

TOWN OF BERWICK BYLAW

LICENSES

(a.k.a. Hawkers and Peddlars)

- 111. Where a person who is not a resident ratepayer of the Town wishes to hawk, peddle or solicit sales of goods or services from door to door, he shall obtain a license, called a "Transient Traders License", from the Clerk, authorizing him to do so.
- 112. Where the person hawking or peddling or soliciting sales of goods or services is acting as the servant or agent of a principal or employer who is not a resident ratepayer of the Town, the principal or employer shall obtain a license mentioned in bylaw 111 whether or not the servant or agent is a resident ratepayer.
- 113. The foregoing sections in reference to hawkers and peddlars shall apply to any person asking or soliciting persons to subscribe for or take any book, paper, magazine, chart, drawing, photograph, picture or other thing.
- 114. Any person who violates or fails to comply with any of the provisions of this Bylaw shall be liable on conviction to a penalty not exceeding One Thousand Dollars (\$1,000.00) and in default of payment to imprisonment for a period not to exceed three (3) months.
- 115. Every person applying for a license under Sections 111 and 112 of these bylaws shall, if said license is granted, pay a fee for such license and the amount of such fee shall be as follows:

To entitle such person to hawk, peddle and go from door to door and sell or offer for sale:

Electrical Appliances	\$25.00 per three month period
Household Furnishings and Appliances	\$25.00 per three month period
Photographs and Supplies	\$25.00 per three month period
Builders Supplies	\$25.00 per three month period
Cosmetics	\$25.00 per three month period
Automobile Parts and Accessories	\$25.00 per three month period
Groceries	\$100.00 per year
Office Supplies	\$25.00 per three month period
Magazines, Books and Periodicals	\$25.00 per three month period
Clothing and Wearing Apparel	\$25.00 per three month period
Drugs	\$25.00 per three month period
Silverware and Kitchen Utensils	\$25.00 per three month period
Established Mail Order Offices	\$100.00 per year

116. Any person issued a license pursuant to bylaws 111 or 112 shall show the license to any prospective purchaser or client who requests to see it. Where the licensee fails or refuses to show the license he is guilty of an offence in the same way as if he had not obtained such license.
117. Nothing in the foregoing sections shall apply to the case of any milkman vending milk, nor to any farmer or market-gardener selling within the Town the produce of the farm or dairy, nor to any fisherman selling within the Town any fish nor to any person selling goods, meat, provisions or supplies to retail or other dealers being ratepayers of the Town and doing business therein to be re-sold or re-shipped by such dealers nor to any person bringing wood or other products of the forest into the Town and selling the same to be used for fuel or other purposes in the Town.
118. No person shall within the Town exercise the office or business of auctioneer nor sell or offer for sale at auction within the Town any real or personal property of any nature, kind or description without first obtaining a license authorizing him personally to do so. Provided however that this section shall not apply to sales at church socials or benevolent bazaars or entertainments.
119. No person shall establish, open or keep any shop or store known as a rag or junk store within the Town nor deal in rags, junk or other similar articles without first obtaining a license for that purpose.
120. The holder of every such license as in the last section mentioned shall keep a book or books at his place of business in which he shall enter or cause to be entered all such articles as may be purchased, taken or received by him or offered to him for purchase and he shall therein describe as accurately as possible the said articles so purchased, taken or received by him and he shall keep the said book or books open to the inspection of the policemen and constables of the Town and of all persons who shall desire to see the same for the purpose of obtaining information in reference to lost or stolen property. If the licensee has reason to suspect that any article presented to him for purchase has been unlawfully obtained by the person who presents it or by an other person it shall be the duty of the licensee to retain the article and to furnish the name and description of the person presenting the same for sale and a description of the article to the Mayor or Police Officer of the Town in order that investigation may be made of the facts and a memorandum of all the facts and circumstances connected with the offering of the said goods for sale shall be entered in the said books by the licensee or keeper of the shop or store.
121. Licenses may be issued to Hawkers, Peddlers, Auctioneers, Rag and Junk Dealers for the purposes hereinbefore mentioned by the Town Clerk on the recommendation of the License Committee.

122. The fee for an Auctioneer's License shall be Ten Dollars for one year, Seven Dollars for six months and Four Dollars for three months.
123. All licenses issued in the Town shall be signed by the Town Clerk and sealed with the seal of the town and shall bear date of the date of issue.
124. The sum to be paid for a license issued under any of the bylaws shall be paid to the Town Clerk.
- (a) The Council may authorize the Clerk to issue a license upon receipt of the following:
- (i) A completed Application form signed and dated by the Applicant;
- (ii) The required License Fee set forth in the schedule to this Bylaw.
- (b) A License issued under this Bylaw shall be valid for the period specified therein.
- (c) The Clerk shall keep a record of every License issued by her/him, with a number on each record corresponding to the number inserted in the License.
- (d) The Clerk, upon payment of Five Dollars (\$5.00), shall replace any License when a person so licensed with the Clerk files a Statutory Declaration that the original valid License has been lost or destroyed.
- (e) Every licensee shall display his/her name and the number of the License on his/her vehicle or pack.
- (f) An Application for a license shall contain the following information concerning the Applicant:
- (i) His/her full name and address;
- (ii) His/her age;
- (iii) Whether or not he/she is a RatePayer of the Town, if applicable;
- (iv) The name of the trade engaged in;
- (v) The type of goods sold;
- (vi) The number of employees and/or salespersons;
- (vii) The method by which the trade is to be carried out;
- (viii) The location where the trade is to be carried out;
- (ix) Any relevant approvals from other regulatory bodies and/or affected person (i.e. Department of Health, Department of Environment, private property owners, etc.).
- (g) When engaged in trade, every licensee shall display his/her License on demand.
125. Licenses shall only be granted on the recommendation of the License Committee or by order of the Council.

126. A Hawker's and Peddler's or Rag and Junk Dealer's license shall not authorize the holder to sell anything at auction nor in any other way than in the manner set out in the license and an Auctioneer's license shall not authorize the holder to sell in any other way than by auction.
127. A license shall be personal to the person to whom it is granted and it shall not entitle more than one person to sell nor shall any person except the person named therein sell under it.
128. A license issued under this Bylaw is not valid during the Gala Days Celebrations held on the Labour Day Weekend in September of each year. The License fee for an Applicant selling food and beverages during the Gala Days Celebrations shall be the sum of One Thousand Dollars per day (\$1,000/day) and the License fee for an Applicant selling other wares and merchandise during Gala Days Celebrations shall be Two Hundred Dollars per day (\$200/day).
129. Any Gala Days Vendors who are identified as bona fide Gala Days participant Vendors, and are marked accordingly, shall be exempt from any Licensing Fee.
130. All Licensing Fees collected under this subsection shall be donated to the Berwick Gala Days organization.

History of this Bylaw:

Enacted - July 9, 1963

Amended - July 29, 1998