

**CORPORATION OF THE TOWNSHIP OF ST. CLAIR**

**BY-LAW NUMBER 30 OF 2015**

BEING A BY-LAW TO PROHIBIT THE SALE OR HIRE OF GOODS OR SERVICES BY TRANSIENT TRADERS IN THE TOWNSHIP OF ST. CLAIR

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR HEREBY ENACTS AS FOLLOWS:

**WHEREAS** Sections 150 (1) and (6) of the *Municipal Act 2001*, S.O. 2001, c.25, as amended, provide that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality, including the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and

**WHEREAS** Section 150 (8) provides that the power to license, regulate and govern a business includes the power to prohibit the carrying on or engaging in the business without a license; to refuse to grant or revoke or suspend a license; to fix an expiry date for the license; and to impose conditions as a requirement of obtaining, continuing to hold or renewing a license.

**NOW THEREFORE** the Council of The Corporation of the Township of St. Clair enacts as follows:

1. No person shall operate a business, conduct any commerce or trade, or offer for sale any goods or services on a temporary, intermittent or one time basis on any road allowance, municipally owned property, private property on a door to door basis, or other public space unless that trade or commerce is eligible for a Business License or permit and such approval has been obtained.
2. For the purpose of this By-law "Transient Trader" includes any person(s) commencing business within the Township of St. Clair on any municipal road allowance, or other public property, or on private property on a door to door basis.
3. The provisions of this By-law do not apply to the sale of personal contents of a home or residence, such as a garage sale, yard sale or similar temporary activity.
4. Every Transient Trader vendor who is not eligible for a Business License issued by the Township of St. Clair is guilty of an offence and upon conviction is liable to a fine of \$200.00, plus costs incurred in enforcement, as shown by Schedule 'A' to this by-law.
5. This by-law shall be enforced by Township's By-Law Enforcement Officers and the St. Clair Township detachment of the Ontario Provincial Police.

**SPECIAL PROVISIONS**

1. The Council of the Township of St. Clair may, on an individual basis make exemption and approve a Transient Trader business permit as shown by Schedule 'B' to this by-law. If approved the Transient Trader would be subject to a fee as determined by Council based on the goods for sale and the length of the business license to be granted, being no less than \$150. If approved the Transient Traders business license would be temporary and

would expire on a said date.

2. Charitable Organizations who canvass for contributions and support of their organization are not considered a Transient Trader by the Township of St. Clair and therefore are not subject to this by-law.

#### **PENALTY PROVISIONS**

1. Any person who contravenes any portion of this By-Law is guilty of an offence and upon conviction for such contravention, shall forfeit and be liable to pay a fine of \$200.00, plus costs incurred in enforcement, and costs associated therewith may be recovered under the provisions of the Provincial Offences Act R.S.O. 1990, Chapter p-33, as amended.

#### **GENERAL PROVISIONS**

2. **THAT** the short form title of this By-law shall be the **Transient Traders By-law**
3. **THAT** any By-Laws or provisions of By-Laws found to be inconsistent with the provisions found in this By-Law shall be and are hereby repealed.
4. **THAT** this By-Law go into force and effect upon the final passing thereof.

By-Law Read a First, Second and Third Time and Finally Passed this 1<sup>st</sup> day of June 2015.



Steve Arnold  
Mayor



Jeff Baranek  
Clerk

THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR

BY-LAW NUMBER 30 OF 2015

Schedule A – SET FINE SCHEDULE  
Part I Provincial Offences Act

Title: A BY-LAW TO PROHIBIT THE SALE OR HIRE OF GOODS OR SERVICES BY  
TRANSIENT TRADERS IN THE TOWNSHIP OF ST. CLAIR

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	Operate as a Transient Trader without a licence	Sect 1	\$ 200.00

NOTE: the general penalty provision for the offences listed above is section 61 of the  
Provincial Offences Act, R.S.O. 1990, c P.33, as amended

THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR

Schedule 'B'  
To By-law 30 of 2015  
Transient Traders By-law



1155 Emily Street  
Mooretown, ON  
N0N1M0  
(0) 519-867-2021 (0) 519-867-5509

Date: \_\_\_\_\_

**TRANSIENT TRADERS PERMIT**  
(AS PER SECTION 1 BY-LAW 30 OF 2015)

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Duration: \_\_\_\_\_

Purpose: \_\_\_\_\_

How many representatives?: \_\_\_\_\_

The fee for this permit is \$ \_\_\_\_\_ as per direction of Council and the fee shall be received in full prior to its issuance.

This permit shall be valid until \_\_\_\_\_.

Issued this, the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Jeff Baranek, RPP  
Clerk/Deputy CAO  
Township of St. Clair