

CORPORATION OF THE TOWNSHIP OF CHAPLEAU

By-Law No. 99-8

Being a by-law to license, regulate and govern
Hawkers & Peddlers within the limits of the
Township of Chapleau.

WHEREAS the Municipal Act R.S.O. 1980, Chapter 302 Section 230(1) provides that Councils may pass by-laws for licensing, regulating and governing persons who go from place to place or to a particular place with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards.

NOW THEREFORE the Council of the Corporation of the Township of Chapleau ENACTS as follows:

Definitions:

For the purpose of this By-Law:

1.
 - a) “*Township*” shall mean the Corporation of the Township of Chapleau.
 - b) “*Clerk*” shall mean the Clerk (C.A.O.) of the Corporation of the Township of Chapleau.
 - c) “*By-Law Enforcement Officer*” shall mean a person appointed from time to time by the Township to enforce By-Laws thereof.
 - d) “*Hazardous foods*” means any food that is capable of supporting the growth of pathogenic organisms or the production of toxins of such organisms.
2. No person shall engage in or carry on the trade, occupation or business of going from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise which is to be delivered in the Township afterwards unless or until he/she has procured a license authorizing him or her to do so and shall have paid to the Clerk the fee hereinafter mentioned and no such license shall be issued until such fee has been paid.
3. No such license is required for hawking, peddling, or selling goods, wares or merchandise:
 - a) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - b) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his/her agent or employee having written authority to do so, in the municipality in which the grower, producer or manufacturer resides, or
 - c) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his/her own farm, or
 - d) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his/her employee, or by this agent, or

- e) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise, or
 - f) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.
 - g) Every vehicle used for the purposes intended by this By-Law shall be equipped with mechanical refrigerated storage and display facilities that shall be used for holding hazardous foods.
 - h) Food that is intended to be transported, displayed, stored or sold or offered for sale in a frozen state shall be frozen to a temperature of -18 C or lower until sold or prepared for use.
4. The annual license fee to act as a hawker or peddler within the Township of Chapleau shall be as follows:
- a) One person using a motor vehicle \$500.00
 - b) Each additional person acting as helpers (maximum of three helpers per vehicle) \$ 15.00
5. Such licenses shall be issued by the Clerk, they shall bear the seal of the Corporation and shall be signed by the Clerk and shall not be transferable.
6. Licenses issued under this By-Law shall expire on the 31st day of December of each year.
7. No such person licensed under this By-Law shall engage in or carry the business of hawking or peddling except during daylight hours.
8. No such person licensed under this By-Law shall stop his motor vehicle on any street at any one location for more then ten minutes at any one time.
9. The Township may revoke any license issued under this By-Law where such power to revoke may, pursuant to the Municipal Act or any other Act, be exercised by By-Law of the Council of the Township, but before revoking any such license the holder thereof shall be given at least 7 days written notice mailed or delivered to his/her address last known to the Township and shall be permitted either by him/herself or by his/her representative to appear before Council to show cause why he/she believes such license should not be revoked.
10. a) The Licensee shall at all times while carrying on his business have his/her license with him and shall upon demand exhibit it to any municipal officer, peace officer or ratepayer and if he/she fails to do so, is subject to the requirements of Section 11 of this by-law.
- b) If a peace office demands the production of a license by any person to whom this By-Law applies and the demand is not complied with, it is the duty of the peace officer and he/she has the power to arrest such person without a warrant and to take him/her before the nearest justice of the peace, there to be dealt with according to law.

11. That any person who shall contravene any of the provisions of this By-Law and any amendments thereto, shall forfeit and pay a penalty at the discretion of the convicting Judge, exclusive of costs and may be collected in a manner outlined in the Provincial Offenses Act.
12. That By-Laws 88-11, 92-22 and 93-8 be and are hereby repealed in their entirety.
13. That this by-law shall come into full force and effect on the 22nd day of February, 1999.

READ a FIRST, SECOND and THIRD time and FINALLY PASSED this 22nd day of February, 1999.

Reeve.

C.A.O.

Schedule "A" to By-Law 99-8

(Office Use Only)

License Fee: \$ _____
Receipt No.: _____
Date of Payment: _____
License No.: _____
Date of Issue: _____

The Corporation of the Township of Chapleau
Application for Hawkers & Peddlers License

Telephone No: _____

Business Address: _____

Mailing Address: _____

The _____ Limited, hereby makes application for a Hawkers
and Peddlers license _____ in
respect to the above mentioned premises.

1. As part of this application, I hereby certify that I, _____ of
_____ Street am the _____ of the above mentioned
company and as such have knowledge of the facts herein stated.

2. Its head office is at the _____ of _____ .

3. I am the sole/part owner of the business. The undermentioned persons are partners
with me:

Name	Address	Place and Date of Birth
_____	_____	_____
_____	_____	_____

4. I have/have not, previously carried on a similar business at:

Name of Municipality	Issuer of License
_____	_____
_____	_____

5. I propose to commence business on _____ to
the _____ inclusive.

6. I have/have not been refused or had a license cancelled or been connected with any
firm or partnership that has had a license refused or cancelled in the Township of
Chapleau or elsewhere, except as follows:

7. Detailed list of goods to be offered for sale, (if space is insufficient, attache list):

8. I am prepared to carry on the business of a Hawkers and Peddlers in accordance with By-Law No. _____ and the amendments thereto of the Corporation of the Township of Chapleau.

Signed and Delivered
in the presence of:

In witness whereof I hereunto
set my hand this _____
day of _____ .

Witness as to signature.

(Applicant).