

**TOWN OF FLORENCEVILLE-BRISTOL  
A BY-LAW RESPECTING PEDDLERS  
BY-LAW NO. 11**

A BY-LAW OF THE MUNICIPALITY OF FLORENCEVILLE-BRISTOL RESPECTING THE ESTABLISHMENT OF A PEDDLERS BY-LAW PURSUANT TO SECTION 168 OF THE MUNICIPALITIES ACT OF NEW BRUNSWICK.

The Council of the Municipality of Florenceville-Bristol under authority vested in it by Section 168 of the *Municipalities Act*, R.S.N.B. 1973, c. M-22 and amendments thereto enacts 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; (colporteur)

2.2. “PEDDLER’S LICENSE” means a peddler's license and any renewal thereof issued pursuant to this by-law that has not expired or been revoked. (permis de colporteur)

**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 Town Clerk.

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 Town Clerk.

3.4. Any person applying for a license to peddle any type of food or food product for human consumption, except as permitted in Section 4 of this By-Law, 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.
- 3.6. Upon receipt of a duly completed application the Town Clerk shall either issue the license forthwith or shall refer the application to the Town 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 of one hundred and fifteen dollars (\$115.00) is received, except in the case of a book agent, as defined in Section 92 of the Municipalities Act, where the fee shall be twenty dollars (\$20.00).
- 3.8. A peddler's license shall expire on December 31 in the year in which it is issued.
- 3.9. A person exercising the trade of a peddler within the Town on the day this by-law comes into effect shall submit an application for a peddler's license to the Town Clerk not later than 30 days after such day.
- 3.10. A peddler's license may be renewed and the provisions of Sections 3.3 and 3.8 apply "mutatis mutandis" to such renewal.
- 3.11. A peddler shall not carry on business from a public parking area, within a radius of one hundred and fifty-five meters (155m) of an established retail outlet engaged in selling goods and merchandise of a similar nature, within one meter (1m) of the inside edge of any sidewalk or, if there is not adjacent sidewalk, within ten meters (10m) from the centre line of the road.

#### **4. BY-LAW EXCEPTIONS**

- 4.1. This by-law does not apply to
  - 4.1.1. a person peddling or hawking fruits, vegetables, meats and other products harvested by that person from his or her farm or garden;
  - 4.1.2. a fisherman peddling or hawking fish, oysters or any product harvested by him or her from the sea; or
  - 4.1.3. persons employed by a temperance, benevolent or religious society in the Province of New Brunswick for the peddling or selling of temperance tracts or other moral or religious publications under the direction of such society, to the exclusion of other goods and merchandise.

**5. PENALTIES**

- 5.1. A person who violates any provision of this by-law is guilty of an offence and, on summary conviction, is liable to a fine of not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00)
- 5.2. Where in the opinion of the Town Clerk a peddler has violated any provision of this by-law, the Clerk 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.
- 5.3. The notice referred to in Section 5.2 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.
- 5.4. Service of the notice referred to in Section 5.2 by registered post shall be deemed to have been effected 5 days after the notice was deposited in the mail.

**6. REPEAL PROVISIONS**

- 6.1. By-law No. 22, A By-law to Regulate and License Pedlars, of the former Village of Florenceville and amendments thereto, given third reading on April 2, 1984, is hereby repealed and By-law No. 16, A By-law to Regulate and License Peddlers and Transient Traders, of the former Village of Bristol and amendments thereto, given third reading on November 16, 1992, is hereby repealed.
- 6.2. The repeal of By-law No. 22, A By-law to Regulate and License Pedlars, of the Village of Florenceville and By-law No. 16, A By-law to Regulate and License Peddlers and Transient Traders, of the former Village of Bristol, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

READ FIRST TIME: March 9, 2010

READ SECOND TIME: March 9, 2010

READ THIRD TIME AND ENACTED THIS 13th DAY OF April, 2010.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK



**PEDDLER'S LICENSE APPLICATION FORM**

**Schedule "A"  
TOWN OF FLORENCEVILLE-BRISTOL  
BY-LAW NO. 11  
A By-law Respecting Peddlers**

Section 3.1 of By-law No. 11 states: *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 Town Clerk.*

Section 3.5 of By-law No. 11 states: *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.*

Section 3.7 of By-law No. 11 states: *Upon acceptance of the peddler's application, a license will be issued to that peddler after payment by the peddler of a fee of one hundred and fifteen dollars (\$115.00) is received, except in the case of a book agent, as defined in Section 92 of the Municipalities Act, where the fee shall be twenty dollars (\$20.00).*

License Fee for each Peddler: One Hundred Dollars (\$115.00)

License Fee for each Book Agent: Twenty Dollars (\$20.00)

Name of Applicant: \_\_\_\_\_

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

Phone: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Nature of Business: \_\_\_\_\_

Means of Peddling: Door to Door Yes  No

Outside Location Yes  No

Location Detail: \_\_\_\_\_

Period of Operation: \_\_\_\_\_

Vehicle Yes  No

Vehicle Detail: \_\_\_\_\_

Other Approvals Required:	Provincial	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
	Federal	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
	Land Owner	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

If "Yes" to provincial, federal or land owner approvals required, please attach evidence indicating these approvals have been obtained.

I hereby apply for a peddler's license as described above and upon receiving approval agree to pay the \$115.00 license fee prior to receiving my license.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Clerk's Signature: \_\_\_\_\_ Approval Date: \_\_\_\_\_



**PEDDLER'S LICENSE**

**TOWN OF FLORENCEVILLE-BRISTOL  
BY-LAW NO. 11  
A By-law Respecting Peddlers**

\_\_\_\_\_ of \_\_\_\_\_ is hereby  
Applicant's Name Business Name

granted a peddlers license under by-law No. 11 to peddle

\_\_\_\_\_ on  
Description of Goods to be Peddled

\_\_\_\_\_ to \_\_\_\_\_  
Beginning Date Ending Date

at \_\_\_\_\_ within the Town of Florenceville- Bristol.  
Exact Location

\_\_\_\_\_ Clerk  
Date