

# The Corporation of the Municipality Of Brockton

## By-Law #2005-21

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Being a By-Law for the Licensing of Transient Traders in the Municipality Of Brockton.

**Whereas** the Municipal Act, 2001, S.O. 2001 Section 150 (g) (c), as amended, permits the Councils of Municipalities to pass by-laws for licensing, regulating and governing the sale or hire of goods and services on an intermittent or one time basis and the activities of transient traders;

**And Whereas** the Council of the Corporation of the Municipality of Brockton wishes to license, regulate and govern such persons in the Municipality of Brockton;

**And Whereas** the Council of the Corporation of the Municipality of Brockton wishes to provide consumer protection to its inhabitants;

**Now Therefore** the Council of the Corporation of the Municipality of Brockton **Enacts As Follows:**

1. No person shall go from place to place with goods, wares or merchandise for sale, or carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the Municipality of Brockton afterwards or offer for sale at a specified location without first having obtained a license from the Clerk of the Municipality of Brockton.
2. The fee for such license shall be as established in the Municipality of Brockton's Consolidated Fee By-Law.
3. No such license is required for selling goods, wares or merchandise:
  - (i) To wholesale or retail dealers in similar goods, wares or merchandise;
  - (ii) If the goods, wares or merchandise are grown, produced in Ontario and are sold by the grower, producer or an agent or employee of them having written authority so to do, in the Municipality in which the grower, producer resides;
  - (iii) If the goods wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of the farmer's own farm;
  - (iv) If the goods, wares or merchandise are sold by a person who pays taxes in the Municipality, or by that person's agent or employee;
  - (v) If the goods, wares or merchandise are sold by an agent of the grower, producer or acting on behalf of a dealer who pays taxes in the Municipality in respect of premises used for the sale of such goods, wares or merchandise;
  - (vi) By persons who sell milk or cream or fluid milk products to the consumer or any person for resale.
4. Licence for specified locations must be on property properly zoned for that purpose.
5. Such agent or employee shall exhibit his or her authority when required so to do by any Police Officer or By-Law Enforcement Officer.
6. This licensee shall at all times, while carrying on his or her business, have the license with him or her and shall, upon demand, exhibit it to any Police Officer or By-Law Enforcement Officer, and, if the licensee fails to do so, is guilty of an offence, unless the same is accounted for satisfactorily.

7. Every person who contravenes any provisions of this by-law is guilty of an offence and is subject to the penalties as prescribed in the Provincial Offences Act, R.S.O. 1990, c.P.33 (as amended).
8. This by-law shall come into full force and effect upon its final passage.
9. By-Law #2002-77 is hereby rescinded.
10. This by-law shall supersede all others.
11. This by-law may be cited as the "Transient Traders By-Law".

Read a First and Second Time This 28 Day of February, 2005.

Original Signed By

Mayor – Charlie Bagnato

CAO/Clerk – Richard Radford

Read a Third and Final Time This 28 Day of February, 2005.

Original Signed By

Mayor – Charlie Bagnato

CAO/Clerk – Richard Radford

**Part 1 Provincial Offences Act**

**The Corporation of the Municipality Of Brockton**

**By-Law 2005-21**

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<b>Item</b>	<b>Short Form Wording</b>	<b>Offence Creating Provision Or Defining Offence</b>	<b>Set Fine (Includes Costs)</b>
1.	No licence	Section 1	\$350.00
2.	Operating on improperly zoned location	Section 4	\$75.00
3.	Failure to produce licence	Section 6	\$75.00

**Note:** Licence fee is \$308.25 per day.