

THE CORPORATION OF THE TOWN OF GRIMSBY

BY-LAW NO. 83-120

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A BY-LAW TO LICENCE, REGULATE AND GOVERN  
HAWKERS AND PEDDLERS.

WHEREAS Paragraph 1 of Subsection (1) of Section 230 of The Municipal Act, R.S.O. 1980, Chapter 302, as amended, provides for the licencing, regulating and governing of hawkers and peddlers;

AND WHEREAS The Council of the Corporation of the Town of Grimsby deems it advisable to pass a by-law under this section;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRIMSBY ENACTS AS FOLLOWS:

1. In this by-law:
  - (a) "HAWKER AND PEDDLER" means any person who goes from place to place or to a particular place 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.
  - (b) "MUNICIPALITY" means The Corporation of the Town of Grimsby.
  - (c) "RESIDENT" means any person who has resided continuously in the municipality for at least one year immediately prior to the date that he/she is issued a licence under this by-law.
2. With the exception of conditions set out in Section 3 of this by-law every hawker and peddler as defined herein shall be required to obtain a licence from the municipality and such licence shall be valid until the 31st day of December of the year in which it is issued.
3. No such licence is required for hawking, peddling or selling goods, wares or merchandise:
  - (a) to wholesale or retail dealers in similar goods, wares or merchandise, 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 so to do, in the municipality in which the grower, producer or manufacturer resides, or
  - (c) 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
  - (d) 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
  - (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 business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise, or
  - (f) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.
4. In a prosecution for a breach of this by-law, the onus of proving that he/she does not for any of the reasons mentioned in Section 3 require to be licenced is upon the person charged.
  5. 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 conviction is liable to a fine of not less than \$1.00 and not more than \$5.00.
  6. If a peace officer demands the production of a licence by any persons 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 such person before the nearest justice of the peace, there to be dealt with according to law.

7. The respective licence fees for a licence issued under this by-law are hereby established and set forth as follows:

Resident	-	\$ 20.00
Non-Resident	-	\$100.00

8. Every hawker and peddler who carries on business without a licence is guilty of an offence and on conviction is liable to a penalty of not less than \$25.00 and not more than \$500.00.

9. By-law No. 70-17 is hereby repealed.

10. This By-law shall become effective on the 1st day of January, 1984.

READ A FIRST TIME THIS 19th day of December, 1983.

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 19th day of December, 1983.



MAYOR



TOWN ADMINISTRATOR