WHEREAS the Council of the City of Peterborough passed By-law 05-0197, a by-law to provide for the licensing of certain businesses in the City of Peterborough

AND WHEREAS the Council of the City of Peterborough passed the recommendation contained in Report CPCLK11-011, Business Licensing - Temporary Trader Amendments;

NOW THEREFORE THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

1. That the following be added to Article 1.0, Definitions.

   **Door-to-Door Salesperson** – means a person who goes door-to-door with goods, wares, or merchandise for sale or carries or exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the City of Peterborough afterward, but shall not include any person who is hawking, peddling or selling goods, wares or merchandise to wholesale or retail dealers in similar goods, wares or merchandise.

2. That the Temporary Trader definition as defined in Article 1.0., Definitions, be deleted and replaced with the following:

   **Temporary Trader** – means any person who sells from a permanent structure on a temporary basis or from a particular place in the City of Peterborough goods, wares or merchandise for sale or carries or exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the City of Peterborough afterward, but shall not include any person who is:

   a. hawking, peddling or selling goods, wares or merchandise to wholesale or retail dealers in similar goods, wares or merchandise;
   b. a door-to-door salesperson, as defined herein;
   c. a person operating a mobile canteen, as defined herein;
   d. a vendor, or a farmers’ market, located on land which is (1) appropriately zoned for the retail sale of the particular goods, wares or merchandise being sold or offered for sale, pursuant to the Corporation of the City of Peterborough’s zoning by-law; and (2) subject to a written lease agreement permitting the sale of the particular goods, wares or merchandise being sold or offered for sale; or
   e. selling goods, wares or merchandise on behalf of a charity or non-profit organization, provided that the City Clerk has issued a temporary trader licence upon submission of proof of charitable or non-profit status, whereupon the City clerk shall waive the applicable fee.
3. That Article 2.1 Licence-required, be deleted and replaced with the following:

2.1 Licence – required
No person shall operate any of the following businesses without having first obtained a licence from the Clerk:
   a. An adult entertainment parlour;
   b. An arcade, billiard hall, bowling alley, theatre, public dance hall or roller skating rink;
   c. An auctioneer;
   d. A bake shop;
   e. A butcher shop;
   f. A barber shop or a hairdressing establishment;
   g. A door-to-door salesperson;
   h. A dry cleaner or laundromat;
   i. A lodging house in which three or more persons are harboured, received, kept or lodged for hire or compensation;
   j. A mobile canteen;
   k. A plumber or drain layer
   l. A public garage;
   m. A restaurant; or
   n. A temporary trader;

4. That Article 2.2, Application form - requirements be deleted and replaced by the following:

An application for a licence, or for renewal of a licence, shall be made on the forms provided by the Clerk, and each completed application shall be submitted to the Clerk, accompanied by:

   a. The licence fee, in the amount specified in Schedule ‘A’ or Schedule ‘B’;
   b. If the applicant is corporation, a copy of the incorporating document and a copy of the last annual information return filed, if any; and
   c. If the applicant is a registered partnership, a copy of the registered declaration of partnership; and
   d. If the application is for an Adult Entertainment Parlour, a copy of the current liquor licence; and
   e. If the application is for a temporary trader or mobile canteen licence, written proof of permission of the property owner, or authorized agent, consenting to the operation of the business.
5. That Article 2.4 be deleted and replaced with the following:

An applicant whose application meets all the requirements of this by-law is entitled to the issuance or renewal of a licence except where:

a. Past conduct of the applicant affords reasonable grounds for belief that the issuance of a licence would be adverse to the public interest;

b. The applicant is carrying on activities that are, or would be, if licenced, in contravention of this by-law, any other by-law, or federal or provincial statute; or

c. The Applicant is seeking a temporary trader or mobile canteen licence and does not present written proof of permission of the property owner, or authorized agent, consenting to the operation of the business to the City Clerk at least five (5) business days prior to intended date of sale.

6. That Article 2.5, License-Term, be deleted and replaced with the following:

Every licence issued pursuant to this by-law shall be valid for one year and shall not be transferable, save and except licences for a Door-to Door Salesperson and for a Temporary Trader, whose licences shall be valid for the period shown in Schedule ‘B’ attached hereto.

7. That Article 9, Temporary Trader be deleted and replaced with the following:

ARTICLE 9
TEMPORARY TRADER AND DOOR-TO-DOOR SALESPERSON

9.1 Specific Definition
Goods, wares and merchandise – means any article, merchandise, service or privilege obtained for consideration or anything that has economic utility or want, or an intangible item (such as a service or membership) that is a marketable commodity;

9.2 Sale - public highway or property - prohibited
No person shall carry on the business of a temporary trader on any public highway or other property owned by The Corporation of the City of Peterborough, without having first obtained specific written permission from the Clerk.

9.3 Sale - private property - conditions
a. No person shall carry on the business of a temporary trader on any property not owned by the Corporation of the City of Peterborough, without first having obtained the written consent of the property owner or authorized agent, and unless the site is appropriately zoned for the retail sale of the particular goods, wares or merchandise being sold or offered for sale, pursuant to the Corporation of the City of Peterborough’s zoning by-law.

b. Every licensee offering for sale any goods, wares or merchandise on any property not owned by The Corporation of the City of Peterborough shall, upon the request of any peace officer or authorized official, produce the written authorization of the owner or authorized agent of the property.
c. At least five (5) business days prior to the issuance of a temporary trader Licence each Applicant shall provide the City Clerk with:

i. the written consent of the owner or authorized agent;

ii. name, address and telephone number of the Applicant;

iii. if the Applicant is a partnership, the names, addresses and telephone numbers of persons associated with the partnership;

iv. if the Applicant is a corporation, the head office of the corporation and the names, addresses and telephone numbers of all directors of the corporation; and

v. a description of the goods, wares and merchandise being sold or for which an order for later delivery will be taken.

9.4 Licence to Specify Goods, Wares, Merchandise Being Sold

Each temporary trader licence and door-to-door salesperson licence issued by the Clerk shall specify the goods, wares and merchandise being offered for sale or for which an order for later delivery will be taken.

9.5 Specific Offences

a. It shall be an offence for any person, partnership or corporation or any affiliated partnership or affiliated corporation to sell any type of goods, wares or merchandise not specified in the licence issued by the Clerk.

b. It shall be an offence for any person, partnership or corporation or any affiliated partnership or affiliated corporation to transfer a temporary trader licence or a door-to-door salesperson licence.

c. It shall be an offence for any person, partnership or corporation or any affiliated partnership or affiliated corporation to carry on the business of being a temporary trader or a door-to-door salesperson without having first obtained the required licence from the Clerk.

9.6 Offences

a. Any person operating a business, which requires a licence under this by-law and who, without having obtained the appropriate business licence from the City Clerk, is, upon conviction, guilty of an offence and subject to a fine under the Provincial Offences Act or to payment of a Set Fine, if any;

b. Any person who cannot, upon request, satisfy the City that the appropriate licence was obtained from the City Clerk and who, at the time the request was made, was operating a business which is required to be licenced under this by-law, is, upon conviction guilty of an offence and subject to a fine under the Provincial Offences Act or to payment of a Set Fine, if any;

c. Any person who cannot, upon request, satisfy the City that the appropriate licence was obtained from the City Clerk and who, at the time the request was made, was operating a business which is required to be licenced under this by-law on City-owned land, is, deemed to be a trespasser.
8. That the following be appended to By-law 05-197, and shall be known as Schedule ‘B’:

Schedule ‘B’

Schedule ‘B’ - Licensing Fees for Door-to-Door Salesperson and Temporary Trader

<table>
<thead>
<tr>
<th>Description of Licence</th>
<th>Daily</th>
<th>Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Door-to-Door Salesperson</td>
<td>$100.00</td>
<td>$800.00</td>
</tr>
<tr>
<td>Temporary Trader</td>
<td>$100.00(^*)</td>
<td>$800.00(^*)</td>
</tr>
</tbody>
</table>

*per location

By-law read a first, second and third time this 2\(^{nd}\) day of August, 2011.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk