hazard or an obstruction to traffic.

7. Farmers' Markets

- 7.1. Vending at specific farmers' markets designated by resolution of Council does not contravene this By-law, mobile canteens and stands must comply with Section 17 of this By-law.

8. Prohibition

- 8.1. Except as expressly authorized by sections 3 to 14 of this By-law, no person:
- 8.1.1. shall vend at flea markets in the Town of Annapolis Royal except in accordance with the terms and conditions of a Vending Permit;
 - 8.1.2. shall otherwise vend in, on or near a public place in the Town of Annapolis Royal except in accordance with the terms and conditions of a Vending Permit.
- 8.2. In accordance with, and subject to, the provisions of this By-law, Vending Permits may be obtained for the vending:
- 8.2.1. of food and beverages at mobile canteens on streets and at specifically identified other locations;
 - 8.2.2. of food and beverages and other merchandise or services at stands at specifically identified locations;
 - 8.2.3. of merchandise at flea markets at specifically identified locations situated on private property.
- 8.3. The fee for Vending Permits shall be set and approved by Town Policy (located in the Fees and Fines Policy).
- 8.4. A Vending Permit shall not be issued in respect of vending goods or services that are not permitted to be vended, or the vending of which is regulated, by valid Federal, Provincial statutes or regulations or By-laws of the Town of Annapolis Royal, except in accordance with such regulatory requirements, and compliance with such regulatory requirements shall be deemed to be a term and condition of every Vending Permit.
- 8.5. Subject to the other provisions of this By-law, the DMO/D shall issue a separate numbered Vending Permit, containing terms and conditions consistent with this By-law and the permit application for each mobile stand, garden centre, flea market or mobile canteen and for each non-mobile stand location which complies with the requirements of this By-law.

- 8.6. In the event of a change in ownership of the person owning a mobile canteen or a stand for which a permit has been issued, or a substitution of a new mobile canteen, flea market or mobile stand for one for which a permit has been issued, the owner, or the new owner in the case of a change in ownership, shall notify the DMO/D in writing of the applicable new information and the Permit shall be amended accordingly without a fee.
- 8.7. A Vending Permit shall remain in effect for a period of not more than one year from the date of issuance.
- 8.8. The DMO/D may refuse to issue, renew or amend, or may revoke or suspend a Vending Permit for breach of this or any other By-law or of the terms or conditions of a permit upon notice to an applicant or permit holder.
- 8.10 A person aggrieved by a decision pursuant section 8.9 may appeal that decision to CAO/Council within 15 days of its mailing to the applicant or permit holder, by written notice of appeal to the CAO.
- 8.11. After the hearing of an appeal, Council may confirm, rescind or vary the decision of the CAO.
- 8.12. A Vending Permit issued under this By-law shall be conspicuously displayed on the stand, flea market or mobile canteen to which it relates so as to be clearly visible from the street at all times during which goods or services are being offered for sale pursuant to this By-law.
- 8.13. Subject to Section 10 above, no person, with or without a Vending Permit, shall:
- 8.13.1. vend in any area of the Town of Annapolis listed in Schedule "B" to this By-law;
 - 8.13.2. vend within 328 feet (100 meters) of the grounds of any school between 1/2 hour prior to the start of the school day and 1/2 hour after dismissal at the end of

the school day;

- 8.13.3. vend between 11:00 p.m. and 8:00 a.m. of the following day;
- 8.13.4. leave any stand or mobile canteen unattended on a street;
- 8.13.5. sell food or beverages for immediate consumption unless there is available for public use a suitable litter receptacle for the use of customers within 10 feet (3 meters) of the vending location;
- 8.13.6. leave any vending location without first picking up, removing and disposing of all litter, trash or refuse associated in any way with the vending activity;
- 8.13.7. allow any items relating to the operation of a stand,- flea market or mobile canteen to be placed anywhere other than in, on or under the stand, flea market or mobile canteen;
- 8.13.8. vend to persons in motor vehicles;
- 8.13.9. 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;
- 8.13.10. when vending from a mobile canteen in front of or beside an existing Town business:
 - 8.13.10.1. vend when the mobile canteen is situated in a no parking area, or in an area in which parking is prohibited at that time;
 - 8.13.10.2. vend when the mobile canteen obstructs

a roadway;

8.13.10.3. vend when customers or persons apparently waiting to become customers are standing in a roadway;

8.13.10.4. vend within twenty-five feet (7.6 meters) of any driveway entrance to a police or fire station, or within fifteen feet (4.6 meters) of any other driveway other than a driveway for property on which the vending is lawfully occurring;

8.13.10.5. vend when customers or persons apparently waiting to become customers are obstructing the traffic of pedestrians on a sidewalk;

8.13.11. when vending from a stand:

8.13.11.1. situate a stand or vend from a stand situated in a roadway;

8.13.11.2. vend when there is snow or ice on the sidewalk;

8.13.11.3. vend so as to obstruct the traffic of pedestrians, or wheelchairs, and without limiting the generality of the foregoing, a minimum width of 3.3 feet (1 meter) of sidewalk shall be left unobstructed between the curb and a stand situated on a sidewalk, or between the stand and the nearest building or other obstruction to the interior of the sidewalk;

8.13.11.4. vend when customers or persons apparently waiting to become customers are standing in a roadway; (e) vend

within five feet (1.5 meters) of an entrance way to any building, except a building owned, rented or leased by the permit holder;

8.13.11.5. vend within twenty-five feet (7.6 meters) of any driveway entrance to a police or fire station, or within fifteen feet (4.6 meters) of any other driveway, other than a driveway for the property on which the vending is lawfully occurring;

8.13.11.6. allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's permission;

8.13.12. vend from a stand with a width in excess of 4.1 feet (1.25 meters).

8.13.13. sell products, memorabilia or paraphernalia in support of organized crime, or sell products, memorabilia or paraphernalia for individuals or organizations of organized crime.

9. Requirements for Insurance

9.1. Any person who vends on Town property as permitted under this By-law shall carry public liability insurance in a minimum amount of \$2,000,000 (two million dollars) and hold the Town harmless from any liabilities that may result from such vending and add the Town as an additional insured on their policy and present the document to administration.

9.2. Any person wishing to vend as permitted under this By-law shall

supply the Town with a certificate of insurance to confirm compliance with the requirements of section 9.1. The person shall notify the Town 30 days prior to the cancellation of the insurance required under this By-law.

10. Non Competition

10.1. Every attempt shall be made to create a level playing field for businesses.

10.2. Any person who contravenes any provision of this By-law is punishable on summary conviction by a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5000.00) and to imprisonment of not more than thirty (30) days in default of payment thereof. Each day that a person commits an offence under this By-law constitutes a separate offence.

11. Repeal

A By-law known as the Vending By-law 2019 as adopted by Town Council on December 26, 2019 is hereby repealed.

12. Effective Date

This by-law shall be effective on the date of publishing.

THIS IS TO CERTIFY that the foregoing is a true copy of a By-law duly passed at a duly called meeting of the Town Council of the Town of Annapolis Royal held on the ____ day of _____, 2026.

GIVEN under the hand of the Town CAO and under the seal of the Town of Annapolis Royal this ____ day of _____, 2026.

Mayor

CAO

By-law Adoption	Date
First Reading	January 21, 2026
Notice of Intent of Publication	
Second Reading	
Ministerial Approval	
Date of Publishing	

SCHEDULE A to the Town of Annapolis Royal Vending By-law #208
Areas where vending is permitted

All retail commercial properties operating from properties zoned Commercial. This includes parts of:

St. George Street

Victoria Street

Church Street

Drury Lane

St. Anthony Street

Where these streets are zoned Commercial.

SCHEDULE B to Town of Annapolis Royal Vending By-law #208
Areas where vending is not permitted

Includes:

Public parking lots including;

The main parking lot by the Farmers' Market Town Hall parking lot

Oqwa'titek Amphitheatre parking lot

The Skateboard Park parking lot

The Sinclair Inn parking lot

The parking lot behind Lazy Daisy