

BY-LAW 312
A BY-LAW RESPECTING THE LICENSING
OF PEDDLERS AND HAWKERS
IN THE TOWN OF OROMOCTO

BE IT ENACTED BY the Mayor and
Councillors of the Town of Oromocto as
follows:

1. In this By-Law
 - a) ATown@ means the Town of Oromocto.
 - b) APerson@ includes any person, firm, corporation, association, club, partnership, society or any other organization.
 - c) AGoods@ includes the hawking or peddling of food, beverages, wares, merchandise, meats, fish, fruits, vegetables, garden and farm products or provisions.
 - d) APeddler@ and AHawker@ includes any person who peddles or hawks goods or carries goods from place to place for the purpose of peddling or hawking on the streets and sidewalks or from dwelling to dwelling in the Town of Oromocto.
 - e) AApplicant@ is either the peddler/hawker in (d) above or an agent making application for authority on behalf of a person (group) as in (b) above.
2. The following are excluded from the requirements of this by-law:
 - a) A person peddling or hawking fruits, vegetables, meats and other products harvested by him from his farm or garden; or
 - b) A fisherman peddling or hawking fish, oysters or any product harvested by him from the sea, or;
 - c) persons employed by any temperance, benevolent or religious society in the Province for the peddling of selling of temperance tracts or other moral or religious publications under the direction of such society, to the exclusion of other goods and merchandise; or
 - d) A person doing business exclusively with the Town or its agent.
3. **License Required**

No person, other than a person mentioned in Section 2 above, shall engage in the business of a peddler or hawker within the boundaries of the Town unless he is in possession of a valid license (hereinafter referred to as a Apeddler=s license@) which has been issued under this by-law.
4. **Application for License**

An application for a peddler=s license shall be made on the form (Annex AA@) provided by the Town Clerk. The information provided on the form shall include:

 - a) full name and address of the applicant and a listing of all others acting as agent for the applicant;
 - b) particulars of any vehicle(s) to be operated or used by the applicant during the term of the peddler=s license;

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- c) a brief description of the nature of the proposed business, the goods to be sold and the location(s) to be used;
- d) A recent photo which clearly shows the frontal portion of the applicant=s head and shoulders. (group members or agents of the applicant hawker/peddler need not provide individual photographs)
- e) signed verification on the application by the RCMP Detachment Commander or his delegate that the applicant is without criminal record as follows:
 - (1) Not, within five (5) years prior to his application for a license hereunder been convicted of a violation of,
 - i) an indictable offence under the Criminal Code of Canada; or
 - ii) The Narcotic Control Act of Canada with respect to trafficking a narcotic or possession for the purpose of trafficking a narcotic or importing a narcotic; or
 - iii) The Food and Drug Act of Canada with respect to trafficking in a controlled or restricted drug or possession for the purpose of trafficking in a controlled or restricted drug.
 - (2) Not, within two (2) years prior to his application for a license hereunder been convicted of a violation of,
 - i) an offence punishable under the Provincial Offences Procedure Act or the Young Offenders Act, or
 - ii) an offence under the Narcotic Control Act of Canada or the Food and Drug Act of Canada, other than those offences mentioned in paragraphs (ii) and (iii) of subsection of Section 5 (1) (e) hereof.

5. Fee and Issuance

- 1) The Clerk shall, upon submission of the application cleared by the RCMP and the applicant=s payment of a one hundred dollar (\$100) license fee, issue a peddler=s license (Appendix AB@) to an applicant. The peddler=s license shall have a photograph of the primary applicant attached to the license. The Town Clerk shall keep a permanent record of all licenses issued.
- 2) The fee will be waived for an applicant in representation of a Town of Oromocto non-profit volunteer group or agency.
- 3) The license fees payable under subsection 6(1) shall be reduced by one-half for licenses issued after the 1st day of July in any year.

6. Display of License

A peddler or a hawker shall exhibit his peddler=s license at the request of any person.

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7. Transfer

No peddler=s license issued hereunder shall be used at any time by any person other than the person to whom it was issued, excepting that issued to a non-profit volunteer group or agency or an agent of the applicant vendor.

8. Loud Noises and Speaking Devices

No peddler or hawker, nor any person in or on his behalf, shall blow a horn or use any loud speaker, radio or sound amplifying system, during such time as the said peddler or hawker is engaged in peddling or hawking.

9. PMQ Area

Those granted a license to peddle or hawk in the Town must be informed that to peddle to PMQ residences of the Town, Section 64 of the Conditions of Occupancy Agreement from CFHA (Canadian Forces Housing Authority) is applicable and states,

ASales persons and agents must get permission from the HMO (Housing Management Office) to conduct business in married quarters areas on DND property. Sales persons and agents will be asked by the occupant to show identification and written authorization. The HMO will be informed when such identification and authorization are not shown@.

This does not apply to DND-sponsored charities such as United Way and recognized charities such as Boy Scouts, Girl Guides, etc.

10. Revocation

The Town Clerk may suspend or revoke a peddler=s license for any of the following causes:

- 1) On information that the applicant has been convicted of any of the offences referred to in Section 5(1) and (2).
- 2) conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

The Town clerk shall give written notice of the suspension or revocation by having such notice hand delivered to the licensee or via registered mail to the address provided by the applicant upon completion of Annex AA@. The licensee shall, within a reasonable time, deliver the license to the Town Clerk=s Office.

12. Appeal

Appeal of the Town Clerk=s decision may be made to Council who will render a decision within 14 (fourteen) days.

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13. **Expiration**

All peddler=s licenses issued under this by-law shall expire on the thirty-first (31st) day of December in the year of issuance unless specifically date limited and restricted by the Clerk for a specific event and/or specified lesser period.

14. **Miscellaneous**

- 1) a person who holds a peddler=s license under this by-law shall, upon changing his address, immediately notify the Town Clerk in writing of such change of address.
- 2) A person who has been issued a peddler=s license under this by-law and who has lost such license may, upon satisfying the Town Clerk that he has lost his license and paying a fee of ten dollars (\$10.00), obtain a replacement license.

15. **Penalty**

A person who violates this by-law commits an offence punishable under the Provincial Offences Procedure Act as a category B Offence; Section 56(2) of which Act states, AWhere an Act makes an offence punishable as a category B offence, a judge shall impose a fine of not less than \$70 (seventy dollars) and not more than \$250 (two hundred and fifty dollars).

16. By-Law No. 212, AA By-Law to License Transient Traders@ is hereby repealed.

READ THE FIRST TIME: 19 February 1998

READ THE SECOND TIME: 19 March 1998

**READ THE THIRD TIME
AND ENACTED:** 16 April 1998

ADMINISTRATOR/CLERK

MAYOR

CONFIDENTIAL WHEN COMPLETED

**ANNEX AA@
TOWN OF OROMOCTO
HAWKERS AND PEDDLERS BY-LAW**

APPLICATION FORM

NAME: _____

ADDRESS: _____

S.I.N: _____ **PHONE NO:** _____

VEHICLE TO BE USED: _____

PROPOSED BUSINESS/AGENCY/GROUP: _____

**HAVE YOU BEEN CONVICTED FOR
ANY OFFENCE IN THE PAST FIVE YEARS:** _____
IF YES@ PROVIDE PARTICULARS.

PROPOSED LOCATION(S):

TYPE OF GOOD:

Signature of Applicant

*This certifies that the applicant is fit and proper to be a peddler/hawker in accordance with
Section 4(e) of By-Law 312.*

Date

Chief of Police

Date of Issue: _____ **Fee Collected \$:** _____

Term of License: From _____ **To:** _____

TOWN CLERK



TOWN OF OR

R=S LICENSE

NAME:

ADDRESS:

**LOCATIONS/
AREA TO BE COVERED:**

**TYPES OF
GOODS:**

Administrator/Clerk

(Photo)