

BY-LAW NO. 260-1
A BY-LAW REGULATING AND LICENSING TRANSIENT VENDORS
AND PEDDLERS IN THE TOWN OF WOODSTOCK

The Council of the Town of Woodstock, under authority vested in it by Section 11 and 168 of the *Municipalities Act*, R.S.N.B., Chapter M-22, enacts as follows:

TITLE

1. This By-law may be cited as a By-law to regulate and license Transient Vendors and Peddlers in the Town of Woodstock, and the rates to be charged therefore.

DEFINITIONS

2. For the purpose of this By-Law, the following definitions apply:

- (a) **“CAO”** means the Chief Administrative Officer/Town Clerk of the Municipality of the Town of Woodstock.
- (b) **“Council”** means the Mayor and Councillors of the Town of Woodstock.
- (c) **“License”** means the license issued by the municipality signifying permission to sell goods under the conditions which the permit is granted, that has not expired or been revoked.
- (d) **“Licensee”** means the holder of a license.
- (e) **“Licensing authority”** means the Chief Administrative Officer, or such employee or agent of the Municipality as the Chief Administrative Officer may designate to receive applications for licenses under this by-law.
- (f) **“Municipality”** means the Municipality of the Town of Woodstock.
- (g) **“Person”** means any individual, association, firm, partnership, corporation, or agent.
- (h) **“Peddler”** means any person who peddles, or hawks, or carries from place to place for the purpose of peddling, or hawking goods or merchandise; and shall include door to door sale of services.
- (i) **“Temporary business”** means the sale of food, merchandise, or services sold by a transient vendor out of a transient vehicle.
- (j) **“Transient vendor”** means any person and his/her employee(s), not having a permanent place of business within the municipality conducting temporary business from a stationary location for a maximum of 30 days in one calendar year.
- (k) **“Transient vehicle”** means every device used by a transient vendor or the sale of food, merchandise, or services including motorized vehicles, trailers, mobile food stands, bicycles, wagons, or pushcarts.

EXCLUSIONS

3. This by-law does not apply to:

- (i) a person who peddles or sells fruits, vegetables, meats or other products harvested from their farm or garden;
- (ii) a person who peddles or sells fish, oysters or any product harvested by them from the sea;
- (iii) persons employed by 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;
- (iv) a garage/yard sale held at a residential home, when conducted by the owner or legal occupant of the premises; and
- (v) a vendor that is invited by the property owner to be present on their property for the purchase of services or goods, such as an independent sales consultant or contractor.
- (vi) Any persons operating a temporary business as part of a "Special Event" that has been approved by motion of Council for an exemption as outlined in Schedule "B".

LICENSING REGULATIONS

4. Peddler's License

- (a) 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, including door to door sale or services, unless he/she has been issued a peddler's license by the licensing authority for the Town of Woodstock.
- (b) No person shall peddle:
 - (i) on Sundays or holidays; or
 - (ii) between the hours of eight o'clock in the evening and eight o'clock in the forenoon, Monday through Saturday.
- (c) Every application for a peddler license shall be made in writing to the licensing authority, and shall contain:
 - (i) the name, mailing address, telephone number and, if available, facsimile number and e-mail address of the applicant;
 - (ii) the corporate or partnership name, if applicable;
 - (iii) a description of goods, merchandise or services the applicant proposes to sell;
 - (iv) dates of operation of temporary business
 - (v) the applicable license fee;
- (d) The maximum number of days a peddler may operate within the municipality is 30 days in a calendar year.

5. Transient Vendor's License

- (a) A transient vendor shall obtain a license from the Town of Woodstock's licensing authority to sell food, merchandise, or services in the municipality, and any sale by such transient vendor without a current and valid license shall be an offence.
- (b) A person is not eligible to hold a license if the operation of his/her business does not conform with the applicable standards and requirements of every by-law of the Town of Woodstock; every Provincial or Federal Act and regulation made under such an Act; and every instrument of a legislative nature made or issued under a Provincial or Federal Act or regulation, including standards and requirements with respect to the qualifications of the persons carrying on or engaged in the business and with respect to the vehicles and equipment used for the purposes of the business.
- (c) No license shall be issued where the use is not permitted under the provision of the Town of Woodstock's Zoning By-Law, unless granted by the CAO.
- (d) Any person acting as a transient vendor who has been issued a license shall ensure that the license is prominently displayed in or at his/her place of business or carried on their person, during the full term in which he/she is carrying on business as a transient vendor.
- (e) Any Transient Vendor must upon demand produce his/her license immediately.
- (f) No person shall carry on the business of a transient vendor in or on any municipal property except under explicit written permission of the Chief Administrative Officer.
- (g) No person shall carry on the business of a Class "A" or Class "B" transient vendor in or on any private property except under explicit written permission of the owner of said property.
- (h) Every application for a license shall be made in writing to the licensing authority, and shall contain:
 - (vi) the name, mailing address, telephone number and, if available, facsimile number and e-mail address of the applicant;
 - (vii) the corporate or partnership name, if applicable;
 - (viii) a description of items the applicant proposes to sell;
 - (ix) dates of operation of temporary business
 - (x) location of temporary business, and permission from property owner
 - (xi) confirmation that the licensee adheres to any statute, law or regulation of the Federal or Provincial Government;
 - (xii) for transient vehicle vendors, must hold a valid and current Motor Vehicle Dealer's License issued by the Province of New Brunswick under the applicable regulations pursuant to the Motor Vehicle Act;
 - (xiii) the applicable license fee;
- (i) After receipt of a completed application, the licensing authority shall issue a license after first confirming that the proposed site of the sale is zoned for such.

- (j) The maximum number of days a transient vendor may operate a temporary business within the municipality is 30 days in a calendar year.
- (k) A Transient Vendor opting for an annual license must give at least 7 days notice to the Licensing Authority with the Town of Woodstock with the date(s) and location(s) the Temporary Business requests to operate.
- (l) A license issued under this By-law shall not be transferable by the holder thereof to any other person.

REVOCATION

6. A license may be revoked where:
- (a) the licensee has provided incorrect information in the application for a license;
 - (b) the licensee is selling merchandise not stipulated in the license application (any transient business shall, upon request by the by-law enforcement officer, present for inspection all or any of the goods or wares being intended to be sold);
 - (c) the licensee is in violation of any provision of this by-law or of any other by-law of the Municipality; or
 - (d) the licensee fails to adhere to any statute, law or regulation of the Federal or Provincial Government.

LICENSE FEES

7. (a) The fee for the issuance of a transient vendor license or peddler's license under this by-law shall be as fixed by policy made by Council in Regular Session.
- (b) A certified copy of the said policy shall be affixed to this by-law as Schedule "A". In the event that the fee so fixed is changed, a certified copy of the new policy shall be affixed in place of the previous.

PENALTIES AND ENFORCEMENT

8. The By-Law Enforcement Officer(s), as appointed by Town Council, shall be responsible for enforcement of this by-law.
9. Every person who contravenes or fails to comply with any provision of this by-law, or any person who owns or controls premises or property used for the unlicensed sale of merchandise by a transient trader shall be subject to a fine of \$500.00.
10. Where a transient trader is selling merchandise contrary to this by-law, or the terms and conditions of a license, the Municipality may, in addition to any other remedy or penalty herein, and without notice of any kind, impound and remove any merchandise and all costs or charges for removal and storage shall be paid before the merchandise is released.

BY-LAWS REPEALED

By-Law # 260, a By-law Regulating and Licensing Peddlars and Transient Traders, enacted on the 9th day of January 2006, together with all amendments, are hereby repealed.

Read a first time this 28th day of June, 2022

Read a second time this 28th day of June, 2022

Read a third time and enacted this 12th day of July, 2022

Andrew Garnett
Chief Administrative Officer / Clerk

Arthur Slipp
Mayor

Schedule "A" – Fees

TRANSIENT VENDOR TYPE

- Class A:** Food Trucks – includes Motorized Food Service Vehicle or Food Service Trailer (Dual Axle or larger) and/or a Kitchen.
- Class B:** Concession Stand – includes Stalls, Stand-Alone Kiosks, or Single axel Mobile Trailer
- Class C:** Bicycle, Wagon, or Pushcart – includes wheeled vehicles propelled by human power or a motorized bicycle used for vending, and can stop to vend at any location for no longer than 20 minutes.
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The following fee structure shall apply to Transient Vendors:

TRANSIENT VENDOR LICENSE - ANNUAL FEES:

- Class A:** \$1500.00 annually – maximum 30 days per calendar year
- Class B:** \$750.00 annually – maximum 30 days per calendar year
- Class C:** \$150.00 annually for the first vehicle, \$50 for each vehicle thereafter (permitted from April 1st to September 30th)

TRANSIENT VENDOR LICENSE - DAILY FEES:

- Class A:** \$75.00 per day – maximum 30 days per calendar year
- Class B:** \$50.00 per day – maximum 30 days per calendar year
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The following fee shall apply to Peddlers:

PEDDLER LICENSE - DAILY FEES:

\$75.00 per day – maximum 30 days per calendar year

Schedule "B" – Exemptions

1. The following Special Events and Organizations have been exempted by Council from paying the transient vendor license fee for vendors which are part of the organized events:
 - a) Canada Day*
 - b) Old Home Week*
 - c) Dooryard Arts Festival*
 - d) RibFest*
 - e) Schools**
 - f) Non-profit organizations**

**Special Events subject to exemption must still identify on special events application if they intend to have mobile food vendors.*

***Other Organizations subject to exemption must still complete and submit a transient vendor application.*