

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

BY-LAW NO. 95-42

Being a By-law to amend By-Law No. 89-36, being a by-law to licence and regulate transient traders, salesmen, hawkers and peddlers ✓

WHEREAS By-Law No. 89-36 provides for the licensing and regulating of transient traders, salesmen, hawkers and peddlers;

AND WHEREAS Schedule "C" of the aforesaid By-Law sets out the licence fees for licences issued under this By-Law and it is deemed advisable to amend such licence fees;

NOW THEREFORE the Council of the Corporation of the Township of Manitouwadge enacts as follows that:

1. Schedule "C" to By-Law No. 89-36 be deleted and Schedule "A" to this By-Law be substituted therefor.
2. By-Law No. 89-36 is hereby amended.
3. this By-law comes into force and takes effect upon the date of its passing.

READ A 1ST AND 2ND TIME this 13th day of September, 1995 and READ A THIRD TIME AND FINALLY ENACTED this 13th day of September, 1995.

Silvio Costantini
Reeve

Aally Saunders
Clerk

THE CORPORATION OF THE TOWNSHIP OF MANITOWADGEE

BY-LAW NO. 89-36

(A) 95-42

Being a By-law to license and regulate transient traders, salesmen, hawkers, and peddlers.

WHEREAS Section 232 (16) and (17) of the Municipal Act, RSO, 1980, provides that by-laws may be enacted for the licensing and regulating of TRANSIENT TRADERS and for requiring transient traders to obtain a license before doing business;

AND WHEREAS Section 232 (17) of the Municipal Act, RSO 1980, further provides: -

- (a) "Transient trader" includes any person commencing business who has not resided continuously in the municipality for at least three months next preceding the time of his commencing such business there.
- (b) The by-law does not apply to the sale of stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock.
- (c) The by-law does not apply to the sale of a business to a bona fide purchaser who continues the business.
- (d) Subject to clause (e), the fee to be paid for a licence in the case of a transient trader shall not be less than \$100.00 in any municipality and shall not exceed in a city or town \$500.00 and in a township or village \$300.00.
- (e) The fee to be paid for the licence by a farmer, resident in Ontario, who offers for sale only the produce of his own farm shall not exceed \$5.00.
- (f) The sum paid for a licence shall be credited to the person paying it, or to any bona fide purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter.
- (g) Every transient trader who carries on business without a licence is guilty of an offence and on conviction is liable to a fine equal to the licence fee that he should have paid and in addition thereto the sum of not less than \$10.00 and not more than \$200.00.
- (h) Every transient trader shall cause his licence to be prominently and permanently displayed in his place of business during the full term in which he is carrying on business as a transient trader and in default thereof is guilty of an offence and on conviction is liable to a fine of not less than \$1.00 and not more than \$10.00.
- (i) Every applicant for a transient trader's licence shall as part of his application for such licence furnish a statement in writing containing a full description of the goods, wares or merchandise that he proposes to sell or offer for sale under such licence.

AND WHEREAS Section 230(1) of the Municipal Act, RSO 1980, provides that by-laws may be enacted for licensing, regulating and governing SALESMEN, HAWKERS, and PEDDLERS;

AND WHEREAS Section 230 (1) of the Municipal Act , RSO 1980, further provides: -

- (a) No such licence is required for hawking, peddling or selling goods, wares or merchandise,
 - (i) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - (ii) 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 his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or
 - (iii) 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 his own farm, or
 - (iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or
 - (v) 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, or
 - (vi) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.
- (b) Such servant or employee shall exhibit his authority when required so to do by any municipal or peace officer.
- (c) In a prosecution for a breach of the by-law, the onus of proving that he does not for any of the reasons mentioned in clause (a) require to be licensed is upon the person charged.
- (d) Nothing in this paragraph affects the powers to pass by-laws under paragraph 65(operating markets)of section 210, paragraph 1 of section 231 (sale of meat & fish), and paragraph 16 and 17 of section 232 (Transient Traders).
- (e) Where the council of a town, village or township not separated from a county has passed a by-law under this paragraph, the by-law of the county is not in force in the town, village or township while the by-law of such town, village or township remains in force.
- (f) The fee to be paid for the licence under by-laws passed under this paragraph may be lower in the case of persons who have resided continuously within the municipality for which the licence is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided.
- (g) The licensee 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 satisfactorily, and on conviction is liable to a fine of not less than \$1.00 and not more than \$5.00.
- (h) If a peace officer demands the production of a licence by any persons to whom the by-law applies and the demand is not complied with, it is the duty of the peace officer and he has power to arrest such person without a warrant and to take him before the nearest justice of the peace, there to be dealt with according to law.

AND WHEREAS Section 230 (2) of the Municipal Act, RSO 1980, provides for the issuance of licenses by the Clerk or Treasurer of the Corporation;

AND WHEREAS Section 230 (3) of the Municipal Act, RSO 1980, provides for the prohibiting of the sale of refreshments or confections, including fruit, candy, peanuts, popcorn and ice cream upon any highway, public park or other public place;

AND WHEREAS Section 230 (4) of the Municipal Act, RSO 1980, provides for the licensing, regulating and governing the retail sale and delivery of fruits and produce, baked goods, meat and groceries;

NOW, THEREFORE the Council of the Corporation of the Township of Manitowadge ENACTS AS FOLLOWS: -

1. In this by-law:

- (a) "Clerk" shall mean the Clerk of the Corporation of the Township of Manitowadge;
 - (b) "Corporation" shall mean the Corporation of the Township of Manitowadge;
 - (c) "Hawkers" "Peddlers" and "Salesmen" shall be interpreted in accordance with the Municipal Act, RSO 1980, and amendments thereto and shall include persons involved in the sale of fruit, produce, baked goods, meat and groceries;
 - (d) "Person" shall include any person, firm, partnership, company, or corporation and shall also include each agent of any person, firm, partnership, company, or corporation;
 - (e) "Transient Trader" shall be interpreted in accordance with the Municipal Act, RSO 1980, and amendments thereto;
 - (f) "Treasurer" shall mean the Treasurer of the Corporation of the Township of Manitowadge;
2. Every person whose name has not been entered on the assessment role in respect of a business assessment for the then current year, and who offers goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner shall be required to obtain a TRANSIENT TRADER licence and pay a transient trader licence fee before commencing trade.

3. Every person applying for a transient trader licence shall complete the Application for TRANSIENT TRADERS LICENCE attached hereto as Schedule "A", which Schedule forms part of this by-law.

4. Every person who goes 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 any goods, wares or merchandise that are to be delivered in the municipality afterwards shall be required to obtain a HAWKERS and PEDDLERS licence, before commencing trade.

5. Every person applying for a hawkers, peddlers or salesmen license shall complete the APPLICATION FOR HAWKERS AND PEDDLERS LICENCE attached hereto as Schedule "B" which Schedule forms part of this by-law.

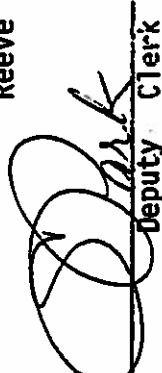
6. Every person applying for a licence under this by-law shall submit their completed application to the Clerk or Treasurer and shall pay the fee prescribed by Schedule "C" hereto, which Schedule forms part of this by-law, and no licence shall be issued unless such fee has been paid;

PROVIDED, however, that discretion is granted to the Clerk or Treasurer in the instance of an application for license by a local non-profit organization to waive the license fee in whole or in part.

7. All licenses shall be issued by the Clerk or Treasurer under the provisions of this by-law and shall be valid only from the date thereof until the night, local time, December 31st of the year of issue.
8. Any person who contravenes any provision of this by-law shall, upon conviction, be liable to a penalty not exceeding a sum equal to the license fee that he should have paid and, in addition thereto, the sum of not less than ten (10.00) dollars and not more than two hundred (200.00) dollars recoverable under the Provincial Offences Act.
9. Notwithstanding the provisions of Section 8 of this By-law, every person who obtains a license under the provisions of this by-law shall at all times while carrying on his business have his license with him or displayed at his place of business in the Township of Manitowadge and shall upon demand exhibit it to any municipal or peace officer. Failure to exhibit the license, unless the same is accounted for satisfactorily, constitutes an offence and on conviction the person is liable to a fine of not less than one (1.00) dollar and not more than five (5.00) dollars recoverable under the Provincial Offences Act.
10. Restrictions for the location and places for the carrying on of business by **HAWKERS, PEDDLERS AND SALESMEN** are set out in Schedule "D" to this By-law, which Schedule forms part of this By-law.
11. By-laws No. 61-2, 77-29, 81-2 and 83-6 are hereby repealed in their entirety.

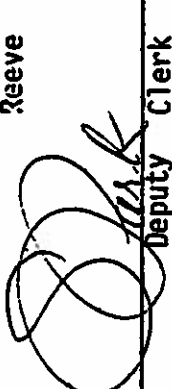
READ a first and second time
this 14th day of June,
1989


Reeve


Deputy Clerk

READ a third time and finally
passed this 14th day of June,
1989


Reeve


Deputy Clerk

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

APPLICATION FOR A TRANSIENT TRADER'S LICENSE

COMPANY NAME: _____

ADDRESS: _____

PHONE: _____

NAME OF PERSON APPLYING
OR CONDUCTING BUSINESS: _____

TYPE OF BUSINESS: _____

FULL DESCRIPTION OF GOODS, WARES OR MERCHANDISE FOR SALE:

NOTICE TO APPLICANT:

1. Any license issued pursuant to this By-law must be prominently and permanently displayed while conducting business in the Township of Manitowadge.
2. Any license issued pursuant to this By-law will expire at midnight, local time, on the 31st day of December of the year of issuance.
3. The license fee set out in Schedule "C" to this By-law must accompany this application.

(date)

(signature)

NAME: _____

OFFICE: (President, Manager, etc.)

THE CORPORATION OF THE TOWNSHIP OF MANITOWADGE

APPLICATION FOR A HAWKERS AND PEDDLERS LICENSE

COMPANY NAME: _____
ADDRESS: _____

PHONE: _____

NAME OF PERSON APPLYING
OR CONDUCTING BUSINESS: _____
TYPE OF BUSINESS: _____

FULL DESCRIPTION OF GOODS, WARES OR MERCHANDISE FOR SALE:

NOTICE TO APPLICANT:

1. Pursuant to Section 10 of this By-law, the conducting of business in the downtown commercial core of the Township of Manitowadge is not permitted.
2. Any license issued pursuant to this By-law must be in your possession at all times while conducting business in the Township of Manitowadge.
3. Any license issued pursuant to this By-law will expire at midnight, local time, on the 31st day of December of the year of issuance.
4. The license fee set out in Schedule "C" to this By-law must accompany this application.
5. Restrictions set out in Schedule "D" to this By-law apply to any license issued pursuant to this By-law.

(Date) _____
(Signature)

NAME: _____

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

LICENSE FEES

A. TRANSIENT TRADER

Transient Trader (person commencing business who has not resided continuously in the Township of Manitouwadge for at least three (3) months prior to commencing business) \$300.00

Transient Trader - Farmer (a farmer, resident of Ontario, who offers for sale only the produce of his own farm) \$ 5.00

B. HAWKERS, PEDDLERS AND SALESMEN

Resident (persons who have resided continuously within the Township of Manitouwadge for at least one (1) year) \$ 25.00

Non-Resident \$250.00

Dealers in fruit, produce, baked goods, meats or groceries \$250.00

Pursuant to Section 6. of this By-law discretion has been granted to the Clerk or Treasurer to waive, in whole or in part, the license fee on an application from a local non-profit organization.

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

HAWKERS, PEDDLERS & SALESMEN RESTRICTIONS

1. The downtown commercial core area of the Township of Manitowadge, bounded on the North by Mississauga Drive, on the South by Manitou Road East, on the East by Hospital lands, and on the West by Mississauga Drive, shall be 'off limits' to **HAWKERS, PEDDLERS AND SALESMEN**, and no person who obtains such a license under the provisions of this by-law shall be permitted to carry on a business in the downtown commercial core.
2. Every **HAWKER, PEDDLER AND SALESMAN** who goes to a particular place with goods, wares or merchandise for sale shall be restricted to an area off Station Road, in the parking area behind the Manitowadge Community Centre.

**THIS IS SCHEDULE "A" TO
BY-LAW NO. 95-42**

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

LICENCE FEES

A. TRANSIENT TRADERS

Transient Trader (person commencing business who has not resided continuously in the Township of Manitouwadge for at least three (3) months prior to commencing business) **\$300.00**

Transient Trader - Farmer (a farmer, resident of Ontario, who offers for sale only the produce of his or her own farm) **\$ 5.00**

B. HAWKERS, PEDDLERS AND SALESMEN

Resident (persons who have resided continuously within the Township of Manitouwadge for at least one (1) year) **\$ 25.00**

Non-Resident **\$300.00**

Dealers in fruit, produce, baked goods, meats or groceries **\$300.00**

Pursuant to Section 6 of By-Law No. 89-36, discretion has been granted to the Clerk or Treasurer to waive, in whole or in part, the licence fee on an application from a local non-profit organization.
