

BY-LAW NO. MDSS 04-26

TRANSIENT TRADER BYLAW

BE IT ENACTED by the Council of the Municipal District of St. Stephen as follows:

PART 1 – TITLE AND PURPOSE

1. Short Title

This By-law may be cited as the “Transient Trader By-law.”

2. Purpose

The purpose of this By-law is to regulate transient commercial activity, protect consumers and established businesses, ensure public safety, prohibit door-to-door sales, and clearly exempt democratic and statutory activities.

PART 2 – INTERPRETATION

3. Definitions

“**Clerk**” means the Clerk of the Municipality or designate.

“**Council**” means the Council of the Municipal District of St. Stephen.

“**Door-to-Door Sales**” means the sale, offer for sale, or solicitation of goods or services at a private residence without prior invitation.

“**Municipality**” means the Municipal District of St. Stephen.

“**Officer**” means a Municipal Law Enforcement or Bylaw Enforcement Officer.

“**Transient Trader**” means a person selling goods or services without a permanent place of business in the Municipality for at least 12 consecutive months.

“**Licence**” means a Transient Trader Licence issued under this By-law.

PART 3 – APPLICATION AND EXEMPTIONS

4. Application

This By-law applies to all Transient Traders unless exempted.

5. Exemptions

The following activities are expressly exempt from this By-law:

- a) Political canvassing, campaigning, or distribution of political information conducted on behalf of a registered political party, candidate, or elected official;
- b) Census taking or information gathering conducted under the authority of the Government of Canada, the Province of New Brunswick, or the Municipality;
- c) Farmers selling their own agricultural products;
- d) Non-profit fundraising activities;
- e) Garage sales conducted at a private residence;
- f) Vendors operating as part of a municipally approved event.

5.1 Absolute Prohibition – Door-to-Door Sales

Door-to-Door Sales are prohibited within the Municipality. No licence shall be issued for such activity. For certainty, this prohibition does not apply to activities exempted under Section 5(a) or 5(b).

PART 4 – LICENSING REQUIREMENTS

6. Licence Required

Subject to Section 5.1, no person shall engage in Transient Trade without a Licence.

7. Application for Licence

Applications must be in writing, include required information, and be accompanied by applicable fees.

8. Issuance of Licence

The Clerk may issue a Licence if satisfied all requirements are met.

9. Term of Licence

Licences shall not exceed 30 consecutive days.

PART 5 – CONDITIONS AND RESTRICTIONS

10. Licence Conditions

Licences must be displayed and do not authorize Door-to-Door Sales.

11. Prohibited Conduct

No person shall:

- a) Engage in Door-to-Door Sales;
- b) Engage in Transient Trade without a valid Licence;
- c) Operate in a location or manner not authorized by the Licence;
- d) Use false or misleading representations;
- e) Fail to comply with a lawful order of an Officer.

PART 6 – ENFORCEMENT

12. Enforcement

Officers may inspect, demand licences, and order cessation of prohibited activity.

13. Suspension or Revocation

Licences may be suspended or revoked for violations.

PART 7 – OFFENCES AND PENALTIES

14. Offence Categories

A person who contravenes this By-law commits an offence and is subject to the penalties set out in this Part.

15. Penalties

- 1) A person who engages in Door-to-Door Sales contrary to Section 5.1 commits an offence and is liable to:
 - a) a fine of not less than \$500 and not more than \$2,000 for a first offence; and
 - b) a fine of not less than \$1,000 and not more than \$5,000 for a second or subsequent offence.
- 2) A person who engages in Transient Trade without holding a valid Licence commits an offence and is liable to a fine of not less than \$500 and not more than \$2,500.
- 3) A person who contravenes any other provision of this By-law commits an offence and is liable to a fine of not less than \$250 and not more than \$2,000.
- 4) Where an offence continues for more than one day, each day on which the offence continues constitutes a separate offence.
- 5) The imposition of a penalty under this By-law does not relieve a person from compliance with this By-law.

PART 8 – GENERAL

16. Severability

Should any section of this bylaw be deemed unenforceable, all other sections shall continue in full force.

17. Effective Date

This By-law comes into force upon enactment.

READ A FIRST TIME this 25th day of March, 2026.

READ A SECOND TIME this ___ day of _____, 20__.

READ A THIRD TIME AND FINALLY PASSED this ___ day of _____, 20__.

Allan MacEachern, Mayor

Jeff Renaud, CAO/Clerk