

## **BYLAW NO. 75**

### **A Bylaw Regulating and Licensing Peddlers and Transient Traders**

BE IT ENACTED by Council of the Town of St. Andrews as follows:

In this bylaw

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

“clerk” means the clerk of the Town of St. Andrews;

“council” means the mayor and councilors of the Town of St. Andrews;

“license” means a peddler’s license or a transient trader’s license, or both, as the context of the section requires;

“member” means any person elected to the council;

“municipality” means the Town of St. Andrews;

“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license” means a peddler’s license, and any renewal thereof issued pursuant to this bylaw that has not expired or been revoked;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 less than six weeks or 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means a transient trader’s license, and any renewal thereof, issued pursuant to this bylaw that has not expired or been revoked.

#### **Peddler’s License**

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.

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 bylaw does not apply to
  - (a) A person peddling or hawking fruits, vegetables and other products harvested by him from his farm or garden;
  - (b) A fishermen peddling or hawking fish, oysters or any product harvested by him 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.

- 5. A peddler's license shall expire on the 31<sup>st</sup> day of December in the year in which it is issued.

#### **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 six weeks or less with the municipality.

#### **General**

- 8. In this bylaw hereafter the term "license" shall apply to both a peddler's license and a transient trader's license.
- 9. 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 sworn to and filed with the Clerk at least **seven days (7)** prior to the time in which the license applied for shall become effective.
- 10. The application referred to in Section 9 shall contain the following application:
  - (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.
- 11. The Clerk shall examine such application filed under this bylaw 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 Bylaw or Municipal Plan of the Town or any other law or bylaw.
- 12. Upon being satisfied concerning the facts required in Section 11 above, the Clerk shall promptly issue such license to the peddler or transient trader upon payment by that peddler or transient trader of a fee of \$50.
- 13. Any license issued under this bylaw shall be non-transferable.
- 14. The Council may require additional information from the applicant from time to time as it deems necessary.



## SCHEDULE A

The following terms and conditions apply to the issuance of a peddler's permit to the operator of a mobile food-vending cart.

1. The operator shall:
  - (a) Obtain and be in possession of a valid peddlers permit issued by the Town of St. Andrews,
  - (b) Obtain and be in possession of a valid Health Department permit where necessary,
  - (c) Set up and operate the vending unit only at the position(s) agreed to by the Development Officer.
  - (d) Carry at all times written proof that the location being used and the type of product being sold were authorized by the Town,
  - (e) Clean up in the general vicinity of the vending operation any litter created as a result of the operation,
  - (f) Comply with any other applicable Town bylaws or codes,
  - (g) Relocate or cease using a location for reasons deemed necessary by the Town upon written notification,
  - (h) Refrain from soliciting business from the occupants of automobiles,
  - (i) Remove the vending unit from the site of operation at the end of each day,
  - (j) Assume all actions, suits, losses, claims and expenses which may be levied against or incurred by the vending operation for whatever reason,
  - (k) Cooperate with Town staff so as to enable the vending operation to exist with a minimum of problems,
  - (l) Ensure that the vending unit is not to be operated moving along a sidewalk,
  - (m) Ensure that if a vending unit is to be moved along a sidewalk it shall be pushed by hand,
  - (n) Carry at least 1 million dollars property damage public liability on the operation.
2. If any of the foregoing terms and conditions are violated, the permit along with any other municipal licenses pertaining to the operation may be revoked and upon notification the operation must cease.