



The Corporation of the Town of New Tecumseth

By-law 2002-179 (Consolidated – as amended)

HAWKERS AND PEDLARS BY-LAW

**A by-law to license, regulate and govern Hawkers
and Pedlars.**

Consolidation		
Amendment No. 1	By-law No. 2008-021	February 11, 2008

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**THE CORPORATION OF THE TOWN OF
NEW TECUMSETH
BY-LAW
Number 2002-179**

"HAWKERS AND PEDLARS BY-LAW"

**A by-law to license, regulate and govern
Hawkers and Pedlars**

WHEREAS the *Municipal Act*, R.S.O. 1990, c. M-45, Section 234(1) provides inter-alia, that by-laws may be passed by the Councils or Towns having a population of less than 100,000 for licensing, regulating and governing persons who go 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;

AND WHEREAS the Council of The Corporation of the Town of New Tecumseth deems it necessary and expedient to pass a by-law for licensing, regulating and governing Hawkiers and Pedlars;

NOW THEREFORE the Council of The Corporation of the Town of New Tecumseth enacts as follows:

1. In this by-law the words "Hawker and Pedlar" shall be interchangeable terms and shall mean 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.
 - 1.1 No such licence is required for hawking, peddling or selling goods, wares or merchandise:
 - 1.1.1 upon invitation to wholesale or retail dealers or businesses in general or specific commercially or institutionally zoned properties;
 - 1.1.2 if the goods, wares or merchandise are grown, produced or manufactured in Ontario and area 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;
 - 1.1.3 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;
 - 1.1.4 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;

- 1.1.5 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;
 - 1.1.6 by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.
 - 1.2 Such servant or employee shall exhibit his authority when required so to do by any municipal or peace officer.
 - 1.3 In a prosecution for a breach of this by-law the onus of proving that he does not, for any of the reasons mentioned in subsection 1.1 of this by-law, require to be licensed, is upon the person charged.
 - 1.4 If a peace officer demands the production of a licence by any person 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.
2. No person shall hawk, peddle or sell goods, wares or merchandise within the Town of New Tecumseth, without first having obtained a licence so to do, and having paid the following prescribed licence fees as set out in the Fees and Charges By-law.
3. Applications for hawkers and pedlars licences are to be filed with the Town Clerk.
4. This by-law does not apply to Town operated fairs, farmers markets, festivals, picnics and specifically Hawkets and Pedlars participating in these community events, such as: Potato Festival, Meet Your Neighbour Picnic, Community Week, etc.
5. This by-law does not apply to persons, commercial businesses, charitable and non-profit organizations participating in sidewalk sales, craft fairs, antique shows, art shows, and farmers markets.
6. This by-law does not apply to persons selling goods, wares or merchandise to Town residents who are attending by invitation upon such residents at their private place of residence.
7. Licensees must conduct their sales only from properties zoned commercial or institutional which have sufficient parking areas to accommodate their customers.
8. PENALTY
 - 8.1 That every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.
9. VOLUNTARY PAYMENT
 - 9.1 Notwithstanding all other provisions of this by-law in respect of penalties for violations, any person may, upon presentation of a violation tag issued alleging commission of such an offence under this by-law, pay out of Court at the Administration Centre of the Town of New Tecumseth, in person or by mail, within fifteen (15) days from the date of said tag, a penalty of a set fine of fifty dollars (\$50.00), and upon such payment no further proceedings shall be taken under this by-law in respect of the said offence alleged in the violation tag.

10. SEVERABILITY

- 10.1 Should any section, subsection, clause, paragraph or provision of this by-law, including any part of schedules be declared by a court of competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the by-law as a whole.
11. This by-law shall be cited as the "Hawkers and Pedlars By-Law".
12. This by-law shall come into force and take effect upon the final passing thereof.
13. That By-Law 93-134 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16TH DAY OF DECEMBER, 2002.

Office Consolidation MAYOR

CLERK

