

THE CORPORATION OF THE TOWNSHIP OF SCUGOG

BY-LAW NUMBER 19-15

BEING A BY-LAW TO LICENCE, REGULATE, AND GOVERN
HAWKERS AND PEDDLERS WITHIN THE TOWNSHIP OF
SCUGOG

AND WHEREAS section 8(3) of the *Municipal Act, 2001* confers the power upon a municipality to regulate and prohibit respecting a matter, to require persons to do things respecting a matter, and to provide for a system of licences respecting a matter;

AND WHEREAS section 11(3) of the *Municipal Act, 2001* confers the power upon municipalities to enact by-laws with respect to business licensing;

AND WHEREAS section 151 of the *Municipal Act, 2001* authorizes the Township to provide for a system of licences with respect to any business wholly or partly carried on within the Township;

AND WHEREAS section 391 of the *Municipal Act, 2001* enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

NOW THEREFORE the Council of the Corporation of the Township of Scugog enacts as follows:

1. DEFINITIONS

For the purposes of this by-law, the term:

“Applicant” means a person applying for a licence or renewal of a licence under this by-law.

“Business” has the same meaning as provided for in section 150 of the *Municipal Act, 2001*.

“Council” means the Council of the Corporation of the Township of Scugog.

“Craft Show” shall mean a temporary event where individual vendors sell hand made goods to the general public.

“Hawker and Peddler” shall mean any person who:

- a) goes from door to door with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow;

- b) sells from a permanent structure on a temporary basis, goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made or for which orders are taken with delivery to follow;
- c) sells goods, wares or merchandise and has no permanent place of Business within the Township.

“Licence” means a licence issued by the Township under the provisions of this By-law.

“Licensee” means any Person licensed under this By-law.

“Municipal Clerk” means the Municipal Clerk of the Township of Scugog or his/her designate.

“Officer” means a Police Officer as defined in the *Police Services Act, R.S.O. 1990*, and shall include a Municipal Law Enforcement Officer, special constable, and First Nations Constable.

“Owner” shall refer to the Person who is managing or responsible for the overall operations of a business requiring a License.

“Person” includes an individual, a corporation, partnership or sole proprietorship.

“Township” means the municipal Corporation of the Township of Scugog and/or the geographic limits of the Township of Scugog as the context requires.

“Zone” means a Zone as defined in the Zoning By-law, as amended from time to time.

2. LICENSING PROCEDURES

2.1 For the purposes of this By-law, Council delegates its licensing authority and the administration of this By-law to the Municipal Clerk.

2.1.1 Without limiting the provisions of this section, Council shall remain the deciding authority in the event the Municipal Clerk recommends the refusal, suspension or revocation of a Licence under this By-law.

2.1.2 The Municipal Clerk may delegate the performance of his/her functions under this By-law from time to time as required.

2.2 An application for a Hawker and Peddler Licence shall be submitted on a form provided and designed for that purpose.

2.3 The fee payable for a Hawker and Peddler Licence shall be in accordance with the “Fees and Charges By-Law”, as amended from time to time, and shall be payable upon submitting an application.

- 2.4 No Licence issued under this By-law is transferable.
- 2.5 A Licence issued under this By-law shall be valid only for the period of time for which it was issued.
- 2.6 Every Licence issued in accordance with this By-law shall expire on the day specified within the License and shall only be valid within the calendar year for which it was issued.

3. PROHIBITIONS

- 3.1 No Person shall operate as a Hawker and Peddler without a Licence.
- 3.2 No Person shall operate as a Hawker and Peddler with a suspended or revoked Licence.
- 3.3 The Licensee shall conform to the requirements and conditions of the Licence throughout the Licence term.
- 3.4 No Person shall obstruct an Officer during the performance of a duty under this By-law.

4. LICENSING REQUIREMENTS

- 4.1 The Municipal Clerk shall have regard to the following criteria when determining whether to issue a License for a Hawker and Peddler:
 - a) That operating the business will not pose a risk to the health and safety of Township residents or visitors.
 - b) Whether the applicant has conformed with the provisions of all relevant Township by-laws and regulations;
 - c) That the Applicant has provided a copy of a valid insurance certificate for public liability in the amount of not less than five million dollars (\$5,000,000) that includes the Township as an additional named insured. **Amending By-Law 49-19 S4.1(c)**
 - d) That, where a Hawker and Peddler will operate from a fixed location, the Applicant has provided proof of written permission from the owner or authorized manager of land upon which the Hawker and Peddler is to be located, including the timeframe the Hawker and Peddler will operate on the land.
 - e) That, where a Hawker and Peddler will operate from a fixed location, the Applicant has submitted a site plan showing relevant site features including but not limited to vehicle and pedestrian entrance and exits and structure description.
 - f) That, where a Hawker and Peddler will operate from place to place, the Applicant shall provide a map showing the locations they intend to visit and approximate timeframes or dates for visiting said locations.

- g) The License issued shall clearly specify whether the Licensee is authorized to sell from place to place or from a specific location.
- h) That the Owner has submitted a Criminal Record Check, with vulnerable sector screening, which is dated not more than ninety (90) days from the date the application was submitted.
- i) Such other investigations or criteria considered necessary or which may be required by law, and without limiting the scope of this Section, the Municipal Clerk may ask for the written approval of any or all of the following:
 - a. Region of Durham Health Department
 - b. Durham Regional Police Service
 - c. Township Fire Department
 - d. Township Planning Department
 - e. Township Chief Building Official
 - f. Township Public Works Department

4.2 The Municipal Clerk may impose conditions not specified in this By-law as a requirement of obtaining or renewing a Licence.

4.3 A Licensee shall abide by the following conditions while operating as a Hawker and Peddler pursuant to this By-law:

- a) No Hawker and Peddler who is licensed to sell from place to place shall establish a display at a fixed location.
- b) No Hawker and Peddler who is licensed to sell from a fixed location shall sell from place to place.
- c) No Hawker and Peddler shall operate in a way as to create a public hazard or nuisance.
- d) Every Hawker and Peddler selling from a fixed location shall have their License visibly displayed.
- e) Every Hawker and Peddler selling from place to place shall carry visible photo identification and shall produce a copy of their License upon request.

5. LOCATION REGULATIONS

5.1 No Person shall operate as a Hawker and Peddler in Zones other than those designated Commercial or Community Facility as defined by the Zoning By-law, as amended from time to time.

5.2 Notwithstanding Section 5.1, a Hawker and Peddler may operate in Zones other than Commercial or Community Facility Zones subject to the following:

a) The Hawker and Peddler is engaged in door to door sales during the following times and on the following days:

Monday through Friday:	9:00am until 8:00pm
Saturday	9:00am until 5:00pm

b) The Hawker and Peddler shall not engage in door to door sales on Sundays and statutory holidays.

5.3 No Person shall operate as a Hawker and Peddler in the Main Central Area as defined by the Township of Scugog Official Plan, as amended from time to time.

5.4 Notwithstanding Section 5.3, a Hawker and Peddler may operate in the Main Central Area if invited to do so by the organizer of a special event that is recognized by the Township.

6. EXEMPTIONS

6.1 A License is not required by the following:

- a) A resident conducting a private yard/garage sale for the purpose of selling used household goods at their place of residence provided that said sales occur no more than four (4) times in a calendar year;
- b) An existing local producer, manufacturer or retailer making day sales or seasonal sales, if the temporary selling activity is an extension of the existing business at that location;
- c) A local producer of agricultural produce making day sales or seasonal sales if he/she has grown and harvested the produce he/she is selling and it is being sold from his/her own property.
- d) a vendor at a Township sanctioned farmers' market or a vendor at a Craft Show organized by a local or not-for-profit organization;
- e) Industry tradeshow held for the purpose of selling goods to companies and not to the general public;
- f) Persons who are agents or employees of non-profit or charitable organizations vending goods for the sole benefit of such organization;
- g) Persons fundraising for Scugog-based youth sports organizations and/or educational programs by conducting sales from place to place, or a fixed location.

7. LICENSE SUSPENSION, REVOCATION OR REFUSAL

- 7.1 Council, upon a recommendation of the Municipal Clerk, may refuse, suspend or revoke a Licence where there are reasonable grounds to believe that the Applicant or Licensee has not conformed to the requirements of this By-law.
- 7.2 The Applicant or Licensee shall be notified in writing at least ten (10) days before the date and time that Council shall consider the Municipal Clerk's recommendation to refuse, suspend or revoke a Licence. Where an Applicant or Licensee fails to attend the meeting, Council may proceed with the hearing in their absence.
- 7.3 The Municipal Clerk shall notify the Applicant or Licensee of Council's decision in writing within fifteen (15) business days of the decision being made.
- 7.4 Where the Municipal Clerk deems it necessary and in the public interest, he/she may immediately suspend a Licence prior to Council's consideration of the Municipal Clerk's recommendation to refuse, suspend or revoke a Licence, for period not to exceed the later of 15 days or the next regularly scheduled meeting of Council.

8. ADMINISTRATION

- 8.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*.
- 8.2 This By-law shall be enforced by any designated Officer.
- 8.3 If any section, clause or provision of this by-law is, for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid.
- 8.4 This By-law shall be referred to as the "Hawker and Peddler Licensing By-Law"
- 8.5 This By-law repeals all sections within By-law Number 135-05, as amended, that pertain to the licensing or operation of Hawker and Peddlers as defined by By-law Number 135-05.
- 8.6 This by-law shall come into force and effect on the date of passing.

Read and Passed by Council for the Township of Scugog this 13th day of April, 2015.



MAYOR, Thomas Rowett



CLERK, Christopher Harris

