

THE TOWNSHIP OF MINDEN HILLS

BY-LAW NO. 09-27

**Being a by-law to prohibit the sale or hire of goods or services
By Transient Traders or Peddlers**

WHEREAS Sections 150 and 151 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality, including the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and

WHEREAS Section 151 permits the Councils of Municipalities to pass by-laws for the licensing, regulating and governing the sale or hire of goods and services on an intermittent or one-time basis and the activities of transient traders or peddlers;

AND WHEREAS the Council of the Corporation of the Township of Minden Hills wishes to license, regulate and govern such persons in the Township of Minden hills;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MINDEN HILLS ENACTS AS FOLLOWS:

PURPOSE:

The Council of the Corporation of the Township of Minden Hills wishes to provide for the licensing and governing of Transient Traders for consumer protection and for nuisance control to enact a by-law;

DEFINITIONS:

In this by-law:

- a) "Council" shall mean the Council of the Township of Minden Hills
- b) "Goods" shall mean any article, merchandise, service or privilege obtained for consideration, or an intangible item (a service or membership) or anything that is a marketable commodity.
- c) "Licence" shall mean any licence that may be issued pursuant to this by-law. This licence may be issued to Ontario-registered businesses only.
- d) "Licencee" shall mean any person to whom a licence is issued pursuant to this by-law
- e) "Municipality" shall mean the Township of Minden Hills
- f) "Transient Trader" shall mean any person who goes from place to place or to a particular place for the sale or hire of goods or services on an intermittent or one-time basis or with a display of samples, patterns or specimens of goods for the purpose of sale or hire

PROHIBITIONS:

1. No person shall operate or carry on a business of a transient trader without first obtaining a licence.
2. Subsection one (1) does not apply to:
 - i) A manufacturing or an industrial business, except to the extent that it sells its products or raw materials by retail;
 - ii) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources;
 - iii) non-profit or volunteer organizations
 - iv) a person selling goods as part of a community event approved by Council, provided that the person has the written approval of the organizers of the event. Community Events approved by Council are set out in Policy No. 40.
 - v) a person whose name has been entered on the Assessment Roll in respect of business assessment for the current year.
3. An application for a licence shall be made on the prescribed form as supplied. A local Haliburton County artist/artisan who is not exempted under Subsection 2 may obtain an "Occasion licence" for a fee of \$50.00 which will allow them to sell goods for a one-time period, no greater than three consecutive days.
4. A licence under this by-law shall be valid until December 31st in the year that it was issued.
5. A licence under this by-law is not transferable.
6. The fee for a licence shall be \$1000.00 per year for a transient trader.
7. No public property, road allowance or street shall be used to conduct business.
8. No person shall sell or offer for sale, any goods on any property not owned by the licensee without first obtaining the written authorization of the owner, and the Zoning By-law of the municipality permits the retail sale of the goods being sold or offered.
9. Any person that is licenced shall at all times while carrying on business, have the licence and personal identification with him or her and shall upon demand exhibit it to any Municipal Law Enforcement Officer or to any person to whom goods are being offered for sale.
10. The licensee shall not call on any premises marked with a sign indicating "No Solicitation", or marked with a similar sign.

11. A licence may be revoked at any time for failure to comply with the provisions or regulations of this by-law and the licensee shall not be entitled to a refund.
12. The conditions imposed by this by-law are to protect the residents against Nuisance Control by restricting the location of sales and for Consumer Protection by requiring the licensee to provide identification.
13. The Municipal Law Enforcement Officer shall enforce this by-law.
14. Any person or corporation who contravenes this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990.
15. Where a Municipal Law Enforcement Officer finds a person violating any provisions of this by-law, the Officer may serve an Offence Notice under the Provincial Offences Act, with a set fine on such person.
16. If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every other provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
17. This By-law shall come into full effect upon receiving approval from the Chief Judicial Judge of the Provincial Offences Set Fines.
18. By-law 08-73 of the Corporation of the Township of Minden Hills is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME, signed and the Corporate Seal attached hereto this 26th day of March, 2009.


Head of Council


Clerk

APPLICATION FOR TRANSIENT TRADER LICENCE

Name of Applicant: _____

Name of Business: _____

Civic Address of Business: _____

Mailing Address: _____

Telephone: _____

Fax: _____ Cell: _____

Start Date of Business: _____

Completion Date: _____

I hereby agree and understand the terms and conditions as set out in By-law 09-27 and will comply therewith. I understand that any non-compliance will result in the revoking of my licence without refund.

Signature of Applicant

Date

Application Fee:	\$1000.00 (per year)	\$50.00/Occassion
Written Permission from Property Owner		
Duration:		
Goods to be sold:		