

By-law No. 260
A By-law Regulating and Licensing
Peddlers and Transient Traders

The Council of the Town of Woodstock, under authority vested in it by Section 11 and 168 of the Municipalities Act, R.S.N.B., Chapter M-22, enacts as follows:

Definitions

1. In this by-law:

"business" means any marketing activity conducted for the sale of goods, merchandise or services for a profit;

"clerk" means the clerk or director of administrative services of the Town of Woodstock;

"council" means the mayor and councillors of the Town of Woodstock;

"councillor" means a member of the council other than the Mayor;

"licence" means a peddler's licence or a transient trader's licence, or both, as the context of the section requires;

"member" means any person elected to the Council;

"municipality" means the Town of Woodstock;

"peddler" means any person who peddles or hawks, or carries from place to place for the purpose of peddling or hawking, goods or merchandise;

"peddler's license" means a peddler's license, and any renewal thereof issued pursuant to this by-law that has not expired or been revoked;

"person" includes a corporation, partnership, association, club or firm;

"temporary business" means the sale of goods, merchandise or services sold by a business being operated in the municipality for 30 days or less operating out of a vehicle, truck, trailer or other mobile unit;

"transient trader" means a person who carries on a temporary business;

"transient trader's license" means a transient trader's license, and any renewal thereof, issued pursuant to this by-law that has not expired or been revoked.

Peddler's License

2. No person shall within, or partly within, the municipality peddle or hawk or carry from place to place for peddling or hawking any goods or merchandise unless he has been issued a peddler's license therefore by the clerk.
3. A peddler's license is valid only for peddling or hawking the class or type of goods and merchandise expressly described or referred to on the face of the peddler's license.
4. This by-law does not apply to:
 - (a) a person peddling or hawking fruits, vegetables and other products harvested by them from their farm or garden;
 - (b) a fisher peddling or hawking fish, oysters or any product harvested by them from the sea, or
 - (c) persons employed by a temperance, benevolent or religious society in the province of New Brunswick for the peddling or selling of temperance tracts or other moral or religious publications under the direction of such society, to the exclusion of other goods and merchandise.
 - (d) persons who have been approved by resolution of town council to an exemption.
5. A peddler's license shall expire on the 31st day of December in the year in which it is issued and it shall operate to a maximum of 30 days in a calendar year.

Transient Trader's License

6. No person shall operate a temporary business within the municipality unless he has been issued a Transient Trader's License therefore by the Clerk.
7. The issuance of a Transient Trader's License allows a temporary business to operate at one location for 30 days or less in a calendar year within the municipality.
8. Tills by-law does not apply to persons operating a temporary business who have been approved by resolution of town council to an exemption.

General

9. In tills by-law hereafter the term "license" shall apply to both a Peddler's License and a Transient Trader's License.
10. An application for a license shall be submitted by the peddler or transient trader to the Clerk upon forms provided by the municipality and such application shall be filed with the Clerk at least thirty days (30) prior to the time in which the license applied for shall become effective.
11. The application referred to in Section 10 shall contain the following information:
 - (a) the name, address or headquarters of the person applying for the license;

(b) if the applicant is not an individual, the names and addresses of the applicant's principal officers and managers;

(c) the name and address of the person or persons who will be in direct charge of conducting the temporary business or peddling or hawking;

(d) the time within which the temporary business, peddling or hawking will be operated and the location of the business, peddling or hawking in the municipality;

(e) any application for a transient trader's license must also be signed by the party on whose property the temporary business shall be located.

12. The Clerk shall examine such application filed under this by-law for a license and shall make, or cause to be made, such further investigation of the application and the applicant as the Clerk shall deem necessary and the license will not be issued until the Clerk determines the following facts:

(a) that all of the statements made in the application are true;

(b) that the applicant has not engaged in any fraudulent transaction or enterprise and

(c) Nothing in the proposal will violate any provision of the Zoning By-law or Municipal Plan of the Town or any other law or bylaw and refer such application to the Planning Advisory Committee where applicable.

13. Upon being satisfied concerning the facts required in Section 12 above, the Clerk shall issue such license upon payment of the applicable fee as follows.

Peddler's license: \$5.00 per day to a maximum of \$100.00 per calendar year.

Transient traders license: \$100.00 per day.

14. Any license issued under this by-law shall be non-transferable.

15. The Council may require additional information from the applicant from time to time as it deems necessary.

16. (1) A person carrying on a temporary business or exercising the trade of a peddler within the municipality on the day this by-law comes into effect shall be prosecuted for a violation of Section 2 or Section 6 until

(a) they submit an application for a license to the clerk in accordance with Section 11, or

(b) they submit an application for a license to the clerk in accordance with Section 11 and that application is rejected by the Council or the Clerk.

17. A person who violates any provision of this by-law is guilty of an offence, is liable to a fine punishable underpart 11 of the Provincial Offences Procedures Act as a Category D offence.

18. (1) Where, in the opinion of Council, a peddler or transient trader has violated this by-law or any provision of this by-law, the Clerk shall, upon direction of the council, in addition to any other remedy or penalty prescribed herein, by notice served upon the peddler or transient trader revoke the license issued to that peddler or transient trader.

(2) The notice referred to in subsection (1) shall be sufficiently served upon the peddler or transient trader if it is delivered personally to the peddler or transient trader or it is mailed prepaid registered postage to the last known residence or place of business of the peddler or transient trader.

(3) Service of the notice referred to in subsection (2) by registered post shall be deemed to have been effected five days after the notice was deposited in the mail.

By-laws Repealed

By-law #155, a by law regulating and licensing peddlars and transient traders enacted on 12th day of October, 1994 is hereby repealed.

Read a first time this 9th day of January, 2006.

Read a second time this 9th day of January, 2006.

Read a third time and enacted this 9th day of January, 2006.

Jeff Wright, Mayor

E.L. Dickinson, Director of
Administrative Services