

BY-LAW #4

A BY-LAW OF THE MUNICIPALITY OF PERTH-ANDOVER
TO REGULATE AND LICENSE PEDLARS
AND TRANSIENT TRADERS

BE IT ENACTED by the Village Council of the Village of Perth-Andover as

follows:

1. In this By-Law:

- (a) 'transient trader' means any person, firm or corporation, partnership or society, or their heirs, executors, administrators, successors, assigns or other legal representatives, who, not having a permanent place of business within the Village of Perth-Andover, offers goods and merchandise for sale by auction or private sale within the Village of Perth-Andover;
- (b) 'pedlar' means a person who peddles or hawks, or carries from place to place for the purpose of peddling or hawking, goods or merchandise with the intention of selling them;
- (c) 'licence' means a licence and any renewal thereof issued pursuant to this By-Law that has not expired or been revoked.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 ordinarily 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 licencees of the Village 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 Village of Perth-Andover, obtain a licence in the manner hereinafter set out.
4. No licence issued under this By-Law shall be transferable by the holder thereof to any other person or entity.
5. A licence issued under this By-Law is valid only for the class or type of goods and merchandise expressly described on the face of the licence.
6. An application for a licence as a transient trader shall be in writing to the Clerk of the Village Council of the Village of Perth-Andover and shall:
- (a) be accompanied by cash, or by a cheque payable to the Village of Perth-Andover, in the amount hereinafter set out;

- (b) be accompanied by written consent to the use of the land by the transient trader from the owner or duly authorized occupier of the land where the transient trader proposes to carry on business; and
 - (c) be in such form and contain such information as may be required by the Clerk.
- 7. An application for a licence as a pedlar shall be in writing to the Clerk of the Village Council of the Village of Perth-Andover and shall:
 - (a) be accompanied by cash, or by a cheque payable to the Village of Perth-Andover, in the amount hereinafter set out; and
 - (b) be in such form and contain such information as may be required by the Clerk.
- 8. A licence 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 licence fee in the amount of One Hundred Dollars (\$100.00).
- 9. A licence issued shall be valid for the calendar month in which same is issued, and shall expire at midnight on the last day of such calendar month. An application must be made for a new licence for each calendar month, or portion thereof, during which the applicant proposes to conduct business within the limits of the Village of Perth-Andover.

10. Any licence shall be subject to inspection, and shall be produced by the holder immediately, upon the request of the Clerk or an authorized representative of the Village of Perth-Andover.
11. The Clerk may, for cause, at any time revoke any licence without any rebate of the fee or any portion thereof. From the date of such revocation, the licence shall be null and void. 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 Village of Perth-Andover 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 carry on business from a public parking area, or within a radius of one hundred and fifty-five meters (155 m.) 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. Except for pedlars of perishable goods, no person shall peddle:
 - (a) on Sundays or holidays;
 - (b) between the hours of eight o'clock in the afternoon and eight o'clock in the forenoon Monday through Saturday.

15. Upon request from the Clerk or any authorized representative of the Village of Perth-Andover, 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.

16. Any licensee shall, upon request, present for inspection all or any of the goods or merchandise being or intended to be sold.

17. Any person who violates any provision of the By-Law is guilty of an offence, and liable on summary conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).

18. By-Law No. 33 entitled ' a By-Law of the Municipality of Perth-Andover to Regulate and License Pedlars and Transient Traders' enacted on November 17, A.D. 1986, is hereby repealed.


READ A FIRST TIME BY TITLE this 10th day of August, A.D. 1998.

READ A SECOND TIME BY TITLE this 24th day of August, A.D. 1998.

READ IN ITS ENTIRETY IN COUNCIL this 14th day of September, A.D. 1998, and accepted.

READ A THIRD TIME BY TITLE AND ENACTED this 14th day of September, A.D. 1998.


MAYOR


CLERK