

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

BY-LAW NO. 2017-58

BEING A BY-LAW TO LICENSE AND REGULATE TRANSIENT TRADERS

WHEREAS Section 150 - 153 of the *Municipal Act, 2001, S.O. 2001 c.25*, as amended, authorizes a municipality to licence, regulate and govern businesses and events;

AND WHEREAS this authority includes but is not limited to the power to issue licences, to issue licences on condition, to revoke licences, to suspend licences, to regulate or govern the place used in the carrying on of such businesses, and to prevent the carrying on of such business with a licence;

AND WHEREAS Section 150(9) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended provides that a municipality may charge a licence fee directly related to the administration and enforcement of such by-law.

NOW THEREFORE the Council of the Corporation of the Municipality of Dysart et al hereby 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) “Licencee”; shall mean owner of a licence;
 - c) “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;
 - d) “Special Community Event”; shall mean but not limited to any cultural, recreational, or educational event of limited duration, including an exhibition, farmers market, show, display, festival, concert, race or competition, public entertainment, parade, and any other organized public amusement, whether free or for a fee, that is open to members of the public to attend; and with council approval.
2. No person shall operate or carry on a business of a transient trader without first obtaining a license.

Licence Exemptions under Section 2;

- 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;
- d) special community event;
- e) tag days;

- f) yard or garage sales held on residential properties; maximum of 2 weekends per calendar year
 - g) the sale of goods if they are grown or produced by a farmer or an employee of a farmer on land within the Municipality of Dysart et al and offered for sale or sold on the farm where the goods are grown.
3. An application for a license shall be made on the prescribed form as supplied.
 4. All Licencees must hold a current and valid certificate of liability insurance no less than two million dollars (\$2,000,000) including but not limited to bodily injury including death, personal injury and property damage; if alcohol is offered or served the liability insurance must increase to no less than five million dollars (\$5,000,000)
 5. Where a Licensee is granted by council to operate on public property, road allowance or street, a certificate of valid and current liability insurance no less than two million dollars (\$2,000,000) including but not limited to bodily injury including death, personal injury and property damage; if alcohol is offered or served the liability insurance must increase to no less than five million dollars (\$5,000,000); and must name the Municipality of Dysart et al as the co-insured.
 6. A license under this by-law shall be valid until December 31st in the year that it was issued or as stated on the licence.
 7. A license under this by-law is not transferable.
 8. The fee for a license shall be \$500.00 per calendar year for a transient trader or \$100.00 for a license to hold a one time sale.
 9. No public property, road allowance or street shall be used to conduct business first without prior authorization granted by council; and if required entering into a municipal facility and or park use agreement set out by the municipality.
 10. 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 confirms the Zoning By-law of the municipality permits the retail sale of the goods being sold or offered.
 11. Licencee(s) must adhere to By-law No. 2007-90, as amended, a by-law to regulate signs and other advertising devices including all other Municipal By-laws.
 12. 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.
 13. The licensee shall not call on any premises marked with a sign indicating "No Solicitors", or marked with a similar sign.
 14. 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.
 15. 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.
 16. 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.

17. The Municipal Law Enforcement Officer shall enforce this by-law.
18. 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.
19. That By-law No. 2004-44 be and is hereby repealed.

READ a first, second and third time, passed, signed and the Corporate Seal attached hereto this 26th day of June, 2017.

REEVE: Murray Fearrey

CLERK: Cheryl Coulson