

By-Law No. 906

A by-law to provide for licensing, regulating and governing Hawkers, Pedlars and Petty Chapmen within the limits of the Village of Cobden.

The Council of the Corporation of the Village of Cobden hereby enacts as follows:

1. In this by-law the word "person" shall include not only an individual but also any body corporate or politic and the heirs, executors, administrators, successors or other legal representative of a person to whom the context can apply according to law, and words of the singular shall import the plural, and the plural the singular, and the words of the masculine shall import the feminine and the feminine the masculine.

2. In this by-law the words "Hawker" and "Pedlar" shall mean and include petty chapmen or a person or the agent or employee of a person who goes from place to place or to a particular place on foot or with any animal, vehicle, boat, vessel or other conveyance bearing or drawing goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of or who solicit or take orders for any goods, wares or merchandise, which is to be delivered afterwards.

3. No person shall engage in or carry on the trade, occupation or business of a hawker or pedlar within the limits of the Village of Cobden, unless and until he shall have procured a license authorizing him so to do and shall have paid to the Clerk-Treasurer of the Corporation the fee hereinafter mentioned, and no license shall be issued until such fee has been paid.

4. No license shall be required for hawking peddling or selling goods, wares or merchandise,

(a) to wholesale or retail dealers in similar goods, wares or merchandise

(b) if the goods, wares or merchandise are grown, produced, or manufactured in Ontario and are hawked, peddled or sold by the grocer, producer or manufacturer or his agent or employee having written authority to do so, in the Municipality in which the grocer, producer or manufacturer resides, provided such agent or employee shall exhibit his authority when required to do so by any Municipal or Peace Officer having jurisdiction in the said Village of Cobden, or,

- (c) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only produce of his own farm, or
- (d) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the Municipality or by his employee, or by his agent, or
- (e) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grocer, producer or manufacturer acting on behalf of a dealer who pays business tax in the Municipality in respect of premises used for the sale of any such goods, wares or merchandise.

The annual fee for a License to act as a hawker, or peddler within the Village of Cobden shall be as follows:-

- (a) For a person travelling on foot, with or without a push cart, hand cart, or barrow, to an applicant who has resided continuously within the Village of Cobden for at least one year prior to the application for such license. *\$ 10.00 per year*
to an applicant who has not so continuously resided. *\$ 20.00 "*
- (b) For a person using a one or two-horsed vehicle or an automobile or truck, to an applicant who has resided continuously within the Village of Cobden for at least one year prior to the application for such license. *\$ 10.00 per year*
to an applicant who has not so continuously resided. *\$ 20.00 per year*

6. Such license shall be issued by the Clerk, shall bear the seal of the Corporation and shall be signed by the Clerk, and shall not be transferable.

7. The licensee shall at all times while carrying on his business in the said Village have his license with him, and shall upon demand, exhibit it to any Municipal or Peace Officer having jurisdiction in the said Village of Cobden, and if he fails to do so, shall unless the same is accounted for satisfactorily, incur a penalty of not less than \$1.00 or more than \$5.00.

8. If such Peace Officer demands the production of a License by any person to whom the by-law applies, and the demand is not complied with, it shall be the duty of such officer, and he shall have power to arrest such person without a Warrant and to take him before the nearest Justice of the Peace, there to be dealt with according to law.

9. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the

convicting Magistrate or Justice of the Peace, a penalty not exceeding Fifty Dollars exclusive of costs and such costs as the Magistrate or Justice of the Peace may impose and the said Magistrate or Justice of the Peace may by his conviction order and adjudge that in default of payment of such penalty imposed by him and costs, if the conviction is made with costs, forthwith or within a limited time, such penalty and costs, if any shall be levied by distress and sale of the goods and chattels of the Offender and if sufficient distress cannot be found, that the Offender be imprisoned in the common goal of the County of Renfrew with or without hard labour for any period not exceeding twenty-one days, unless the said penalty and costs, if any, including the costs of the said distress and of the committal and conveying of the Offender are sooner paid.

10. This by-law shall come into force and effect on and after the date of approval thereof by the Department of Municipal Affairs for the Province of Ontario.

11. By-Law No. 506 of the said Corporation and all by-laws or parts of by-laws of the said Corporation inconsistent with this by-law is hereby repealed.

12. This by-law shall come into force on the date of the final passing thereof.

ENACTED this *Second* day of *June* 19 *52*

H. B. McEwen

Reeve

J. A. Lannon

Clerk

First Reading - *June 2 / 1952*
Second Reading - " "
Third Reading - " "