



Town of Antigonish
Trade and Licensing By-law

DEFINITIONS:

1. Unless otherwise indicated, the following meaning shall apply:
 - a) "License" shall refer to a letter of approval to carry on a specific activity;
 - b) "Peddler" includes any peddler, hawker or trader of goods who offers to sell goods either by going door-to-door or by displaying same in a public area;
 - c) "Liquidator(s)" includes the retail sale of any new or used goods;
 - d) "Ratepayer(s)" shall mean a person who has been ordinarily resident in the Town for a period of twelve (12) months preceding the date of license applications;
 - e) "Resident" shall mean a person who has been ordinarily resident in the Town for a period of Twelve (12) months preceding the date of license applications;
 - f) "Ordinarily Resident" shall be defined as per the Municipal Elections Act;
 - g) "Town" shall mean the Town of Antigonish;
 - h) "Transient Trader" shall include any business enterprise whether it be proprietorship, partnership or incorporation that wishes to do business within the Town on a seasonal or part-time basis;
 - i) "Seasonal" shall refer to the four (4) seasons of the calendar year;
 - j) "Part-time Basis" shall refer to a period of time less than three (3) continuous months in duration.
2. This By-law shall be known as, and may be cited as, the Trade and Licensing By-law.
3. Every application for a license under this By-law shall be in writing and be directed to the Chief Administrative Officer of the Town.
4. The Chief Administrative Officer may after reviewing the application, issue a license upon such terms and conditions as set forth herein.
5. Licenses issued under this By-law shall be for a period of one (1) year.

6. Licenses issued shall not become effective until such time as fees for said license are paid in full.
7. It shall be an offence for any person to solicit or carry on business requiring a license under this By-law without first having obtained a valid license therefore.
8. It shall be an offence for any person to contravene the terms and conditions of any license issued, or of any of the terms and conditions of any license issued or of any of the terms of this By-law.
9. Any person found guilty of having contravened or failing to comply with any of the terms of this By-law shall, on conviction, be liable to a penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00), and in default of payment to imprisonment for a period not exceeding sixty (60) days.
10. Such license shall be personal to the party to whom it is granted and shall entitle such person only to sell or carry out fundraising activities thereunder.
11. A decision shall be communicated in writing to all applicants who apply for licenses under the terms of this By-law within thirty (30) days of the receipt of said application.
12. The By-law Enforcement Officer for the Town has the Authority to enforce all aspects of this By-law.

PEDDLERS, HAWKERS, AND TRANSIENT TRADERS

13. No person who is not a ratepayer or nor ordinarily resident in the Town shall, on his/her own behalf, or as the agent of another, peddle, hawk or trade goods, wares or chattels or merchandise of any kind, or exercise the calling of peddler, hawker or trader of goods without first having obtained a license therefore except as provided in Section 18.
14. The fee payable for the license required under Section 13 shall be Five Hundred Dollars (\$500.00).
15. The language of Section 13 of this By-law shall be held to include any person who, not being a ratepayer or nor permanent resident in the Town, without such license, within the Town sells or offers for sale or solicits orders for the future delivery of goods or services from door-to-door, by written solicitation, by telephone or by any means other than by a merchant from a recognized retail store.
16. Every licensee shall, while conducting his/her business, have on his/her person the license issued under this By-law, and shall produce such license upon request.

17. For the purposes of this By-law, the terms peddler, hawker or transient trader shall include but are not limited to an operator of a flea market, a temporary or seasonal business operation, a mobile business, and art retailer, and door-to-door salesmen.
18. Nothing herein contained shall apply to peddlers, hawkers or transient traders who conduct their business inside premises that are assessed as commercial property where an established retail or wholesale entity is operating and from whose owners' or managers' written permission has been received to conduct said business. It shall be necessary to provide proof of such permission when requested.

AUCTIONEERS

19. No person who is not a ratepayer of nor ordinarily resident in the Town shall on his/her own behalf or as the agent for another who is not a ratepayer of nor ordinarily resident in the Town, sell at a public estate auction, real estate, goods, wares, chattels or merchandise, of any kind whatever without first being licensed thereto except as provided in Section 21.
20. The fee payable for a license required under Section 20 shall be as follows:
 - a) For a period of one (1) calendar year, the fee shall be in the amount of Seven Hundred and Fifty Dollars (\$750.00).
 - b) For a two-week period, the fee shall be in the amount of Two Hundred Dollars (\$200.00).
21. Nothing herein contained shall extend to the sheriff or other office of the law or person selling under legal or equitable process, or to any person selling under distress of rent or power of sale.

LIQUIDATORS

22. The sale of new and/or used retail goods by a liquidator through display or auction is prohibited.

EXEMPTIONS

23. The following activities shall be exempt under the terms of this By-law and no application need be made for a license:
 - a) Car wash or vehicle cleaning activities;
 - b) Neighbourhood or residential yard sale;

- c) Any activity carried on during the Eastern Nova Scotia Exhibition and on the grounds except as provided for in the Town's Amusement Performances By-law;
- d) Any activity carried on during the Antigonish Highland Games and on the grounds except as provided for in the Town's Amusement Performers By-law;
- e) Any activity where a person, whether resident or not, offers to sell to any person doing business in the Town, goods intended to be resold by such person on his/her own business;
- f) School and university fundraising activities where the school or the persons involved thereof is located within or are from the Town or County of Antigonish;
- g) All service groups and charitable organizations including religious groups and organizations who are carrying out fundraising activities and/or solicitations;
- h) Activities carried out by religious groups under the auspices of those religious organizations that have assessed property in the Town.

24. Repeal: Any previous Trade and Licensing By-law and amendments thereto are repealed upon the coming into force of this By-Law.

Date of First Reading:	<u>November 16, 2009</u>
Date of Advertisement of Notice of Intent to Consider:	<u>December 2, 2009</u>
Date of Second Reading:	<u>December 21, 2009</u>
Date of Advertisement of By-law Passage and Approval:	<u>January 13, 2010</u>
Date of Mailing Certified Copy to SNS & MR:	<u>January 4, 2010</u>

I certify that this Trade and Licensing By-law was adopted by Council and published as indicated above.

D. Kampen
Chief Administrative Officer

Jan 4, 2010
Date