

THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW NO. 23-53

CONSOLIDATED: 24-05

Being a By-Law to Licence Mobile Vendors and Peddlers and to repeal by-laws 79-136, 00-66, and 06-08.

WHEREAS the Municipal Act, RSO 2001 Ch. 25, as amended, empowers municipalities to enact By-laws for licensing, regulation and governing vehicles, structures and locations, from which products or services, are sold or distributed to the public, and for revoking any such licence.

WHEREAS the Municipal Act, Section 151, RSO 2001 Ch. 25, as amended, empowers municipalities to enact by-laws for licensing, regulation and governing persons who go from place to place or at a particular place with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the Municipality afterwards;

AND WHEREAS the proposed fees for each peddler and mobile vendor licence is set out in Schedule "B" to this by-law;

AND WHEREAS the City wishes to strengthen compliance and enforcement to ensure greater fairness for local business;

NOW THEREFORE the Council of The Corporation of the City of Elliot Lake hereby enacts as follows:

1. DEFINITIONS

"Mobile Vendor" means any person, non-permanent structure or vehicle with a maximum floor area of 20m² used for the purpose of the distributing or selling of a service or product to the public in any location within the Municipality of Elliot Lake.

"Class A- Stationary Unit" means a motorized or non-motorized vehicle that is used as a non-travelling, site specific food premises including but not limited to a chip truck or refreshment trailer and for the purposes of this By-Law shall be considered to be a structure;

"Class B- Mobile Unit" means a motorized or non-motorized vehicle that is used as a travelling food premises including but not limited to a chip truck or refreshment trailer;

"Class C- Pushcart" means a cart which is propelled by muscular power and is equipped with cooking equipment on which to prepare hot food or a cart which is propelled by muscular power and is equipped with an insulated container for storing and transporting frozen products;

"Farmers Market" means a physical retail marketplace, either indoor or outdoor, consisting of booths, tables or stands where Northern Ontario farmers and vendors sell fruits, vegetables, meats, cheeses, prepared foods and beverages, wares and merchandise which they themselves produce and/or craft.

"Peddler" includes:

- a. any person who goes from place to place, or to a particular place, with goods, wares or merchandise, excluding food or refreshments, for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise, excluding food or refreshments; or
- b. any retailer which has an employee or agent who goes from place to place or to a particular place with goods, wares or merchandise, excluding food or refreshments, for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise, excluding food or refreshments.

"Person" shall include an individual, a partnership, a firm or a corporation.

"Temporary Licence" means a Mobile Vendor licence issued for events for maximum of three (3) days.

2. GENERAL PROVISIONS

1. Every person who operates or uses a Mobile Vending Vehicle (Class A, Class B, Class C) or operates as a peddler shall first obtain a licence, and shall pay to The Corporation of the City of Elliot Lake at the time of the taking out of such licence the fee set out by this by-law.
2. The sums of money set out in Schedule "B" of this by-law are hereby fixed as the fees for licences and which shall be paid before the issue or renewal of any licence. Unless otherwise specified, the fees shown are for the current calendar year.
3. Every person who attends a craft show including the exhibiting or offering for sale, on a temporary basis at one location by Canadian crafts people, goods, wares or merchandise which they themselves have produced; or persons who participate in a Farmers' Market open to public may be exempt from this by-law.

3. MOBILE VENDORS

1. Operation as a "*Class A - Stationary Unit*" shall occur only on properties where a commercial use would be in conformity with the Municipal Zoning By-law and shall meet all provisions of the zone in which it is located.
2. A "*Class A - Stationary Unit*", "*Class B - Mobile Unit*", or "*Class C - Pushcart*" licence issued pursuant to this By-Law shall be non-transferable and shall be valid for the term specified but shall be valid from April 1st and shall expire on October 31st of each calendar year.
3. No person shall carry on or operate as a Mobile Vendor except during the times between 8:00 a.m. and 10:00p.m. on any day.
4. No person shall carry on or operate as a "*Class B - Mobile Unit*" or "*Class C - Pushcart*" on any property within the Municipality whether it is Privately, Provincially or Municipally owned without a written consent letter from the owner thereof.
5. No person shall operate as a Mobile Vendor or obtain a Municipal licence to operate as a Mobile Vendor, without first having obtained and, supplied to the Municipality, a Certificate of approval from the Public Health, if applicable.
6. No person shall operate as a Mobile Vendor, without having first obtained and, supplied to the Municipality, a Certificate of Compliance from a licenced propane service depot, if applicable.
7. No person shall operate as a Mobile Vendor unless the Municipal licence is prominently displayed at the location where the Mobile Vendor is in operation.

4. PEDDLERS

Section 4 of this by-law applies to "Peddlers" only and is only applicable to the extent that door-to-door sales are permitted under the Consumer Protection Act, 2002, S.O. 2002, c. 30.

1. The following classes of "Peddlers" are hereby established:
 - a. "*Class 1 – Stationary Day Sales*" shall include temporary businesses for one period of up to seven (7) days from one specific location and may include the use of a temporary structure where the use is permitted in the Zoning By-law.

- b. *“Class 2 – Stationary Temporary Sales”* shall include temporary businesses for one period of up to three (3) months from one specific location and may include the use of a temporary structure where the use is permitted in the Zoning By-law.
 - c. *“Class 3 – Door-to-Door Day Sales”* shall include any business, person or organization that conducts sales or has sales conducted on his/her or its behalf by door-to-door solicitation and such licences shall be valid for a period of up to seven (7) days only.
 - d. *“Class 4 – Door-to-Door Temporary Sales”* shall include any business, person or organization that conducts sales or has sales conducted on his/her or its behalf by door-to-door solicitation and such licences shall be valid for a period of up to three (3) months only.
- 2. A "Peddlers" licence issued pursuant to this By-Law shall be non-transferable and shall be valid for the term specified but shall expire on December 31st of each year.
 - 3. No person shall carry on or operate as a "Peddler" except during the times between 8:00 a.m. and 10:00p.m. on any day.

5. EXEMPTIONS

- 1. A licence shall not be required for peddling or selling goods, wares or merchandise:
 - a. to wholesale or retail dealers in similar goods, wares or merchandise;
 - b. if the goods, wares, or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer, manufacturer of the agent or employee having written authority to do so, in the municipality in which the grower, producer or manufacturer resides, or;
 - c. if the goods, wares, or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of their own farm or;
 - d. if the goods, wares or merchandise are hawked, peddled or sold by a person who operates a business within the City of Elliot Lake, or by their agent, or;

- e. if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays property taxes and or rents in the City of Elliot Lake in respect of premises used for sale of such goods, wares or merchandise; or
 - f. a consumer show open to the public or a trade show open by invitation or registration, the primary purposes of which are the display of goods and products and not the direct sale of them.
 - g. a craft show including the exhibiting or offering for sale, on a temporary basis at one location by Canadian crafts people, goods, wares or merchandise which they themselves have produced.
 - h. by persons who participate in a Farmers' Market open to public.
2. Fees may be waived or reduced by those persons or groups invited by the City of Elliot Lake participate at a Municipal or Municipally Sponsored Event. An application shall be submitted to the City of Elliot Lake.

6. APPLICATION

1. Every person who applies for a licence to operate as a Mobile Vendor or Peddler under this By-law shall apply to the Municipality by providing the following:
- a. A completed application (Schedule C);
 - b. An application fee prescribed in Schedule B;
 - c. A copy of a valid liability insurance policy that is in effect for the Mobile Vendor Vehicle for the year in which the application is made in an amount that is not less than five million dollars **(\$5,000,000.00)**;
 - i. The policy shall include a description of the coverage, policy number, effective date, expiry date, limits of liability and details of the vehicle covered, an endorsement included in the insurance policy that provides for the Director of Clerks & Planning Services or its designate to receive at least fifteen (15) days written notice of said policy being cancelled or expiring of any variation of said policy;
 - d. A current Criminal Record Check;
 - e. A Certificate of Approval from Public Health;
 - f. A Certificate of Compliance from a licenced propane service depot, if applicable;
 - g. The Technical Standards and Safety Authority certificate of approval, if applicable; or

h. A Fire inspection report completed by the Fire Department, if applicable.

7. ADMINISTRATION AND ENFORCEMENT

1. Application for licence does not guarantee a licence will be granted.
2. The applicant at the time of making application for licence shall provide the Municipality with copies of all documents and approvals as required by applicable law in connection with the operation as a Mobile Vendor or peddler.
3. The proposed temporary structure or vehicle to be used shall meet the requirements of all Municipal By-laws, the Ontario Fire Code and all other applicable law pertaining to its intended use (i.e. Highway Traffic Act).
4. Every person licenced under this by-law, upon changing their address, shall give written notice thereof to the Director of Clerks & Planning Services or its designate within ten (10) days after such change, setting forth their new address.
5. The provisions of this By-Law shall be enforced by the By-law Enforcement Officer or designate.
6. The Director of Clerks & Planning Services or its designate may at any time and on notice to the licensee, revoke any licence held by the licensee for cause. Without limiting the generality of the foregoing, The Director of Clerks & Planning Services or its designate may suspend a licence for:
 - a. Breach of the Criminal Code of Canada.
 - b. A violation of the provisions of this or any other By-Law of the Municipality.
7. No person shall hinder or obstruct or attempt to hinder or obstruct an officer who is exercising a power or performing a duty under this By-Law.
8. Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended. (See Schedule "A")
9. The cost of any action taken by the Municipality to ensure compliance with this or any other By-law, shall be recoverable to the limits provided by law.
10. Any persons convicted of a breach of any of the provisions of this by-law by a Provincial Court Judge or competent jurisdiction thereafter, shall be issued an order prohibiting the continuation or repetition of the offence or the doing of any act by the person convicted directed towards the continuation or the repetition of

the offence. Also, in addition to any other penalty, all recoverable costs shall also be imposed on the person convicted.

11. This By-Law repeals 79-136, 00-66, and 06-08.

12. This By-Law shall be effective on the date of its passing.

PASSED this 12th day of June, 2023.

**ACTING MAYOR
A. WANNAN**

**CITY CLERK
N. BRAY**

THE CORPORATION OF THE CITY OF ELLIOT LAKE
PART I PROVINCIAL OFFENCES ACT
BY-LAW 23-53: MOBILE VENDORS & PEDDLERS BY-LAW
Schedule A – Provincial Offences Act

ITEM	Short Form Wording	Provision creating or defining offence	Set Fine
1	Failure to obtain licence	Section 2 (1)	\$ 200.00
2	Operate between 10:00pm and 8:00am as a mobile vendor	Section 3 (3)	\$ 300.00
3	Operate on property without consent	Section 3 (4)	\$ 200.00
4	Failure to procure Certificate from Medical Officer of Health	Section 3 (5)	\$ 200.00
5	Failure to procure Certificate for Propane Compliance	Section 3 (6)	\$ 200.00
6	Failure to display licence	Section 3(7)	\$ 100.00
7	Operate between 10:00pm and 8:00am as a peddler	Section 4 (3)	\$300.00
8	Fail to notify change of address	Section 7(4)	\$ 100.00
9	Obstruct or attempt to obstruct an Officer	Section 7(7)	\$ 500.00

NOTE: The penalty provisions for the offences indicated above is Section 7 (8) of By-Law 23-53, a certified copy of which has been filed.

Schedule B – Fees

Refer to the Municipal User Fees By-Law

(24-05)



Schedule C

**The City of Elliot Lake
45 Hillside Drive North
Elliot Lake, ON
P5A 1X5**

MOBILE VENDOR & PEDDLERS LICENCE APPLICATION

The following must be **fully completed** in order to process the licence(s) applied for and returned along with the applicable fees and required documents.

BUSINESS:

Name: _____

Address: _____

Date of Birth: _____

Telephone: _____ Fax: _____

Email Address: _____

BUSINESS OWNER:

Name: _____

Address: _____

Date of Birth: _____

Telephone: _____ Fax: _____

Provincial Driver's Licence No: _____ Expiry: _____

Email Address: _____

FOOD/GOODS SUPPLIER:

Name: _____

Address: _____

Telephone: _____ Fax: _____

PREMISE WHERE FOOD IS PREPARED:

Name: _____

Address: _____

Date of Birth: _____

Telephone: _____ Fax: _____

On a separate sheet, please provide the following information for each vehicle (if any) to be licenced:

- Vehicle Owner
- Year
- Make
- Model
- VIN
- Plate Number
- Safety Standards Certificate

The following documents listed below are required and must be filed with this application:

- A valid liability insurance in effect for the year in the amount of \$5,000,00.00 (five million dollars)
- Current Criminal Record Check
- Current propane certificate, if applicable.
- A description of the food/goods to be sold.
- If other than a sole proprietorship, a copy of the incorporating documents and corporate number the form of an annual return from the previous year.
 - If partnership, list of names and address for each partner.
- Approval from the Algoma Public Health (contact: 705-942-4646).
- Technical Standards and Safety Authority Certificate.
- Fire Inspection Report.
- Vehicle ownership showing vehicle is licenced as a commercial vehicle.
- Name of building owner.

Please be advised that incomplete applications will not be accepted and will not be accepted and will be returned. It is an offence to operate a business without a licence and charges may be laid without additional notice.

I HEREBY CERTIFY THAT I WILL COMPLY WITH THE PROVISIONS OF ALL BY-LAWS PERTAINING TO THE LICENCES FOR WHICH I AM APPLYING.

Signature

Date

Office Use Only

Total Fees: _____ Licence #: _____ Zoning Approval? _____

Insurance? _____ APH? _____ Propane? _____ Fire? _____

Plate # _____ Receipt #: _____