

**DISTRICT OF CARLETON NORTH
A BY-LAW RESPECTING PEDDLERS
BY-LAW NO. A-6**

A BY-LAW OF THE MUNICIPALITY OF DISTRICT OF CARLETON NORTH RESPECTING THE ESTABLISHMENT OF A PEDDLERS BY-LAW PURSUANT TO SECTION 128 OF THE LOCAL GOVERNANCE ACT OF NEW BRUNSWICK.

The Council of the District of Carleton North under authority vested in it by Section 11 of the *Local Governance Act, RSNB 2017, c. 18*, enacts the following by law:

1. TITLE

2. DEFINITIONS

In this by-law:

- 2.1. "COUNCIL" means the Mayor and Councillors of the District of Carleton North
- 2.2. "FORMER LOCAL SERVICE DISTRICTS" (hereinafter referred to as "Former LSDs") shall denote those geographical areas that were previously classified and administered as Local Service Districts prior to the municipality of District of Carleton North under the new governance structures.
- 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.
- 2.4. "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)
- 2.5. "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LICENCE" means a peddler's licence and any renewal thereof issued pursuant to this by-law that has not expired or been revoked.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)
- 2.6. "PERSON" means any individual, association, firm, partnership, corporation, or agent.
- 2.7. "TOWN LIMITS" means boundaries of the Town limits of Bath, Centreville, and Florenceville-Bristol.

3. PEDDLER'S LICENCE

- 3.1. No person shall, within the Town Limits, 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. No person shall peddle:
 - 3.2.1. on Sundays or holidays; or
 - 3.2.2. between the hours of eight o'clock in the evening and eight o'clock in the morning, Monday through Saturday.
- 3.3. 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.
- 3.4. 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.
- 3.5. 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.
- 3.6. 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, if not owned by District of Carleton North.
- 3.7. 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.
- 3.8. 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:
 - \$50.00 per day HST Exempt
 - \$100.00 per week HST Exempt
 - \$250.00 per month HST Exempt
 - \$1250.00 per year HST Exempt
- 3.9. A peddler's licence shall expire on December 31 in the year in which it is issued.
- 3.10. 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.

3.11. 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.

3.12. All applications must be made a minimum of 7 days in advance of the requested date. Thus, allowing enough time for the application to be processed.

4. LICENSE FEES

4.1. The fee for the issuance of a Peddlers Licence under this by-law shall be fixed by policy made by Council in Regular Session.

5. BY-LAW EXCEPTIONS

5.1. This by-law does not apply to:

5.1.1. Former LSDs

5.1.2. a person peddling or hawking fruits, vegetables, meats and other products harvested by that person from his or her farm or garden;

5.1.3. a fisherman peddling or hawking fish, oysters or any product harvested by him or her from the sea; or

5.1.4. 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.

5.1.5. a garage/yard sale held at a residential home, when conducted by the owner or legal occupant of the premise; and

5.1.6. a vendor that is invited by the property owner to present on their property for the purpose of service or goods, such as independent sales consultant or contractor;

5.1.7. any person operating a temporary business as part of a "Special Event" that has been approved by the municipal representative for an exemption as outlined in Schedule B.

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.

7. BY-LAWS REPELLED

- 8. By-law No. 11, A By-law respecting Peddlers By-Law No. 11 enacted April 17, 2017 and all amendments thereto, is hereby repealed.

READ FIRST TIME: _____

READ SECOND TIME: _____

READ THIRD TIME AND ENACTED THIS _____ DAY OF _____,

MAYOR

CLERK



PEDDLER'S LICENSE APPLICATION FORM

Schedule "A" DISTRICT OF CARLETON NORTH BY-LAW NO. A-6 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:*

- \$50.00 per day HST Exempt*
- \$100.00 per week HST Exempt*
- \$250.00 per month HST Exempt*
- \$1250.00 per year HST Exempt*

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 No

Federal Yes No
Land Owner Yes No

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 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
DISTRICT OF CARLETON NORTH
BY-LAW NO. A-6
A By-law Respecting Peddlers

_____ of _____ is hereby
Applicant's Name Business Name

granted a peddlers license under by-law No. A-6 to peddle

_____ on
Description of Goods to be Peddled

_____ to _____
Beginning Date Ending Date

at _____ within the District of Carleton North.
Exact Location

_____ Clerk
Date



PEDDLER'S LICENSE EXEMPTIONS

Schedule "B" DISTRICT OF CARLETON NORTH BY-LAW NO. A-6 A By-law Respecting Peddlers

The following Special Events and Organizations have been exempted by Council from paying the peddler licence fee for vendors which are part of the organized events:

1. Canada Day
2. National French Fry Day
3. Centreville Tractor Pull
4. River Bend Balloon Festival
5. District of Carleton North Markets
6. District of Carleton North Drive-In Movie Night
7. Snow Blast
8. Buttermilk Creek Festival
9. pARTicipate Arts & Nature Festival