

TRANSIENT TRADERS BYLAW

EFFECTIVE: OCTOBER 11, 2011

BEING A BYLAW OF THE CITY OF CHARLOTTETOWN RELATING TO THE LICENSING OF TRANSIENT TRADERS WITHIN THE CITY OF CHARLOTTETOWN PURSUANT TO THE PROVISIONS OF PART I, SECTIONS 21 AND 64 OF THE *CHARLOTTETOWN AREA MUNICIPALITIES ACT*, R.S.P.E.I., 1988, CAP. C-4.1.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN AS FOLLOWS:

Interpretation:

1. In this Bylaw:
 - (a) **“Transient Trader”** shall mean a Person who by themselves or through an agent Trades in Commodities in the City of Charlottetown, other than on a permanent basis, and for a period of less than forty-five (45) consecutive days and for such purposes, uses, hires, rents, leases or occupies any location within the City of Charlottetown;
 - (b) **“Person”** includes an individual, association, proprietorship, partnership, syndicate, company, corporation, firm, business, authorized agent, trustee and the heirs, executors or other legal representatives, or any combination of the foregoing;
 - (c) **“Trade”** shall mean buying, selling or bartering in Commodities; and
 - (d) **“Commodities”** shall mean either or all of goods, merchandise and wares.
2. This Bylaw applies to Transient Traders as defined by this Bylaw and it does not apply to:
 - (a) any Person licensed, or who receives a permit or other authorization to conduct business in the City of Charlottetown, pursuant to any other City of Charlottetown Bylaw; or
 - (b) any Person who Trades in Commodities at a location or locations in the City for forty-five (45) consecutive days or more; or
 - (c) any Person in 2(b) above who also Trades in Commodities from time to time at a temporary location in the City other than their ordinary place of business; or

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- (d) any Persons peddling or hawking any products harvested by him from his farm or garden, or any fisherman peddling or hawking any products harvested by him from the sea; or
- (e) a registered charitable organization or non-profit group or corporation selling Commodities, the whole of the proceeds from which are donated to, or used directly for charitable purpose; or
- (f) any Person trading in Commodities at a seasonal craft fair or farmers market.

License:

- 3. No Person shall engage in business as a Transient Trader in the City of Charlottetown without having a valid license issued under this Bylaw. The license is valid for a period of ninety (90) days from the date that it is issued. The license must be prominently displayed in the place of business named therein.

Application:

- 4. An application for a license under this Bylaw shall be made in writing to the Development Officer and shall include:
 - (a) the full name and address of the applicant;
 - (b) the full name and address of any local agent;
 - (c) the time, date and location when the business will be conducted;
 - (d) a description of the Commodities;
 - (e) a declaration that the applicant has not been convicted of a criminal or quasi-criminal offence in the last two (2) years;
 - (f) a declaration that the applicant is registered with the Province of PEI to remit sales tax, that there are no unsettled complaints filed against the applicant with the Department of Consumer, Corporate and Insurance Services or with any police service, and that the applicant is not currently involved in any legal actions before the Courts, or that are scheduled to be before the Courts;
 - (g) a letter of permission from the owner of the property where the applicant proposes to do business as a transient. The aforementioned property shall be in compliance with all the requirements of the applicable Zoning and Development Bylaw;

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- (h) an application fee in the amount of five hundred dollars (\$500.00) per day.

Issuance:

- 5. Upon receipt of a complete application pursuant to Section 4, the Development Officer shall issue a license to the applicant. No license shall be issued to an applicant until the Development Officer is in receipt of a complete application and in no circumstance will a license be issued to an applicant who cannot provide the declarations set out in paragraphs 4(e) and (f).

Revocation of License:

- 6. Licenses issued under this Bylaw shall be revoked by the Development Officer if any false statement or information is contained in the application for license.
- 7. Any peace officer, licensing inspector or bylaw enforcement officer is hereby authorized to take such action as they may deem necessary to enforce the provisions of this Bylaw.

Penalty:

- 8. Any Person who violates any provision of this Bylaw is guilty of an offence and liable on conviction. A first offence is punishable by a fine of one thousand dollars (\$1,000.00) and any subsequent offence is punishable by a fine of up to five hundred dollars (\$500.00) for each day during which the offence continues to a maximum fine of five thousand dollars (\$5,000.00).