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11 July 2014 @  
13:57pm

**BY-LAW 503**  
**A BY-LAW RELATING TO TRANSIENT TRADERS AND BUSINESSES**  
**IN THE TOWN OF OROMOCTO**

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The Council of the Town of Oromocto,  
under the authority vested in it by *Section*  
*11* and *168* of the *Municipalities Act*,  
enacts as follows:

**PURPOSE AND INTENT**

1. To provide for the control of and regulation of transient vendors and transient businesses in the Town of Oromocto.

**DEFINITIONS**

2. In this By-Law:

- (a) **“Chief Administrative Officer”** means the Chief Administrative Officer/Town Clerk of the Municipality of Oromocto.
- (b) **“Council”** means the Council of the Municipality of the Town of Oromocto.
- (c) **“Licensing authority”** means the Chief Administrative Officer, or such employee or agent of the Municipality as the Chief Administrative Officer may designate to receive applications for licenses under this by-law.
- (d) **“Merchandise”** means any consumable item other than those specifically excluded in this bylaw.
- (e) **“Motor vehicle”** means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway and which is propelled or driven otherwise than by muscular power, but does not include motorized wheelchairs, or vehicles used exclusively upon stationary rails or tracks.
- (f) **“Municipality”** means the Municipality of the Town of Oromocto.
- (g) **“Person”** means an individual, guild, agency, or body corporate.
- (h) **“Peddler”** means a person who peddles or hawks goods, wares or services from place to place generally within the Municipality.
- (i) **“Sell”** includes selling, trading, or otherwise transferring for a valuable consideration, whether present or executory.
- (j) **“Temporarily”** means less than 120 days total in one calendar year.
- (k) **“Transient business”** means any business conducted temporarily for the sale and delivery of foods, goods, wares, and merchandise.
- (l) **“Transient vehicle vendor”** means a person selling motor vehicles in the Municipality that has been issued a supplemental or special dealer license for a satellite place of business as required by the *Motor Vehicle Act*.
- (m) **“Transient trader”** means any person, not having a permanent place of business within the Municipality who transacts transient business in this municipality, other than the sale of motor vehicles.

**SALE OF MERCHANDISE**

3. (a) No person shall sell motor vehicles in the Municipality as a transient vehicle vendor, or sell other merchandise as a transient trader except in accordance with this by-law.
- (b) The following are excluded from the requirements of the by-law:
- (i) A person who peddles or sells fruits, vegetables, meats or other products harvested from their farm or garden.
  - (ii) A person who peddles or sells fish, oysters or any product harvested by them from the sea.

**BY-LAW 503**  
**A BY-LAW RELATING TO TRANSIENT TRADERS AND BUSINESSES**  
**IN THE TOWN OF OROMOCTO**

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- (iii) Persons employed by any benevolent or religious society in the Province for the peddling or selling of moral or religious publications under the direction of such society to the exclusion of other goods and services.
- (iv) A service club, not for profit, school, or religious organization conducting fund raising projects.
- (v) A garage or yard sale held at a residential home, when conducted by the owner or legal occupant of the premises.
- (vi) A vendor that is invited by the property owner to be present on their property for the purchase of services or goods, such as an independent sales consultant or a yard work contractor.

**LICENSING**

- 4. (a) A transient vehicle vendor or a transient trader shall obtain a license to sell merchandise in the Municipality, and any sale by such transient vehicle vendor or transient trader without a current and valid license shall be an offence.
- (b) Every application for a license (see Schedule "B") shall be made in writing to the licensing authority, and shall contain:
  - (i) the name, mailing address, telephone number and, if available, facsimile number and e-mail address of the applicant;
  - (ii) the corporate or partnership name, if applicable;
  - (iii) a description of items the applicant proposes to sell;
  - (iv) the licensee must adhere to any statute, law or regulation of the Federal or Provincial Government;
  - (v) for transient vehicle vendors, a certified copy of a valid and current Motor Vehicle Dealer's License issued by the Province of New Brunswick under the applicable regulations pursuant to the Motor Vehicle Act;
  - (vi) written permission from the property owner if the applicant is proposing to sell at a property site of which the applicant is not the owner; and
  - (vii) the applicable license fee.
- 5. After receipt of a completed application, the licensing authority shall issue a license after first confirming that the proposed site of the sale is zoned for such.
- 6. A license issued under this by-law shall include any expressed limitations as directed by the licensing authority in regard to maximum number of sale days per week, sale locations and obligations to seek permission from event organizers.
- 7. A license issued under this by-law shall be in force:
  - a) for transient vehicle vendors, a maximum of four days per event and must be reissued for each subsequent event, to a maximum of four events per calendar year; and
  - b) for transient traders, no more than 120 days total per calendar year.
- 8. A license issued under this By-law shall not be transferable by the holder thereof to any other person.

**REVOCATION**

- 9. A license may be revoked where:
  - (a) the licensee has provided incorrect information in the application for a license;

**BY-LAW 503**  
**A BY-LAW RELATING TO TRANSIENT TRADERS AND BUSINESSES**  
**IN THE TOWN OF OROMOCTO**

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- (b) the licensee is selling merchandise or vehicles not stipulated in the license application (any transient business shall, upon request by the by-law enforcement officer, present for inspection all or any of the goods or wares being intended to be sold);
- (c) the transient vehicle vendor's provincial Dealer's License has been revoked or is no longer in force;
- (d) the licensee is in violation of any provision of this by-law or of any other by-law of the Municipality; or
- (e) the licensee fails to adhere to any statute, law or regulation of the Federal or Provincial Government.

**LICENSE FEES**

- 10. (a) The fee for the issuance of license under this by-law shall be as fixed by a policy made by Council in Regular Session.
- (b) A certified copy of the said policy shall be affixed to this by-law as Schedule "A". In the event that the fee so fixed is changed, a certified copy of the new policy shall be affixed in place of the previous.

**PENALTIES AND ENFORCEMENT**

- 11. The By-Law Enforcement Officer(s), as appointed by Town Council, shall be responsible for enforcement of this by-law.
- 12. Every person who contravenes or fails to comply with any provision of this by-law, or any person who owns or controls premises or property used for the unlicensed sale of merchandise by a transient trader commits an offence punishable under the *Provincial Offences Procedure Act* as a Category B Offence, a judge shall impose a fine of not less than \$140 and not more than \$640
- 13. Every person who contravenes or fails to comply with any provision of this by-law or any persons who owns or controls premises or property used for the unlicensed sale of vehicles by a transient vehicle vendor commits an offence punishable under the *Provincial Offences Procedure Act* as a Category C Offence, a judge shall impose a fine of not less than \$140 and not more than \$1,100.
- 14. Where a transient vehicle vendor or transient trader is selling merchandise contrary to this by-law or the terms and conditions of a license, the Municipality may, in addition to any other remedy or penalty herein and without notice of any kind, impound and remove any merchandise and all costs or charges for removal and storage shall be paid before the merchandise is released.
- 15. The Municipality may apply to a judge of the Court of Queen's Bench for an injunction or other order where:
  - (a) land is being used in contravention of this by-law;
  - (b) a person is selling merchandise without having paid the license fee required; or
  - (c) a breach of this by-law is anticipated or is of a continuing nature.
- 16. Every person charged with an offence under this by-law:
  - (a) may on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of \$140 (one hundred and forty dollars) to the Town of Oromocto:
    - (i) in person at the Service Centre Counter, Oromocto Municipal Building, 4 Doyle Drive, Oromocto, NB; or

**BY-LAW 503**  
**A BY-LAW RELATING TO TRANSIENT TRADERS AND BUSINESSES**  
**IN THE TOWN OF OROMOCTO**

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- (ii) by mail to: Town of Oromocto, 4 Doyle Drive, Oromocto, NB, E2V 2V3, "Attention Service Centre Counter", by cheque or money order only, payable to the Town of Oromocto;

at which time the ticket or ticket number shall be surrendered to the Town of Oromocto and such payment shall be deemed payment in full; or

- (b) if the voluntary payment set out in subsection (2) has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of \$140.00 (one hundred and forty dollars):

- (i) in person at the Burton Court House, 23 Route 102 Highway, Burton, NB, by cash or certified cheque or money order payable to the Minister of Finance; or

- (ii) by mail to: Burton Court House, PO Box 94, Oromocto, NB, E2V 2G4, "Attention Provincial Court", by certified cheque or money order only, payable to the Minister of Finance;

at which time the ticket or ticket number shall be surrendered to the Provincial Court and such payment shall be deemed payment in full; or

- (c) if the voluntary payment set out in subsections (1) and (2) above have not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the a Category B Offence is liable on summary conviction to a minimum fine of \$140 (one hundred and forty dollars), and a maximum fine of not more than \$640 (six hundred and forty dollars); or if charged with the Category C Offence, is liable on summary conviction to a minimum fine of \$140 (one hundred and forty dollars), and not more than the maximum fine of \$1,100 (one thousand and one hundred dollars) as per the *Provincial Offences Procedure Act*

17. By-Law 312 and amendments thereto are hereby repealed.

**READ FIRST TIME BY TITLE ONLY:**

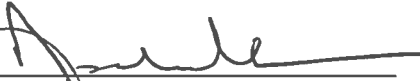
**22 October 2015**

**READ SECOND TIME IN ITS ENTIRETY:**

**16 June 2016**

**READ THIRD TIME BY TITLE ONLY FOR ENACTMENT:**

**16 June 2016**

  
Richard E. Isabelle  
Chief Administrative Officer/Clerk



I certify that this instrument  
is registered or filed in the  
Sunbury  
County Registry Office,  
New Brunswick

J'atteste que cet instrument est  
enregistré ou déposé au bureau  
de l'enregistrement du comté de  
Sunbury  
Nouveau-Brunswick

11 July 2016 13:35 pm 3611921  
date/date time/heure number/numéro

Karlene Jones  
Registral/Conservateur  
KJP

**BY-LAW 503  
A BY-LAW RELATING TO TRANSIENT TRADERS AND BUSINESSES  
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**SCHEDULE "A"**

**TOWN OF OROMOCTO**

**LICENSE FEE POLICY**

TRANSIENT VEHICLE VENDOR'S LICENSE FEE

The fee for the issuance of a Transient Vehicle Vendor's License under *By-Law 503 – A By-Law Relating to Transient Traders and Businesses* shall be \$140 a day to a maximum of \$560 per event and \$2,240 per calendar year.

TRANSIENT TRADER'S LICENSE FEE

The fee for the issuance of a Transient Trader's License under *By-Law 503 – A By-Law Relating to Transient Traders and Businesses* shall be \$10 per day to a maximum of \$100 per calendar year.

This policy shall take effect on the coming into force of *By-Law 503 – A By-Law Relating to Transient Traders and Businesses*.

I CERTIFY this to be a true copy of a policy adopted by Council of the Town of Oromocto on 16 June, 2016.

  
Richard E Isabelle, Chief Administrative Officer

**BY-LAW 503  
A BY-LAW RELATING TO TRANSIENT TRADERS AND BUSINESSES  
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**SCHEDULE "B"**

**APPLICATION FOR LICENSE**

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

**E-MAIL:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_

**NAME OF BUSINESS (if applicable):** \_\_\_\_\_

\_\_\_\_\_

**TYPE OF GOODS TO BE SOLD:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**LOCATIONS / AREA TO BE COVERED:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OTHER ITEMS TO ACCOMPANY APPLICATION:**

Photo of Applicant for attachment to License

A certified copy of a valid and current Motor Vehicle Dealer's License (if applicable)

Authorization of Private Property Owner (if applicable)

Application Fee

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**