

THE CORPORATION OF THE TOWNSHIP OF
NORTH DUMFRIES

BY-LAW NO. 1374 - 92

Being a By-law to Licence, regulate and
govern Salespersons, Hawkers and Peddlers.

WHEREAS Section 234 (1), Paragraph 1 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, permits Councils of Municipalities to pass By-laws for licensing, regulating and governing persons who go from place to place or to a particular place with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of goods, wares or merchandise that are to be delivered in the municipality afterwards.

THEREFORE THE COUNCIL OF THE TOWNSHIP OF NORTH DUMFRIES ENACTS AS
FOLLOWS:

- 1) THAT for the purpose of this by-law:
 - A) "A Person" means a human being.
 - B) "Charitable Organization" means any organization as defined in The Charitable Institutions Act, R.S.O. 1990, Chapter C.9, as amended.
 - C) "Non-profit Organization" means any organization as defined in The Corporations Act, R.S.O. 1990, Chapter C.38, as amended.
 - D) "Flea Market/Hobby/Craft Show" means a show which:
 - 1) Has 10 or more vendors selling their own merchandise.
 - 2) Has a non-refundable admission fee.
 - E) "Championship Show" means a show which:
 - 1) Has 10 or more vendors selling their own merchandise.
 - 2) Has no admission charge.
 - F) "Event Organizer" means a person or group of persons who organizes Flea Markets, Hobby Shows, Craft Shows or Championship Shows.
 - G) "Year" means calendar year, January 1st to December 31st.
 - H) "Municipality" means the Township of North Dumfries.
- 2) No person shall go from place to place or to a particular place with goods, wares or merchandise for sale within the municipality or shall carry and expose samples, patterns or specimens of goods, wares or merchandise that are to be delivered in the municipality afterwards without first having obtained a licence therefore in accordance with

the provision of this by-law.

3) A licence fee:

- A) For every person who has resided continuously within the municipality for at least three (3) months prior to making an application for a licence under this By-law and who goes from place to place or to a particular place with goods, wares or merchandise for sale within the municipality or who carries and exposes samples, patterns or specimens of goods, wares or merchandise that are to be delivered in the municipality afterwards shall be the sum of Twenty-Five (\$25.00) Dollars for the year in which it is issued or any part thereof.
- B) For every other person who goes from place to place or to a particular place with goods, wares or merchandise for sale within the municipality or who carries and exposes samples, patterns or specimens of goods, wares or merchandise that are to be delivered in the municipality afterwards shall be the sum of Three Hundred (\$300.00) Dollars for the year in which it is issued or any part thereof.
- C) Where an application is made for a licence hereunder by a Charitable Organization, a Non-Profit Organization or as determined by a Resolution of Council no fee shall be charged.
- D) Where an application is made by an event organizer for a Flea Market, Hobby Show, Craft Show or Championship Show for a period not to exceed Two (2) Days the fee shall be ^{One Hundred} ~~Fifty~~ (\$100.00) Dollars. A complete list of said vendors shall be supplied to the municipality no less than Twenty-Four (24) Hours before the event. The vendors who are listed by the event organizers as taking part in the event will not be required to obtain individual licences.

4) No license fee shall be required for hawking, peddling, selling goods, wares or merchandise:


- A) To wholesale or retail dealers in similar goods, wares or merchandise.
- B) If goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority

so to do in the municipality in which the grower, producer or manufacturer resides.

- C) If the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale only the produce of his own farm.
 - D) If the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality or by his employer, or by his agent.
 - E) If the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise.
 - F) By persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.
- 5) No license shall be granted pursuant to this by-law until the Chief of the Waterloo Regional Police Force has made an enquiry as to the good character of the applicant and has filed with the Township Clerk a report thereon. If the said report is unfavourable, the applicant shall be so notified, in writing, by the Township Clerk, and the applicant, if he so requests in writing, shall be given an opportunity to make representation to Council before Council makes a final determination as to the granting or rejecting of his application.
- 6) No licence shall be granted pursuant to this by-law for a particular place unless the zoning applying to the particular place allows the sale of goods, wares or merchandise.
- 7) Any person having received a licence, which is non-transferrable, pursuant to the provision of this by-law, shall at all times while carrying on his business, have his licence with him and shall upon demand, exhibit it to any municipal or Peace Officer, and if he fails to do so, is guilty of an offence, unless the same is accounted for satisfactory, and on conviction is liable to a fine of not less than One (\$1.00) Dollar and not more than Five (\$5.00) Dollars.

- 8) Every person who contravenes any of the provisions of this by-law:
- A) is guilty of an offence, and;
 - B) upon conviction therefor is liable to a fine or penalty of not more than \$ 5,000.00 as prescribed in the Provincial Offences Act, R.S.O. 1980, Chapter 400, as amended.
- 9) By-law number 83-74 is hereby repealed.

READ a First, Second and Third time and Finally passed on the 27 day of April, 1992.



Mayor Acting



Clerk

