

The Corporation of the Township of Schreiber

By-law 34-2025

Being a By-law to Regulate and Govern Hawkers, Peddlers and Buskers

Whereas pursuant to the provisions of Part IV of the Municipal Act, S.O. 2001. C.25, as amended, provides that a local Municipality may pass By-law(s) for licencing, regulating and governing businesses.

Whereas Section 11(2) of the Municipal Act, 2001, provides that a Municipality may pass By-law(s) respecting; economic, social and environmental well-being of the Municipality; health, safety and well-being of person(s) and property.

Whereas Section 128 of the Municipal Act, 2001, provides that without limiting sections 9 and 11, a local Municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances.

Whereas Section 425(1) of the Municipal Act, 2001, establishes that any person who contravenes any By-law of the Municipality passed under the Act, is guilty of an offence.

Therefore let it be resolved that the Council for the Corporation of the Township of Schreiber shall enact as follows:

1.0 Definitions

Busking or Busker shall mean the activity of playing music, acting or performing in the street or another public place for voluntary donations.

Chief Building Official (CBO) shall mean the person appointed by Council to such position pursuant to the Building Code Act.

Charitable shall mean an Ontario organization which provides service for residents and has a registered charitable status number; a registered non-profit organization with charitable purposes which has direct benefits to residents; local churches, schools and service clubs.

Commercial Patio or Café shall mean any area on Municipally owned property where seating is provided for the serving or consumption of food or beverage and does not include as a component, food preparation.

Confections shall mean food items rich in sugar and carbohydrates, and include sweet pastries, cakes and similar baked goods.

Confectionary shall mean the art of making confections.

Delivery shall mean the voluntary transfer of possession from one person to another as defined by the 'Sale of Goods Act, R.S.O. 1990, c.S.1'.

Goods shall mean all chattels personal, other than things in action and money, and includes emblements, industrial growing crops, and things attached to or forming part of the land that are agreed to be severed before sale or under the contract of sale as defined by the 'Sale of Goods Act, R.S.O. 1990, c.S.1'.

Hawker and Peddler shall mean a person who travels from place to place, or to a particular place, for an intermittent or one-time period for the purpose or preparation and/or selling or delivering goods for sale or delivery using a basket, mobile canteen, motorized vehicle, pushcart, refreshment stand, wagon and while on foot.

Hawking or Peddling shall mean trade, business or occupation which is operating for the purpose of doing the following on an intermittent or one-time period:

- a) The preparation, delivery and sale of goods, and/or
- b) The display for the purpose of sale of any goods

It shall be deemed to be carried on within the Municipality if any part of the peddling or hawking is carried on within the Municipality even if the parent trade, business or occupation is being carried out or originates from a location outside the Municipality.

MLEO (Municipal Law Enforcement Officer) BLEO (By-law Enforcement Officer) shall mean the person appointed, by By-law by the Council for the Corporation of the Township of Schreiber for the purposes of administering and enforcing the provisions of this By-law.

Mobile Canteen shall mean a mobile vehicle with or without a trailer from which food is sold or prepared for sale and consumption to the public.

Municipality shall mean the Corporation of the Township of Schreiber.

Municipally Owned Property shall mean property owned by the Township of Schreiber.

Nuisance shall mean something or someone that is harmful, offensive, annoying or disagreeable.

Owner shall mean a lessee, tenant, and a person occupying or in charge of any property.

Person shall mean, without limiting the generality thereof, any individual, body, group, organization or company, whether incorporated or not.

Public Place shall mean the following:

- a) A place outdoors to which the public is ordinarily invited or permitted access and, for greater certainty, shall include highways, sidewalks, streets, any portion of a road allowance, parking lots, public beaches, conservation areas, parks and playgrounds.
- b) School grounds.
- c) Land, premises or buildings owned, managed or maintained by a Municipal, Provincial or Federal Government, or public entity such as a Crown Corporation, Hydro, Utility or Railway Company.
- d) Yards appurtenant to a building or dwelling or vacant lands but does not include a building or dwelling.

Refreshment Stand shall mean a food stand, booth or temporary set-up that is not a restaurant or mobile canteen from which food is sold or prepared for sale and offered for consumption to the public.

2.0 Scope and Effect

2.1 No person shall park a mobile canteen, pushcart, refreshment stand or wagon upon any public place, or part thereof, within the geographic limits of the Township of Schreiber, unless otherwise exempted by this By-law.

2.2 No person shall operate as a hawker, peddler or busker (busking) upon any public place, or part thereof, within the geographic limits of the Township of Schreiber, unless otherwise exempted by this By-law.

2.3 This By-law shall be administered and enforced by the CBO, BLEO and the MLEO appointed by the Corporation of the Township of Schreiber.

2.4 No hawker, peddler, busker or other person who goes from place to place or to a particular place within the Township of Schreiber with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the Municipality afterwards, shall exercise such calling within the Township of Schreiber without having first obtained a licence to do so as provided herein.

2.5 Application for a licence required by this By-law shall be made to the issuer of licences for the Township of Schreiber who may issue such licences in a form approved by the Council upon payment of a fee of fifty dollar (\$50.00), per visit fee, or one hundred dollars (\$100.00) for the calendar year.

2.5.1 The applicant must hold a valid registered business number (BIN) and/or Harmonized Sales Tax (HST) remittance with Revenue Canada.

2.6 The licensee shall at all times while carrying on his/her business have his/her licence with him/her and shall upon demand exhibit it to any MLEO or BLEO, and if he/she fails to do so is guilty of an offence unless the same is accounted for satisfactorily, and on summary conviction is liable for a fine not less than fifteen dollars (\$15.00) and not more than twenty-five dollars (\$25.00).

2.7 If a MLEO or BLEO demands the production of a licence by any person to whom this By-law applies and the demand is not complied with, it is the duty of the MLEO or BLEO to issue penalty as set out in Schedule 'A' of this By-law.

2.8 Every licence issued pursuant to this By-law shall expire on the last day of the twelfth (12th) month of its issuance, unless sooner terminated.

2.9 No licence shall be surrendered for a refund at any time.

2.10 No licence issued hereunder shall be transferable from one person/business to another.

2.11 No person licenced hereunder shall engage in or practice his/her calling by passing from place to place or along the highways of this Municipality except during the times between sunrise and sunset on any day.

2.12 No person who is licenced to carry on business with or from a motor vehicle shall employ:

2.12.1 As a helper to assist in selling from such motor vehicle or wagon any person who is not licenced hereunder.

2.12.2 No more than three (3) helpers on or in connection with each such motor vehicle.

3.0 Exemptions

3.1 No licence is required hereunder for hawking, peddling or selling goods, wares or merchandise.

a) To wholesale or retail dealers in similar goods, wares or merchandise.

4.0 Severability

If any provision or part of a provision of this By-law is for any reason held to be invalid, it does not affect the validity, effectiveness or enforceability of the other provisions or parts of provisions, as contained in this By-law.

5.0 Offences and Penalties

5.1 Any person(s) who contravene any provision of this By-law is guilty of an offence and liable upon conviction to a penalty under the Provincial Offences Act, in accordance with Schedule 'A' attached hereto.

5.2 Upon conviction, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

6.0 Effective Date

This By-law shall come into force and effect on the date of passing thereof.

7.0 Repeals

By-law 34-2025 shall hereby repeal any other By-law pertaining to 'Hawkers, Peddlers and Buskers'.

Read a First and Second Time this 23rd Day of June, 2025.

Read a Third and Finally Passed this 23rd Day of June, 2025.

Mayor

Clerk

The Corporation of the Township of Schreiber

Schedule 'A' to By-law XX-2025

Part I of the Provincial Offences Act

Set Fine Schedule

Item Number	Short Form Wording	Provision Creating the Offence	Set Fine
1	Parking a mobile canteen, pushcart, refreshment stand or wagon upon a public place, or part thereof in the Township of Schreiber.		\$150.00
2	Operating as a hawker or peddler upon a public place, or part thereof, in the Township of Schreiber.		\$100.00
3	Operating as a busker upon a public place, or part thereof, in the Township of Schreiber.		\$100.00
4	Operating as a hawker, peddler or busker without a licence within the Township of Schreiber.		\$250.00
5	Failure to carry the issued licence on his/her business; have his/her licence with him/her and shall upon demand exhibit it to any Municipal Law Enforcement Officer or By-law Officer.		\$50.00

Note: The general penalty provision for the offences listed above is Section 5.0 of By-law XX-2025, a certified copy of which has been filed.



The Corporation of the Township of Schreiber

Schedule 'B' to By-law 34-2025

Application for Licencing to Operate as a Hawker, Peddler or Busker within the Township of Schreiber

Please print clearly and submit the \$50.00 annual fee (resident) \$100.00 annual fee (non resident) with your application as outlined in By-law 34-2025. Payment can be made by certified cheque, cash, debit or money order payable to the Corporation of the Township of Schreiber.

Applicant Information

Name of Operator: _____ HST#: _____

Name of Business: _____

Mailing Address: _____

Daytime Phone Number: _____ Email: _____

Description of Goods to be Sold/Type of Busking Including Proposed Location of the Event

For Office Use

Date in Receipt of Application: _____ Received By: _____

Application Fee Included: ☐ Yes ☐ No Licencing Approved: ☐ Yes ☐ No Licence Number: _____

Approved By: _____ Licence Expiration Date: _____

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The Corporation of the Township of Schreiber Licence to Operate as a Hawker, Peddler and Busker Within the Township of Schreiber as per By-law 34-2025

Business Name

Expiry Date

Vendor Signature

Authorized Signature - Township

