

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 replaces the by-law enacted April 13, 2010 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; (colporteur)
- 2.2. “PEDDLER’S LICENCE” means a peddler's licence and any renewal thereof issued pursuant to this by-law that has not expired or been revoked. (permis de colporteur)
- 2.3. “MUNICIPAL REPRESENTATIVE” means the Enforcement Officer or such person as may be appointed by Council or municipal staff who issue the licences and collect the licence fees provided for in this by-law.

3. PEDDLER’S LICENCE

- 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 licence therefore by the Municipal Representative.
- 3.2. A peddler's licence 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 licence.
- 3.3. An application for a peddler's licence 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 licence 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 licence under this by-law.
- 3.5. An application for a peddler's licence 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 Municipal Representative shall either issue the licence 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 licence will be issued to that peddler after payment by the peddler of a fee as follows:
 - \$10.00 per day HST Exempt
 - \$20.00 per week HST Exempt
 - \$50.00 per month HST Exempt
 - \$250.00 per year HST Exempt

\$20.00 in the case of a book agent, as defined in Section 92 of the Municipalities Act.
- 3.8. A peddler's licence shall expire on December 31 in the year in which it is issued.
- 3.9. A peddler shall not carry on business from a public parking area, within a radius of one hundred meters (100m) 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.
- 3.10. 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.

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:
 - \$10.00 per day HST Exempt
 - \$20.00 per week HST Exempt
 - \$50.00 per month HST Exempt
 - \$250.00 per year HST Exempt

- 4.2. A peddler may use the Town's electrical service at the following rate schedule:
- \$10.00 per day HST Exempt
 - \$20.00 per week HST Exempt
 - \$50.00 per month HST Exempt
 - \$250.00 per year HST Exempt

5. BY-LAW EXCEPTIONS

- 5.1. This by-law does not apply to:
- 5.1.1. a person peddling or hawking fruits, vegetables, meats and other products harvested by that person from his or her farm or garden;
 - 5.1.2. a fisherman peddling or hawking fish, oysters or any product harvested by him or her from the sea; or
 - 5.1.3. 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.

6. PENALTIES

- 6.1. 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)
- 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 effected 5 days after the notice was deposited in the mail.

READ FIRST TIME: November 21, 2017

READ SECOND TIME: November 21, 2017

READ THIRD TIME AND ENACTED THIS 19th DAY OF December, 2017.

MAYOR

CLERK

By-law No. 11, A By-law respecting Peddlers By-Law No. 11 enacted April 13, 2010 and all amendments thereto, is hereby repealed.



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 Municipal Representative.*

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 as follows:*

- \$10.00 per day HST Exempt*
- \$20.00 per week HST Exempt*
- \$50.00 per month HST Exempt*
- \$250.00 per year HST Exempt*

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).

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: _____

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 am requesting a Peddler Licence for:

- the following individual dates: _____
- the following week(s): _____
- the following month(s): _____
- the full year, to expire December 31
- A copy of my insurance certificate is attached for \$1,000,000 CGL.

Note: There will be no refunds to a Peddler Licence if they are unable to attend the dates for which they have applied.

- I am requesting to set up on Town property located at: _____
at the following rates:
 - \$10.00 per day HST Exempt*
 - \$20.00 per week HST Exempt*
 - \$50.00 per month HST Exempt*
 - \$250.00 per year HST Exempt*

- I am requesting to use the Town's electricity at the following rates:
 - \$10.00 per day HST Exempt*
 - \$20.00 per week HST Exempt*
 - \$50.00 per month HST Exempt*
 - \$250.00 per year HST Exempt*

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

Applicant's Signature: _____ Date: _____

Clerk's Signature: _____ Approval Date: _____



PEDDLER'S LICENCE

**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