

THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW NO. 06-8

Being a by-law to license,
regulate and govern Mobile
Vendors within the municipality.

WHEREAS under Section 150(1) of the *Municipal Act, S.O. 2001, c.25*, a local municipality may license, regulate and govern any business involved in the sale or hire of goods or services on an intermittent or one-time basis, wholly or partly carried on within the municipality; and

WHEREAS it is the intent of the Council of the Corporation of the City of Elliot Lake to regulate the business of Mobile Vendors within the municipality in the interest of the health and safety of its residents and to control a potential public nuisance.

NOW THEREFORE the Council of The Corporation of the City of Elliot Lake, hereby
ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law,

“**City Clerk**” shall mean the Clerk of the Corporation of the City of Elliot Lake or his or her designate;

“**City Sanctioned Event**” means any special community event for which a City Council supporting resolution has been passed.;

“**Corporation**” means The Corporation of the City of Elliot Lake;

“**Council**” shall mean the Council of the Corporation of the City of Elliot Lake;

“**Detachment Commander**” shall mean the East Algoma OPP staff person or his/her designate appointed to administer community policing for the Corporation.

“**Licenses**” shall mean a license issued by the Corporation under the provisions of this by-law;

“**Mobile Vendor**” means a business in which any person who goes from place to place or to a particular place with goods, wares or merchandise for sale at retail, or

who carries and exposes samples, patterns or specimens of any goods, wares or merchandise which are to be delivered within the City of Elliot Lake afterwards and includes a hawker or peddler;

“Municipal By-Law Enforcement Officer” means the Municipal Law Enforcement Officer appointed by The Corporation;

“Not-for-profit Organization” means an organization in which all income or profits are used to advance its objects which include but are not limited to the relief of poverty, the advancement of education, the advancement of religion, or other purposes charitable or beneficial to the community;

“person” shall include an individual, a sole proprietorship, a partnership, an unincorporated association, or a corporation;

“Retail” or **“retail sale”** means the sale of product to a consumer in the ordinary course of business;

“Sale” means to sell for retail, offer for retail sale, display or expose any products for retail sale; and

“Treasurer” means the Treasurer of the Corporation.

LICENSE REQUIREMENTS

2. (a) No person shall operate or carry on or permit to operate or carry on as a Mobile Vendor without a current valid license issued by the City Clerk under the provisions of this by-law.

(b) A person with a license to sell from one location shall not sell from place to place under the license.

(c) A license shall not be issued for a particular location unless the use is a permitted use under the City’s Zoning by-law or is otherwise permitted in association with a special community event sanctioned by the City.

(d) No person who is licensed to sell from place to place shall establish a display in one location and/or sell from that location for a period longer than fifteen (15) minutes.

(e) No person shall sell any goods, wares, merchandise other than those identified on the license.

EXEMPTIONS

3. A Mobile Vendor License is not required if:

- (a) the goods, wares or merchandise are grown, produced or manufactured in Ontario and are sold by the grower, producer or manufacturer or his/her agent or employee having written authority to do so, in the City of Elliot Lake and the grower, producer or manufacturer resides in the City of Elliot Lake;
- (b) the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the product of his own farm.
- (c) the goods, wares or merchandise are wild fruit or berries picked in Ontario and are sold by a person resident in the City of Elliot Lake.
- (d) the goods, wares or merchandise are sold by an agent of the grower, producer or manufacturer acting on behalf of a dealer who pays property tax in the City of Elliot Lake in respect of the premises used for the sale of such goods, wares or merchandise.
- (e) the goods, wares or merchandise are sold from place to place by persons who are agents or employees of non-profit organizations, and the proceeds of the sale are for the benefit of the not-for-profit organization.
- (f) there is a written agreement with a not-for-profit organization to sell their goods, wares or merchandise at a show or fund-raising event organized by the not-for-profit organization during the hours of operation of the not-for-profit organization's fund-raising event or show.
- (g) the sale is from the premises of an established business which is a lawfully zoned premises if the goods, wares or merchandise are sold from inside the established structure.

LICENSE APPLICATION

- 4. To obtain a license under this by-law, the applicant shall:
 - (a) complete and file with the Municipal Law Enforcement Officer an application in writing on the forms provided by the City Clerk;
 - (b) state on the application whether there is an intent to sell from place to place or from one location only;
 - (c) file with the application a letter describing the goods, wares or merchandise intended to be sold or offered for sale under the license;
 - (d) pay to the Treasurer all applicable fees as prescribed in Schedule "A" to this by-law;
and
 - (e) provide a Criminal Record Search Certificate satisfactory to the Detachment Commander.

TERMS OR CONDITIONS OF LICENSE

5. All licenses issued under this by-law shall be subject to the following:
- (a) All licenses issued under this by-law shall expire on December 31st of the year of issuance.
 - (b) The license shall specify whether the licensee can carry on business from place to place or at one location.
 - (c) The holder of a license issued under this by-law shall at all times while conducting any business for which such license has been issued, carry such license upon his or her person and shall upon demand produce the license to the Municipal Law Enforcement Officer or any other peace officer.
 - (d) Operate as a Mobile Vendor only between the hours of 9:00 AM and 9:00 PM on any day.

PENALTY

6. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the *Provincial Offences Act, R.S.O. 1990*, as amended.

VALIDITY

7. If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every other provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

SHORT TITLE

8. This by-law shall be known as the Mobile Vendor By-Law.

REPEAL OF EXISTING BY-LAWS

9. By-law 79-136 and any amendments thereto are hereby repealed.

PASSED this 13th day of February, 2006.

DEPUTY MAYOR

CITY CLERK

Schedule "A" to By-Law No. 06-8 of
The Corporation of the City of Elliot Lake

SCHEDULE "A"

MOBILE VENDOR'S BY-LAW

FEES

License Fee	\$400.00 per year
Administration Fee to amend license	\$20.00 per incident

Fees for Licenses issued after August 1st may be levied at ½ the annual rate.

PUBLIC NOTICE
Proposed City of Elliot Lake Licencing By-law
with respect to Mobile Vendors

TAKE NOTICE that the Council of The Corporation of The City of Elliot Lake will hold a public meeting to consider a by-law on Monday February 13, 2006 at the hour of 6:30 P.M. at the City Hall, 45 Hillside Drive North to consider a by-law to licence and regulate Mobile Vendors.

The purpose and effect of the proposed by-law is as follows:
To update the existing outdated Hawker Pedlar By-law No. 79-136 with clear provisions for enforcement and to allow consistent application in recognition of the provisions of the new Municipal Act, 2001.

This notice is provided pursuant to Section 150(4) of the Municipal Act, 2001 and the City of Elliot Lake's Notice Provisions By-law No. 03-03.

ADDITIONAL INFORMATION relating to the proposed Mobile Vendors By-law is available for inspection at the Office of the City Clerk, during regular office hours, and is available for review on the City's Website at www.cityofelliotlake.com / City Hall / Information / "Take Notice"

DATED at the City of Elliot Lake
this 25th day of January, 2006.
L. Sprague, City Clerk
City of Elliot Lake
45 Hillside Drive North
Elliot Lake, ON P5A 1X5

