

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH/CARDINAL  
BY-LAW NO. 2009-61**

**“A BY-LAW TO REGULATE TRANSIENT TRADERS AND ITINERANT SELLERS  
(HAWKERS AND PEDDLERS)”**

**WHEREAS** the *Municipal Act, 2001*, Part IV, authorizes a local municipality to license, regulate and govern any business or persons who go from place to place, or to a particular place to sell goods, wares, merchandise or services, or who carry and expose samples, patterns or specimens of any goods, wares, merchandise or services that are to be delivered in the municipality afterwards; and

**WHEREAS** it is deemed expedient to pass a by-law for the purpose of licensing and regulating such transient traders and itinerant sellers;

**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh/ Cardinal enacts as follows:

1. In this by-law:

“**Transient Trader**” means any person commencing business who has not resided continuously in the municipality for at least three months immediately preceding the time of commencing such business there and includes an itinerant seller.

“**Itinerant Seller**” shall include any person who goes from place to place or to a particular place with goods, wares, merchandise or services for sale or who carries and exposes samples, patterns or specimens of any goods, wares, merchandise or services that are to be delivered in the municipality afterwards.

2. Every person who goes from place to place, or to a particular place within the Township of Edwardsburgh/Cardinal with goods, wares, merchandise or services for sale, or who carries and exposes samples, patterns or specimens of any goods, wares, merchandise or services which are to be delivered in the municipality afterwards, shall first obtain a license from the Township of Edwardsburgh/ Cardinal for which a fee in the amount of \$300.00 will be charged.

3. A transient and itinerant trader licence shall not be required in the following circumstances:

- a) for auctioneers who are properly licensed under By-law 97-07 of the Township of Edwardsburgh; or
- b) 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 to do so, if the grower, producer or manufacturer resides within the Township of Edwardsburgh/Cardinal; or,
- c) if the goods, wares or merchandise are hawked, peddled or sold by a person whose name is entered on the assessment roll as a commercial assessment in the Township of Edwardsburgh/Cardinal, or by his employee, or his agent; or,
- d) 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,

- e) 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 taxes in the municipality in respect of premises used for the sale of such goods, wares and merchandise; or
- f) if the products sold are in accordance with and part of a community festival in the municipality or by non-profit organizations, e.g. service clubs, schools and recreation groups, agricultural exhibitions and charitable organizations.
- g) This by-law does not apply to the sale of the stock of a bankrupt or an insolvent within the meaning of any bankruptcy or Insolvency Act in force in Ontario nor to the sale of any stock damaged by reason of fire, which is being sold or disposed of within the Township of Edwardsburgh/Cardinal, provided the business was being carried on in the Township of Edwardsburgh/Cardinal at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock.
- h) This by-law does not apply to the sale of a business to a purchaser who continues the business.

4. Applications:

- a) Every applicant for a transient or itinerant trader license shall as part of the application for such license furnish a statement in writing containing a full description of the goods, wares, merchandise or services that the transient trader proposes to sell or offer for sale under such license, and shall file the said application with the Clerk and deposit at the same time the sum of three hundred dollars (\$300.00). If the said license is not granted, the money deposited shall be returned to the applicant interest free.
- b) All applications will be reviewed to ensure the proposed type of operation meets the requirements of the Township of Edwardsburgh/Cardinal zoning by-laws.

5. No transient or itinerant trader shall operate a business upon any highway within the Township of Edwardsburgh/Cardinal or on any property owned by the Township of Edwardsburgh/Cardinal.

6. A license issued under this by-law is not transferable.

7. Persons licensed under this by-law shall not be entitled to erect more than one stand or operate from more than one location at any time. However, a person desiring to operate more than one stand may do so upon the purchase of an additional license for each other stand or location.

8. Each individual offering goods, wares, merchandise or services for sale must be licensed under this by-law, regardless of the existence of a corporate entity.

9. The licensee shall at all times while carrying on his business have his license prominently displayed


10. Penalty:

- a) Every person who contravenes any provisions of this by-law is guilty of an offence, and, on conviction is liable to a fine or other penalty under the Provincial Offences Act R.S.O. 1990, c. P. 33 as amended.
- b) Any penalty imposed by or under the authority of this by-law shall be recoverable under the Provincial Offences Act.

11. Severability:
  - a) Each clause of this by-law is an independent clause and the holding of any clause or part of any clause to be void or ineffective for any cause shall not be deemed to affect the validity of any other clause or parts of clause.
12. The Clerk of the Township of Edwardsburgh/Cardinal is hereby empowered to issue licenses pursuant to this by-law and to collect the prescribed fees.
13. By-law 519 of the Village of Cardinal as amended, and By-law 1334 of the Township of Edwardsburgh as amended, are hereby repealed.

Read a first and second time in open Council this 8<sup>th</sup> day of September, 2009.

Read a third and final time, passed, signed and sealed in open Council this 8<sup>th</sup> day of September, 2009.



**Mayor**



**Clerk**

