

BY-LAW NO. 75A BY-LAW REGULATING AND LICENSINGPEDDLERS AND TRANSIENT TRADERS

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

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 of the Town of St. Andrews;

"council" means the mayor and councillors of the Town of St. Andrews;

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

"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license" means a peddler's license, and any renewal thereof issued pursuant to this by-law that has not expired or been revoked;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 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means a transient trader's license, and any renewal thereof, issued pursuant to this by-law that has not expired or been revoked.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 therefor 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 by-law 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 fisherman 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 31st 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 therefor 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 by-law 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 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 by-law.

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 \$50.00.

13. Any license issued under this by-law shall be non-transferrable.

14. The council may require additional information from the applicant from time to time as it deems necessary.

15. (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) he fails to submit his application for a license to the clerk in accordance with subsection 15(1), or

(b) he submits his application for a license to the clerk in accordance with subsection 15(1) and that application is rejected by the council or the clerk.

16. A license may be renewed and the provisions of Sections 9, 10 and 11 apply mutatis mutandis to such renewal.

17. A person who violates any provision of this by-law is guilty of an offence and, on summary conviction, is liable to a fine of not less than \$50.00 nor more than \$200.00.

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.

18 (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.

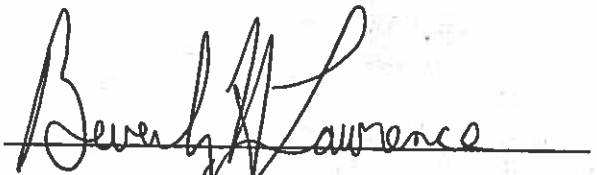
18 (3) Service of the notice referred to in subsection (2) by registered post shall be deemed to have been effected five days after the notice was deposited in the mail.

IN WITNESS WHEREOF the Town of St. Andrews has caused its corporate seal to be hereunto affixed to this by-law this 3rd day of June, A. D. 1985.

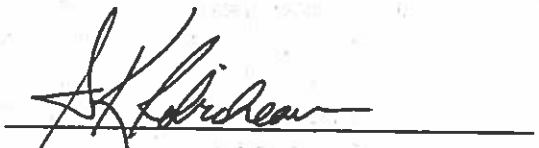
FIRST READING: April 1, 1985

SECOND READING: April 1, 1985

THIRD READING: June 3, 1985



Mayor



Town Clerk