



**BY-LAW NO. EC-11
A BY-LAW RESPECTING PEDDLERS & TRANSIENT TRADERS
FOR EASTERN CHARLOTTE**

PURPOSE: A By-Law of Eastern Charlotte, in the Province of New Brunswick, respecting the regulation and licensing of Peddlers and Transient Traders.

BE IT ENACTED by the Council of Eastern Charlotte under the authority vested in it by the *Local Governance Act*, R.S.N.B. 2017, c. 18, as follows:

1. TITLE

- 1.1. This by-law shall be cited as the “Peddlers By-Law”.

2. DEFINITIONS

- 2.1. “business” means any marketing activity conducted for the sale of goods, merchandise or services for a profit;
- 2.2. “CAO” means the Chief Administrative Office for Eastern Charlotte;
- 2.3. “Council” means the Mayor and Councillors of Eastern Charlotte;
- 2.4. “License” means a Peddler's License or a Transient Trader's License, or both, as the context of the section requires;
- 2.5. “member” means any person elected to Council;
- 2.6. “Municipality” means Eastern Charlotte;
- 2.7. “Municipal Office” means the administrative office for Eastern Charlotte;
- 2.8. “Peddler” means any person who peddles or hawks, or carries from place to place for the purpose of peddling or hawking, goods or merchandise;
- 2.9. “Peddler's License” means a Peddler's license, and any renewal thereof issued pursuant to this by-law that has not expired or been revoked;
- 2.10. “person” includes a corporation, partnership, association, club or firm;
- 2.11. “temporary business” means the sale of products of any kind at retail, operating out of a vehicle, truck, trailer or other mobile unit; or by a business being operated in the Municipality for more than seven (7) days in a calendar year;
- 2.12. “Transient Trader” means a person who carries on a temporary business;
- 2.13. “Transient Trader's License” means a Transient Trader's License, and any renewal thereof, issued pursuant to this by-law that has not expired or been revoked.

3. PEDDLER'S LICENSE

- 3.1. No person shall within, or partly within, the Municipality peddle or hawk or carry from place to place for peddling or hawking any goods or merchandise unless they have been issued a Peddler's License therefore by the Municipal Office and signed by the CAO or designate.
- 3.2. A Peddler's License is valid only for peddling or hawking the class or type of good and merchandise expressly described or referred to on the face of the Peddler's License.

- 3.3. Sections 3.1 and 3.2 do not apply to:
- 3.3.1. a person peddling or hawking fruits, vegetables and other products harvested by them from their farm or garden;
 - 3.3.2. a person peddling or hawking fish, oysters or any product harvested by him/her from the sea;
 - 3.3.3. 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.
- 3.4. A Peddler's License shall expire on the 31st day of December in the year in which it is issued.

4. TRANSIENT TRADER'S LICENSE

- 4.1. No person shall operate a temporary business within the municipality unless they have been issued a Transient Trader's License by the Municipal Office and signed by the CAO or designate.

5. APPLICATION FOR LICENSE

- 5.1. An application for a license shall be submitted by the Peddler or Transient Trader to the Municipal Office provided by the municipality and such applications shall be sworn to and filed with the CAO or designate at least seven (7) days prior to the time in which the license applied for shall become effective.
- 5.2. The application referred shall contain the following:
- 5.2.1. the name, address or headquarters of the person applying for the license;
 - 5.2.2. if the applicant is not an individual, the name(s) and address(es) of the applicant's principal officer(s) and manager(s);
 - 5.2.3. the name and address of the person(s) who will be in direct charge of conducting the temporary business/or peddling or hawking;
 - 5.2.4. the time within which the temporary business, will be operated and the location of the business in the Municipality;
 - 5.2.5. any application for a Transient Trader's License must also be signed by the party on whose property the temporary business shall be located.
- 5.3. The CAO or designate shall examine such application filed under this by-law for a license and shall make, or cause to be made, such further investigation of the application and the applicant as the CAO or designate shall deem necessary, and the License will not be issued until the CAO or designate determines the following facts:
- 5.3.1. that all of the statements made in the application are true;
 - 5.3.2. that the applicant has not engaged in any fraudulent transaction or enterprise; and,
 - 5.3.3. nothing in the proposal will violate any provision of the Zoning By-Law or Municipal Plan of the Municipality, or any other law or by-law.
- 5.4. Upon being satisfied concerning the facts required in Section 5.3 above, the CAO or designate shall promptly issue such license to the Peddler or Transient Trader upon payment of a License Fee of \$50.00.
- 5.5. Any license issued under this by-law shall be nontransferable.
- 5.6. The CAO or designate may require additional information from the applicant from time to time as they deem necessary.

6. VIOLATION & PENALTY

- 6.1. Where, in the opinion of Council, a Peddler or Transient Trader has violated this by-law or any provision of this by-law, the CAO or designate shall serve notice of the violation, delivered in person or by registered mail to the last known residence or place of business of the Peddler or Transient Trader.
- 6.2. A person who violates any provision of this by-law is guilty of an offence and on summary conviction, is liable to
 - 6.2.1. a fine of not less than \$50.00 and no more than \$200.00.
 - 6.2.2. the revocation of the License issued to that Peddler or Transient Trader.

7. ADVERTISING

- 7.1. A temporary business may not attach promotional materials to utility poles as they are property of the utility corporation.
- 7.2. A temporary business may not attach promotional materials to traffic signage poles and posts as they are the property of the Province of New Brunswick.

8. REPEAL OF EXISTING BYLAWS

- 8.1. The enactment of this by-law repeals the following by-law(s):
 - 8.1.1. By-Law # 38, A By-Law Regulating and Licensing Peddlers and Transient Traders, for the Town of St. George.
- 8.2. The repeal of the above by-laws shall not affect any penalty, forfeiture or liability, incurred before such repeal, or any proceeding for enforcing the same completed or pending at that time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

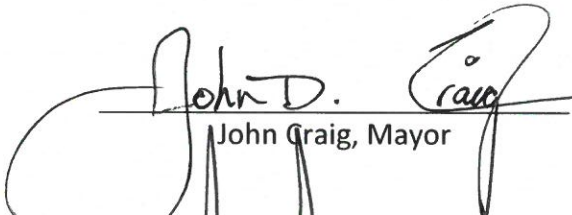
9. ENACTMENT

IN WITNESS WHEREOF the local government of Eastern Charlotte has caused its corporate seal to be affixed to this By-Law, the 17th day of April, 2024.

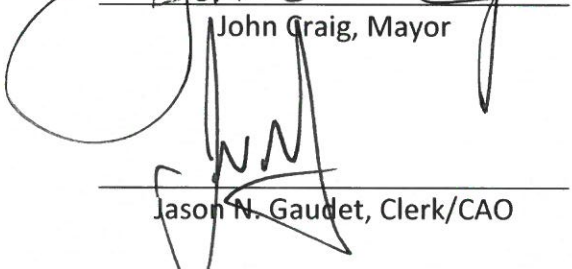
First Reading: 21 March 2024

Second Reading: 21 March 2024

Third and Final Reading and Enacted: 17 April 2024



John Craig, Mayor



Jason N. Gaudet, Clerk/CAO

[seal]

