

VILLAGE OF POINT EDWARD

By-law Number 05 of 2016

Being a By-Law to prohibit the sale or hire of goods or services by transient traders within the Village of Point Edward

WHEREAS Sections 150 (1) and (6) of the Municipal Act 2001, S.O. 2001, c.25, as amended, provide that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality, including the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and

WHEREAS Section 150 (8) provides that the power to license, regulate and govern a business includes the power to prohibit the carrying on or engaging in the business without a license; to refuse to grant or revoke or suspend a license; to fix an expiry date for the license; and to impose conditions as a requirement of obtaining, continuing to hold or renewing a license.

NOW THEREFORE the Council of the Corporation of the Village of Point Edward enacts as follows:

1. No person shall operate a business, conduct any commerce or trade, or offer for sale any goods or services on a temporary, intermittent or one time basis on any road allowance, municipally owned property, private property, or other public space unless that trade or commerce is eligible for a Business License and such license has been obtained.
2. For the purposes of this By-Law “Transient Trader” includes any person commencing business within the Village of Point Edward who does not qualify for a Business License but who offers goods, services, wares or merchandise for sale.
3. A “Transient Trader” also includes a “busker”, defined as a person involved in the act of performing in public places for gratuities.
4. This By-Law does not apply to the sale of an existing business to a bona fide purchaser who continues the business.
5. The provisions of this By-Law do not apply to the sale of personal contents of a home or residence, such as a garage sale, yard sale or similar temporary activity.
6. Every Transient Trader vendor who is not eligible for a Business License issued by the Village of Point Edward is guilty of an offence and upon conviction is liable to a fine of \$500.00, plus costs incurred in enforcement.
7. This By-Law shall be enforced by the Village’s By-Law Enforcement Officers and the Ontario Provincial Police.

SPECIAL PROVISIONS

1. The Council of the Village of Point Edward may, on an individual basis, make exemption and approve a Transient Trader business application. If approved the Transient Trader would be subject to a fee as determined by Village of Point Edward staff based on the goods for sale and the length of the business license to be granted. If approved the Transient Traders business license would be temporary and would expire on a said date. An example of such an exemption would be for the stationary sale of fruits and vegetables, in a single temporary location.
2. Charitable organizations who canvass for contributions and support of their organization are not considered a Transient Trader by the Village of Point Edward and therefore are not subject to this by-law.

PENALTY PROVISIONS

1. Any person who contravenes any portion of this By-Law is guilty of an offence and upon conviction for such contravention, shall forfeit and be liable to pay a fine of \$500.00, plus costs incurred in enforcement, and costs associated therewith may be recovered under the provisions of the Provincial Offences Act R>S>O> 1990, Chapter p-33, as amended.

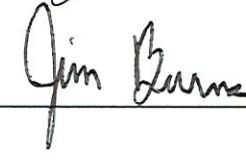
GENERAL PROVISIONS

1. The short form title of this By-Law shall be the Transient Traders By-Law.
2. Any By-Laws or provisions of By-Laws found to be inconsistent with the provisions found in this By-Law shall be and are hereby repealed.
3. By-Law 30 of 2015 is hereby repealed.
4. This By-Law shall come into force and effect upon the final passing thereof.

This By-Law Read a FIRST, SECOND and THIRD time and FINALLY PASSED this 26th day of January, 2016.



 Mayor



 Clerk