

BY-LAW NO. 8

A BY-LAW OF THE MUNICIPALITY OF ALMA

RESPECTING PEDDLERS

Enacted: October 28, 1976

Whereas subsection 168 (1) of the Municipalities Act provides that a Council may provide for the licencing of peddlers.

THEREFORE BE IT ENACTED by the Council of the Village of Alma as follows:

1. In this By-Law
 - (a) "Clerk" means the Clerk of the Municipality;
 - (b) "Council" means the Mayor and Councillors of the Municipality;
 - (c) "Councillor" means a member of the Council other than the Mayor;
 - (d) "member of the Council" means any person elected to the Council;
 - (e) "Municipality" means the Village of Alma
 - (f) "Peddler" means any person who peddles or hawks, or carries from place to place for the purpose of peddling or hawking, goods or merchandise;
 - (g) "Peddler's Licence" means a peddler's licence, and any renewal thereof, issued pursuant to this By-Law that has not expired or been revoked;
2. No person shall, within the Municipality, peddle or hawk, or carry from place to place for peddling or hawking, any goods or merchandise unless he has been issued a peddler's licence thereby the Clerk.
3. A peddler's licence is valid only for peddling or hawking, or from carrying from place to place for peddling or hawking, the class or type of goods and merchandise expressly described or referred to on the face of the peddler's licence.
4. An application for a peddler's licence shall be submitted by the peddler to the Clerk in such form and manner and shall contain such information as may be prescribed from time to time by the Council.

5. No peddler's licence shall be issued by the Clerk to any peddler unless the Clerk has been authorized by Council to issue such licence to that peddler.
6. Upon receiving authorization from Council to issue a peddler's licence to a peddler, the Clerk shall promptly issue such licence to that peddler upon payment by the peddler of a fee of fifty dollars.
7. A peddler's licence shall expire on the 31st day of December in the year in which it is issued.
8. Any person who applies for a peddler's licence and any person who holds a peddler's licence shall furnish to the Clerk such information as the Council deems necessary.
9.
 - (1) A person exercising the trade of a peddler within the Municipality on the day this By-Law comes into effect shall submit an application for a peddler's licence to the Clerk not later than 30 days after such day.
 - (2) No person exercising the trade of a peddler within the Municipality on the day this By-Law comes into effect shall be prosecuted for a violation of section 2 until
 - (a) he fails to submit his application for a peddler's licence to the Clerk in accordance with subsection 9 (1), or
 - (b) he submits his application for a peddler's licence to the Clerk in accordance with subsection 9(1) and that application is rejected by the Council.
10. A peddler's licence may be renewed and the provisions of section 4 and 7 apply mutatis mutandis to such renewal.
11. This By-Law does not apply to
 - (a) A person peddling or hawking fruits, vegetables, meats and other products harvested by him from his farm or garden;
 - (b) A fisherman peddling or hawking fish, oysters or any product harvested by him from the sea, or
 - (c) Persons employed by an temperance, benevolent or religious society in Province of New Brunswick for the peddling or selling of temperance tracts or other moral or religious publications under the direction of such society, to the exclusion of other goods and merchandise.
12. A person who violates any provision of this By-Law is guilty of an offence and, on summary conviction, is liable to a fine of not less than fifty dollars or more than two hundred dollars.
13.
 - (1) Where, in the opinion of Council, a peddler has violated this By-Law or any provision of this By-Law, the Clerk shall, upon direction of the Council, in addition to any other remedy or penalty prescribed herein, by notice served upon the peddler, revoke the peddler's licence issued to that peddler.

(2) The notice referred to in subsection (1) shall be sufficiently served upon the peddler if it is delivered personally to the peddler, or if it is mailed prepaid registered post to the last known residence or place of business of the peddler.

(3) Service of the notice referred to in subsection (1) by registered post shall be deemed to have been effected five days after the notice was deposited in the mail.

READ A FIRST TIME: (by title) this 2nd day of June 1976.

READ A SECOND TIME: (by title) this 13th day of September 1976.

READ in its entirety in Council/in Committee of the whole Council (as the case may be) this 28th day of October 1976.

READ A THIRD TIME: (by title) AND ENACTED THIS 28th

day of October 1976. Lenore A. Martin

CLERK

Audley F. Haslam

MAYOR