

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2006 - 42

Being a By-law to prohibit the sale or hire of goods or services by Transient Traders, and to amend By-law 2005-62.

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESSA 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.

THEREFORE the Council of The Corporation of the Township of Essa enacts as follows:

1. No person shall operate a business, conduct any commerce or trade, or offer for sale any good or service on a temporary, intermittent or one time basis on any road allowance, municipally owned property, private property, or other public space unless that trade or commerce is eligible for a Business License and such license has been obtained.
2. For the purpose of this By-law "Transient Trader" includes any person commencing business within the Township of Essa who does not qualify for a Business License under the Business Licensing By-law, *or* who has not resided continuously in the Municipality for at least three months immediately preceding the time of the commencement of such business, and whose name has not been entered on the assessment roll in respect of business assessment for the current year, but who offers goods, wares or merchandise for sale.
3. The By-law does not apply to the sale of the stock of a bankrupt or an insolvent, within the meaning of any Bankruptcy or Insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the Municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock..
4. The By-law does not apply to the sale of an existing business to a bona fide purchaser who continues the business.
5. 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.

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6. The prohibitive covenants contained herein shall not be applicable to a farmer who is a resident of the Township of Essa and whose name is entered on the assessment roll, who offers for sale only the products *produced or grown* on his/her own property.
7. Every *vendor who is not eligible for, or who has not obtained a Business License issued by the Township of Essa* is guilty of an offence and upon conviction is liable to a fine of \$300.00, payable within 24 hours of the offence being issued, in addition to the sum of not less than \$50.00 for costs incurred in enforcement.
8. This by-law shall be enforced by Township's By-Law Enforcement Officers and the Nottawasaga Detachment of the Ontario Provincial Police.

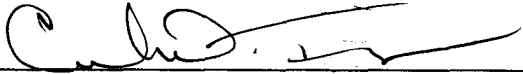
GENERAL PROVISIONS

1. If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.
2. Where the context permits, words importing the singular also include more than one person, party or thing of the same kind.
3. The word "may" shall be construed as permissive and the word "shall" shall be construed as imperative.
4. The short form title of this By-law shall be the **Transient Traders By-law**.
5. That Township of Essa By-law 2005-62 be and is hereby repealed.
6. This By-law shall come into force and effect upon the passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED this Twenty First day of June 2006.



David Guergis, Mayor



Carol O. Trainor, Clerk

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