

BYLAW NO. L-2

**A BYLAW TO LICENSE AND REGULATE PEDDLERS, VENDORS,
TRANSIENT TRADERS AND BUSKERS**

BE IT ENACTED BY THE COUNCIL OF THE TOWN OF ST. STEPHEN AS
FOLLOWS:

1. DEFINITIONS

In this bylaw,

- (a) "article" includes food, beverages, clothing, wares, goods and merchandise.
- (b) "busker" means one who provides a form of entertainment in the public realm, regardless of whether payment is solicited, offered or accepted.
- (c) "busking" means an activity of making money from audiences on the street and the choice of how much, if anything, to pay for the entertainment received.
- (d) "busking permit" shall mean a permit issued by the Town of St. Stephen.
- (e) "bylaw enforcement officer" means the Bylaw Enforcement Officer of the Town of St. Stephen duly appointed by Town Council.
- (f) "clerk" means the Clerk of the Town of St. Stephen.
- (g) "council" means the Mayor and Councillors of the Town of St. Stephen.
- (h) "license" shall mean a peddler's license, a street vendor's license, or a transient traders license issued by the Town of St. Stephen.
- (i) "peddler" means any person who peddles or hawks, or carries from place to place for the purpose of peddling or hawking, goods or merchandise and issued a peddler's license approved by Council.
- (j) "person" shall mean an individual and shall include a corporation, partnership, or other form of legal entity.
- (k) "street" includes the whole or part of a highway, road, lane, footpath, square, alley or passage, whether a thoroughfare or not.

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- (l) "street vendor" means a person who is granted a site-specific street-vending license approved by Council.
- (m) "street vending" means the selling or exposing of or offering for sale any article in a street.
- (n) "temporary business" means the sale and delivering of goods, wares, property, services and merchandise being operated in the Town for less than six weeks and for said purposes uses or occupies any building, structure, motor vehicle, trailer, or other mobile unit.
- (o) "town" shall mean The Town of St. Stephen.
- (p) "transient trader" means any person who engages in a temporary business of selling and delivering goods, wares, property, services and merchandise within said Town at a site-specific location approved by Council.

2. PEDDLER'S LICENSE

- 2.01 No person shall, within the Town, peddle or hawk or carry from place to place for peddling or hawking any goods or merchandise unless that person has been issued a peddler's license therefore by the Clerk.
- 2.02 A peddler's license is valid only for peddling or hawking or for 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 license.
- 2.03 An application for a peddler's license 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.
- 2.04 Upon receipt of a duly completed application the Clerk shall issue such license to that peddler upon payment by the peddler of a fee prescribed in this bylaw.
- 2.03 No holder of a peddler's license shall transfer that license to any other person.
- * 2.04 A peddler's license shall expire on the 31st day of December in the year in which it is issued.
- 2.05 A peddler's license may be renewed.

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3. VENDING LICENSE

3.01 The Council may refuse to grant a vending license if there is not enough space in the street for the applicant to engage in the trading without causing undue interference or inconvenience to persons using the area, or if there are already established shops or businesses engaged in selling the articles in which the applicant desires to trade.

3.02 A vending license shall, unless previously revoked or surrendered, remain valid for a period of six months from the date of issue.

3.03 A vendor shall ensure that the vending license is clearly displayed at all times in the place from which he or she is trading.

3.04 When granting a vending license, Council may attach such conditions to it, as the Council considers reasonably necessary. The Council may at any time vary the conditions of a street vending license.

3.05 No person shall be granted more than one vending license.

3.06 No holder of a vending license shall transfer that license to any other person.

4. TRANSIENT TRADER'S LICENSE

4.01 No person shall operate a temporary business, within the Town, unless that person has been issued a transient trader's license therefore authorized by the Council.

4.02 The issuance of a transient trader's license permits a temporary business to operate at one location for a period of six months or less within the Town.

4.03 No holder of a transient trader's license shall transfer that license to any other person.

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5. BUSKERS PERMIT

- 5.01 Generally persons categorized as buskers include music performers, jugglers, singers and comedians.
- 5.02 To perform as a busker in the Town of St. Stephen a person must obtain a permit and pay an application fee as prescribed in this bylaw. Permits are current for four months only from the date of issue. Re-application will be required from performers who wish to renew their permits.
- 5.03 The following conditions apply in cases where a busker's permit is issued:
- (a) A busker shall not entertain at any site for a period in excess of one hour. Busking is only to be conducted between the hours of 9:00 am and 9:00 pm.
 - (b) A busker may only solicit money by placing a receptacle on the ground, but shall not directly approach members of the public for money nor sell goods of any description,
 - (c) A busker shall not obstruct or hinder the passage of pedestrians or vehicles.
 - (d) A busker shall not create any nuisance or unreasonable noise. The use of amplification equipment is prohibited.
 - (e) The use of sharp or dangerous objects is prohibited. Juggling knives, chain saws or flaming objects is not permitted.
 - (f) A busker must cooperate immediately with the request of any member of the RCMP Detachment of the Town of St. Stephen.
 - (g) Performers must be 16 years of age or over at the time of application. Exceptions may be made if an adult supports the application, and this adult is present at all performances given under the terms of the permit.
 - (h) The busker must obtain the permission of the shopkeeper(s)/trader(s) with premises directly adjacent to the performance area before performing and must cease performing IMMEDIATELY if requested to do so by premises occupier.

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- (i) No holder of a buskers permit shall transfer that permit to any other person.
- (j) Privately owned facilities are not under the jurisdiction of Council. To perform in these facilities buskers must seek permission from the owner/operator of the business.

5. GENERAL

Any license or permit shall not be issued until the Clerk determines the following:

- (a) that all the statements made in the application are true,
- (b) that the applicant has not engaged in any fraudulent transaction or enterprise, and
- (c) that nothing in the proposal will violate any provision of the bylaws of the Town of St. Stephen.

6. FEES

6.01 The Clerk may issue such license to a peddler, street vendor, or transient trader upon payment by the peddler, street vendor, or transient trader of a fee prescribed below, except in the case of a Book Agent, as defined in section 92 the *Municipalities Act*, where the fee shall be Twenty Dollars (\$20.00).

Transient Trader	\$500.00
Peddler	\$100.00
Vendor	\$ 50.00

6.02 The Clerk may issue such permit to a busker upon payment by the busker of a fee prescribed below.

Busker	\$25.00
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7. REVOKING OF LICENSES

- 7.01 Where in the opinion of the Clerk a peddler or street vendor or transient trader or busker has violated any provision of this bylaw, the Clerk shall, upon direction of the Chief Administrative Officer, in addition to any other remedy or penalty prescribed herein, by notice served upon the peddler or street vendor or transient trader or busker, revoke their license or permit so issued.
- 7.02 Any applicant who has been refused by the Chief Administrative Officer will have the right of appeal to Council.

8. EXEMPTION FROM LICENSING

This bylaw does not apply to,

- (a) a person peddling or hawking fruits, vegetables, meats, or other products harvested by that person from his or her farm or garden,
- (b) a fisherman peddling or hawking fish, oysters or any product harvested by him or her from the sea,
- (c) persons employed by any temperance, benevolent or religious society in the 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,
- (d) resident merchants operating an establishment fronting in the proper zoned area having sidewalk display sales not interfering with pedestrian traffic, or
- (e) municipally based service clubs, religious organizations, schools, and non-profit organizations conducting fundraising projects.

9. ENFORCEMENT

Pursuant to section 14 of the *Police Act* the Bylaw Enforcement Officer is duly appointed by resolution of Council to enforce the provisions of this bylaw, and amendments thereto.

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10. PENALTY PROVISION

Every person who violates any provision of this bylaw is guilty of an offence and is liable to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).

11. REPEAL PROVISION

- 11.01 Bylaw No. 83-4, A Bylaw Regulating And Licensing Peddlers And Transient Traders In The Town of St. Stephen, passed by Town Council on January 16, 1984, and amendments thereto, is hereby repealed.
- 11.02 Bylaw No. 83-4, A Bylaw Regulating And Licensing Peddlers And Transient Traders In The Town of St. Stephen, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

Read a first time this 19th day of January, 2004

Read a second time this 16th day of February 2004

Read a third time and passed this 15th day of March, 2004



W. Robert Brown, Mayor



Brenda Knight, Town Clerk

SCHEDULE "A"

**APPLICATION FROM
BY-LAW L-2
A BY-LAW TO LICENSE AND REGULATE PEDDLERS, VENDORS TRANSIENT
TRADERS AND BUSKERS**

Section 2.01 of By-law L-2 state: "No person shall, within the Town, peddle or hawk or carry from place to place for peddling or hawking any goods or merchandise unless that person has been issued a peddler's license therefore by the Clerk.

Section 2.03 of By-Law L-2 states: "An application for a peddler's license 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 Council.

Section 6.01 of By-Law L-2 states: "The Clerk may issue such license to a peddlers, vendor, or transient trader upon payment by the peddler, vendor, or transient trader of a fee prescribed below, except in the case of a Book Agent, as defined in Section 92 of the Municipalities Act, where the fee shall be Twenty Dollars (\$20.00).

- Transient Trader (site-specific location) **\$500.00**
- Peddler (place to place) **\$100.00**
- Vendor (site-specific location) **\$50.00**

Name of Applicant: _____

Please Print Clearly: _____

Home Address: _____

Telephone No: _____ (h) _____ (w)

Date of Birth: _____
Day Month Year

Company Name: _____

Address: _____

Telephone No: _____

Fax No: _____

Name of Business: _____

Local Address from where Business
is to be carried out: _____