

TOWN OF HARTLAND

**BY-LAWB-51
PEDDLERS BY-LAW**

**A BY-LAW TO REPLACE BY-LAW NO, B-1 AND B-2
FOR THE MUNICIPALITY OF HARTLAND
RESPECTING TRANSIENT TRADERS AND PEDDLERS LICENSEES
FOR THE TOWN OF HARTLAND**

The Council of the Municipality of Hartland under authority vested in it by Section 11 of the Local Governance Act S.N.B. 2017, c.18 and amendments thereto replaces the by- laws enacted February 15, 1951 with the following by-law:

1. TITLE

1.1. This by-law may be cited as the "Peddlers By-law."

2. DEFINITIONS

In this by-law:

- 2.1. "PEDDLER" means any person who peddles or hawks or carries from place to place for the purpose of peddling or hawking goods or merchandise;
- 2.2. "PEDDLER'S LICENCE" means a peddler's license and any renewal thereof issued pursuant to this by-law that has not expired or been revoked.
- 2.3. "MUNICIPAL REPRESENTATIVE" means the Enforcement Officer, or such person as may be appointed by Council or municipal staff who issue the licenses and collect the license fees provided for in this by-law.

3. PEDDLER'S LICENSE

- 3.1. No person shall, within the Town, peddle or hawk, or carry from place to place for peddling or hawking, any goods or merchandise unless that person has been issued a peddler's license therefore by the Municipal Representative.
- 3.2. A peddler's license is valid only for peddling or hawking or for carrying from place to place for peddling or hawking the class or type of goods and merchandise expressly described or referred to on the face of the peddler's license.
- 3.3. An application for a peddler's license attached as Schedule "A" to this By-law shall be submitted by the peddler to the Municipal Representative.

- 3.4. Any person applying for a license to peddle any type of food or food product for human consumption, shall obtain all necessary provincial or federal licenses or approvals to do so and shall provide evidence of this prior to being granted a peddler's license under this by-law.
- 3.5. An application for a peddler's license must include written consent from the owner or duly authorized occupier of the land where the peddler proposes to carry on business stating that the peddler has permission to use the land, if it is not owned by the Town of Hartland.
- 3.6. Upon receipt of a duly completed application the Municipal Representative shall either issue the license forthwith or shall refer the application to Council, which Council shall decide to accept or reject such application.
- 3.7. Upon acceptance of the peddler's application, a license will be issued to that peddler after payment by the peddler of a fee as follows, if the land is not owned by the Town of Hartland:
- 3.8. A peddler must provide an Insurance Certificate to the Town confirming one million dollars (\$1,000,000) of Commercial General Liability (CGL) insurance is in place for the duration of the calendar year. Upon renewal of CGL insurance, the peddler will provide an updated insurance certificate confirming coverage is in place for the balance of the calendar year.
- 3.9. All applications must be made a minimum of 20 days in advance of the requested date. Thus, allowing enough time for the application to be processed.
- 3.10. All peddler's license applications and issued licenses must be presented to Council in their monthly agenda package.

4. USE OF TOWN PROPERTY BY PEDDLERS

- 4.1. A peddler may request to set up on Town Property. Subject to the Municipal Representative's approval, the rates are:
 - \$20.00 per day + *electrical* (HST Exempt)
 - \$80.00 per week + *electrical* (HST Exempt)
 - \$300.00 per month + *electrical* (HST Exempt)
 - \$1000.00 per summer + *electrical* (HST Exempt) (May – September)
- 4.2. A peddler may use the Town's electrical service at the following rate. Generators will not be permitted as a power source.
 - \$10.00 per day (HST Exempt)

4.3 A peddler may on use predesignated areas as defined below:

Annex 1 - Tourism Centre, can be made available 7 days a week

Annex 2- Library Parking Lot- Saturday and Sunday ONLY, with the exception of community events, usage may be restricted

Annex 3 - Arena Parking Lot - Saturday and Sunday ONLY, with the exception of community events, usage may be restricted.

4.4 For those using Town parking lots to set up as a peddler, they must ensure for safety of the public that their service area is facing the interior of the parking lot, thus ensuring the public are not in the street or on the sidewalks when purchasing products.

5. BY-LAW EXEMPTIONS

5.1. Commercial travelers or other persons selling direct to dealers who are ratepayers in the Town.

5.2. Minors, whose parents are ratepayers in the Town.

6. PENALTIES

6.1. A person who violates any provision of this by-law is guilty of an offence, is liable to a fine of not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00)

6.2. Where in the opinion of the Municipal Representative a peddler has violated any provision of this by-law, the Municipal Representative shall in addition to any other remedy or penalty prescribed herein, by notice served upon the peddler, revoke the peddler's license issued to that peddler.

6.3. The notice referred to in Section 6.2 shall be sufficiently served upon the peddler if it is delivered personally to the peddler, or if it is mailed prepaid registered post to the last known residence or place of business of the peddler.

6.4. Service of the notice referred to in Section 6.2 by registered post shall be deemed to have been affected 5 days after the notice was deposited in the mail.

7. BY-LAWS REVOKED

7.1. All by-laws, rules and regulations therefore passed, adopted and observed by the Councils of the Town of Hartland by by-law number B1 "Licenses" and By- Law B2 "Transient Traders, Peddlers and Labourers" and their amendments must be followed, or the peddlers license is hereby revoked.

8. EFFECTIVE DATE

8.1. This by-law comes into effect on the date of final reading and enactment thereof.

Read for the First Time By Title Only: _____

Read for the Second Time By Tittle and In Full: _____

Read for the Third Time by Title and Enacted on this ____ day of _____, 2021

Tracey DeMerchant
Mayor
Town of Hartland

David Hutten
CAO
Town of Hartland