

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2024 - 18

**BEING A BY-LAW TO LICENSE, REGULATE AND GOVERN
HAWKERS AND PEDDLERS FOR THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**

WHEREAS Section 11(3) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws respecting business licensing;

AND WHEREAS Section 150(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides in part that a local municipality may license, regulate and govern business wholly or partly carried on in the municipality;

AND WHEREAS the Council of the Municipality of Magnetawan deems it in the public interest to license hawkers and peddlers operating within the corporate limits of the Municipality of Magnetawan;

NOW THEREFORE BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN AS FOLLOWS:

1.0 LICENSE REQUIRED

- 1.1 No person shall hawk, peddle, or sell goods, wares, or merchandise within the Municipality of Magnetawan without first obtaining a license from the CAO/Clerk.
- 1.2 No person shall hawk, peddle, or sell goods, wares or merchandise on a public highway, public park, public playground, or other public property within the Municipal limits of the Municipality, unless prior written consent is obtained from the Municipality of Magnetawan Council.
- 1.3 No person shall go from place to place or to a particular place with goods, wares, or merchandise for sale within the Municipality of Magnetawan or shall carry and expose samples, patterns or specimens of foods, wares or merchandise which is to be delivered in the municipality afterwards without first obtaining a license under the provision of this By-law.
- 1.4 No license shall be required for hawking, peddling, or selling goods, ware, or merchandise:
 - To wholesale or retail dealers in similar goods, wares, or merchandise.
 - If the foods, wares or merchandise are grown, produced, or manufactured in Ontario and are hawked, peddled, or sold by the grower, producer or manufacturer or his agent or employee having written authority to do so, in the municipality in which the grower, producer or manufacturer resides.
 - If the goods, wares, or merchandise were grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm.
 - If the goods, wares, or merchandise are hawked, peddled, or sold by a person who pays business tax in the municipality or by his employee or by his agent.
 - If the goods, wares, or merchandise are hawked, peddled, or sold by an agent of the grower, producer or manufacturer acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares, or merchandise.

- If the goods, wares, or merchandise are hawked, peddled, or sold by persons participating in community events approved or sanctioned by the Municipality and participating in the event with written approval of the sponsor or organizer of the community event.
- If the person is acting solely on behalf of a bona fide nonprofit registered or incorporated charitable organization.

2.0 LICENSE APPLICATION

- 2.1 Application for a license under this By-law shall be made in writing to the Municipal CAO/Clerk on the form of application approved by Council and the fee for the license shall be paid to the Municipality.
- 2.2 All Hawkers and Peddlers Licenses issued under the provisions of this by-law shall expire no later than the 31st day of December of the year of issuance of the license, however the Clerk may revoke the license at any time if, in the opinion of the Clerk, the provisions of this By-law are not complied with.
- 2.3 No license shall be transferable.
- 2.4 The CAO/Clerk and/or Council may at any time revoke a license held by the licensee for cause. Without limiting the generality of the foregoing, Council may suspend a license for breach of the Criminal Code of Canada and/or any violation of the provisions of this By-law.

3.0 FEE

- 3.1 The fee to be paid to the Municipality for a license pursuant to the provisions of this by-law shall be in an amount as prescribed in the current Fees and Charges By-law.

4.0 PENALTIES

- 4.1 Every person and/or owner and/or occupant who contravenes and/or directs another person(s) to contravene and/or permits another person the doing of any act which contravenes any of the provisions of this By-law is guilty of an offence and may be subject to:
- fees, fines, penalties, and/or charges under the Administrative Monetary Penalties By-law and/or
 - fees or charges as per the current Fees and Charges By-law and/or
 - upon conviction is liable to a fine, to a maximum of \$5,000 (five thousand dollars) for each offence exclusive of the costs, as prescribed by the *Provincial Offences Act, R.S.O. 1990, c.P. 33*, as amended.

And further, in addition to any other remedy and to any other penalty the person convicted may also be prohibited from continuing or repeating the offence in accordance with the provisions of section 442 of the *Municipal Act*.

- 4.2 Fees, fines, penalties, and/or charges are as Schedule "A" attached for 2024 and are to be incorporated into the current Fees and Charges By-law. Any changes to Schedule "A" will be made during the annual updating of the Fees and Charges By-law and will be contained therein.

5.0 ENFORCEMENT

- 5.1 That this By-law shall come into force and effect on the date of passing.
- 5.2 Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this By-law at any time.
- 5.3 The enforcement of the By-law is assigned to any By-law Enforcement Officer for the Municipality of Magnetawan.

6.0 REPEAL

- 6.1 That By-law 1998-20 and previously conflicting Bylaws are hereby repealed.

7.0 SEVERABILITY

- 7.1 All sections of this By-law shall be deemed to be separate and independent and the invalidity of any section or provision thereof shall not affect the remaining sections.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 1st day of May 2024.

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor



CAO/Clerk



SCHEDULE "A"
TO BY-LAW 2024-18 Hawkers and Peddler
PART 1 PROVINCIAL OFFENCES ACT
SET FINE SCHEDULE

Item	Short Word Form Wording	Provision Creating/Defining Offence	Set Fine
1	Operating as a hawker and peddler without a Municipal License	Section 1.1	\$250
2	Operating as a hawker and peddler on a public highway or municipal property without written consent of the Municipality of Magnetawan Council	Section 1.2	\$250

Note: The general penalty provision for the offences listed above is Section 4 of By-law 2024-18, a certified copy of which has been filed.



FEES, FINES, PENALTIES, AND/OR CHARGES SCHEDULE

SCHEDULE "B"

TO BY-LAW 2024-18 Hawkers and Peddler

Item	Short Word Form Wording	Provision Creating/Defining Offence	Set Fine
1	Operating as a hawker and peddler without a Municipal License	Section 1.1	\$250
2	Operating as a hawker and peddler on a public highway or municipal property without written consent of the Municipality of Magnetawan Council	Section 1.2	\$250

Fees, fines, penalties, and/or charges are as Schedule "B" attached for 2024 and are to be incorporated into the current Fees and Charges By-law. Any changes to Schedule "b" will be made during the annual updating of the Fees and Charges By-law and will be contained therein.

OFFICE OF THE REGIONAL SENIOR
JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

May 16, 2024

Ms. Melissa Adams, Crown Counsel
Crown Law Office, Criminal
720 Bay Street, 10th floor
Toronto, Ontario
M5G 2S9

Dear Ms. Adams:

RE: Set Fines - Provincial Offences Act
Part I, Municipality of Magnetawan, Parry Sound District

Please find enclosed a copy of an Order dated May 16, 2024, and a copy of a letter to Ms. Laura Brandt, Acting Deputy Clerk.

Should you have any questions, please do not hesitate to contact me at (705) 564-7624.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

KLL/hrd

Encl.

OFFICE OF THE REGIONAL SENIOR
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PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2024-18, of Municipality of Magnetawan, Parry Sound District, attached hereto is the set fine for that offence. This Order is to take effect May 16, 2024.

Dated at the City of Greater Sudbury, this 16th day of May, 2024.

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE



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K. H. H. H.