

CORPORATION OF THE TOWN OF RENFREW
BY-LAW NO. 63-2013

Being a By-law to license, regulate and govern the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader in the Town of Renfrew and to repeal By-law No. 60-98

WHEREAS under the Municipal Act, 2001 (S.O. 2011 c.25) a municipality may provide for a system of licenses with respect to a business; and

WHEREAS the Council of the Corporation of the Town of Renfrew deems it desirable to exercise this authority for the purposes of respecting the economic, social and environmental well-being of the municipality and for the protection of persons and property, including consumer protection; and

WHEREAS the Council of the Corporation of the Town of Renfrew deems it desirable to license, regulate and govern business carried on within the Town of Renfrew.

NOW THEREFORE the Council of the Corporation of the Town of Renfrew enacts as follows:

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PART 1 - DEFINITIONS

“Accessible” shall mean the regulations according to the Accessibility for Ontarians with Disabilities Act, 2005 as may be amended from time to time.

“Building Code” shall mean the regulations made pursuant to the Building Code Act, 1992 as may be amended from time to time.

“Business” shall mean a trade, business or occupation and includes the sale or hire of goods or services on an intermittent or one-time basis

“By-law Officer” shall mean a person appointed by Council of the Town of Renfrew as a Municipal Law Enforcement Officer to enforce the provisions of this by-law.

“Chief Building Official” shall mean a person appointed by Council of the Town of Renfrew as the Chief Building Official to enforce the provisions of the Building Code for the purposes of this by-law.

“Council” shall mean the Municipal Council of the Corporation of the Town of Renfrew.

“Fire Chief” shall mean the person, or his/her designate, appointed by the Council of the Corporation of the Town of Renfrew pursuant to the Municipal Act, 2001.

“Fire Code” shall mean the National Fire Code of Canada, 2010 as may be amended from time to time.

“Issuer of Licenses” shall mean the Clerk, or his/her designate, who has been appointed by Council.

“License” shall mean the license issued by the municipality signifying permission to sell goods and establishing the conditions under which the permit is granted.

“License Holder” shall mean the person, transient trader, organization, company or group that has been granted a license for selling goods and/or services within the municipality.

“Municipal Cultural Events” Shall mean Agricultural, Artistic, Social or Economic events.

“Owner” shall mean the person who owns or manages the property, for the time requested, stated in the application for the transient trader license, whether on his own account or as an agent or trustee of any person who would receive the same if such lands and premises were let.

“Person” shall mean any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors, or other legal representatives of a Person to whom the context can apply according to the law.

“Premises” shall mean any vacant land and/or temporary structure.

“Property Standards Officer” shall mean a person appointed by Council of the Town of Renfrew as the Property Standards Officer to enforce the provisions of the Property Standards By-Law for the purposes of this by-law.

“Public Health Inspector” shall mean the person(s) appointed by the Renfrew County and District Health Unit whose duty it shall be to make such inspection as may be required under the provisions of the Health Protection and Promotion Act 1990, as amended from time to time.

“Registered Charitable Organization” shall mean any charity that is registered with the Federal or Provincial Government.

“Temporary Structure” shall mean any structure/building/vehicle used for the purposes of selling any items as defined under “Transient Trader”.

“Town/Municipality” shall mean the Municipality of the Town of Renfrew.

“Transient Trader” shall mean any person and his/her employee(s) who:

- a) Goes from door to door and/or has a temporary structure to sell goods, wares or merchandise, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow.
- b) Is engaged in sales/service but does not have a commercial business/commercial assessment in the Town of Renfrew.

“Zoning By-Law” shall mean a by-law enacted under section 34 of the Planning Act R.S.O. 1990 that restricts the use of land.

PART 2 – GENERAL LICENSING REGULATIONS

2.1 Transient Traders and other persons whose names are not entered on the assessment roll of the Town in respect of commercial/business assessment, and who offer goods, services, wares or merchandise for sale to consumers from a temporary location and/or door to door shall obtain a license, and shall pay a license fee, before commencing to trade within the municipality.

2.2 Transient Traders shall always respect the residents of the Town of Renfrew; especially if asked to remove themselves, their employee(s), merchandise or vehicles from a resident’s property.

2.3 A person is not eligible to hold a license if the property to be used for carrying on the

- trade, business or occupation does not conform with all applicable laws, including but not limited to the Building Code, the Property Standards By-Law, the Fire Code, and the Health and Safety Act as amended from time to time.
- 2.4 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 Renfrew; 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.
 - 2.5 A person is not eligible to hold a license if the operation of his/her business does not conform to the Tobacco Control Act 1994; Liquor License Act of Ontario, 1990; and/or the Gaming Control Act of Ontario 1992, as amended from time to time.
 - 2.6 No license shall be issued where the use is not permitted under the provision of the Town of Renfrew Zoning By-Law.
 - 2.7 Inspection of the premises may be made by the Chief Building Official, Property Standards Officer, Public Health Inspector, Fire Chief, By-Law Enforcement Officer, or their designates, who may following inspection certify to the Issuer of Licenses compliance or non-compliance.
 - 2.8 Any person acting as a transient trader 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 trader.
 - 2.9 Any Transient Trader who is operating multiple temporary locations within the municipality must apply for multiple licenses and the licenses must be displayed at all locations.
 - 2.10 Any Transient Trader must upon demand produce his/her license immediately.
 - 2.11 No person shall obstruct, withhold, destroy, conceal or refuse to furnish any information required by a person inspecting for the purposes of this By-Law.
 - 2.12 No person shall carry on the business of a transient trader in or on any municipal property except under explicit written permission of the municipality.
 - 2.13 No person shall carry on the business of a transient trader in or on any private property except under explicit written permission of the owner of said property.
 - 2.14 No person shall carry on business of a transient trader in a location which can cause a public hazard.
 - 2.15 A Transient Trader shall maintain his/her place of business in a clean and sanitary condition, with adequate measures for the storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the premises.
 - 2.16 A Transient Trader shall provide proof of Liability Insurance (\$2,000,000.00) when municipal property is being used for the purposes of this by-law.
 - 2.17 A Transient Trader shall operate according to the current Store Hours By-Law as set out in the Town of Renfrew.
 - 2.18 A Transient Trader shall not refuse to permit a person to enter and remain in a place of business or other premises used for the business to which the public are customarily admitted for the reason that he or she is accompanied by a Service Animal.
 - 2.19 A Transient Trader shall take every opportunity to ensure that the place of business or other premises used for the business to which the public are customarily admitted is accessible.

PART 3 - EXEMPTIONS

- 3.1 Municipal Special Events that are initiated and/or administered by the Town of Renfrew shall be exempt from the provision of this by-law for the duration of the specified event.
- 3.2 Registered Charitable Organizations that are registered with the Federal or Provincial Government are exempt from the provisions of this by-law.

- 3.3 Farmer –Residents of the Town of Renfrew require no license if the goods, wares or merchandise are grown or produced on their property, who offers for sale or sells only the produce of his/her own farm.
- 3.4 Renfrew Farmers’ Market is exempt from the fee and requirements associated with a Transient Trader License; however they must provide proof of Liability Insurance (\$2,000,000.00) when located on Municipal property.
- 3.5 Municipal Cultural Events (eligibility to be determined a Municipal Cultural Event is under the discretion of the Clerk and/or his/her designate) are exempt from the fee for a Transient Trader License; however they must still provide all other application requirements listed in 4.2 when located on Municipal property.

PART 4 – APPLICATION REQUIREMENTS

- 4.1 A license application is attached to this By-Law as Schedule “A”.
- 4.2 No license shall be issued to a Transient Trader unless the applicant files with his application:
 - a) A Vulnerable Sector/Criminal Record Check for each person engaged as a Transient Trader which shall be obtained by the individual at their own expense and must have been issued within the past 365 days.
 - b) Proof of Liability Insurance (\$2,000,000.00), if required.
 - c) A description of the location(s), structure(s) and/or vehicle(s) from which sales will be conducted. (The Town of Renfrew’s Development and Works Department must review all applications that are conducted from premises).
 - d) Written permission from the property owner on whose property the business is to be operated.
 - e) Payment in full for the specified duration of the license as per the License Fees as attached in Schedule “B” of this By-Law.
- 4.3 A sample Transient Traders License is attached under Schedule “D”

PART 5 – DENIAL, REPEAL OF LICENSE

- 5.1 The Issuer of Licenses may refuse to issue a license unless and until compliance with the provisions of this by-law or any other requirements referred to herein is established by the applicant, the owner of the business or the occupier of the premises for which the license is required.
- 5.2 The Issuer of Licenses may refuse to issue a license due to the past conduct of the applicant or an individual employed by the applicant.
- 5.3 The Issuer of Licenses may refuse to issue a license due to complaints received from residents of the Town of Renfrew or from the Issuer of Licenses from neighbouring municipalities.
- 5.4 The Issuer of Licenses shall deny/repeal a Transient Trader License and/or issue a fine when:
 - a) The Transient Trader is carrying on activities that are, or will be in contravention of this By-Law.
 - b) The Transient Trader is in default with respect to any financial or other obligations to the Municipality.
 - c) The Transient Trader or any individual employed by the Transient Trader has been convicted of any offense in Sections 150 to 174 inclusive of the Criminal Code of Canada R.S.C. 1985, as amended, (Sexual Offenses), for which a pardon has not been granted.
 - d) The Transient Trader or any individual employed by the Transient Trader has been convicted of any offence under the Controlled Drugs and Substances

Act S.C. 1996, c. 19, as amended, or its predecessor or successor legislation, for which a pardon has not been granted.

- e) The Transient Trader has any unpaid fines outstanding arising from a conviction for an offense under this By-Law or any other By-Law.
- f) The Transient Trader provides false information on the application.
- g) The Issuer of Licenses received complaints about the conduct of the transient trader or any individual employed by the Transient Trader.

5.5 Any Transient Trader or his/her employee(s) who contravenes any provisions of this By-Law is subject to the fines attached to this By-Law marked as Schedule "C".

PART 6 – TERM OF LICENSE

- 6.1 All licenses issued under this By-Law, unless they become denied or repealed, shall be for the date(s) listed on the license.
- 6.2 All license issued under this By-Law, unless they become denied or repealed, will be subject to the fees under Schedule "B" of this By-Law.
- 6.3 Licenses will only be extended with written permission to the Issuer of Licenses detailing reasons why the license requires an extension.

PART 7 – TRANSFER OF LICENSE

- 7.1 Every license is the property of the Corporation of the Town of Renfrew and is valid only in respect of the person, location premises and duration named herein and for the nature of the business stated in the license. No license may be transferred for any reason or to any person.

PART 8 – EXPIRY OF LICENSE

- 8.1 A Transient Trader License is valid only for the dates specified in the license and will expire at 11:59 p.m. on the date of expiry.
- 8.2 A Transient Trader License may be extended with the approval of the Issuer of Licenses and the fee for extension as set out in Schedule "B" of this license is paid. A Yearly Transient Trader License may not be extended.

PART 9 – POWER OF ENTRY

- 9.1 The Town may enter a property at any reasonable time to for the purposes of carrying out an inspection to determine whether or not the following are being complied with:
 - (a) The provisions of this by-law.
 - (b) An order issued under this by-law.
 - (c) An order made under the Municipal Act, 2001, as amended.
- 9.2 Where an inspection is conducted by the Town, the person conducting the inspection may:
 - (a) Require the production for inspection of documents or things relevant to the inspection.
 - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts.
 - (c) Require information from any person concerning a matter related to the inspection including their name, address, phone number and identification.

- (d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs for the purpose of inspection.
- 9.3 The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well as any person under his/her direction.

PART 10 – ENFORCEMENT

- 10.1 Municipal By-Law Enforcement Officers are authorized to enforce this by-law on behalf of the Town.

PART 11 – OFFENCES

- 11.1 **Operating Without a License**
Notwithstanding, no person shall operate as a Transient Trader within the limits of the Town unless and until a license has been obtained, as issued under the provisions of this by-law.
- 11.2 **Operating With an Expired License**
Notwithstanding, no person shall operate under a Transient Trader License that has expired within the limits of the Town, as issued under the provisions of this by-law.
- 11.3 **Failure to Display License**
No person shall fail to display his or her Transient Trader License in a conspicuous place at the site or vehicle to which the license applies.
- 11.4 **Failure to Operate under Endorsed Name**
No person shall promote or carry on business under any name other than the name endorsed upon the license, except in accordance with the provisions of this by-law.
- 11.5 **Failure to Report Change of Information**
No person shall fail to report to the Clerk every change of name, mailing address and telephone number for Transient Trader License held, within seven (7) days of the change.
- 11.6 **Failure to Produce a License**
No person shall fail to produce his/her license and identification upon request.
- 11.7 **Obstruction of Clerk**
No person shall obstruct the Clerk from conducting an inspection, or withhold, destroy, conceal or refuse to supply any information or thing required for the purposes of inspection.
- 11.8 **Obstruction of Municipal By-Law Enforcement Officer**
No person shall obstruct a Municipal By-Law Enforcement Officer from conducting an inspection, or withhold, destroy, conceal or refuse to supply any information or thing required for the purposes of inspection.

PART 12 – PENALTIES

- 12.1 Any person who contravenes any provision of this by-law shall be guilty of an offence and shall be liable, upon conviction, to a fine for each offence in accordance with Schedule "C" of this by-law.
- 12.2 Upon registering a conviction for the contravention of any provision of the by-law, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to the *Municipal Act, 2001*, as amended.

PART 13 – REPEAL

- 13.1 That By-Law 60-98 be repealed in its entirety.

PART 14 – VALIDITY/SERVERABILITY

- 14.1 If any section, clause or provision of this by-law for any reason is declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-

law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.

PART 15 – EFFECTIVE DATE

15.1 This by-law comes into force and takes effect immediately upon its passage thereof.

Read a first and second time this 9th day of December, 2013.

Read a third and final time this 9th day of December, 2013.

William A. Ringrose, Mayor

Kim R. Bulmer, Clerk

THE CORPORATION OF THE TOWN OF RENFREW

BY-LAW NO. 63-2013

SCHEDULE "A"

APPLICATION

Schedule "A"
By-Law 63-2013

APPLICATION FOR A TRANSIENT TRADERS LICENSE
THE CORPORATION OF THE TOWN OF RENFREW
127 Raglan Street South, Renfrew, ON K7V 4G7
Phone (613)432-4848 Fax (613)432-7245

Check Appropriate Sections: New Extension Multiple Locations
 Seasonal Annual

Business Name:	Name of Property Owner:
For Door-to-Door Sales – Name and Date of Birth of Person Responsible for Agents	Name: Date Of Birth
Mailing Address:	Property Address:

Phone Number:	Phone Number:
Fax Number:	Fax Number:
Email:	Email:

A site plan showing the location is attached, (if required).

Description of the Goods to be Sold (Attach a separate sheet if necessary)

Applicants Certification
I hereby certify that the information contained within this application is true.
Signed _____ Date _____

FOR OFFICE USE ONLY

Date Received: Date: _____ License Fee Received: \$ _____ Denied/Repealed: Date: _____ Reason for Denial/Repeal: _____	Approved:	Y	N	Initials	Date
	Zoning				
	Fire Department				
	Health Unit				
	Building Code				
	Criminal Ref Check				
	Property Owner's Permission Received				
Date Issued: _____					
Date of Expiry: _____					

THE CORPORATION OF THE TOWN OF RENFREW

BY-LAW NO. 63-2013

SCHEDULE "B"

FEES

1. Seasonal (April – October)	\$ 300.00
3. Annual	\$ 500.00
4. Addition of premises	
Seasonal	\$150.00
Annual	\$ 250.00
7. Extension of License(s)	
One (1) Week	\$ 50.00
One (1) Month	\$125.00
Yearly Extensions are not permitted.	

THE CORPORATION OF THE TOWN OF RENFREW

BY-LAW NO. 63-2013

SCHEDULE "C"

SET FINES

Part 1, Provincial Offences Act

ITEM	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offense	Column 3 Set Fine
1.	Operating without a license	Section 11.1	\$300
2.	Operating with an Expired License	Section 11.2	\$200
3.	Failure to display license	Section 11.3	\$100
4.	Failure to Operate under Endorsed Name	Section 11.4	\$100
5.	Failure to Report Change of Information	Section 11.5	\$100
6.	Failure to Produce License	Section 11.6	\$100
7.	Obstruction of Clerk	Section 11.7	\$200
8.	Obstruction of By-Law Enforcement Officer	Section 11.8	\$200

Note: The penalty provisions for the offences indicated above is Section 12 of By-Law No. 63-2013, a certified copy which has been filed.

Note: The general provisions for the offenses indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.

THE CORPORATION OF THE TOWN OF RENFREW

BY-LAW NO. 63-2013

SCHEDULE "D"

SAMPLE LICENSE



2013

Transient Traders License
TOWN OF RENFREW

This License is issued under the authority of By-Law No. 63-2013 to

NAME OF COMPANY

for the carrying on of the Transient Traders License in the Town of Renfrew and remains in force for the calendar year, or during the pleasure of Council.

Dated at Renfrew, ON this 1st day of January 2013

By:

Jennifer Charkavi, Deputy Clerk

Expiry - December 31, 2013