

THE CORPORATION OF THE CITY OF NORTH BAYBY-LAW NO. 2332

Being a By-law to license, 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.

WHEREAS The Municipal Act R. S. O. 1960 Chapter 249 Section 399 (1) - 1. authorizes the Council to pass By-laws for the purposes therein stated;

AND WHEREAS the Council of The Corporation of the City of North Bay deems it advisable to enact the within By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. The provisions of this By-law shall be applicable to and have full force and effect within the territorial limits of The Corporation of the City of North Bay.
2. For the purposes of this By-law:
 - (a) "City" shall mean The Corporation of the City of North Bay.
 - (b) "Council" shall mean the Council of the Corporation of the City of North Bay.
 - (c) "Enforcement Officer" shall include the Licence Inspector and any member of the City Police Department.
 - (d) "Licence Inspector" shall mean the Licence Inspector for the time being of The Corporation of the City of North Bay.
 - (e) "Municipality" shall mean the Corporation of the City of North Bay.
 - (f) "Person" shall include firm, partnership, company, corporation, club or organization.
3. In the City of North Bay, no person shall go from place to place or to a particular 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 City afterwards without being licensed so to do under the provisions of this By-law.
4.
 - (a) The application for a licence under this By-law shall be in writing on forms to be provided by the City and shall be fully completed and signed by the applicant.
 - (b) The aforesaid application shall contain the following information:
 - (i) The full name, residence address, business address and telephone numbers of the applicant and each partner, if any.
 - (ii) If the applicant is a company, corporation, club or organization, the head office address, business address and telephone numbers as well as the full names, addresses and telephone numbers of the principal officers thereof.
 - (iii) The names, addresses and telephone numbers of the firms represented by the applicant
 - (iv) A complete list of the goods, wares or merchandise intended to be sold.

(v) The names, addresses and telephone numbers of the manufacturers or suppliers of the goods, wares or merchandise intended to be sold.

(vi) The names, addresses and telephone numbers of three character references and three business references.

5. The applicant, at the time of making application for license, shall furnish the License Inspector and the City Solicitor with true copies of all forms of contract, promissory notes or other documents intended to be used by the applicant in connection with the sale of goods, wares or merchandise as aforesaid.

6. The License Inspector and the City Solicitor shall make all proper investigations pertaining to the applicant for a license as aforesaid and shall report thereon to Council when making their recommendation.

7. The applicant for a license under this By-law shall pay the prescribed license fee prior to the issue thereof.

8. A license issued pursuant to the provisions of this By-law shall be for the current year of issue and shall expire on the 31st day of December of such year.

9. A license issued pursuant to the provisions of this By-law shall not be transferable.

10. Every person licensed under this By-law, upon changing his address, shall give written notice thereof to the License Inspector within ten (10) days after such change, setting forth his new address.

11. The annual license fee payable pursuant to the provisions of this By-law is hereby fixed and set at the sum of \$125.00.

12. The provisions of this By-law shall be enforced by the Enforcement Officer.

13. Pursuant to the provisions of The Municipal Act aforesaid, Section 399 (1) - 1.(a), no license under this By-law shall be required for hawking, peddling or selling goods, wares or merchandise,

(i) to wholesale or retail dealers in similar goods, wares or merchandise, or

(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 his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or

(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 his own farm, or

(iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the City or by his employee, or by his agent, or

(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 City in respect of premises used for the sale of such goods, wares or merchandise, or

(vi) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.

14. The provisions of this By-law shall not apply to any institution, organization or club in the City where the proceeds from the sale of goods, wares or merchandise will be used for charitable, philanthropic, religious, welfare, community, athletic, educational or fraternal purposes within the City and, without in any way limiting the generality of the foregoing, shall not apply to the following institutions, organizations or clubs within the City:

- (a) Service Clubs;
- (b) Boy Scouts and Girl Guides;
- (c) Y.M.C.A.;
- (d) Such other institutions, organizations or clubs as the Council, by Resolution, may approve.

15. Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting Magistrate, a fine or penalty not exceeding the sum of \$300.00 (Three Hundred Dollars) for each offence, exclusive of costs, to be recoverable under The Summary Convictions Act.

16. This By-law shall take effect upon the final passing thereof subject to receiving the approval of The Department of Municipal Affairs and shall remain in full force and effect from year to year until amended or repealed.

17. By-laws Nos. 1201, 1210, 1484, 1523 and 1599 of The Corporation of the City of North Bay and all other By-laws or sections of By-laws of the said Corporation conflicting with the terms and provisions of this By-law shall be deemed to be and they are hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 24TH DAY OF OCT. 1966

READ A SECOND TIME IN OPEN COUNCIL THIS 7TH DAY OF NOV. 1966

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 7TH DAY OF NOV. 1966

.....
 MAYOR

..... *S. E. Darnborough*
 CITY CLERK

N O T E : The Statutory Provisions attached hereto shall be read in conjunction with this By-law.

THE MUNICIPAL ACT R.S.O. 1960 CHAPTER 249 SECTION 399(1)

Section 399(1) By-laws may be passed by the councils of counties, townships, towns and villages and of cities having a population of less than 100,000, and by boards of commissioners of police of cities having a population of not less than 100,000:

1. For licensing, regulating and governing 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.

- (a) No such licence is required for hawking, peddling or selling goods, wares or merchandise,
 - (i) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - (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 his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or
 - (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 his own farm, or
 - (iv) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his employee, or by his agent, or
 - (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 premises used for the sale of such goods, wares or merchandise, or
 - (vi) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.
- (b) Such servant or employee shall exhibit his authority when required so to do by any municipal or peace officer.
- (c) In a prosecution for a breach of the by-law, the onus proving that he does not for any of the reasons mentioned in clause a require to be licensed is upon the person charged.
- (g) The licensee shall at all times while carrying on his business have his licence with him and shall upon demand exhibit it to any municipal or peace officer, and if he fails to do so is guilty of an offence, unless the same is accounted for satisfactorily and on summary conviction is liable to a fine of not less than \$1 and not more than \$5.
- (h) If a peace officer demands the production of a licence by any person to whom the by-law applies and the demand is not complied with, it is the duty of the peace officer and he has power to arrest such person without a warrant and to take him before the nearest justice of the peace, there to be dealt with according to the law.

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