

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2416

Being a By-law to license, regulate and govern transient traders 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.

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 mean the License Inspector and any member of the City Police Department;
 - (d) "License Inspector" shall mean the License 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:

No transient trader 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;

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. Licenses under this By-law shall be issued by the License Inspector subject to the approval of Council.
9. 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.
10. (a) Subject to the provisions of paragraph (b) hereof, the license fee payable pursuant to the provisions of this by-law is hereby fixed and set at the sum of \$250.00.
- (b) The 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.

11. The provisions of this By-law shall be enforced by the Enforcement Officer.
12. 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 of 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 licence 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 of real property taxes on the land used for the purposes of or 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 license fee that he should have paid and in addition thereto the sum of not less than \$10.00 and not more than \$200.
 - (h) Every transient trader shall cause 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 trader'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 license.
13. 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.

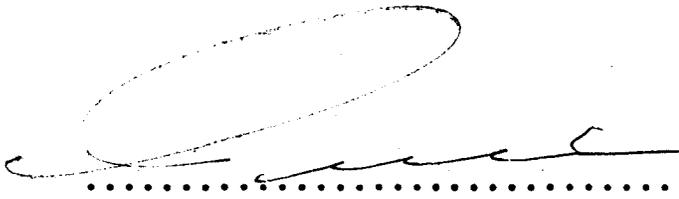
14. By-laws numbers 1200, 1600 and 2324 of the Corporation of the City of North Bay and all other By-laws or sections of By-laws of the said Corporation conflicting with the terms and provisions of this By-law shall be deemed to be and they are hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 16TH DAY OF OCTOBER 1967.

READ A SECOND TIME IN OPENCOUNCIL THIS 16TH DAY OF OCTOBER 1967.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED

THIS 16TH DAY OF OCTOBER 1967.


.....
MAYOR


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CITY CLERK