

BYLAW NO. 10

LICENSES BY-LAW

PART 1 - GENERAL

- 1.1 Every application for a license under this By-law shall be made in writing to the Inspector. Pursuant to this By-law, Inspector means a By-law Enforcement Officer or other person duly appointed to enforce and administer this By-law.
- 1.2 The inspector shall review the application and may issue a license upon such terms and conditions as set forth herein.
- 1.3 All licenses issued under this By-Law shall be for a calendar year, which calendar year shall be endorsed on the license; any license issued may be renewed as in the case of an original application and issuance of a license.
- 1.4 Any license issued under this By-law may be revoked for just cause by a majority vote of the members of Council, after notice to the license holder giving him an opportunity to be heard before Council; reasons for the revocation shall be given to the license holder.
- 1.5 The fee for any license mentioned in this By-law shall be payable in advance and no license, or renewal thereof, shall be issued until the fee has been paid.
- 1.6 It shall be an offence for any person to carry on the business, profession, or calling, requiring a license under this By-law, without first having obtained a valid license therefor.

- 1.7 It shall be an offence for any person to contravene the terms and conditions of any license issued, or of any of the terms of this By-law.
- 1.8 Any person found guilty of having contravened or failed to comply with any of the terms of this By-Law or of any license issued under this By-law shall, on conviction, be liable to a penalty of not less than three hundred dollars (\$300.00), and not more than one thousand dollars (\$1,000.00), and in default of payment to imprisonment for a period not exceeding sixty (60) days.
- 1.9
- (a) Any person whose application for a license under this By-law is refused by the Inspector or any person whose license or permit under this By-law is suspended by the Inspector may appeal such refusal, suspension or revocation to the Council.
 - (b) A notice of appeal shall be served on the Inspector within fifteen (15) days of the date that the written decision of the Inspector is served on the applicant.
 - (c) The Council shall hear the appellant and may;
 - (i) confirm the decision of the Inspector;
 - (ii) order that a license be revoked and surrendered, or
 - (iii) order that a license be granted or reinstated.
 - (d) The Council may only revoke a license in accordance with the terms of this By-law and shall provide reasons for such revocation.

PART 2 - AUCTIONEERS

- 2.1 No person shall, within the Town of Yarmouth, exercise the calling of an auctioneer, nor shall any person sell at public auction within the Town any real estate, goods, chattels, wares, merchandise, stocks or property whatever without first being licensed thereto.
- 2.2 The fees payable to any such license shall be one hundred (\$100.00) dollars.
- 2.3 Such license shall be personal to the party to whom it is granted and shall entitle such person only to sell thereunder.
- 2.4 Nothing herein contained shall extend to the sheriff or other officer of the law or person selling under legal or equitable process, or to any person selling under distress of rent or power of sale or to any person selling at any social or benevolent entertainment.

PART 3 - LICENSES, PEDDLERS, HAWKERS, AND TRANSIENT TRADERS

- 3.1 No person shall, on his own behalf or as the agent of another, peddle, hawk, or trade goods, wares, or merchandise of any kind, or exercise the calling of peddler, hawker, or trader of goods, without first obtaining a license.
- 3.2 The language of Part 3.1 of this By-law shall be held to include any person who sells or offers for sale or solicits orders for the future delivery of goods or services from door to door, from a hotel or motel, by written solicitation, by telephone or by any means other than by a merchant from a recognized store located within the Town boundaries.

- 3.3
- (a) Where any provisions of the By-law conflict with those of any other Municipal or Provincial requirements, the higher or more stringent regulations or license fee shall prevail.
 - (b) Notwithstanding anything else in this By-law, any vending operations within a street right-of-way shall satisfy all requirements of the Town's Street Vendors By-law.
 - (c) Notwithstanding anything else in this By-law, any vending operation on a lot shall satisfy all requirements of the Town's Land Use By-law.
- 3.4
- Every licensee shall, while conducting his business, have on his person identification and the license issued under this By-law, and shall produce such license upon the request of any resident of the Town.
- 3.5
- (a) For the purposes of this By-law, the terms "peddler" or "trader of goods" include, but are not limited to, an operator of a flea market.
 - (b) For the purposes of this By-law, the term "flea market" shall mean a market organized by a proprietor or organization serving or providing tables or spaces to anyone in order to vend merchandise.
 - (c) Any person peddling, hawking, or trading goods at the Farmer's and Trader's Market operated by the Yarmouth Development Corporation only, and at no other place, shall be exempt from paying a license fee, provided that the Yarmouth Development Corporation has paid for that calendar year a fee in relation to the Farmer's and Trader's Market of five hundred dollars (\$500.00).

3.6 License fees pursuant to this By-law shall be:

<u>Type of Vending</u>	<u>Per Year</u>	<u>Per Month</u>
Retail Markets		
0 - 500 sq ft	\$300.00	\$100.00
500 - 1000 sq ft	\$500.00	\$200.00
1000 - 2000 sq ft	\$700.00	\$300.00
2000 sq ft & over	\$900.00	\$400.00

Door to Door and Telephone Solicitation:

Any person who sells or offers for sale or solicits orders for the future delivery of goods or services from door to door, from a hotel or motel, from a place of residence, or from any other place, by written solicitation, by telephone or by any means other than by a merchant from a recognized store located within the Town boundaries shall pay a license fee of \$50.00 per month or \$200.00 per calendar year.

PART 4 - ITINERANT AMUSEMENT PERFORMANCES

4.1 For the purposes of this By-law, "Itinerant Amusement Performances" means any circus, carnival, midway, performance or exhibition for public entertainment which travels from place to place;

"Performance" has the same meaning as contained in Section 2(G) of the *Theatres and Amusements Act*, R.S.N.S., 1989, Chapter 466, as amended.

- 4.2 No itinerant amusement performance to which admission is charged, or which is carried out for hire or profit, shall be advertised, set up or carried out in the Town, without the person responsible therefor, or the operator thereof, first having obtained a license therefor.
- 4.3 The fee payable to a license under 4.2 herein shall be:
- (a) for carnivals or midways, \$100 plus \$5 per concession or ride per day, to a maximum of \$500 per week;
 - (b) professional entertainers or wrestlers, \$100 per performance, to a maximum of \$500 per event;
 - (c) circuses, \$100 per day, to a maximum of \$500 per week; and
 - (d) Western Nova Scotia Exhibition, \$500 for 1 week, which fee shall include all booths, concessions, midways, carnivals, and performances situate within the premises occupied by the Exhibition, whether operated by the exhibition or not.
- 4.4 Part 4 of this By-law shall not apply to any itinerant amusement performance that takes place entirely within premises licensed to sell liquor and regulated under the *Liquor Control Act* of Nova Scotia.

PART 5 - LICENSES - PHOTOGRAPHS

- 5.1 No person shall on his or her own behalf, as agent, representative, canvasser or solicitor for another person or by an agent, representative, canvasser or solicitor within the Town solicit or

take orders for photographs made by any process where there is to be consideration moving to said person or his principal or agent for making or delivering the same without first having obtained a license in accordance with the provisions of these By-laws nor after such license shall have expired or been suspended or revoked and not renewed.

5.2 All applications for a photographer's license shall be in accordance with the provisions of these By-laws and shall contain the name and address of the applicant photographer to be so licensed and where applicable the names of all agents, representatives, canvassers, and solicitors who may be soliciting and/or taking orders within the Town for or on behalf of said applicant photographer.

(a) the fee payable to such license for a period of one calendar year shall be in the amount of two hundred dollars (\$200.00).

(b) the fee payable for such a license for a period of thirty (30) days shall be in the sum of fifty dollars (\$50.00).

PART 6 - LICENSES - AUTOMATIC VENDING MACHINES

6.1 For the purposes of Sections 31 to 35, inclusive, of this By-law, "automatic vending machine" includes any automatic or coin operated machine (so called) which is operated by the introduction of a coin or counter, but does not include:

(a) automatic scales or telephone apparatus, or electric meters, nor;

- (b) things the use or keeping of which is prohibited by law for the reason that they constitute gambling devices, or for any other reasons, nor;
- (c) vending machines licensed under the Public Health Act for perishable foods, nor;
- (d) washers and dryers situate in laundromats.

6.2 No person shall have in any place within the Town of Yarmouth frequented by the public an automatic vending machine other than one for which the operator thereof has been issued a license in accordance with this By-law.

6.3 No person shall permit to be in or on premises under his control any automatic vending machines other than one for which the operator thereof has been issued a license in accordance with this By-law.

6.4 Every automatic vending machine shall have prominently displayed on its exterior a sign bearing the full name, mailing address, and phone number of the owner of the machine, which sign shall be clearly visible at all times to a user of the machine.

6.5 The fees payable for such license shall be as follows:

- (a) merchandise vending machines - five dollars (\$5.00) per calendar year;
- (b) all other automatic vending machines - twenty-five dollars (\$25.00) per calendar year.

THIS IS TO CERTIFY THAT the foregoing
is a true copy of the Licenses By-law of the
Town of Yarmouth.

Municipal Clerk-Treasurer

Date

By-law adopted	May 18, 1883
Amendment to Section 22(b)(vii)	October 20, 1989
Amendment to Section 19(c)	August 25, 1994
Bylaw repealed and new By-law adopted	February 3, 1999