

CITY OF ST. THOMAS

BY-LAW NO. 23-2002

A By-law for the licensing, regulating and governing of the sale of goods.

AS AMENDED BY:

By-Law No. 74-2011

June 6, 2011

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS ENACTS AS FOLLOWS:

1. No person shall go from place to place or to a particular place with goods, wares or merchandise for sale on a retail basis, or carry and expose samples, patterns or specimens of any goods, wares or merchandise for sale on a retail basis that are to be delivered to a civic address in the Municipality on a later date, unless such person first obtains a license therefore from the Corporation.
2. For the purposes of this by-law, sale on a retail basis includes the selling, hawking and peddling of all items included in this by-law.
3.
 - (a) This by-law shall not apply to the sale of perishable goods. The sale of perishable goods is regulated under By-law No. 10-2003. *(By-law No. 74-2011)*
 - (b) This by-law shall not apply to any person or group of persons lawfully representing a community event or community festival as previously approved by the Council of the Municipality.
 - (c) This by-law shall apply to vendors or dealers buying Old Gold, Other Precious Metals and Old Jewellery. *(By-law No. 74-2011)*
4. No person shall sell on a retail basis goods, wares or merchandise, or carry and expose samples, patterns or specimens of any goods, wares or merchandise for sale on a retail basis that are to be delivered to a civic address in the Municipality on a later date contrary to permitted locations of operation on private property according to provisions of the City of St. Thomas Zoning By-law and other applicable laws and by-laws.
5. No license shall be required under this by-law:
 - (i) if the goods, wares or merchandise are being sold on a retail basis by a person who pays Commercial Realty taxes in the Municipality, or by his employee, or by his agent, or
 - (ii) if the goods, wares or merchandise are sold on a retail basis by an agent of the producer or manufacturer, acting on behalf of a dealer who pays Commercial Realty taxes in the Municipality in respect of the premises used for the sale of such goods, wares or merchandise.
6. The fees for the licenses required by Section 1 of the by-law shall be \$ **\$300.00** for each such event to include a maximum of six (6) individuals for each such event, of up to 6 continuous days within a calendar year and/or **\$1100.00** for any and all such events up to and including a maximum of six (6) individuals for each such event within a calendar year. In no instance are licenses issued under this by-law transferable.

(By-law No. 74-2011)

 - (i) Commencing January 1, 2012, the proposed fees will be adjusted annually for inflation by applying the most recent annual average change in the Ontario Consumer Price Index. *(By-law No. 74-2011)*
7. Every person licensed under this by-law shall, upon demand, exhibit it to any municipal or peace officer and, if such person fails to do so, such failure shall constitute a contravention of this by-law.
8. Every person who contravenes any provision of this by-law is guilty of an offence and shall upon conviction thereof, be subject to the penalties provided for in the *Provincial Offences Act*, R.S.O. 1990 and this by-law.
9. By-law 62-94 is repealed.

READ a First and Second time this 4th day of March, 2002.

READ a Third time and Finally passed this 4th day of March, 2002.

“original signed”

P. J. Leack, City Clerk

“original signed”

Peter Ostojic, Mayor