

Schedule “F” to By-law No. 2005-0067

Non-Store Direct Selling

In addition to the other requirements of this By-law, the following regulations apply to Non-Store Direct Selling as defined in this Schedule.

Interpretation

1. In addition to the terms defined in the general section of this By-law, the following terms shall have the corresponding meanings;

“aggressive manner” means a manner that is likely to cause a reasonable person to be concerned for his or her safety or security.

“Auction” means a public sale of goods, articles, merchandise, and wares where an auctioneer calls out and receives bids and the article is sold to the highest bidder, but does not include a Silent Auction, or sale conducted by a receiver, liquidator, trustee, court, bailiff, executor, or sheriff under any general or special Act.

“Film and Motion Picture Production” means commercial or trade film production shoots, including feature films, documentaries, and commercials but does not include news reporting, non-profit productions, team photos, weddings or student productions.

“Mock Auction” means the auctioning of goods wherein the auctioneer leads Persons in attendance at an Auction to believe that a potential purchaser has made a bid on an item, which bid has not been made.

“Newspaper Distribution Box” includes any coin-operated or other box or stand that holds newspapers, periodicals, or other printed material for access by the general public.

“Non-store Direct Selling” means the sale of goods at an Auction, Temporary Event Sale, from a Newspaper Distribution Box or from a Person such as a Temporary Vendor, Pawnbroker, Second Hand Goods Dealer, or Sign Distributor and includes the business of film location production shoots.

“Pawnbroker” means a Person who carries on the business of taking by way of pawn or pledge, any article for the repayment of money lent thereon as defined in the Pawnbrokers Act, R.S.O.1990.

“Public Assembly Hall” means any privately-owned Premises that are offered for use, or are used, as a place of public assembly, for events, banquets, and public performance concerts, but does not include a theatre, a school, or municipal or religious Premises.

“Sale of Second Hand Goods” means selling, offering for sale or displaying for sale, antique items, used goods, wares, materials, merchandise, or second hand items of any kind by retail.

“Second Hand Goods Dealer” means a Person who sells, offers for sale or displays for sale, antique items, second hand, or used, goods, materials, merchandise, or items of any kind in a retail establishment, other than a resident conducting a yard or garage sale relating to the occasional sale of surplus domestic items originating from a private residence or neighbouring residences.

“Sign Distributor” means a Person who sells, rents or leases, or offers for sale, rent or lease, or otherwise provides, erects, installs, or locates, a sign or other advertising device.

“Silent Auction” means an Auction in which written bids are submitted on cards or electronically during a specified period at the end of which all the bids are compared.

“Temporary Event” means the display, demonstration of products or services to the public at an event such as an exhibition, fair, carnival, festival, flea market, trade show, antique show, trunk sale, tournament sport event, concert, or any other similar Public event by two (2) or more participants or temporary vendors for a period of not exceeding seven (7) days in duration and is conducted and overseen by a Person, foundation, or an organization licensed under this By-law.

“Temporary Vendor” means a Person who travels about offering the sale of products and/or services as a door-to-door salesperson, hawker or peddler, or operator of a sales stand at an event.

Licence Required

2. No Person shall carry on the business of *Non-Store Direct Selling* within the Town of Halton Hills without first obtaining a licence in accordance with the requirements of this by-law.

Upon issuance, each licence shall be posted in a conspicuous place on the premises so licensed.

Charitable Non-Profit Exemption

3. Notwithstanding any provision of this by-law, any registered Canadian charitable organization and any registered 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.

Application Requirements – General

4. In addition to the application requirements as set out in the general section of this By-law, every person at the time of making application for a *Non-Store Direct Selling* licence shall provide:
 - a) a Certificate of Insurance completed and signed by the applicant's Insurance Broker providing proof of Commercial General Liability insurance in a minimum amount of not less than (2) million dollars (\$2,000,000) with an endorsement that notice will be given to the Certificate Holder in writing at least (30) days prior to cancellation, expiration, or variation thereof. The Town of Halton Hills must be listed as the Certificate Holder, unless otherwise specified in this By-law.

Auction

5. This 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.
6. Every Non-Store Direct Selling Licensee of an Auction shall:
 - a) 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;
 - b) 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
 - c) maintain order in the Auction house at all times.
7. No Non-Store Direct Selling Licensee of an Auction shall:
 - a) conduct or permit any Mock Auction to be conducted;
 - b) make or permit any misrepresentation as to the nature, content, quality, quantity, or value of any item being auctioned;

- c) give any articles or sell them for nominal amounts for the purpose of stimulating bidding;
- d) do any act that is calculated to confuse the purchase as to the amount he or she pays for any article;
- e) act in concert with Persons known as boosters for the purpose of raising bids or stimulating business; and
- f) 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.

Newspaper Distribution Box

- 8. The issuing of a Non-Store Direct Selling licence for a Newspaper Distribution Box shall be subject to:
 - a) a site inspection by the Town for each Newspaper Distribution Box;
- 9. Every Non-Store Direct Selling applicant or Licensee of a Newspaper Distribution Box shall:
 - a) provide a complete list of proposed locations for approval by the Town;
 - b) indicate the newspaper or magazine that shall be sold or offered in such Newspaper Distribution Box; and
 - c) provide the written permission of any private property Owner permitting the location of a Newspaper Distribution Box on private property.
- 10. A Non-Store Direct Selling Licensee of a Newspaper Distribution Box may place a Newspaper Distribution Box on municipal property provided that:
 - a) the location of every Newspaper Distribution Box is approved by the Town;
 - b) the Newspaper Distribution Box is not located within twenty (20) metres of a convenience store selling newspapers or similar periodicals;
 - c) the Newspaper Distribution Box does not obstruct vehicular or pedestrian traffic;
 - d) the Newspaper Distribution Box does not interfere with the maintenance or repair of any Highway, public sidewalk, or other municipal or private property;
 - e) the Newspaper Distribution Box is maintained in good operational order and repair and does not become unsafe, unsightly, or defective;

- f) the area around the Newspaper Distribution Box is kept clean and free of litter;
 - g) 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
 - h) the Newspaper Distribution Box is not affixed or chained to any traffic control sign or signal pole.
11. A Licensee of a Newspaper Distribution Box shall immediately remove a Newspaper Distribution Box that contravenes any provisions of this by-law upon receiving notice to do so from the Town.
12. The Town may immediately remove a Newspaper Distribution Box posing a hazard without notification to the licensee of the Newspaper Distribution Box.
13. 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.
14. The Licensee of an impounded Newspaper Distribution Box shall pay all associated costs of removal to the Public Works division in order to reclaim any Newspaper Distribution Box within thirty (30) days of impoundment.

Temporary Vendor

15. Every Non-Store Direct Selling applicant or Licensee for a Temporary Vendor licence shall:
- a) provide a complete list to the Town fully describing the goods, merchandise, or services offered for sale;
 - b) provide the contact information of the supplier or alternate proof that second-hand goods offered for sale are bonafide;
 - c) provide a certificate of approval from the Halton Region Health Department before selling any food product;
 - d) produce two (2) pieces of identification, one (1) of which contains a photograph to the satisfaction of the Issuer of Licenses;
 - e) provide an up-to-date list of the name and address of every employee who will be going door-to-door to conduct sales;

- f) submit the written permission of a property Owner if any salesperson is temporarily locating on private property in a commercial zone;
 - g) 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
 - h) obtain a permit issued by the Fire Department before selling or displaying fireworks.
16. Every Temporary Vendor licensee shall ensure that each employee conducting door-to-door sales on his or her behalf:
- a) wears identification to clearly identify themselves and the
 - b) sells goods door to door only between the hours of sunrise and sunset;
 - b) 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;
 - c) 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
 - d) if temporarily selling from a location on private property, has the written permission of the registered property Owner.
17. No Temporary Vendor conducting door-to-door sales shall:
- a) solicit in an aggressive manner;
 - b) threaten the person solicited with physical harm, by word, gesture or other means, during the solicitation or after the person solicited responds or fails to respond to the solicitation;
 - c) use abusive language during the solicitation or after the person solicited responds or fails to respond to the solicitation;
 - d) continue to solicit a person in a persistent manner after the person has responded negatively to the solicitation.

Temporary Event

18. Every person, foundation, or organization who holds an exhibition, carnival, festival, flea market, antique show, trunk sale, tournament sport event, concert, or any other similar Public Event where products, goods, and/or services will be displayed, demonstrated or sold to the public by two or more participants or

Temporary Vendors (whether invited to attend or not), shall obtain a Temporary Event licence for the duration of the event, and the completed application shall be received by the Issuer of Licences not less than thirty (30) days prior to the event.

Every applicant or Licensee of a Temporary Event shall:

- a) submit in the form of a letter a list of all temporary vendors including every food vendor who will operate in conjunction with the event;
- b) indicate the number of stalls, booths, tables, or concessions available for rent by vendors and the number of days they will be operating;
- c) provide proof of the requisite insurance coverage for the event with the Town of Halton Hills named as additional insured;
- d) provide written property owner's authorization if the event is being held on private property;
- e) be accompanied by proof that adequate sanitary facilities are provided to the satisfaction of the Regional Municipality of Halton Health Department.

19. Every Licensee of a Temporary Event Sale shall:

- a) ensure all entrances, corridors, and exits are not blocked, obstructed, or impeded; and
- b) maintain a record of all vendors indicating the owner's name, business operating name, address, and phone number or keep a copy of any agreement entered into with the vendor that contains such information to provide upon request to an Officer.

20. Every individual food vendor who sells food at a Temporary Event Sale shall make separate application to the Town for a Commercial Refreshment Vehicle – Food Event licence, unless otherwise exempt through this By-law.

Sign Distributor

21. Every Sign Distributor shall not install, erect, or locate any sign in the Town without obtaining all requisite permits in accordance with the Town's Sign By-law.

Pawnbroker

22. Every applicant or licensee of a Pawnbroker licence shall:
- a) give to the Town, security to the satisfaction of the Treasurer in the sum of two thousand (\$2,000.00) for due observance in accordance with the Pawnbrokers Act, R.S.O. 1990, c.P.6;
 - b) forthwith report to the Halton Regional Police any article offered to him or her that he or she has reasonable cause to suspect may have or may be stolen or unlawfully obtained; and
 - c) advise Halton Regional Police of any article or object on which the serial number has been obliterated or removed at least twenty-four (24) hours prior to acquisition.

Second Hand Goods Dealer

23. Every licensee of a Second Hand Goods Dealer licence shall:
- a) maintain a record of all second hand goods purchased or taken in exchange, which record shall include the make, model, name, serial number, code, or any other identifying marks, the date of the purchase or exchange, the purchase price of each item, and provide the contact information of the supplier or alternate proof that second-hand goods offered for sale are bonafide;
 - b) forthwith report to the Halton Regional Police any article offered to him or her that he or she has reasonable cause to suspect may have or may be stolen or unlawfully obtained; and
 - c) not display any goods or merchandise outside of a second hand goods store so as to obstruct the sidewalk.
24. No Licensee dealing in Second Hand Goods shall purchase or exchange or receive any second hand goods from any person who appears to be under the influence of an intoxicating substance.

Film and Motion Picture Production

25. An applicant for a licence to shoot a Film and Motion Picture Production within the Town of Halton Hills shall:
- a) submit an application a minimum of ten (10) working days in advance of the location shoot where no temporary road closure is required;
 - b) submit an application a minimum of eight (8) weeks in advance of the location shoot where a temporary road closure is required to fulfill legislated requirements;
 - c) respond promptly with adequate information and full disclosure about the extent of the production to all inquiries from the Issuer of Licences;
 - d) ensure the execution of all necessary agreements;
 - e) provide proof of insurance satisfactory to the Town and naming the Town as an additional insured in the amount specified by the Town, and any other required documents;
 - f) submit the required licensing fee and a deposit or Letter of Credit in an amount specified by the Town between one thousand dollars (\$1,000.00) and five thousand dollars (\$5,000.00) depending on the length and requirements of the production, to enable the town to recover any costs that may be incurred by the Town; and
 - g) shall be subject to the approval of the production by all agencies the Town deems appropriate.