

2324

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2324

Being a By-law to license, regulate and govern transient traders and other persons whose names have not been entered on the assessment roll in respect of business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner;

And being a By-law requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of business assessment, and who so offer goods, wares or merchandise for sale, to pay a licence fee before commencing to trade.

WHEREAS The Municipal Act, R.S.O. 1960 Chapter 249 Section 401 Paragraphs 16 and 17 authorize the Council to pass By-laws for the purposes therein stated;

AND WHEREAS the Council of The Corporation of the City of North Bay deems it advisable to enact the within By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. The provisions of this By-law shall be applicable to and have full force and effect within the territorial limits of The Corporation of the City of North Bay.
2. For the purposes of this By-law:
  - (a) "City" shall mean The Corporation of the City of North Bay.
  - (b) "Council" shall mean the Council of The Corporation of the City of North Bay.
  - (c) "Enforcement Officer" shall include the Licence Inspector and any member of the City Police Department.
  - (d) "Licence Inspector" shall mean the Licence Inspector for the time being of The Corporation of the City of North Bay.
  - (e) "Municipality" shall mean The Corporation of the City of North Bay.
  - (f) "Person" shall include firm, partnership, company, corporation, club or organization.
  - (g) "Transient Trader" includes any person commencing business who has not resided continuously in the municipality for at least three months next preceding the time of his commencing such business there.
3. In the City of North Bay:
  - (a) No transient trader or other person whose name has not been entered on the assessment roll for the City in respect of business assessment for the then current year, shall offer goods, wares or merchandise for sale by auction, conducted by himself or by a licensed auctioneer or otherwise or shall offer them for sale in any other manner without being licensed so to do under the provisions of this By-law.

- (b) No transient trader or other person whose name is not entered on the assessment roll for the City or is entered on it for the first time, in respect of business assessment, shall offer goods, wares or merchandise for sale without being licensed so to do under the provisions of this By-law.
- 4.
- (a) The application for a license under this By-law shall be in writing on forms to be provided by the City and shall be fully completed and signed by the applicant.
  - (b) The aforesaid application shall contain the following information:
    - (i) The full name, residence address, business address and telephone numbers of the applicant and each partner, if any.
    - (ii) If the applicant is a company, corporation, club or organization, the head office address, business address and telephone numbers as well as the full names, addresses, and telephone numbers of the principal officers thereof.
    - (iii) The names addresses and telephone numbers of the firms represented by the applicant.
    - (iv) The names, addresses and telephone numbers of the manufacturers or suppliers of the goods, wares or merchandise intended to be sold.
    - (v) The names, addresses and telephone numbers of three character references and three business references.
5. The applicant, at the time of making application for license shall comply with the provisions of Paragraph 17(i) of Section 401 of The Municipal Act aforesaid and, in addition thereto, he shall furnish the License Inspector and the City Solicitor with true copies of all forms of contract, promissory notes or other documents intended to be used by the applicant in connection with his trade or business.
6. The License Inspector and the City Solicitor shall make all proper investigations pertaining to the applicant for a license as aforesaid and shall report thereon to Council when making their recommendations.
7. The applicant for a license under this By-law shall pay the prescribed license fee prior to the issue thereof.
- 8.
- (a) A license issued pursuant to the provisions of this By-law shall be for the current year of issue and shall expire on the 31st day of December of such year.
  - (b) A license issued pursuant to the provisions of this By-law shall not be transferable.
9. Licenses under this By-law shall be issued by the License Inspector subject to the approval of Council.
10. Every person licensed under this By-law, upon changing his residence or business address, shall give written notice thereof to the License Inspector within ten (10) days after such change, setting forth his new address.
- 11.
- (a) Subject to the provisions of paragraph (b) hereof the annual license fee payable pursuant to the provisions of this By-law is hereby fixed and set at the sum of \$250.00.
  - (b) The annual license fee payable by a farmer, resident in Ontario, who offers for sale only the produce of his own farm is hereby fixed and set at the sum of \$5.00.

12. The provisions of this By-law shall be enforced by the Enforcement Officer.

13. The following provisions of The Municipal Act aforesaid shall be deemed to be incorporated in and form a part of this By-law:

Section 401, Paragraph 17

- (b) The by-law does not apply to the sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason or fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock.
- (c) The by-law does not apply to the sale of a business to a bona fide purchaser who continues the business.
- (f) The sum paid for a license shall be credited to the person paying it, or to any bona fide purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect or real property taxes on the land used for the purposes or of in connection with the business if the land is owned by the person carrying on the business, during the year in which the license was issued and five years thereafter.
- (g) Every transient trader who carries on business without a license is guilty of an offence and on summary conviction is liable to a fine equal to the licenc fee that he should have paid and in addition thereto the sum of not less than than \$10 and not more than \$200.
- (h) Every transient trader shall cluse his license to be prominently and permanently displayed in his place of business during the full term in which he is carrying on business as a transient trader and in default thereof is guilty of an offence and on summary conviction is liable to a fine of not less than \$1.00 and not more than \$10.
- (i) Every applicant for a transient trander's license shall as part of his application for such license furnish a statement in writing containing a full description of the goods, wares or merchandise that he proposes to sell or offer for sale under such licence.

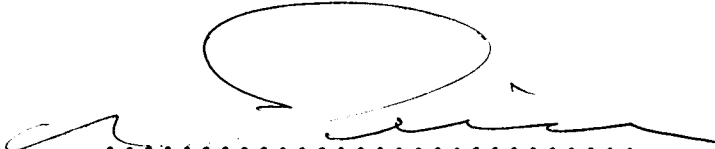
14. This By-law shall take effect upon the final passing thereof and shall remain in full force and effect from year to year until amended or repealed.

15. By-laws Numbers 1200 and 1600 of The Corporation of the City of North Bay and all other By-laws or sections of By-laws of the said Corporation conflicting with the terms and provisions of this By-law shall be deemed to be and they are hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 11TH DAY OF OCTOBER 1966.

READ A SECOND TIME IN OPEN COUNCIL THIS 24TH DAY OF OCTOBER 1966.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 24TH DAY OF OCTOBER 1966.

  
 .....  
 MAYOR

  
 .....  
 CITY CLERK