

**THE CORPORATION OF THE UNITED TOWNSHIPS
OF DYSART, DUDLEY, HARCOURT, GUILFORD,
HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

BY-LAW 2004 - 44

BEING A BY-LAW TO LICENSE AND REGULATE TRANSIENT TRADERS

WHEREAS the *Municipal Act, 2001*, Section 150 provides that the council may by by-law license and regulate transient traders and for the sale of goods on an intermittent basis and for revoking such licenses;

AND WHEREAS the Municipality of Dysart et al deems it advisable for Consumer Protection and for Nuisance Control to enact a by-law;

NOW THEREFORE the Council of the Corporation of the Municipality of Dysart et al enacts as follows:

1. In this by-law:
 - a) 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.
 - 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.
2. No person shall operate or carry on a business of a transient trader without first obtaining a license.
3. Subsection 2 does not apply to:
 - a) a manufacturing or an industrial business, except to the extent that it sells its products or raw materials by retail;
 - b) the sale of goods wholesale; or
 - c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.
4. An application for a license shall be made on the prescribed form as supplied.
5. A license under this by-law shall be valid until December 31st in the year that it was issued.
6. A license under this by-law is not transferable.
7. The fee for a license shall be \$500.00 per year for a transient trader or \$100.00 for a license to hold a one time sale.

8. No public property, road allowance or street shall be used to conduct business.
9. 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.
10. Any person that is licensed shall at all times while carrying on business have the license 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.
11. The licensee shall not call on any premises marked with a sign indicating “No Solicitors”, or marked with a similar sign.
12. A license 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.
13. Notwithstanding the provisions of this by-law the council may by resolution exempt a non-profit or volunteer organization from the requirements of this By-law subject to any rules or regulations Council deems appropriate.
14. 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.
15. The Municipal Law Enforcement Officer shall enforce this by-law.
16. Any person or corporation who contravenes this by-law is guilty of an offence and upon conviction is liable to a fine under the Municipal Act.

READ a first, second and third time, signed and the Corporate Seal attached hereto this 8th day of March, 2004.

REEVE: Murray Fearrey

CAO/CLERK: Tammy McKelvey