

**BY-LAW NUMBER RU-2010-08
CONCERNING PEDDLING**

Whereas the municipalities served by the Sûreté du Québec division of the MRC Memphrémagog have agreed to adopt standardised by-laws in order to facilitate their enforcement by the Sûreté du Québec;

Whereas in order to maintain this standardisation the following municipalities: Ayer's Cliff, Bolton-Est, Eastman, Canton de Hatley, Hatley, Ogden, North Hatley, Canton de Potton, St-Étienne-de-Bolton, Stukley-Sud, Ville de Stanstead, Canton de Stanstead and St-Benoît-du-Lac, all serviced by the Sûreté du Québec, Memphrémagog division, should not amend the present by-law without prior group consultation

Whereas the council wishes to adopt a by-law with regard to peddling to insure the peace, order, general well-being and the improvement to the quality of life for the citizens of the municipality;

Whereas a motion relative to the present by-law was given at the regular council meeting held February 1st, 2010;

Whereas a copy of the present by-law was given to the members of the council two (2) business days prior to the actual meeting, that all the members present declared having read the by-law and renounced to its reading;

CONSEQUENTLY, it is moved by councillor Patrick Proulx;
Seconded by councillor Roger Dumouchel;

AND DETERMINED that by-law 2010-08 is and be adopted, to be noted:

1. PREAMBLE

The preamble is an integral part of the present by-law.

2. REPLACEMENT

The present by-law replaces by-law number 2005-07 and its amendments.

3. DEFINITIONS

For the purpose of the present by-law, the following words mean:

“Authority in charge”

Any inspector responsible for issuing building permits for the Municipality.

“Colporter Peddling”

Without being requested, to solicit a person at his/her home or his/her place of business in order to sell, rent or otherwise furnish merchandise, to offer a service or to solicit a donation.

4. WRITTEN AUTHORISATION

It is forbidden to peddle on the territory of the municipality without receiving prior written authorisation from the authority in charge.

5. CONDITIONS TO OBTAIN AN AUTHORISATION

All requests for peddling must be made in writing, on the form available for this purpose, from the authority in charge and must indicate the following information:

- The name, address and the phone number of the person making the request, and if this is a physical person, the date of birth;
- The name, address, phone number and date of birth of the manager(s) of the applicant when a legal person presents the request;
- The name, address, phone number and date of birth of any person who will act on behalf or in the name of the applicant, for the purpose of peddling.

Furthermore, any person who presents a request must, upon presentation of such, present to the authority in charge, the permit obtained in conformity with the Consumer Protection Law (Loi sur la protection du consommateur) (L.R.Q., c.P-40.1).

6. COSTS

To obtain a peddling permit, a person must pay fifty (50 \$).

The first paragraph does not apply to any physical or legal person(s) indicated under following list of exceptions:

- religious orders;
- students living on the territory of the municipality;
- non-profit organisations;

recognized by the Municipality.

7. PERIOD: DURATION OF THE PERMIT

The authorisation is valid for a maximum of seven (7) days following the date of issue.

8. TRANSFER

The authorisation is not transferable.

9. Examination

The authorisation must be visibly worn by the peddler and returned upon request, for examination, to a peace keeper or to the authority in charge who is requesting it.

10. TIME (HOURS)

It is forbidden to peddle between 8 p.m. (20:00 hrs) and 10 a.m.

11. INFRACTIONS

The council authorises, in general, all peace keepers as well as the authority in charge, to take legal action against anyone contravening the present by-law, and consequently generally authorises these persons to issue fines necessary for this purpose; these persons are responsible to apply the present by-law.

LEGAL CONSEQUENCES

12. FINES

Whoever contravenes any of the conditions of the present by-law is committing a violation and is liable to a minimum fine of two hundred dollars (200 \$) for a first offence if the offender is a physical person, and of three hundred dollars (300 \$) for a first offence if the offender is a legal person; a minimum fine of four hundred dollars (400 \$) for a repeat offence if the offender is a physical person and, a minimum fine of six hundred

dollars (600 \$) for a repeat offence if the offender is a legal person; the maximum fine is one thousand dollars (1 000 \$) for a first offence if the offender is a physical person and two thousand dollars (2 000 \$) for a first offence if the offender is a legal person; for a repeat offence the maximum fine is two thousand dollars (2 000 \$) if the offender is a physical person and four thousand dollars (4 000 \$) if the offender is a legal person;

13. OTHER OFFENDER

Any person who acts or omits to act in anyway which enables another person to be in contravention of the present by-law or who encourages, by an advise, a permission, a consent, an authorisation, a ratification, a tolerance or other, another person to be in contravention of the present by-law, is him/herself in violation and is liable to the same fines as the person who contravenes the present by-law.

14. PERSISTENT VIOLATION

If a violation persists more than one day, for each day that the violation persists it constitutes a distinct violation and a prescribed penalty for each violation may be imposed for each day it persists, in conformity with the present article.

15. COMING INTO FORCE

The present by-law will enter into force in conformity with the law.

Signed and adopted by the Municipality of the Village of Ayer's Cliff at a regular council meeting held March 1st, 2010.

Ghislaine Poulin-Doherty
General Director / Secretary-treasurer

Alec van Zuiden
Mayor

Avis de motion : 1^{er} février 2010
Adoption : 1^{er} mars 2010
Entrée en vigueur 5 mars 2010