

**THE MUNICIPALITY OF NORTH PERTH**

**BY-LAW NO. 54-2006**

**A By-Law to License, Regulate and Govern  
Hawkers, Peddlers, and Transient Traders  
within the Municipality of North Perth.**

**WHEREAS** Part IV of the *Municipal Act, 2001* S.O. 2001, c.25, Part IV being entitled "Licensing and Registration" sets out the conditions precedent to a municipality licensing a business;

**AND WHEREAS** s. 150(2) of the *Municipal Act* sets out three purposes for which a municipality may license a business, those purposes being Health and Safety, Nuisance or Consumer Protection or a combination of all three;

**AND WHEREAS** Council of the Municipality of North Perth deem it expedient to license hawkers, peddlers, and transient traders for the purpose of nuisance control and consumer protection to ensure that the business is not a nuisance by hindering vehicles or pedestrian traffic and/or causing a hazard in any way and/or having a negative aesthetic impact on the Municipality, and to protect the consumer who is purchasing the products being sold;

**AND WHEREAS** s.150(9) of the *Municipal Act* gives municipalities authority to set fees to be charged but shall not exceed the costs directly related to the administration and enforcement of licensing hawkers, peddlers and transient traders;

**AND WHEREAS** a notice of the public meeting for consideration of this by-law was given in accordance with s. 150(4) of the *Municipal Act*;

**NOW THEREFORE** the Council of the Municipality of North Perth enacts as follows:

1. No person shall go from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the Municipality afterwards unless that person shall have first procured a license authorizing him to do so, and shall have paid the prescribed fee as set out herein as Schedule "A".
2. The following events are also required to obtain a License for hawking, peddling or selling of goods, wares or merchandise and pay the fee as set out in Schedule "A":
  - (a) **FLEA MARKET** – A flea market means a show which:
    - (i) has 10 or more vendors selling their own merchandise; or
    - (ii) has a non-refundable admission fee; or
    - (iii) is held in a public hall which is assessed for commercial property tax or a Town-owned facility which is licensed as a Public Hall.

**By-Law No. 54-2006**

2

- (b) **RETAIL EXHIBITION** – A retail exhibition means a show which:
- (i) has 10 or more vendors selling their own merchandise; or
  - (ii) is held in a public hall, hotel or shopping mall; or
  - (iii) is held for short periods of time and not on a regular or weekly basis.
- (c) **TRADE SHOW** – A Trade Show means a show or exhibition organized to be held in a facility with regulated admittance.
- (d) **AGRICULTURAL FARMERS MARKET** –
- (i) serves as a venue for locally grown and/or manufactured agricultural products, including, but not limited to, foodstuffs, handicrafts, artwork or locally generated services.
- (e) **PUBLIC AUCTIONEERS** – A Public Auctioneer does not include an estate auction or auction held to sell goods of businesses or resident in the Municipality of North Perth.
3. No License shall be required for hawking, peddling or selling goods, wares or merchandise to wholesale or retail dealers in similar goods, wares or merchandise:
- (a) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or an agent or employee of them having written authority so to do, in the municipality in which the grower, producer or manufacturer resides;
  - (b) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of the farmer's own farm;
  - (c) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays commercial property tax in the municipality, or by that person's agent or employee;
  - (d) 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 commercial property tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise; or
  - (e) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.
4. In a prosecution for a breach of this By-Law, the onus of proving that a License is not required for a reason mentioned in Section 3 is upon that person so charged.

**By-Law No. 54-2006**

5. The Licensee, his agent or employee referred to in Section 3. of this By-law, shall at all times, while carrying on business, have the License with him or her and shall upon demand exhibit it to any municipal or Peace Officer, and if the Licensee fails to do so is guilty of an offence, unless the same is accounted for satisfactorily.
6. If a Peace Officer demands the production of a License by any person to whom this By-Law applies and the demand is not complied with, it shall be the duty of the Peace Officer and such Officer shall have the power to arrest such person without a Warrant and to take such person before the nearest Justice of the Peace there to be dealt with according to law.
7. (a) The License fee for the License referred to in Clause 2. herein is shown on Schedule "A" hereto attached and which may be amended by resolution from time to time by Council of the Corporation.  
  
(b) The License fee with respect to an applicant who has resided continuously within the Town for at least one year prior to making the application for the License, shall be one half of the stated License fee for the year in which it was issued or any part thereof.
8. Where a License has been obtained for a "Flea Market", as previously defined, or where a License has been obtained for "Retail Exhibition", as previously defined, or where a License has been obtained for an "Agricultural Farmers Market" as previously defined, no License will be required to be issued to any retailer of goods, wares and merchandise within the facility used for the "Flea Market", the "Retail Exhibition" or the "Agricultural Farmers Market".
9. Provided that an applicant applies for and obtains a Flea Market License, a Retail Exhibition License or an Agricultural Farmers Market License, the Licensee shall not be required to obtain a Hawkers and Peddlers License.
10. Where a Trade Show is being held, as defined, no License will be required by any retailer of goods, wares and merchandise within the said facility during the show.
11. The Clerk of the Municipality of North Perth, or designate, shall issue the Licenses referred to in this By-Law and shall collect the prescribed fee at the time of issuance of the License.
12. If, in the opinion of Council, any event licensed under this By-Law results in unfair business practices or unfair competition to locally operated businesses, the License may be revoked and any License fee paid will be refunded on a pro-rata basis.

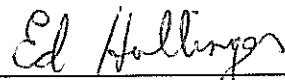
**By-Law No. 54-2006**

4

13. Placement of signs directing public to licensed events shall be subject to the provisions of the Municipalities Sign By-law in effect at the time. Such signs shall be limited to a maximum of 4 signs per license. Signage exceeding four (4) signs per license will be subject to confiscation without notice by Municipality of North Perth Staff or any other designated person and a fee of \$50.00 per sign shall be applicable. License holders will have a maximum of ten (10) business days to retrieve such signage and pay the applicable costs. Signage not retrieved within the specified time shall be destroyed and the licensee will be invoiced the applicable fees. Further licenses will not be granted for any subsequent event until the applicable costs are reimbursed to the Municipality.
14. Every person who contravenes any provision of this By-Law:
  - (i) is guilty of an offence; and
  - (ii) upon conviction therefore is liable to a fine or penalty of not more than \$10,000.00 as prescribed in the Provincial Offences Act, R.S.O. 1990, Chapter P.33.
15. By-law No. 60-AD-1998 of the Corporation of Town of North Perth is hereby repealed.
16. **THIS BY-LAW** shall come into effect on the date of the final passing thereof.

**READ A FIRST AND SECOND TIME** this 15<sup>th</sup> day of May, 2006.

**READ A THIRD TIME AND FINALLY PASSED** this 15<sup>th</sup> day of May, 2006.



Ed Hollinger MAYOR



Patricia Berfelz, DEPUTY CLERK

**HAWKERS AND PEDDLER'S LICENCE FEES**

**(Being Schedule "A" to By-Law No. 54-2006)**

1. The Licence Fee for every person who applies for the License referred to in Clause 1. shall be the sum of One Hundred and Fifty Dollars (\$150.00) for the year in which it is issued or any part thereof
  
2. **Resident Applicant**  
As per Clause 7.(b) of this By-Law, a Resident Applicant will pay one half of the stated License Fee.
  
3. **Flea Market**  
The Licence Fee for a Flea Market defined in Clause 2.(a) of By-Law No. 60-AD-1998 shall be paid by the promoter/organizer of the Flea Market and shall be:
  - (a) for a 1 day show \$ 350.
  - (b) for a 2 consecutive day show to a 7 consecutive day show plus \$50. a day for any days in excess of seven and up to a maximum fee in any one calendar year of \$2,100.
  
4. **Retail Exhibition/Trade Show**  
The Licence Fee for a Retail Exhibition/Trade Show License as defined in Section 2.(b) or 2.(c) shall be paid by the promoter/organizer of the Retail Exhibition/Trade Show and shall be:
  - (a) for a 1 day exhibition \$ 350.
  - (b) for a 2 consecutive day show to a 7 consecutive day show plus \$50. a day for any days in excess of seven \$ 700.
  
5. **Agricultural Farmers Market**  
The License fee for an Agricultural Farmers Market as Defined in Clause 2.(d) shall be \$ 250.  
for each calendar year.
  
6. **Charitable Organization/Local Service Club**
  - a) Where an application is made for a License by a bonafide Charitable Organization or a local Service Club, there will be no fee  
Nil
  - b) Where an organization is holding a fundraising barbecue in conjunction with a local business no licence or fee is required  
Nil
  
7. **Signage**  
Signage exceeding four (4) signs per license will be subject to confiscation without notice by Municipality of North Perth Staff or any other designated person and a fee of \$50.00 per sign shall be applicable
  
8. **Disputes Regarding Application of Fees**

In cases of a dispute with regard to the application of these fees with respect to individuals or groups, the matter will be referred to Council for a final decision.