

**CORPORATION OF THE  
TOWNSHIP OF EAST ZORRA-TAVISTOCK  
COUNTY OF OXFORD**

**BY-LAW #1996 - 40**

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BEING a by-law to licence, regulate and govern hawking, peddling and selling of goods, wares or merchandise within the limits of The Corporation of the Township of East Zorra-Tavistock, and to repeal By-law Number 421, as amended.

WHEREAS, Section 234 of the Municipal Act, RSO 1990, Chapter M.45 authorizes Council to pass by-laws to licence, regulate and govern persons who go from place to place or to a particular place with goods, wares or merchandise for sale or who carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards;

AND WHEREAS, the Council of The Corporation of the Township of East Zorra-Tavistock deems it in the public interest to pass a by-law to regulate such activities;

NOW THEREFORE the Corporation of the Township of East Zorra-Tavistock enacts as follows:

**1.0 TITLE**

- 1.1 This By-law may be referred to as the "Hawkers and Peddlers By-law" of the Corporation of the Township of East Zorra-Tavistock.

**2.0 DEFINITIONS**

- 2.1 "Township" means the Corporation of the Township of East Zorra-Tavistock.
- 2.2 "hawker" or "peddler" means the act engaged in by any person carrying on any trade who goes from place to place or to a particular place or to other people's houses, on foot or with any vehicle, with goods, wares or merchandise for sale, or who carries and exposes samples, patterns, drawings, descriptions or specimens of any goods, wares or merchandise, which are to be delivered at the time of sale or afterwards.
- 2.3 "person" means any individual engaged in the practice of hawking or peddling, whether or not such individual works as a sole proprietor, one of two or more partners, or as an employee or agent of a corporation. If two or more persons work as one unit in such hawking or peddling, a separate licence for each person shall be required.

### **3.0 GENERAL**

- 3.1 No person, either resident or non-resident of the Township shall carry on the business of a hawker or peddler within the Township without first having obtained a licence issued under the provisions of this by-law.
- 3.2 An applicant shall make application for a "Hawkers and Peddlers" Licence to the Township Clerk on the prescribed form.

### **4.0 LICENCE REGULATIONS**

- 4.1 Every person required to be licensed under the terms of this by-law shall complete an application form provided by the Township, as attached hereto as Schedule "A" and shall apply in person with suitable photo identification.
- 4.2 The fee for a licence shall be as prescribed in Schedule "B" attached hereto and forming part of this by-law.
- 4.3 No licence shall be assignable or transferable by the licensee.
- 4.4 Where the applicant is a corporation or partnership, the applicant shall provide on the application form, such information relating to the corporation or partnership respectively as may be required by the Township.
- 4.5 The requirements of this by-law with respect to an application for a licence shall apply as well to an application for a renewal of a licence or for a new licence to replace a licence
- 4.6 At the time of filing an application for a licence, the Applicant shall also remit to the Township, an amount equal to the annual or other term of licence applied for as prescribed in Schedule "B" attached hereto.
- 4.7 The full licence fee payable upon the issuance of a licence under this by-law, shall apply notwithstanding the fact that the licence is issued for less than term.
- 4.8 The Township may at any time cancel or suspend any licence issued under this By-Law and subject to Section 4.9 herein, where a licence under this By-Law is cancelled or suspended or a request is made to the Township in writing for a refund of the licence fee, the licensee is entitled to a refund of part of the licence fee proportionate to the unexpired part of the term for which it was granted, less the administrative fee as prescribed in Schedule "B" to this by-law.
- 4.9 Notwithstanding Section 4.8, where the refund of part of the licence fee is determined by the Township to be equal to or less than the administrative fee, no refund shall be made by the Township.

- 4.10 No person shall be deemed to be licensed to carry on a business for which such licence is required under this by-law until the fee required has been paid and the document forming evidence of such licence has been issued and delivered to the licensee.
- 4.11 The form of the licence shall be as set out in Schedule "C", attached hereto and forming part of this By-law.

## **5.0 GRANTING OR REFUSAL OF A LICENCE**

- 5.1 Before any licence is granted, the Chief Constable of the Township shall be requested to advise if the applicant is of good character and, if it is ascertained that the applicant is of good character, the licence may be issued, but if it is ascertained by the Chief Constable that the applicant is not of good character, no licence shall be granted except upon the order of Council after due consideration of the application and subsequent reports and representations the applicant may desire to make concerning same.
- 5.2 An applicant for a licence under this By-Law may be issued such licence unless:
- I) the past or present conduct of any person applying for a licence affords reasonable grounds for belief by the Township that the applicant will not carry on the business in accordance with the law and with integrity and honesty, or
  - ii) the applicant makes a false statement or provides false information in an application under this by-law, or
  - iii) activities being carried on by the applicant, or to be carried on pursuant to the licence sought are, or will be, in contravention of this by-law or any other law or by-law.
- 5.3 It shall be a condition of every licence that the licensee shall, in carrying on the business, comply with the provisions of this by-law and ensure such compliance by every other person involved in the carrying on of such business.

## **6.0 REGULATIONS**

- 6.1 No licensee or other person required to be licensed under this by-law shall, in carrying on the business in respect of which such licence is required, employ or use the service of any person required to be licensed under this by-law or any other law unless such person is so licensed.
- 6.2 Every person licensed or required to be licensed under this by-law shall in the carrying on of the business in respect of which such licence is required to ensure compliance with the provision of this by-law by all persons involved in the carrying on such business and no such person shall permit any person employed by such person or otherwise involved in the carrying on of the business, to do so other than in compliance with this by-law.

- 6.3 Every person licensed under this by-law shall, while carrying on a business, carry on his or her person the licence and produce the licence when requested to do so by any police officers, by-law enforcement officers, any other designated person or any member of the public.
- 6.4 No person licensed under this by-law shall sell goods, wares or merchandise from municipal property or private property unless authorized in writing by owner and in accordance with the provisions of all Township By-laws.
- 6.5 No person shall sell goods, wares or merchandise contrary to permitted locations of operation on private property according to provisions of the Township of East Zorra-Tavistock Zoning By-law.
- 6.6 The onus of proving that a licence is not required by any person charged for an offence under this by-law is upon that person.

## **7.0 OFFENCES AND PENALTIES**

- 7.1 Every person who contravenes any provision of this by-law is guilty of an offence.
- 7.2 Every person who is convicted of an offence is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990 c. P.33.

## **8.0 EXEMPTIONS**

- 8.1 No licence is required for hawking, peddling or 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 or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or an agent or employee of them having written authority so to do, in the municipality in which the grower, producer or manufacturer 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 hawked, peddled or sold by a person who pays business tax in the municipality, or by that person's agent or employee,
  - v) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of the 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 to any person for resale,

- vii) for retail sales normally associated with the Tavistock Fair,
- viii) if the goods, wares or merchandise are being hawked, peddled or sold by the members of religious, charitable, institutional or educational group either from a particular location or by the members of the group going from place to place,
- ix) if the goods, wares or merchandise are being hawked, peddled or sold by or under the authority of a religious, charitable, institutional or educational group from a particular location which is under the control of the group,
- x) if the goods wares or merchandise are being hawked, peddled or sold at a private party held by a person other than the person offering the goods, wares or merchandise for sale.

## 9.0 ADMINISTRATIVE

9.1 By-law #421 of the former Village of Tavistock is hereby repealed.

## 10.0 ENACTMENT

10.1 That this by-law take full force and effect on the date of final passing.

***READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 3RD DAY OF JULY, 1996.***

(SEAL)

  
\_\_\_\_\_  
David Oliphant, Mayor

  
\_\_\_\_\_  
Jeff Carswell, Clerk

**SCHEDULE "A" TO BY-LAW #1996-40**

**FORM OF APPLICATION**



**TOWNSHIP OF EAST ZORRA-TAVISTOCK**

**APPLICATION FOR  
HAWKERS AND PEDDLERS LICENCE**

*Please Print Clearly - A form must be completed in person by each applicant for a licence.*

APPLICANT INFORMATION	
Name	
Address	
Address	
Postal Code	
Phone Number	
Date of Birth	
Drivers Licence Number <i>or other photo ID</i>	
Vehicle Licence Plate Number	
Vehicle - Make & Model	
COMPANY INFORMATION	
Company Name	
Address	
Address	
Postal Code	
Phone Number	
Contact Person	
PRODUCT INFORMATION	
Product(s) being sold	

I hereby confirm to the best of my ability the above information is true and correct.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

For Office Use Only				
Approved by Police	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Initial:	Date:
Approved by Licensing Officer	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Initial:	Date:
Licence Fee Paid	\$		Date Received:	
Licence Number			Date Issued:	

*The information collected on this form shall be used solely to determine eligibility for a Hawkers and Peddlers Licence and shall not be used for any other purpose.*

**SCHEDULE "B" TO BY-LAW #1996 - 40****FEE SCHEDULE**

<b>HAWKERS AND PEDDLERS LICENCE</b>	<b>LICENCE EXPIRY DATE</b>
Individual Licence: \$230.00	December 31 of the current year
Administrative Fee: \$50.00	

*Above fees are payable for each individual person licenced under this by-law.*

## SCHEDULE "C" TO BY-LAW #1996 - 40

## FORM OF LICENCE



TOWNSHIP OF EAST ZORRA-TAVISTOCK

 HAWKERS AND PEDDLERS LICENCE  
 LICENCE NUMBER \_\_\_\_\_

LICENSEE INFORMATION	
Name	
Address	
Address	
Postal Code	
Telephone Number	
Vehicle Licence Number	
Vehicle - Make & Model	
Company Name	
Product(s)	

The above cited person is hereby licensed by the Township of East Zorra-Tavistock under the Hawklers and Peddlers By-law, #1996 - 40.

Effective Date:	
Expiry Date:	
Fee Paid:	

\_\_\_\_\_  
 Authorized Signature  
 Township of East Zorra-Tavistock

*This licence must be kept with the salesperson at all times and presented upon request. Failure to do so may result in a fine. This licence is subject to cancellation if the terms and conditions of the By-law #1996-40 are not adhered to.*

The Township of East Zorra-Tavistock  
 Box 100, 90 Loveys Street  
 Hickson, Ontario N0J 1L0  
 Phone: 519-462-2697



Item	Column 1	Column 2	Column 3	Column 4
	Description of Offence	Provision Creating of Defining Offence	Early Payment	Set Fine
1.	Carrying on business of a Hawker or Peddler - No Licence	Section 3.1	n/a	200.00
2.	Licensee - Permit Unlicensed Person to carry on business	Section 6.1	n/a	200.00
3.	Licensee - Fail to Ensure Compliance to By-law	Section 6.2	n/a	200.00
4.	Unlawfully sell goods from municipal property - not authorized by owner - not in accordance with By-law	Section 6.4	n/a	200.00
5.	Unlawfully sell goods from private property - not authorized by owner - not in accordance with By-law	Section 6.5	n/a	200.00
6.	Fail to produce licence	Section 6.3	n/a	20.00

**ONTARIO COURT OF JUSTICE**

**PROVINCIAL OFFENCES ACT**

**PART I**

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 1996-40, of The Township of East Zorra-Tavistock, attached hereto is the set fine including costs, for those offences. This Order is to take effect April 19, 2000.

Dated at London this 19th day of April, 2000.

A handwritten signature in black ink, appearing to read 'D. Ebbs', is written over a horizontal line.

Donald Ebbs  
Regional Senior Justice  
West Region

Item	Column 1 Description of Offence	Column 2 Provision Creating of Defining Offence	Column 3 Set Fine (including costs)
1.	Carrying on business of a Hawker or Peddler - No Licence	Section 3.1	200.00
2.	Licensee - Permit Unlicensed Person to carry on business	Section 6.1	200.00
3.	Licensee - Fail to Ensure Compliance to By-law	Section 6.2	200.00
4.	Unlawfully sell goods from municipal property - not authorized by owner - not in accordance with By-law	Section 6.4	200.00
5.	Unlawfully sell goods from private property - not authorized by owner - not in accordance with By-law	Section 6.5	200.00
6.	Fail to produce licence	Section 6.3	20.00

The penalty provision for the offences indicated above is section 7 of by-law no. 1996-40, a certified copy of which has been filed.