BY-LAW NO. 20

A BY-LAW OF THE MUNICIPALITY OF SALISBURY RELATING TO SEASONAL/TEMPORARY VENDING

WHEREAS Section 10(1)(b) of the *Local Governance Act, S.N.B., Ch. 18*, authorizes the Municipality to make a By-law for the purposes of regulating people, activities and things in, on or near a public place or place that is open to the public;

WHEREAS Section 10(1)(h) of the *Local Governance Act, S.N.B., Ch. 18*, authorizes the Municipality to make a By-law for the purposes of regulating businesses, business activities, and persons engaged in business;

WHEREAS Section 3.11 of By-law No. 17, *Town of Salisbury Zoning By-law*, permits Seasonal Vending Facilities;

BE IT ENACTED by the Council of the Municipality of Salisbury under the authority vested in it by the *Local Governance Act, S.N.B. 2017, ch.18*, as follows:

1. TITLE

1.1. This By-law shall be cited as "Seasonal Vending By-Law".

2. DEFINITIONS

2.1. "Chief Administrative Officer" ("CAO") means the person appointed to the position of Chief Administrative Officer by Council under the provisions of the Act;

2.2. "Enforcement Officer" means a By-law Enforcement Officer, or designate, appointed by Council to enforce this and other By-law(s);

2.3. "Seasonal Vending Facility" means a temporary or movable structure, vehicle, or installation used for the sale of goods, food, beverages, or services for a defined period of time during a calendar year and not intended for year-round operation, and includes, without limitation, shipping containers, trailers, booths, kiosks, tents, food trucks, or similar facilities, but does not include permanent buildings or those used on a temporary basis as defined in this By-law.

2.4. "Temporary" means an operation that does not exceed 24 hours (one day) of operation at any given time/occurrence.

3. APPLICATION

3.1. This By-law applies to the geographic limits of the Town of Salisbury, more specifically, within permitted zones as outlined in *By-law No. 17*.

3.2. Nothing in this By-law relieves any person(s) from complying with applicable federal, provincial, or municipal legislation or by-law, including but not limited to:

a. Town of Salisbury Zoning By-law;

b. Government of New Brunswick food safety, liquor licensing, and

public health requirements;

c. Fire safety regulations, under the jurisdiction of the Town of Salisbury and/or the Office of the Fire Marshall;

d. Provisions of the National Building Code, where applicable.

3.3. An Applicant must, upon submission of an Application, pay the fee(s) outlined in Schedule A.

4. EXEMPTION(S)

4.1. This By-law does not apply to:

a. The sale of agricultural products harvested and sold by the Producer, including temporary roadside stands;

b. Sale of aquaculture products harvested and sold by the Producer, including temporary roadside stands;

c. Food trucks or mobile vendors operating at a single location on a temporary basis;

d. Vendors operating as part of a Town-approved special event, festival, or market, where separate authorization is granted by the Town.

4.2. This By-law does not apply to seasonal commercial activities permitted under Section 3.11(b) of the Town of Salisbury Zoning By-law when the commercial activities are conducted on the same lot and as an accessory use to an existing permitted activity, insofar as the activity:

a. Is operated and maintained by the same Owner(s) or Operator(s) as the primary commercial use;

b. Is accessory and complimentary to the primary commercial use;

c. Does not involve a standalone seasonal vending facility and/or movable structure; and

d. Is otherwise permitted in the Zoning By-law.

4.3. For greater clarity, the exemption in Section 4(b) includes seasonal garden centers, outdoor plant sales, and exterior product displays that are an accessory to an existing permitted commercial operation.

4.4. Exemptions contained herein do not exempt any person from complying with applicable provincial, federal, and/or municipal licensing or safety requirements.

5. PERMIT

5.1. No person(s) shall operate a seasonal vending facility without first obtaining a Seasonal Vending Permit issued under this By-law.

5.2. A permit issued under this By-law:

a. Is valid for one (1) calendar year;

b. Expires on December 31 of the year issued; and

c. Is non-transferable.

5.3. A separate permit may be required, at the exclusive discretion of the Town, for each seasonal vending facility.

5.4. Upon issuance, the permit must be displayed at the Facility.

5.5. The vendor shall indemnify and save the Town harmless against any and

all costs, losses, claims, actions or causes of action arising from the vendor's activities under the Permit.

6. APPLICATION PROCESS

6.1. Applications for a Seasonal Vending Permit shall be submitted to the CAO on the form prescribed by the Town, including at minimum:

- **a.** Completed application form;
- **b.** Site plan showing location;
- **c.** Proposed hours of operation;
- **d.** Written authorization from landowner, if not operated by the landowner;
- **e.** Description of proposed structure and appearance;
- **f.** List of products and services to be sold;
- **g.** Proof of satisfactory insurance (at least $2,000,000); and
- **h.** Any and all permits required for the operation outlined in Section 4(b) of this By-law.

6.2. The Town reserves the right to request additional information based on the specific circumstance(s) of the proposed operation.

6.3. The CAO may approve, approve with conditions, or deny an application.

6.4. Where a proposed Seasonal Vending Facility is on Town land, the Applicant must first obtain a written agreement approving same, authorized by Council, prior to issuance of a permit under Section 5.

7. MAINTENANCE AND AESETHIC STANDARDS

7.1. Seasonal vending facilities shall be:

- **a.** Maintained in a clean, safe, and orderly condition;
- **b.** Free of graffiti, damage, and/or deterioration;
- **c.** Visually compatible with surrounding land uses; and
- **d.** Kept free of litter and debris in the immediate surrounding area.

7.2. All refuse generated by the operation shall be removed daily.

7.3. Seasonal vending facilities shall be removed from the site upon permit expiry, or upon any revocation of the permit, or earlier, unless authorization is provided by the Town by way of resolution of Town Council and landowner authorization is provided.

7.4. All power and energy associated with seasonal vending must be provided by the licensee. Utilization of municipal energy sources, outlets, standards, etc. at any of the vending sites is prohibited, unless authorized.

7.5. All vending units must be equipped with a minimum of a 10 lb. Fire Extinguisher that is clearly accessible to the seasonal vending staff

8. SUSPENSION AND REVOCATION

8.1. The Town may suspend and/or revoke a Seasonal Vending Permit where:

- **a.** The permit holder fails to comply with this By-law;
- **b.** False or misleading information is provided in the application;
- **c.** Continued operation poses a risk to public safety or municipal operations.

8.2. In the event of revocation or suspension of a Permit, the permit holder shall be provided written notice and may be provided an opportunity to remedy the violation within a prescribed period of time, at the sole discretion of the Town, unless an immediate suspension or revocation is required due to public safety,. In the event that a violation is not remedied in the time prescribed by any written notice the permit shall be considered to be revoked and the temporary vending facility must cease operations and be removed from the site.

9. ENFORCEMENT

9.1. This By-law may be enforced by the CAO or an Enforcement Officer.

9.2. The CAO and/or Enforcement officer may issue warnings, notice(s) of violations, or Administrative Penalties under this By-law.

9.3. Any person who violates a section of this By-law is guilty of an offence and is subject to an Administrative Penalty outlined in Schedule A.

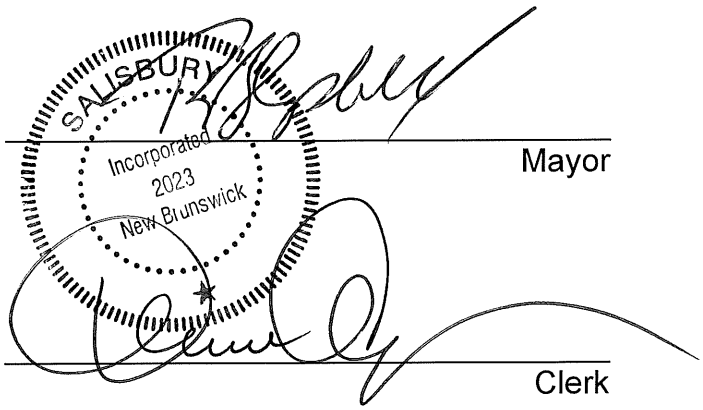
10. EFFECTIVE DATE

10.1. This By-law comes into effect on the date of the final passing thereof.

Read a first time on this **9th** day of **March**, **2026**.

Read a second time this **9th** day of **March**, **2026**.

Read a third time and passed by Council on this **7th** day of **April**, **2026**



Schedule A
Fees & Administrative Penalties

Item(s)	Amount
Application Fee	$25.00
Any provision of this By-law contravened	• First Offence: $100.00 • Second Offence: $250.00 • Third offence and each subsequent offence in a calendar year: $500.00