

THE CORPORATION OF THE TOWNSHIP OF CHAPLEAU

BY-LAW 1983-60

Being a By-Law for licensing, regulating
and governing Transient Traders.

WHEREAS Section 232(16) of the Municipal Act R.S.O. 1980 provides that By-Laws may be passed by the Councils of municipalities for licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of income or business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner;

AND WHEREAS Section 232(17) of the Municipal Act. R.S.O. 1980 provides that By-laws may be passed by the Councils of municipalities for requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time in respect of business assessment, and who so offer goods, wares or merchandise for sale in any other manner to pay a license fee before commencing to trade;

NOW THEREFORE the Council of the Corporation of the Township of Chapleau Enacts as Follows:

1. That every transient trader or other person as so defined in Section 232 17(A) of the said municipal act shall obtain a license, known as a transient traders license, from the Clerk of the municipality before selling or offering for sale any goods, wares or merchandise within the Corporation of the Township of Chapleau boundaries.
2. The fee payable to the Clerk of the said municipality for said license shall be in the sum of five hundred dollars (\$500.00) save and except in the case of a farmer who offers for sale produce of his own farm, in which case the license fee shall be the sum of five dollars (\$5.00).
3. That every applicant for a transient traders license shall complete the required application form attached hereto as Schedule "A".
4. That every applicant for a transient traders license shall furnish a statement in writing containing among other things, a full description of the goods, wares or merchandise which he proposes to sell or offer for sale under such license.
5. That any person applying to carry on business as a transient trader under the terms of this By-law, shall cause such business to be operated from a Town Centre Zone, as defined in the Township's Zoning By-Law and amendments thereto.
6. That this by-law does not apply to the sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock.
7. That this by-law does not apply to the sale of a business to a bona fide purchaser who continues the business.
8. That the sum paid for a licence shall be credited to the person paying it, or to any bonafide purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purpose of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter.

9. That, licenses issued pursuant to this by-law shall be for the current year of issue and shall expire ninety (90) days after the date of issuance thereof. All subsequent sales within the 90 day license period shall constitute the completion of the application for transient traders license.
10. That every transient shall cause his license to be prominently and permanently displayed in his place of business during the full term in which he is carrying on business as a transient trader and in default thereof shall incur a penalty of not less than \$10.00 or more than \$200.00, the said penalty shall be recoverable under the Provincial Offenses Act.
11. That every transient trader who carries on business without a license shall be guilty of an offense and shall incur a penalty equal to the license fee which he would have paid and in addition thereto the sum of not less than ten (\$10.00) and not more than two hundred (\$200.00) the said penalty shall be recoverable under the Provincial Offenses Act.
12. That this by-law shall come into force and take effect on the date it receives the approval of the Ministry of Municipal Affairs and Housing.
13. That by-law 81-1 is hereby repealed in its entirety.

Read a first time this 14th day of November 1983.

SCHEDULE [A] TO BY-LAW 83-60

(OFFICE USE ONLY)

LICENSE FEE \$ _____

RECEIPT NO. _____

DATE OF PAYMENT _____

LICENSE NO. _____

DATE OF ISSUE: _____

THE CORPORATION OF THE TOWNSHIP OF CHAPLEAU
APPLICATION FOR **TRANSIENT TRADERS LICENSE**

TELEPHONE NO. _____ BUSINESS ADDRESS _____

_____ MAILING ADDRESS _____

THE _____

LIMITED HEREBY MAKES APPLICATION FOR A TRANSIENT TRADERS LICENSE

IN RESPECT TO THE ABOVE MENTIONED PREMISES.

1. AS PART OF THIS APPLICATION I HEREBY CERTIFY THAT I,
_____ OF NO. _____ 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 BIRCH

4. I PROPOSE TO CARRY ON BUSINESS FROM THE PROPERTY MUNICIPALITY
KNOWN AS:
STREET NO. _____ ZONED AS _____

