

**THE CORPORATION OF THE CITY OF BROCKVILLE**  
**By-law Number 066-2015**

*Being a By-law to licence, govern and regulate  
Transient Traders and Door to Door Sales/Service Persons in the City of  
Brockville and repeal By-law 031-2013*

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AND WHEREAS Sections 150 and 151 of the Municipal Act, 2001, S.O. 2001 c.25 (herein, the 'Act') permits a municipality to provide for a system of licences with respect to a business and the specific powers available to the municipality to regulate a business and suspend a licence; and

WHEREAS the City of Brockville has determined that it is advisable to licence transient traders and door to door sales/service persons;

NOW THEREFORE the Council of the Corporation of the City of Brockville hereby enacts as follows:

**1. Definitions**

In this By-law:

- (a) "Clerk" means the Clerk of the Corporation of the City of Brockville or designate;
- (b) "Corporation": shall mean the Corporation of the City of Brockville;
- (c) "Council" means the Council of the Corporation of the City of Brockville;
- (d) "Door to Door Sales/Service Person" shall mean any person that moves from the door of one house or workplace to another trying to sell a product or service to the general public.
- (e) "Licensor" shall mean the Corporation of the City of Brockville who grants authoritative permission or license;
- (f) "Person" shall mean any human being, firm, partnership, incorporated company, corporation, association whether incorporated or unincorporated, agent or trustee, and the heirs, executor or other legal representatives of a person to whom the context can apply according to the law; includes an association, organization or corporation making an application for a licence, but does not include a registered charity;

- (g) "Transient Trader" shall mean any person and his/her employees or agents who:
- i) 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;
  - ii) has no permanent place of business;
  - iii) is engaged in retail sales but does not have a commercial store front; or
  - iv) is not entered on the City of Brockville assessment roll in respect of commercial assessment;

## **2. General Provisions**

- 2.1 Every transient trader or door to door sales/service person operating within the City of Brockville shall obtain a licence from the Clerk of the Corporation before selling or offering for sale any goods, wares, merchandise, or services within the City of Brockville.
- 2.2 Every transient trader or door to door sales/service person shall at all times while carrying on business have a copy of the licence issued by the Corporation, and in the case of a transient trader operating from a particular place, a copy of a statement in writing from the property owner, and shall upon demand exhibit the documentation to any Municipal or Police Officer.
- 2.3 This bylaw does not apply to municipally sanctioned events, or events organized and hosted by a charity or non-profit community organization.
- 2.4 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.
- 2.5 No transient trader or door to door sales/service person 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 licenced to do so.

### **3. Transient Trader**

- 3.1 A transient traders licence shall be issued by the Clerk when an applicant for a transient traders 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 transient trader proposes to sell or offer for sale in the City of Brockville;
  - ii) a statement in writing from the owner of the property on which the transient trader is to be located confirming that the property owner had granted permission to the transient trader to operate from the site;
  - iii) an internal review in the case of a transient trader operating from a particular place, indicating compliance with all applicable provisions of the Corporation's Zoning by-law, including, but not limited to land use, yard setbacks and sight triangle restrictions.
  - iv) a transient trader's license is not required for a farmer resident in Ontario peddling only goods, wares, merchandise or produce from their own farms or by members, in good standing, of the Brockville Farmers Market.
  - v) Provision of additional documentation as the Clerk deems appropriate.
- 3.2 A transient trader license is valid only for the date(s) specified on the license.
- 3.3 Every transient trader will abide to the following:
- i) The maximum number of days operating per year is 10 (ten).
  - ii) No more than two locations per day within the City of Brockville.
- 3.4 A transient trader license is valid only for the location specified on the license.
- 3.5 No person shall operate as a transient trader in the Downtown Business Improvement Area unless the operation is during a

Downtown Brockville sidewalk sale and the transient trader has permission of the organizer.

#### **4. Door to Door Sales/Service Person**

- 4.1 A door to door sales/service person licence shall be issued by the Clerk when an applicant for said licence has complied with all of the following requirements:
- i) Provide two pieces of identification, one of which must include a photo and current residential address.
  - ii) Provide a letter from their employer authorizing them to conduct business on behalf of the employer. This letter shall include the name of the business, current business address and telephone number of a contact person for complaint purposes and the dates on which the door to door sales/service person is to conduct business.
  - iii) provide a current Criminal Record Check.
- 4.2 Each Licence shall be issued for a period of time that the door to door sales/service person will be selling in the City. The door to door sales/service person will require a new licence each time they return to the City to work.
- 4.3 Every door to door sales/service person will produce to any homeowner a copy of the Licence that they have been provided by the City at the request of the homeowner.
- 4.4 No person shall engage in door to door sales/service within the City before 9:00 am and after 7:00 pm of any day.

#### **5. By-law**

- 5.1 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.

- 5.2 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.

## **6. Repeal**

- 6.1 By-law 031-2013 a By-law to licence, govern and regulate Transient Traders in the City of Brockville is hereby repealed.

Given under the Seal of the Corporation  
of the City of Brockville and passed this  
25<sup>th</sup> day of August, 2015.

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Mayor

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City Clerk