

BY-LAW #4 R-4

A By-Law of the Regional Community of Southern Victoria to Regulate and License Pedlars and Transient Traders

Under authority vested in it by Section 1 1 and 168 of the Municipalities Act, R.S.N.B., Chapter M-22, enacts as follows:

BE IT ENACTED by the Village Council of the Regional Community of Southern Victoria as follows:

1. In this By-Law:
 - a) 'transient trader' means any person, firm or corporation, partnership or society, or their heirs, executors, administrators, assigns or other legal representatives, who, not having a permanent place of business within the Regional Community of Southern Victoria, offers goods and merchandise for sale by auction or private sale within the Regional Community of Southern Victoria.
 - b) 'pedlar' means any person who peddles or hawks or carries them from place to place for the purpose of hawking, goods, or merchandise with the intention of selling them.
 - c) 'license' means a license and any renewal thereof issued pursuant to this By-Law that has not expired or been revoked.
 - d) 'yard sale' means
 - I. A sale of personal goods by one or more individuals from the land where at least one of the individuals is currently resident; and
 - II. A sale of personal goods by a community organization from land where the owner of the land has given written authority to the community organization to use the land.
2. This By-Law does not apply to:
 - a) a person peddling or hawking fruits, vegetables, meats, 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.
 - c) persons employed by any temperance, benevolent or religious society in the province 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) commercial travelers or other persons selling by sample, specimen, or price list, directly to dealers who are rate payers or licensees of the Regional Community of Southern Victoria and doing business therein.

- e) lawyers, physicians, civil engineers, or any person legally entitled to practice professionally within the province of New Brunswick.
 - f) trade shows, craft fairs or events or fund-raising activities sponsored by charitable or non-profit organizations; or
 - g) yard sales.
3. Every transient trader and pedlar shall, prior to carrying on business within the Regional Community of Southern Victoria, obtain a license in the manner hereinafter set out.
4. No license issued under this By-Law shall be transferrable by the holder thereof to any other person or entity.
5. A license issued under this By-Law is valid only for the class of goods and merchandise expressly described on the face of the license.
6. An application for a license as a transient trader shall be in writing to the Clerk of the Village Council for the Regional Community of Southern Victoria and shall:
- a) be accompanied by cash, debit payment, or by a cheque payable to the Regional Community of Southern Victoria, in the amount hereinafter set out.
 - b) be accompanied by written consent to use the land by the transient trader from the owner or duly authorized occupier of the land where the transient trader proposes to execute business; and
 - c) be in a form format and contain such information as required by the Clerk.
7. An application for a license as a pedlar shall be in writing or by online permit form to the Clerk of the Village Council for the Regional Community of Southern Victoria and shall:
- a) be accompanied by cash, debit payment, or by a cheque payable to the Regional Community of Southern Victoria, in the amount hereinafter set out; and
 - b) Be in such form and contain such information as required by the Clerk.
8. A license shall be issued by the Clerk upon the Clerk being satisfied as to the sufficiency of the application and upon payment by the applicant of a license fee in the described below:
- a) Daily fee of \$50.00
 - b) Monthly fee of \$125.00
 - c) Seasonal/Annual fee of \$300.00

9. A license shall be valid for the calendar day/month/year in which same is issued and shall expire at midnight on the last day of such calendar day/month/year, or portion thereof, during which the applicant proposes to conduct business within the limits of the Regional Community of Southern Victoria.
10. Any license shall be subject to inspection and must be present by the holder immediately upon the request of the Clerk or an authorized representative of the Regional Community of Southern Victoria.
11. The Clerk may, for cause, at any time revoke any license without any rebate of the fee or any portion thereof. From the date of such revocation, the license shall be invalid. Without limiting the generality of the foregoing, failure to adhere to any statute, regulation or By-Law of the Government of Canada, the Province of New Brunswick or the Regional Community of Southern Victoria shall constitute cause for revocation.
12. Notice of revocation is effective when personally delivered to the licensee, or five (5) days after the date of mailing of a notice of revocation by regular prepaid mail to the last known address of the licensee.
13. A transient trader shall not continue business from a public parking area, or within a radius of 100 and fifty-five meters (155m) of a retail outlet engaged in selling goods and merchandise of a similar nature, or within the limits of any public road, street or highway.
14. Upon request from the Clerk or any authorized representative of the Regional Community of Southern Victoria, traders and pedlars of fruit and vegetables produced outside the Province of New Brunswick shall submit satisfactory proof that the goods to be sold or being sold have successfully passed inspection by a duly authorized inspection officer.
15. Any Licensee shall, upon request, present for inspection all or any of the goods or merchandise being or intended to be sold.
16. Any person who violates any provision of the By-Law is guilty of an offense and liable to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) and will be prevented from further doing this type of business in the Regional Community of Southern Victoria.

17. REPEAL PROVISION

By-Law #4 entitled 'A By-Law of the Village of Perth-Andover to Regulate and License Pedlars and Transient Traders' enacted on September 14, A.D. 1998, is hereby repealed.

18. BY-LAW COMES TO FORCE

This by-law comes to force on the date of final enactment thereof.



Read a first time by title the 9th day of September, 2024.

Read a second time by title the 9th day of September , 2024.

Read in its entirety in council the 15th day of October, 2024.

Read a third time by title and enacted the 15th day of October, 2024.


CINDY MCLAUGHLIN, Mayor


DANIEL A. DIONNE, Chief Administrative Officer

Southern Victoria
2023