

Schedule No. 5 to By-law No. 2005-0067

Class of Licence:	<b>NON-STORE DIRECT SELLING</b>
Type of Licence:	Auction Newspaper Distribution Box Hawker & Peddler
Purpose:	Public Safety, Nuisance Control and Consumer Protection to ensure the safety of the public when assembled in large groups, that fair business practices are being employed at auctions and by peddlers, and to eliminate the nuisance of litter and sight obstructions with respect to Distribution Boxes.

**ADDITIONAL APPLICATION REQUIREMENTS**

19.1 Every applicant or Licensee of a Non-Store Direct Selling licence shall:

- 19.1.1 submit a copy of an Ontario Retail Sales Tax Vendor Permit, if applicable to the Town; and
- 19.1.2 provide proof of Commercial General Liability insurance in an amount of not less than one million dollars (\$1,000,000.00) naming the Town as an additional insured where Newspaper Distribution Boxes are located on municipally-owned lands.

**CHARITABLE NON-PROFIT EXEMPTION**

19.2 Notwithstanding any provision of this by-law, any registered Canadian charitable organization and any non-profit organization is exempt from requiring a Non-Store Direct Selling licence for door-to-door selling and Auctions conducted for charitable and non-profit fundraising purposes.

**AUCTION**

19.3 The issuing of a Non-Store Direct Selling licence for an Auction shall be subject to a fire safety inspection of the Premises by the Town.

19.4 Every Non-Store Direct Selling Licensee of an Auction shall:

- 19.4.1 keep and maintain a clearly legible record of the name and address of the owners of goods to be sold, a detailed description of such goods, the price at which the goods may be sold, the reserved bid on the goods, if any, and the names and addresses of the Persons purchasing such goods;
- 19.4.2 pay the proceeds less legal commissions and charges to the Person entitled after the sale of such Person's goods or return such goods in the case no sale is made less his or her proper costs and charges; and
- 19.4.3 maintain order in the Auction house at all times.

19.5 No Non-Store Direct Selling Licensee of an Auction shall:

- 19.5.1 conduct or permit any Mock Auction to be conducted;
- 19.5.2 make or permit any misrepresentation as to the nature, content, quality, quantity, or value of any item being auctioned;

- 19.5.3 give any articles or sell them for nominal amounts for the purpose of stimulating bidding;
  - 19.5.4 do any act that is calculated to confuse the purchaser as to the amount he or she pays for any article;
  - 19.5.5 act in concert with Persons known as boosters for the purpose of raising bids or stimulating business; and  
  
sell or put up for sale by auction any article on which a reserve bid has been placed without first having announced clearly to those in attendance at the auction that such reserve bid is on the item.
- 19.6 Nothing in this by-law shall in any way invalidate the claim of any auctioneer for goods warehoused with him or her, and on which he or she shall have made advances.

**NEWSPAPER DISTRIBUTION BOX**

- 19.7 The issuing of a Non-Store Direct Selling licence for a Newspaper Distribution Box shall be subject to:
- 19.7.1 a site inspection by the Town for each Newspaper Distribution Box.
- 19.8 Every Non-Store Direct Selling applicant or Licensee of a Newspaper Distribution Box shall:
- 19.8.1 provide a complete list of proposed locations for approval by the Town;
  - 19.8.2 indicate the newspaper or magazine that shall be sold or offered in such Newspaper Distribution Box; and
  - 19.8.3 provide the written permission of any private property Owner permitting the location of a Newspaper Distribution Box on private property.
- 19.9 A Non-Store Direct Selling Licensee of a Newspaper Distribution Box may place a Newspaper Distribution Box on municipal property provided that:
- 19.9.1 the location of every Newspaper Distribution Box is approved by the Town;
  - 19.9.2 the Newspaper Distribution Box is not located within twenty (20) metres of a convenience store selling newspapers or similar periodicals;
  - 19.9.3 the Newspaper Distribution Box does not obstruct vehicular or pedestrian traffic;
  - 19.9.4 the Newspaper Distribution Box does not interfere with the maintenance or repair of any Highway, public sidewalk, or other municipal or private property;
  - 19.9.5 the Newspaper Distribution Box is maintained in good operational order and repair and does not become unsafe, unsightly, or defective;
  - 19.9.6 the area around the Newspaper Distribution Box is kept clean and free of litter;

- 19.9.7 no more than one (1) Newspaper Distribution Box owned by any newspaper or magazine company is placed at any one location unless they are of different branded products; and
- 19.9.8 the Newspaper Distribution Box is not affixed or chained to any traffic control sign or signal pole.
- 19.10 A Licensee of a Newspaper Distribution Box shall immediately remove a Newspaper Distribution Box that contravenes of any of the provisions of this by-law upon receiving notice to do so from the Town.
- 19.11 The Town may immediately remove a Newspaper Distribution Box posing a hazard without notification to the licensee of the Newspaper Distribution Box.
- 19.12 Where the Licensee of a Newspaper Distribution Box does not comply with the provisions of this by-law within five (5) days, the Newspaper Distribution Box will be removed by the Town and stored for a minimum period of thirty (30) days from the date of removal after which time, the Town may dispose of the Newspaper Distribution Box without further notification or compensation to the Licensee.
- 19.13 The Licensee of an impounded Newspaper Distribution Box shall pay all associated costs of removal to the Engineering and Public Works Department in order to reclaim any Newspaper Distribution Box within thirty (30) days of impoundment.

***HAWKER & PEDDLER***

- 19.14 Every Non-Store Direct Selling applicant or Licensee for a Hawker and Peddler licence shall:
- 19.14.1 provide a complete list to the Town fully describing the goods, merchandise, or services offered for sale;
- 19.14.2 provide the name, address, and phone number of the supplier of the goods, merchandise, or services offered for sale;
- 19.14.3 provide a certificate of approval from the Halton Region Health Department before selling any food product;
- 19.14.4 produce two (2) pieces of identification, one (1) of which contains a photograph to the satisfaction of the Issuer of Licences;
- 19.14.5 provide an up-to-date list of the name and address of every employee who will be going door-to-door to conduct sales;
- 19.14.6 submit the written permission of a property Owner if any salesperson is temporarily locating on private property in a commercial zone;
- 19.14.7 submit two (2) passport size photographs to the satisfaction of the Issuer of Licences or agree to have a photograph taken by the Town upon request; and
- 19.14.8 obtain a permit issued by the Fire Department before selling or displaying fireworks.
- 19.15 Every Licensee of a Hawker and Peddler licence shall ensure that each employee conducting door-to-door sales on his or her behalf:

- 19.15.1 sells goods door to door only between the hours of sunrise and sunset;
  - 19.15.2 does not obstruct any doorway or Highway, nor stop or park any Motor Vehicle at an intersection, entrance to a school yard or public park or in a public park or place to conduct sales;
  - 19.15.3 uses a duplicating receipt book stating their operating name and company address and fills out the total amount of goods sold, the applicable taxes, signature of the salesperson, delivery date, if applicable, and provides a receipt to any Person who purchases goods from him or her; and
  - 19.15.4 if temporarily selling from a location on private property, has the written permission of the registered property Owner.
- 19.16 A Person selling goods door-to-door for a Retail Trade Establishment licenced under this by-law or a Person selling the produce of a resident farmer offering for sale the produce of his own farm is exempt from requiring a Non-Store Direct Selling Licence.