

## TOWN OF MISSISSIPPI MILLS

### CONSOLIDATED BY-LAW NO. 07- 72 (as amended by By-Law No. 21-052)

**BEING** a by-law to license, regulate and govern the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader.

**WHEREAS** under the Municipal Act, 2001 (S.O. 2001 c.25) a municipality may provide for a system of licenses with respect to a business

**AND WHEREAS** the Council of the Corporation of the Town of Mississippi Mills deems it desirable and necessary to enact a by-law regarding the licensing, regulating and the governing the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader.

**NOW THEREFORE**, the Council of the Corporation of the Town of Mississippi Mills enacts as follows:

#### DEFINITIONS

1. For the purpose of this by-law, the following definitions shall apply:

**Applicant** - means a person applying for a license under this by-law

**Business** - the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader

**By-law Enforcement Officer** - means a by-law enforcement officer so appointed by the Corporation of the Town of Mississippi Mills under the Police Services Act

**Clerk** - means the Clerk of the Corporation of the Town of Mississippi Mills

**Council** - means the Council of the Corporation of the Town of Mississippi Mills

**License** - means a license issued under this by-law

**Licensed** - means licensed under the provisions of this by-law

**Licensee** - means a person licensed under this by-law

**Salesperson** - means any and every person who goes 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 that are to be delivered in the Town of Mississippi Mills. A salesperson includes any person who is an employee of a company

**Town** - means the Corporation of the Town of Mississippi Mills

#### LICENSES

2. No person shall carry on, within the Town of Mississippi Mills, the sale or hire of goods or services on an intermittent or one-time basis or the activities of a salesperson unless he/she has obtained from the Town a license authorizing him/her to carry on such business in accordance with this by-law.
3. Each and every person who holds a license shall, in carrying on or engaging in a business for which the license is issued, comply with this by-law



4. No person shall sell or expose for sale any sample, patterns or specimens of goods, wares or merchandise to the public from an automobile or truck or other such motor vehicle unless he/she has obtained from the Town a license authorizing him/her to carry on such business in accordance with this by-law.

## **EXEMPTIONS**

5. No permit shall be required for:
  - a. yard sales (garage sales)
  - b. sales included as part of a community festival, performance or event: Puppets Up, Almonte Fair, Celtfest, 5-Span Jam etc where the salesperson has an agreement with the organizers of the event;
  - c. sales included as part of the Almonte Farmers' Market Association; and
  - d. sales included as a non-profit community organization's fundraising event
  - e. services provided by any construction trade
  - f. locally grown seasonal produce.

## **RESTRICTIONS**

6. Further, this restriction does not include a licensed refreshment vehicle in accordance with the Seasonal Stand by-law.
7. Notwithstanding this provision, no person shall be permitted to hold a yard sale of items from the individual's home more that twice each calendar year. A yard sale shall not start before 7:00 a.m. and all sales shall terminate by 6:00 p.m.
8. 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 hawked, peddled or sold by a person who pays business tax in the Town of Mississippi Mills, or by his/her employee, or by his/her agent, or leases/rent space from a person who pays business tax in the Town of Mississippi Mills
  - c. 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 Town of Mississippi Mills in respect of premises used for the sale of such goods, wares or merchandise, or
9. The issuance of a license does not constitute the granting of authority by the Town for salespersons to operate on privately owned property, without the property owner's consent. The liability to obtain such consent rests solely on the licensee.

## **APPLICATION FOR LICENSE**

10. Every person who requires a license under the provisions of this by-law shall:
  - a) apply to the Clerk upon such form or forms as shall be prescribed by the Town;
  - b) provide any documentation required in accordance with this by-law; and
  - c) pay, by cash, debit card or certified cheque, the applicable license and application fee set out in Schedule C to this by-law.

11. If a license is not issued, the application fee referred to in Section 10. c) shall not be refunded.
12. The license fee referred to in Section 10. c) shall not be reduced or pro-rated
13. Where a business or an association applies for a license in accordance with Section 2, the names and addresses of each member of the partnership or association shall be set out in the application.

## **PROCESSING AND ISSUANCE**

14. The Town reserves the right to investigate any business or individual who applies for a license under this by-law. Such investigation shall be conducted by the Ontario Provincial Police and reported to the Clerk. The issuance of any license may be subject to the written approval of the following:
  - a) Ontario Provincial Police
  - b) Fire Department
  - c) Medical Officer of Health
  - d) Town's Planning Department
  - e) Town's Building Department
15. Each person who obtains a salesperson license under the provisions of this by-law shall wear the license identification badge as issued by the Clerk. This badge shall be worn at all times during the conduct of business. The said badge shall display the person's name, his/her picture, company/business, license number and expiry date of the license. A sample badge is attached hereto as Schedule B.

## **REFUSAL TO ISSUE**

16. The Clerk shall refuse to issue any license if the applicant does not meet the requirements for application as set out in this by-law, or if there is a breach of this or any by-law of the Town, Provincial Law or Federal Law, or which may be contrary to the public interest, including public safety and/or health.

## **EXPIRY**

17. An annual license issued under this by-law shall be valid only from the date of its issue until December 31<sup>st</sup> of the year of its issue. A monthly license shall be valid for one month from the date of issue.

## **RENEWAL**

18. The Clerk may renew an existing license if the licensee fulfills the application requirements set out in Section 10-13.
19. An application for renewal made thirty (30) days after the expiry date of the license set out in Schedule A to this by-law shall be treated as a new application.

## **REFUSAL TO RENEW**

20. A license shall not be renewed by the Clerk until it has been determined that the licensee has complied with:
  - a) the regulations under the jurisdiction of the Police Services;

- b) this or any other by-laws of the Town; and
  - c) any other Federal or Provincial statutes.
21. The Clerk may refuse to renew the license if the licensee does not meet all of the requirements for renewal as set out in Sections 18-19 of this by-law.
22. If the Clerk refuses to renew the license, the licensee shall receive notice of refusal in writing, said notice to be served personally upon or sent by prepaid registered mail to the licensee.

## **TRANSFERS**

23. Licenses issued to salespersons are not transferable

## **GENERAL PROVISIONS**

24. Every person obtaining a license under this by-law shall:
- a) where the license applies to a premises, keep his/her license posted up in a conspicuous place on the premises in respect to which the license is issued; and
  - b) where the same does not apply to a premises, keep on his/her person, the license issued.
25. Every person applying for or holding a license under this by-law shall comply with the regulations set out in the respective schedules to this by-law.
26. A license is issued subject to the condition that the holder of the license indemnifies in writing and saves harmless the Town and the employees, contractors and agents of the Town from all loss, damage, legal action, costs and expenses arising from the carrying on of the business for which the license was issued.
27. No person shall enjoy vested rights in the continuance of a license and upon the issue, renewal, cancellation or suspension thereof, the value of the license shall be the property of the Town of Mississippi Mills.

## **REVOCAION AND SUSPENSION**

28. Council may suspend or revoke any license issued under this by-law. Before suspending or revoking any such license, the holder thereof shall be given at least seven (7) days notice by registered letter signed by the Clerk and mailed or hand-delivered to address given by the licensee in his/her application, and shall be permitted either by himself/herself or his/her representative to appear before the Council to show cause why he/she believes such license should not be revoked.

## **PENALTY AND ENFORCEMENT**

29. Any person who contravenes any of the provisions of this by-law and the procedures with respect thereto is guilty of an offence and the enforcement and the penalty imposed thereunder shall be subject to the provisions of *The Provincial Offences Act*, R.S.O. 1990, chapter P. 53 and any amendments thereto, and the penalty for the commission of any such offence shall be as provided for in the said *Provincial Offences Act*.

30. Where a provision of this by-law conflicts with a provision of another by-law in force in the Town of Mississippi Mills, provisions that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public.
31. This by-law shall be enforced by the By-Law Enforcement Officer and/or an officer of the Ontario Provincial Police.
32. Schedules A, B, C, attached to this By-law shall form part of this by-law.
33. Should any part, section, subsection or portion of this by-law be repealed or declared by a court of competent jurisdiction to be illegal, the same shall not affect the validity of the by-law as a whole or in part thereof, except for that which was declared to be invalid.
34. This by-law shall come into force and take effect on the date of its passing.

**SHORT TITLE**

35. This By-law may be cited as the "Transient Trader" By-law

**BY-LAW READ** a first and second time, this 5<sup>th</sup> day of November, 2007.

**BY-LAW READ** a third time, passed, signed and sealed in open council, this 5<sup>th</sup> day of November, 2007.

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J.A. (Al) Lunney  
MAYOR

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Cynthia Halcrow  
TOWN CLERK

## SCHEDULE "A"



### FEES FOR LICENSES

#### Business License Fees:

- a) Up to two locations or four salespersons:
  - Full Year \$ 500.00
  - 30 days \$ 100.00
  
- b) Over two locations or four salespersons:
  - Full Year \$1,000.00
  - 30 days \$ 200.00

**SCHEDULE "B"**

**SAMPLE IDENTIFICATION BADGE**

 Mississippi Mills	<b>SALESPERSON'S</b> LICENSE # _____
By-law 07-72 _____	
Clerk Licence expires: (insert date here)	NAME: _____



**SCHEDULE "C"  
APPLICATION FORM**



Mississippi  
Mills

<input type="checkbox"/>	New application
<input type="checkbox"/>	Renewal

**APPLICATION FOR TRANSIENT TRADER LICENSE**  
(Pursuant to By-law 07 - 72)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Mailing Address: (if different) \_\_\_\_\_

Home phone # \_\_\_\_\_ Work phone # \_\_\_\_\_

License applied for:      Full Year                        
   30 days   

Type of merchandise/sales: \_\_\_\_\_

Proposed Locations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**INFORMATION REQUIRED TO ACCOMPANY APPLICATION:**

		Attached	To Come
1.	Indemnification (attached to this application)		
2.	Applicable License Fee: Salesperson (each)		
	<input type="checkbox"/> Full Year	\$500.00	
	<input type="checkbox"/> 30 days	\$100.00	

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date of Application

<b>Office Use Only</b>	
License Approved	<input type="checkbox"/> Date: _____

## INDEMNIFICATION

I \_\_\_\_\_ acknowledge that the Municipality of Mississippi Mills has granted me a license to operate a transient trader business within the geographic boundaries of the Corporation of the Municipality of Mississippi Mills.

I, therefore, agree to indemnify and save harmless the Corporation of the Municipality of Mississippi Mills , its heirs, executors, administrators and assigns, from all actions, causes of action, damages, expenses, costs, claims and demands which may be brought against it by any person in respect of or arising out of the operation of my seasonal stand for which a license was granted by the Corporation of the Municipality of Mississippi Mills.

\_\_\_\_\_  
(Licensee's signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

**APPENDIX "D"**  
**THE MUNICIPALITY OF MISSISSIPPI MILLS**  
**TRANSIENT TRADERS BY-LAW No. 07 - 72**  
**PART 1 - PROVINCIAL OFFENCES ACT**

**SET FINE SCHEDULE**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Section Creating Offence</b>	<b>Column 3 Set Fine</b>
1	Sale / offer for sale goods or services - No License	Section 2	\$200
2	Sell / Expose for sale from Motor vehicle – No License	Section 4	\$200
3	Prohibited Yard Sale – More than two per year	Section 7	\$200
4	Hold Yard Sale – Prohibited Time	Section 7	\$200
5	Conduct sales from private property with consent of property owner	Section 9	\$200
6	Fail to post license in a conspicuous place - Premise	Section 24 (a)	\$200
7	Fail to Possess License - Person	Section 24 (b)	\$200

\* Note: The general penalty provision for the offences indicated above is Section 29 of By-law 07 - 72, a certified copy of which has been filed.