

CITY OF ST. THOMAS

BY-LAW NO. 10-2003

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

AS AMENDED BY:

By-Law No. 73-2011

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 perishable goods, for sale on a retail basis, or carry and expose samples or specimens of any goods 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 perishable goods in this by-law.
3. (a) This by-law applies to the sale of perishable goods.
(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.
4. No person shall sell on a retail basis perishable goods or carry and expose samples, patterns or specimens of any perishable goods 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 perishable goods 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 perishable goods 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 perishable goods.
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. 73-2011*)
 - (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. 73-2011*)
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.

READ a First and Second time this 20th day of January, 2003.

READ a Third time and Finally passed this 20th day of January, 2003.

“original signed”

Peter J. Leack, City Clerk

“original signed”

Peter Ostojic, Mayor