

CORPORATION OF THE TOWN OF PETROLIA

BY-LAW NUMBER 39 - 2013

BEING A BY-LAW TO PROHIBIT THE SALE OR HIRE OF GOODS OR SERVICES BY TRANSIENT TRADERS IN THE TOWN OF PETROLIA

THE COUNCIL OF THE CORPORATION OF THE TOWN OF PETROLIA 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.

NOW THEREFORE the Council of The Corporation of the Town of Petrolia enacts as follows:

1. No person shall operate a business, conduct any commerce or trade, or offer for sale any goods or services 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 Town of Petrolia who does not qualify for a Business License under the Business Licensing By-law, but who offers goods, wares or merchandise for sale.
3. The By-law does not apply to the sale of an existing business to a bona fide purchaser who continues the business.
4. 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.
5. Every Transient Trader vendor who is not eligible for, a Business License issued by the Town of Petrolia is guilty of an offence and upon conviction is liable to a fine of \$200.00, plus costs incurred in enforcement.
6. This by-law shall be enforced by Town's By-Law Enforcement Officers and the Petrolia Detachment of the Ontario Provincial Police.

SPECIAL PROVISIONS

1. The Council of the Town of Petrolia may, on an individual basis make exemption and approve a Transient Trader business application. If approved the Transient Trader would be subject to a fee as determined by Town of Petrolia staff based on the goods for sale and the length of the business license to be granted. If approved the Transient Traders business license

would be temporary and would expire on a said date. An example of such an exemption would be for the stationary sale of fruits and or vegetables, in a single temporary location.

2. Charitable Organizations who canvass for contributions and support of their organization are not considered a Transient Trader by the Town of Petrolia and therefore are not subject to this by-law.

PENALTY PROVISIONS

1. Any person who contravenes any portion of this By-Law is guilty of an offence and upon conviction for such contravention, shall forfeit and be liable to pay a fine of \$200.00, plus costs incurred in enforcement, and costs associated therewith may be recovered under the provisions of the Provincial Offences Act R.S.O. 1990, Chapter p-33, as amended.

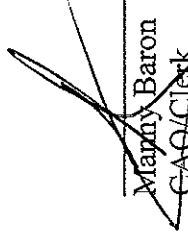
GENERAL PROVISIONS

2. **THAT** the short form title of this By-law shall be the **Transient Traders By-law**
3. **THAT** any By-Laws or provisions of By-Laws found to be inconsistent with the provisions found in this By-Law shall be and are hereby repealed including Town of Petrolia By-Law 32-2013.
4. **THAT** this By-Law to go into force and effect upon the final passing thereof.

By-Law Read a First, Second and Third Time and Finally Passed this 12th day of August, 2013.



John McCharles
Mayor



Manny Baron
CAO/Clerk

THE CORPORATION OF THE TOWN OF PETROLIA

BY-LAW NUMBER 39-2013

Schedule A – SET FINE SCHEDULE
Part I Provincial Offences Act

Title: A BY-LAW TO PROHIBIT THE SALE OR HIRE OF GOODS OR SERVICES BY
TRANSIENT TRADERS IN THE TOWN OF PETROLIA

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	<p>Transient Trader – Every Transient Trader vendor who is not eligible for, a Business License issued by the Town of Petrolia is guilty of an offence and upon conviction is liable to a fine.</p> <p>Failure to produce a temporary business license, and seek special exemption from Council of By-Law 32-2013</p>	Sect 3	\$ 200.00
2.	<p>Any person who contravenes any portion of this By-Law is guilty of an offence and upon conviction for such contravention</p>	Sect 3	\$ 200.00

**ONTARIO COURT OF JUSTICE
PROVINCIAL OFFENCES ACT**

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 39-2013, of the Town of Petrolia, attached hereto are the set fines for those offences. This Order is to take effect September 30, 2013.

Dated at London this 30th day of September 2013.



Kathleen E. McGowan
Regional Senior Justice
West Region

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ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	Operate a Business without a licence	Sect 1	\$ 200.00

NOTE: the general penalty provision for the offences listed above is section 61 of the
Provincial Offences Act, R.S.O. 1990, c P.33, as amended