BY-LAW NO. 24-11
A BY-LAW RESPECTING PEDDLERS

Whereas subsection 168 (1) of the Municipalities Act provides that a council may by By-Law provide for the licensing of peddlers.

THEREFORE BE IT ENACTED by the Council of the Village of Doaktown as follows:

1. In this by-law,

(a) "Clerk" means the clerk of the Municipality;

(b) "Council" means the mayor and councillors of the Municipality;

(c) "Councillor" means a member of the council other than the mayor;

(d) "member of the Council" means any person elected to the Council;

(e) "Municipality" means the Village of Doaktown;

(f) "peddler" means any person who peddles or hawks, or carries from place to place for the purpose of peddling or hawking, goods or merchandise;

(g) Licence" means licence issued by the municipality signifying permission to sell goods under the conditions which the permit is granted, that has not expired or been revoked;

2. No person shall, 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 therefor by the Clerk.

3. A monthly peddler's licence is valid only for peddling or hawking, or from carrying from place to place for peddling or hawking the class or type of goods and merchandise expressly described or referred to on the face of the peddler's licence.

4. An application for a peddler's licence shall be submitted by the peddler to the Clerk one week before the date requested and

a. be accompanied by cash or a cheque payable to the Village of Doaktown;

b. be accompanied by the written consent from the land owner for the use of the land by the peddler;

c. be in such form and shall contain such information as may be prescribed from time to time by the Council.

5. No peddler's licence shall be issued by the Clerk to any peddler unless the Clerk has been authorized by the Council to issue such licence to that peddler.

6. Upon receiving authorization from Council to issue a peddler's licence to a peddler, the Clerk shall promptly issue such licence to that peddler upon payment by the peddler of a fee of two hundred dollars ($200) for the monthly licence for food trucks or five hundred dollars ($500) for a seasonal pass from May 1st to Sept 30th.

7. A peddler's licence shall expire at midnight on the last day of each month.

8. Any person who applies for a peddler's licence and any person who holds a peddler's licence shall provide to the Clerk such information as the Council deems necessary.

9. (1) A person exercising the trade of a peddler within the Municipality on the day this by-law comes into effect shall submit an application for a peddler's licence to the Clerk not later than 5 days after such day.

(2) No person exercising the trade of a peddler within the Municipality on the day this by-law comes into effect shall be prosecuted for a violation of section 2 until

(a) they fail to submit the application for a peddler's licence to the Clerk in accordance with subsection 9(1), or

(b) they submit their application for a peddler's licence to the Clerk in accordance with subsection 9(1) and that application is rejected by the Council.

10. A peddler's licence may be renewed on and the provisions of section 4 and 7 apply once necessary changes have been made, to such renewal.

11. This by-law does not apply to

- a person peddling or hawking fruits, vegetables, meats and other products harvested from a farm or garden;
- a fisherman peddling or hawking fish, oysters or any product harvested from the sea, or
- 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.
- Persons participating in an organized craft fair ex: market.
- A garage/yard sale held at a residential home, when conducted by the owner or legal occupant of the premises;
- Non-profit groups organizing a fundraiser (ex: church groups, girl guides, scouts, etc.).

11.1. Any persons operating as part of a special event, which is sponsored by the Village of Doaktown, must apply and be approved by council to be exempted.

11.2 Peddlers can set up at the Municipal Park parking lot with permission from the Village of Doaktown, but must set up in outer areas, not in front by the highway or entrance way or blocking either area.

Limit to 4 vendors at any one given time, only if NO special event is taking place in the park.

11.3 No peddlers can set up at the Doaktown Fitness Gym @ 334 Main Street or at the Village Offices at 298 Main Street (previous Scotiabank building) parking lots at any time.

11.4 Peddlers can set up at Prospect Place arena under Rink Manager's rules.

11.5 Peddlers can set up at the Picnic Site except for the day of the Community Night Lite Parade.

11.6 Any peddlers using the electricity in the park will be required to pay for that service.

12. A person who violates any provision of by -law 21-07 is guilty of an offence and, on summary conviction, will be banned from peddling in the village for a minimum of one year.

13. (1) Where, in the opinion of Council, a peddler has violated this by-law or any provision of this by-law, the Clerk shall, upon direction of the Council, in addition to any other remedy or penalty prescribed herein, by notice served upon the peddler, revoke the peddler's licence issued to that peddler.

(2) The notice referred to in subsection (1) shall be sufficiently served upon the peddler if it is delivered personally to the peddler, e-mailed to the peddler's personal e-mail address, or if it is mailed prepaid registered post to the last known residence or place of business of the peddler.

(3) Service of the notice referred to in subsection (2) by registered post shall be deemed to have been affected five days after the notice was deposited in the mail.

14. A peddler shall not carry-on business from a public parking area, or within a radius on one hundred and fifty-five meters (155 m.) of a retail outlet engaged in in selling goods or merchandise of a similar nature, or within the limits of any public road, street or highway.

Penalties and Enforcement:

15. The By –Law Enforcement Officer(s), as appointed by Village Council, shall be responsible for the enforcement of this by-law.

EFFECTIVE DATE

THIS By-Law shall come into full force and take effect and be binding on all persons as of and from the date of third reading.

READ THE FIRST TIME BY TITLE AND DESCRIPTION: **November 20, 2024**

READ THE SECOND TME BY TITLE: **November 20, 2024.**

READ THE THIRD TIME BY TITLE: **December 18, 2024.**

ENACTED ON THIS DATE: **December 18, 2024.**

Doreen Parker
Deputy Mayor

Karen Petitpas
Clerk

VILLAGE OF DOAKTOWN
INCORPORATED
2023
PROVINCE OF NEW BRUNSWICK