

THE CORPORATION OF THE MUNICIPALITY OF MCDougALL

BY-LAW NO. 2006-08

Being a by-law to regulate trades, occupations, business,
hawkers and peddlers.

WHEREAS pursuant to Sections 150 & 157 of the Municipal Act S.O. 2001, c.25, as amended, municipalities are permitted to licence and regulate trades, business, occupations, hawkers and peddlers;

AND WHEREAS the Council of the Municipality of McDougall deems it necessary to pass a by-law to regulate the licensing and governing of trades, business, occupations, hawkers and peddlers within the Municipality of McDougall for the following purposes, health and safety, nuisance control, and consumer protection;

NOW THEREFORE the Council of the Corporation of the Municipality of McDougall enacts as follow:

1. DEFINITIONS:

- a) "Business" means trades and occupations, exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise the sale or hire of goods or services on an intermittent or one-time basis, the showing for the purpose of sale or hire of samples, patterns or specimens of any goods and an activity or thing a local municipality may licence or require to be registered. A business shall be deemed to be carried on within a municipality if any part of the business is carried on within the municipality even if the business is being carried on from a location outside the municipality;
- b) "Business Registration" means the establishment and maintaining of a registry of businesses which are being carried on wholly or partly within the Municipality.
- c) "By-law Enforcement Officer" means the By-law Enforcement Officer appointed by the Council of the Municipality of McDougall;
- d) "Clerk" means the Clerk of the Municipality of McDougall;
- e) "Corporation" means the Corporation of the Municipality of McDougall;
- f) "Council" means the Council of the Corporation of the Municipality of McDougall;
- g) "Hawker / Peddler" means any person who goes from place to place or to a particular place with goods, wares or merchandise for sale or exposes samples, patterns, or specimens of any goods, wares, or merchandise that are to be delivered in the Municipality of McDougall;
- h) "Highway" means a common and public highway and includes a street and a bridge forming part of a highway or on, over or across which a highway passes including both the travelled and untravelled portions of the roadway and all property between the property lines;
- i) "Non-Resident" means a person who does not reside continuously within the Municipality of McDougall.
- j) "Resident" means a person who resides continuously within the Municipality of McDougall.

GENERAL

2. No person shall operate a business, trade or occupation unless a licence/business registry approval has been issued pursuant to this by-law, save an except a taxi vehicle as it will be licensed under a separate by-law and for businesses located on properties which are assessed as commercial.
3. All licenses/business registry approvals issued under this by-law shall expire on the 31st day of December in the year in which they are issued.
4. No licence/business registry approval issued under this by-law is transferable.
5. Application and Approval of a Business Registry:
 - a) Every application for a business registry under this by-law shall be filed with the Clerk and shall be in accordance with form attached as Appendix "A" unless otherwise required.
 - b) Prior to approval, comments will be required from the Chief Building Official, the Fire Chief, the Public Works Superintendent and the By-Law Officer, comments may be required from the Health Department, Ontario Provincial Police, or any other department or agency which may be affected.
 - c) If the Business Registry approval Officer receives an adverse report, approval will not be granted and the applicant will be notified in writing.
 - d) Upon receipt of a notice sent pursuant to paragraph (c) the applicant may request in writing a hearing before Council and upon such a request being made the determination of approval shall be made by Council.
6. If a premise is vacated or a change of ownership occurs the registry approval is terminated forthwith.

HAWKER AND PEDDLER


7. No hawker or peddler shall sell or offer for sale any goods, wares or merchandise to any person in the Municipality of McDougall unless they have obtained a licence in accordance with this by-law.
8. No person shall hire, engage or commission any other person to hawk or peddle goods, wares or merchandise to any person in the Municipality of McDougall unless they have obtained a licence as required by this by-law and the person they have hire, engaged or commissioned has obtained a licence.
9. Every person applying for a licence as required under sections 7 and 8 of this by-law shall file with the Clerk of the Municipality of McDougall a completed application on the form attached hereto as Appendix "B" and shall pay the required licence fees as set out in the attached Schedule "A".
10. No hawker or peddler shall sell or offer for sale any goods, wares or merchandise on any highway or any vacant lots adjacent to any highway within the Municipality of McDougall.
11. No hawker or peddler shall sell or offer for sale any goods, wares or merchandise not listed on their licence.

PENALTIES

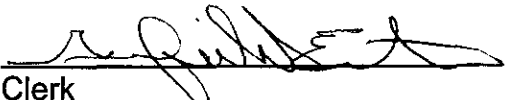
12. Any person who is found in contravention of any section of this by-law and upon being found guilty of that contravention is liable to a fine not to exceed \$25,000.00 as per section 161(2) of the Municipal Act 2001, C.25.
13. By-law No. 97-02 and 2000-14 is hereby repealed.

14. This by-law shall come into force and effect upon final passing thereof and remain in effect for a period not to exceed five (5) years.

READ a FIRST and SECOND time this *5* day of *April*, 2006.



Mayor

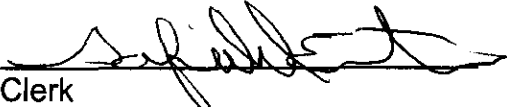


Clerk

READ a THIRD time, PASSED, SIGNED and SEALED this *5* day of *April*, 2006.



Mayor



Clerk

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SCHEDULE "A"

	Resident	Non-Resident
Initial business registry application	N/A	N/A
Annual business registry renewal	N/A	N/A
Hawker/Peddler License	\$100.00	\$500.00
Hawker/Peddler Agent	\$ 50.00	\$200.00
Not-for-profit, charitable organizations	N/C	N/C

**MUNICIPALITY OF MCDUGALL
BUSINESS REGISTER FORM**

Date: _____ New Business _____ Renewal _____

Name of Business _____

Ownership (name of Owner) _____

Ownership Address _____

Ownership Phone Number _____

Ownership Fax Number _____

Ownership Contact Person _____

Type of Business _____

Business Civic Address _____

Business Contact Person: _____

Business Mailing Address _____

e-mail contact _____

Website address _____

Business Phone No.: _____

Business Fax Number _____

I/We hereby register with the Municipality of McDougall the above noted business and agree to abide by all the rules and regulations of the Municipality of McDougall and the Province of Ontario.

Signature of Applicant

<u>REVIEW</u>	<u>COMMENTS</u>
CBO _____	_____
FIRE CHIEF _____	_____
P.W. SUPT. _____	_____
BY-LAW OFFICER _____	_____

Please attach a letter explaining the details of your business.

APPENDIX "B" to BY – LAW NO. 2006-08

Application for Hawker/Peddler Licence

PLEASE PRINT:

1. Name of applicant _____
Present address _____
Phone No. _____

2. Will you be working as sole proprietor? _____

3. If you are working for a merchandise distribution company or as a Partnership the following information is required:

NAMES OF PARTNERS AND/OR NAME OF CORPORATION

ADDRESS

4. Will you be selling from a particular location in the Municipality of McDougall ? _____
5. Will you be selling door to door ?
6. List the merchandise you will be selling.

For office use:

Date application received _____

Date application approved _____

Licence fee paid _____

If application refused reason for refusal

