

**THE CORPORATION OF THE
TOWNSHIP OF MATTICE - VAL CÔTÉ**

BY-LAW NO. 764

Being a by-law to license,
regulate and govern transient traders

WHEREAS Municipal Councils are empowered, under Sections 150 to 153 of The Municipal Act, 2001, S.O. 2001, c.25, to pass by-laws to license, regulate and govern the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader;

AND WHEREAS the Council of The Corporation of Mattice – Val Côté deems it advisable and necessary to regulate the licensing and governing of Transient Traders;

NOW THEREFORE the Council of the Corporation of the Township of Mattice - Val Côté enacts as follows:

IN THIS BY-LAW,

1. DEFINITIONS

“Transient Trader” means a person who offers goods, wares or merchandise in any manner within the Municipality other than on a permanent basis, including any person who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards.

“Residing in the Municipality” and “residing in Ontario” means having a permanent residential address within municipal boundaries and within the province and living at this address on a continuous year-round basis.

2. No Transient Trader shall carry on a trade or business or offer food, wares or merchandise for sale in the Township of Mattice – Val Côté without first having obtained a licence to do so.
3. Every Transient Trader who carries on business without a licence is guilty of an offence and on summary conviction is liable to a fine equal to the licence fee that he or she should have paid and, in addition thereto, the sum of not less than TEN DOLLARS (\$10.00) and not more than TWO HUNDRED DOLLARS (\$200.00) as compensation for legal and administration fees.

4. An application for a Transient Trader licence shall be made at the Mattice – Val Côté municipal office, on the form provided by the municipality, a copy of which is attached thereto as Schedule "A". The completed application must be submitted with the full prescribed fees and the processing of the application shall not commence until such time as the fees are paid in full, by cash or certified cheque only.
5. Licences may be issued for the following periods and are subject to the following fees:
 - for one (1) month - ONE HUNDRED DOLLARS (\$100.00)
 - for six (6) consecutive months - FIVE HUNDRED DOLLARS (\$500.00)
 - for twelve (12) consecutive months - NINE HUNDRED DOLLARS (\$900.00)
6. Every person licensed hereunder shall, at all times, while carrying on his or her transient trader business, have his or her license with him or her and shall, upon demand, show it to any By-law Officer, Peace Officer or client. In default thereof, said person is guilty of an offence and on summary conviction is liable to a fine of not less than ONE DOLLAR (\$1.00) and not more than TEN DOLLARS (\$10.00).
7. Every person licensed hereunder shall, at all times, when carrying on his or her transient trader business, be polite and respectful towards all residents, and shall not molest or annoy or use insulting or intemperate language towards them. Failure to comply may cause the licence to be revoked without notice.
8. Notwithstanding section 2 hereof, no such Transient Trader license shall be required:
 - a) from a manufacturing or industrial business, except to the extent that it sells its products or raw materials by retail;
 - b) for the sale of goods by wholesale;
 - c) for the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.
 - d) for the sale of goods to wholesale or retail dealers in similar goods, wares or merchandise;
 - e) for the sale of goods to the business, institutional or industrial sector;
 - f) if the grower, producer or manufacturer of the goods, wares or merchandise resides in the Municipality and the goods, wares or merchandise being sold are grown, produced or manufactured in Ontario;
 - g) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who is only selling the produce of his own farm.
 - h) if the goods, wares or merchandise are sold for fundraising purposes by registered charitable organisations, community service clubs, schools and not-for-profit community clubs.
9. Any licence involving the sale of perishable products may be subject to approval by the Public Health Inspector who may, without notice, suspend such licence.

10. Upon receipt of the completed application, the CAO or his or her delegate may, at his or her sole discretion, refer the application to Council for discussion at its regular meeting. Council shall then have a period of up to sixty days to process and approve or reject the application.

11. Council may, in its discretion, grant or refuse a licence to any person, or revoke any licence issued under the provisions of this By-law. In the event that a license is refused or revoked by Council, Council will entertain an appeal from the applicant to be conducted at an informal hearing, the time and date to be determined by Council and communicated to the applicant. In reviewing its decision to refuse or revoke a license, Council will hear the applicant's presentation, review and examine all relevant information and facts as presented to it.

12. This By-law repeals By-Law no. 746.

13. This By-law shall come into force and take effect upon adoption.

ADOPTED IN OPEN COUNCIL

This 22nd day of August 2016

Mayor

Clerk