

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW No. 2011-25

***Being a by-law to licence, govern and regulate Hawkers and Peddlers in the
Township of Asphodel-Norwood***

WHEREAS the *Municipal Act, 2001*, Section 238, c. 25, Section 238 states every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS the Township of Asphodel-Norwood has determined that it is advisable to licence hawkers and peddlers for reasons of consumer protection;

NOW THEREFORE the Council of the Corporation of the Township of Asphodel-Norwood hereby enacts as follows:

1. Definitions

In this By-law:

(a) **HAWKER** and **PEDDLER**: shall include any person who goes from place to place or to a particular place for a temporary period with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards and shall include persons selling goods, wares or merchandise by auction, and by liquidation sales;

(b) **APPLICANT**: includes an association, organization or corporation making an application for a licence;

(b) **COUNCIL**: means the Council of the Corporation of the Township of Asphodel-Norwood;

(c) **CLERK**: means the Clerk of the Corporation of the Township of Asphodel-Norwood or assignee;

(d) **CORPORATION**: shall mean the Corporation of the Township of Asphodel-Norwood;

2. Every hawker and peddler operating within the Township of Asphodel-Norwood shall obtain a licence from the Clerk of the Corporation before selling or offering for sale any goods, wares, or merchandise within the Township Asphodel-Norwood.
3. Fees for a licence granted under this by-law shall be in accordance with the Corporations Fees and Charges by-law. A licensee shall pay the prescribed fee prior to the issuance of the licence.
4. No such licence is required for hawking, peddling or selling goods, wares or merchandise:
 - i) if the goods, wares or merchandise are grown, produced or manufactured in Asphodel-Norwood and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority to do so, in the Township of Asphodel-Norwood, or

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- ii) 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 on his own farm, or
 - iii) if the goods, wares or merchandise are hawked, peddled or sold by persons participating in community events approved or sanctioned by the Corporation and participating in the event with written approval of the sponsor or organizer of the community event.
5. No hawker or peddler operating from a particular place shall hawk, peddle or sell goods, wares or merchandise on a public highway, public park, public playground, or other public property within the municipal limits of the Corporation unless prior written consent is obtained from the Council by the hawker or peddler.
6. a) A hawkers and peddlers licence shall be issued by the Clerk when an applicant for a hawkers and peddlers licence has complied with all of the following requirements:
- i) a statement in writing containing a full and complete description of the goods, wares and/or merchandise that the hawker and peddler proposes to sell or offer for sale in the Township of Asphodel-Norwood;
 - ii) the fee prescribed by the Fees and Charges by-law has been paid to the Corporation;
 - iii) a statement in writing from the owner of the property on which the hawker and peddler is to be located confirming that the property owner had granted permission to the hawker and peddler to sell goods, wares and merchandise from the site;
 - iv) an internal review in the case of a hawker or peddler operating from a particular place, indicating compliance with all applicable provisions of the Corporation's Comprehensive Zoning by-law, including, but not limited to land use, yard setbacks and sight triangle restrictions.
- b) Where it appears to the Clerk that the applicant for a hawkers and peddlers licence fails to comply with the requirements of this by-law, the Clerk shall report to Council and the Council shall determine if a hawker and peddlers licence is to be issued to such applicant.
- c) The provisions of the Statutory Powers Procedure Act, R.S.O. 1980, c.484, shall apply when consideration is given by the Council to refuse an application for a hawkers and peddlers licence.
7. Every hawker and peddler shall at all times while carrying on business have a copy of the licence issued by the Corporation, and in the case of a hawker and peddler operating from a particular place, a copy of a statement in writing from the property owner, and in the case of a hawker and peddler operating at a community event, a copy of the permission from the sponsor or organizer of the community event, and shall upon demand exhibit the documentation to any Municipal or Police Officer.

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8. Wherever the singular is used in this by-law, it shall include the plural and vice versa and wherever the masculine gender is used, it shall include the feminine and neuter gender.
9. If any provision or requirement of this by-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this by-law, or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be law shall be separately valid and enforceable to the fullest extent permitted by law.
10. All hawkers and peddlers licences issued under the provisions for this by-law shall expire on the 31st day of December of the year of issuance of the licence, however, the Clerk may revoke any license at any time if the provisions of this by-law are not complied with, subject to the provisions of the Statutory Powers Procedures Act.
11. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

12. Repeal of Existing By-law

By-law No.1996-17 of the Village of Norwood and any other by-law or part thereof which conflicts with this by-law is hereby repealed.

13. Effective Date

This by-law shall come into force and effect on June 14, 2011.

Read a first, second and third time and finally passed this 14th day of June 2011.

Reeve Douglas J. Percy

Clerk Valerie J. Przybilla