

**THE CORPORATION OF THE VILLAGE OF BURK'S
FALLS BY-LAW 04-2026**

**BEING A BY-LAW TO REGULATE AND LICENSE MOBILE FOOD VENDORS,
HAWKERS & PEDDLERS AND PAWNBROKER**

WHEREAS Sections 150 and 151 of the Municipal Act, allows a municipality to license, regulate, provide standards and govern any business wholly or partly carried on within the municipality, even if the business is being carried on from a location outside the municipality; and

WHEREAS the Corporation of the Village of Burk's Falls does hereby deem it advisable to license Mobile Food Vendors, Hawkers and Peddlers and Pawnbroker; and

WHEREAS Section 128 of the Municipal Act, 2001, provides that without limiting sections 9 and 11, a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

WHEREAS pursuant to Section 113 of the Municipal Act 2001, S.O. 2001, c 25, Council may pass by-laws for establishing, maintaining and operating markets and for regulating such markets and any other markets located within the municipality.

NOW THEREFORE the Municipal Council of the Corporation of the Village of Burk's Falls hereby enacts as follows:

1. DEFINITIONS

- a) "BUSINESS" shall mean any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;
- b) "BY-LAW ENFORCEMENT OFFICER or MUNICIPAL ENFORCEMENT OFFICER" shall mean the person appointed by by-law to the Village of Burk's Falls for the purpose of administering and enforcing the provisions of this by-law;
- c) "CHARITABLE " shall mean an organization which is created primarily for a charitable object or purpose in Ontario, is operated not for profit, and includes a religious organization or minor sports group.
- d) "CLERK" shall mean the Village of Burk's Fall Municipal Clerk or his/her designate;
- e) "COMMUNITY EVENT" shall mean an event facilitated by a non-profit or charitable organization in the interest of community engagement,
- f) "FARMERS MARKET" shall mean a designated place in which vendors collectively gather to sell produce, products and wares crafted or produced by the vendor or locally within Ontario;
- g) "FLEA MARKET" shall mean a gathering of vendors selling secondhand wares;
- h) "HAWKER AND PEDDLER" shall mean a person who travels from place to place, or to a particular place, for an intermittent or one-time period for the purpose of preparation and or selling or delivering goods in the municipality afterward; and who carries and displays goods for immediate sale or delivery or for which orders are taken with delivery to follow;
- i) "LICENSE" shall mean a license issued by the Municipality under the provision of this by-law;
- j) "LICENSEE" means any person licensed under this By-law.
- k) "MUNICIPALITY" shall mean the Corporation of the Village of Burk's Falls;
- l) "OWNER" shall refer to the person who is managing or responsible for the overall operations of a business requiring a license;

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- m) "PAWNBROKER" means a person who carries on the business of taking by way of pawn or pledge any article or secondhand goods for the repayment of money lent thereon.
- n) "PAWN SHOP" means a place where the business of a pawnbroker is carried on and includes any area where any such goods are stored or the business is carried on and all relevant documents pertaining to the conduct of operating a pawn shop.
- o) "REFRESHMENT VEHICLE" shall mean any means of transportation including muscular powered propelled vehicles, in which food and or drink can be prepared for public consumption.
- p) "SECONDHAND" GOODS DEALER" means a person who carries on the business of selling secondhand goods.
- q) " SECONDHAND GOODS SHOP" means a place in which a secondhand goods dealer exercises the trade of receiving or taking on consignment any secondhand goods for resale and includes any area where any such goods are stored or the business is carried on and all relevant documents pertaining to the conduct of operating a secondhand goods shop.
- r) "SHORT TERM" shall mean an event which lasts no more than 48 hours.
- s) "VILLAGE" shall mean The Corporation of the Village of Burk's Falls.

2. LICENSING PROCEDURES:

- a) For the purpose of this By-law, Council delegates its licensing authority and the administration of this By-Law to the Municipal Clerk.
 - Without limiting the provisions of this section, Council shall remain the deciding authority in the event the Municipal Clerk recommends the refusal, suspension or revocation of a license under this By-law.
 - The Municipal clerk may delegate the performance of his/her functions under this By-law.
- b) An application for a mobile food vendor and or Hawker and Peddler license shall be submitted on a form provided and designed for that purpose.
- c) The fee payable for a license shall be in accordance with the "Fees and Charges By-law", as amended from time to time, and shall be payable upon submitting an application.
- d) Every License applied for pursuant to this By-Law shall be subject to the following inspections/approvals where required:
 - All applications subject to:
 - i) Zoning approval
 - ii) Building Department approval
 - iii) Fire Department approval
- e) The following approvals are required based on the type of business
 - iv) Health Unit approval where required
 - v) boards, commissions, authorities or agencies as the Clerk considers may have an interest or potential interest in the application, and who may submit comments or recommendations to the Clerk in respect of the application
- f) Approvals must be received from each department/agency as set out in Section d. Before a License is issued.
- g) No license under this By-law is transferable.
- h) Every license issued under this By-law shall expire on the date specified in the license and shall be valid only for the calendar year in which it is issued. Notwithstanding the foregoing, the Municipal Clerk may revoke a license at any time if, in the opinion of the Municipal Clerk, the provisions of this By-law have not been complied with.

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3. PROHIBITIONS:

- a) No person shall operate a refreshment vehicle, Farmers Market, Flea Market or Hawk and/or Peddle or Pawnshop or Secondhand shop within the Municipality without first obtaining a license for such an operation from the Municipal Clerk of the Municipality as per Schedule "A".
- b) No person shall operate a mobile food vendor and or Hawker and Peddler or Pawnshop or Secondhand shop without a license.
- c) No person shall operate a mobile food vendor and or Hawker and Peddler or Pawnshop or Secondhand shop with a suspended or revoked license.
- d) The licensee shall conform to the requirements and conditions of the license throughout the license term.
- e) No person shall obstruct a By-law Officer in the performance of any duty under this By-law.

4. LICENSING REQUIREMENTS:

- 4.1 The Municipal Clerk shall have regard to the following criteria when determining whether to issue a license for a mobile food vendor and or Hawker and Peddler or Pawnshop or Secondhand shop.
- a) That operating the business will not pose a risk to the health and safety of Village residents or visitors.
 - b) Whether the applicant has conformed with the provisions of all relevant Village by-laws and regulations
 - c) Every applicant shall furnish the Municipal Clerk with proof of coverage to the extent of two million (\$2,000,000) liability insurance and shall identify the Village of Burk's Falls as an additional insured party. Such policy shall contain an endorsement specifically stating the Municipality shall be given a minimum of thirty (30) days written notice of any changes, expiration or cancellation of such policy.
 - d) The Village of Burk's Falls reserves the right to waive license applications and fees to applicants which are not-for profit or charitable organizations or for Municipal short-term event.
 - e) Applicants seeking to establish services on private property must provide written consent from the property owner identifying consent.
 - f) That, where a Hawker and Peddler will operate from a fixed location, the Applicant has submitted a site plan showing relevant site features including but not limited to vehicle and pedestrian entrance and exits and structure description.
 - g) That, where a Hawker and Peddler will operate from place to place, the Applicant shall provide a map showing the locations they intend to visit and approximate timeframes or dates for visiting said locations.
 - f) Any building erected onsite for the purpose of Hawking, Peddling or for any form of a Market is required to comply and show proof of a valid building permit.
 - g) Vendors which will operate less than 2 (two) days in a 7 (seven) consecutive day period are required to take down and remove each vendor stall and any affiliated apparatus daily.
 - h) Vendors which will operate more than 3 (three) days in a 7 (seven) consecutive day period are permitted to remain in place for duration of the license.

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5. HAWKERS AND PEDDLERS:

- a) Licensees allow for a total of 10 feet by 10 feet vendor space, additional space requires the purchase of an additional permit.
- b) As per the Zoning By-law any additional or accessory building which shall be utilized for the purpose of Hawking and or Peddling, shall conform to the prescribed standards in the Zoning By-law and Official Plan.
- c) No person shall go from place to place or to a particular place with goods, wares or merchandise for sale or carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the Village afterwards without being licensed to do so under the provisions of this by-law.
- d) The applicant at the time of making application for license shall furnish the Municipal Clerk with true copies of all forms of contract, promissory notes or other documents intended to be used by the applicant in connection with the sale of goods, wares or merchandise as aforesaid.
- e) Every person licensed under this By-law upon changing his/her address shall give written notice to the Municipal Clerk within ten (10) days after such change, setting forth his new address.
- f) Every person who applies for a license under this By-law shall apply in writing on forms to be provided by the Village as set out in Schedule "A" and shall be fully completed. Exemptions may be granted to those operators or groups whose wares or merchandise will be sold at community events.
- g) No licence under this By-law shall be required for the hawking, peddling, or selling of goods, wares, or merchandise:
 - i. to wholesale or retail dealers in similar goods, wares, or merchandise.
 - ii. where the goods, wares, or merchandise are grown, produced, or manufactured in Ontario and are hawked, peddled, or sold by the grower, producer, or manufacturer, or by their agent or employee having written authority to do so, within the municipality in which the grower, producer, or manufacturer resides.
 - iii. where the goods, wares, or merchandise are hawked, peddled, or sold by a person who operates a business within the Village of Burk's Falls, or by their employee or agent, at the business's existing location; or
 - iv. by persons or groups whose goods, wares, or merchandise are sold by a not for-profit or charitable organization within the Village of Burk's Falls.

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6. REFRESHMENT VEHICLE

- a) No person shall operate a refreshment vehicle within the Municipality without having first obtained a license to commence such an operation from the Municipal Clerk of the Municipality.
- b) Every owner shall take out a separate license for each refreshment vehicle owned or operated by them. Temporary licenses must be obtained by those persons who are operating for a specific time period, or, at a community event on a short-term basis.
- c) Sales of refreshments shall be made on properties which are in conformity with the Official Plan.
- d) No person shall operate a refreshment vehicle or obtain a municipal license without first having obtained and maintaining Certificate from the Medical Officer of Health.
- e) No Person shall operate a refreshment vehicle without having first obtained and maintain an inspection report from a licensed propane service provider and provided a copy to the Village of Burk's Fall Municipal Clerk, if required.
- f) No person shall operate a refreshment vehicle that has a cooking operation producing smoke or grease vapors without having first obtained and maintaining an inspection report from the Burk's Falls & District Fire Department.
- g) No person shall operate a refreshment vehicle unless the license is displayed in a prominent position inside the refreshment vehicle.
- h) No person shall operate a refreshment vehicle within a distance of 150 feet from any restaurant or any other eating establishment unless operated by the same owner/operator. Such distance shall be measured from the building where the eating establishment is located.
- i) No person shall sell confections or refreshments or any other food items unless the application form is approved, and the fees are paid in full.

7. PAWNBROKER:

- a) Operation - without license - prohibited
No person shall carry on the business of a pawnbroker or secondhand goods dealer within the limits of the Village without having first obtained a license for such pawnbroker or secondhand goods dealer as provided for in this By-Law. A secondhand goods dealer does not included flea markets, secondhand bookstores, secondhand clothing stores or secondhand car dealers.
- b) No person shall, by virtue of one license, carry on business as a pawnbroker or secondhand goods dealer in more than one shop.
- c) Any license issued pursuant to the provisions of this By-Law shall be displayed in a conspicuous place in or on the premises where a pawnbroker or secondhand goods dealer is carrying on the business of a pawnbroker or secondhand goods dealer.
- d) Where two or more persons carry on a business as pawnbrokers or secondhand goods dealer in partnership in the same shop, only one license is necessary.
- e) Any person requiring a new license for a year following the date of expiry of any previous license shall apply for the new license in the same manner as any new applicant.
- f) Every applicant for a pawnbroker or secondhand goods dealer license shall provide in full, at the time the application is submitted, all of the information requested on the application form as well as:
 - (a) payment of the prescribed license fee; and
 - (b) in the case of a pawnbroker's license, security in the amount of \$2,000 to the village in a form satisfactory to the Treasurer (which security shall be maintained in effect for so long as the applicant holds a pawnbroker's license); and

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- (c) a current Criminal Records Check for all listed owners and managers; and
 - (d) any other document or information requested by the Clerk or designate.
- g) Every application will be subject to approvals from such municipal or provincial departments or agencies, as the Clerk deems necessary.
 - h) A license issued under the provisions of this Chapter shall not be transferable and is valid only in respect of the person and the premises named therein.
 - i) No license shall be issued to any person in respect of any premises in which the carrying on or operation of the trade, calling, business or occupation for which the application is being made is in contravention of any by-law of the Village.
 - j) Each license granted under this By-Law shall be for one year from January 1 in the current year and expires on the 31st of December one year after issuance or sooner if the license so indicates.
 - k) Applications for a renewal of a license must be received by the Clerk or designate on or before the 31st day of December in the year preceding the year for which the current license is intended to be renewed.
 - l) Every licensee shall notify the Clerk within seven days of any change in his/her business or home address.
 - m) Clerk may revoke any license granted under this Chapter at any time if it deems it in the public interest to do so and, in such event, the licensee shall be given a refund of the license fee is proportionate to the unexpired term of the license.
 - n) Every person operating a pawn shop or secondhand goods shop shall carry a minimum of \$2,000,000 comprehensive general liability insurance and shall furnish proof of such coverage to the satisfaction of the Village prior to being licensed.
 - o) The Clerk or designate shall not refuse to issue, suspend or revoke a pawnbrokers/secondhand goods dealer license to an applicant except where:
 - (a) the past or current conduct of the applicant or license holder affords reasonable grounds for belief that the pawnbroker/ secondhand goods dealer is not carrying on or will not carry on the business of pawnbroker/secondhand goods dealer in accordance with the law and with integrity and honesty; or
 - (b) there is reasonable grounds for belief that the carrying on of the business of pawnbroker/secondhand goods dealer in respect of the license by the applicant or license holder has or will result in a breach of this By-Law or any other applicable law; or
 - (c) the applicant or license holder is a corporation or partnership and its conduct or the conduct of its officers, directors, employees, agents or partners affords reasonable grounds for belief that the pawnbroker/secondhand goods dealer business has or will not be carried on in accordance with the law and with integrity and honesty; or
 - (d) there are reasonable grounds for belief that the premises, accommodations, equipment or facilities in respect of which the license is required do not comply with the provisions of this By-Law or any other applicable by-law; or
 - (e) the conduct of the license holder or other related circumstance afford reasonable grounds for belief that the carrying on of the business of pawnbroker/secondhand goods dealer in respect of the premises for which the license is sought would infringe on the rights or endanger the health or safety of any other members of the public; or
 - (f) the fee payable in respect of the license has not been paid; or
 - (g) the applicant is in default with respect to any financial or other obligation to the Village.
 - p) No person shall obstruct a person inspecting or withhold, destroy, conceal or refuse to furnish any information or thing required by a person inspecting for the purpose of this By-Law.
 - q) Issuance - rejected - cancelled - suspension - as per the General Provisions contained herein.

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- r) No licensee shall purchase, take in exchange or receive any secondhand goods, article or thing from any person under the age of fourteen years of age without written authority from a parent or guardian of such person.
- s) Every licensee shall ensure that a seller presents one piece of identification that is integrated with a photograph:
 - (a) a valid driver's license;
 - (b) a passport issued by the government of origin;
 - (c) a "Bring Your Identification" card issued by the Liquor Control Board of Ontario;
 - (d) a certificate of Canadian Citizenship issued by the Government of Canada;
 - (e) a Conditions Release Card issued by Correctional Services of Canada; or
 - (f) a student card.
- t) Every licensee shall ensure that prior to purchasing, taking a pledge, taking in exchange or taking on consignment any secondhand goods, a record is made in a recording system approved by the Ontario Provincial Police or designate of:
 - (a) the day, month, year and time of the transaction;
 - (b) the full name, date of birth, and address of each seller;
 - (c) the full particulars of the seller's identification;
 - (d) a detailed description of each secondhand good sufficient to identify it including, where applicable, make, model, serial numbers, markings, titles and any other identifying numbers, letters or designs;
 - (e) the purchase or consignment price of each secondhand good or a description of the item exchanged for it; and
 - (f) the clearly marked name of the person conducting the transaction.
- u) The Clerk shall notify the holder of a pawnbroker or secondhand goods dealer license by registered mail, when he/she has cause to believe on reasonable grounds that any of the information which an applicant or holder of a pawnbroker or secondhand goods dealer license is obliged to supply or has supplied is inaccurate that unless the inaccuracy, non-compliance or contravention is corrected within thirty days, the license shall be revoked.
- v) The Clerk shall notify the holder of a pawnbroker or secondhand goods dealer license by registered mail when he/she receives information that the pawnbroker or secondhand goods dealer does not comply with all applicable requirements under a statute, Regulation or by-law that, unless the inaccuracy, non-compliance or contravention is corrected within thirty days, the license shall be revoked.
- w) The Clerk shall notify the holder of a pawnbroker or secondhand goods dealer license when he/she has cause to believe that an order issued under the authority of a court with competent jurisdiction has been disobeyed by the holder of the pawnbroker/secondhand goods dealer license that, unless the inaccuracy, non-compliance or contravention is corrected within thirty days, the license shall be revoked.
- x) Non-compliance - license - revoked - notice - see License Requirements

8 FEE:

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

9 PENALTIES

- a) Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
- b) Any persons convicted of a breach of any of the provisions of this by-law by a Provincial Court Judge or competent jurisdiction thereafter any, in addition to any other penalty imposed on the person convicted, issued an order prohibiting the continuation or repetition of the offence or the doing of any act by the person convicted directed towards the continuation of the repetition of the offence.

10 ENFORCEMENT

- a) The provisions of this By-law shall be enforced by the By-Law Enforcement Officer or other appointed Municipal Officer for the Village of Burk's Falls.

11 ENACTMENT

- a) This by-law shall take effect on the date the Order for the set fines is approved by the Ontario Court of Justice

10. REPEALS:

- a) By-law 30-2024 is hereby repealed.

AS READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS DAY OF 20th DAY OF JANUARY 2026.



Mayor Chris Hope

SEAL



CAO-Clerk Denis Duguay



Mobile Food Vendor, Hawker and/or Peddler Application

www.burksfalls.net

For comprehensive definitions and regulations, consult by-law 04-2026			
<input type="checkbox"/> NEW APPLICATION		<input type="checkbox"/> RENEWAL APPLICATION	
NAME OF APPLICANT (LICENCE GRANTED TO)		NAME OF BUSINESS (OPERATING AS)	
MAILING ADDRESS		BUSINESS ADDRESS (LOCATION TO BE LICENSED)	
CITY	POSTAL CODE	CITY	POSTAL CODE
HOME PHONE	CELL PHONE	BUSINESS PHONE	FAX
E-MAIL ADDRESS (For correspondence purposes)			
MOBLE FOOD VENDOR <input type="checkbox"/>	HAWKER/PEDDLER <input type="checkbox"/>	HOURS/DAYS OF OPERATON	
DOOR TO DOOR SALES <input type="checkbox"/>	OTHER <input type="checkbox"/>		
PROVIDE A DESCRIPTION OF THE WARES TO BE SOLD UNDER THIS LICENSE			
<u>REQUIRED ATTACHMENTS OF DOCUMENTATION (where applicable)</u> Proof of valid insurance, with \$2,000,000.00 (two million) liability coverage, listing the Village as an additional insured party <input type="checkbox"/> Building permit if required <input type="checkbox"/> Rental Agreement with Private Property Owner <input type="checkbox"/> Public Health Certificate of Approval (all regulations and requirements must be met) <input type="checkbox"/> Fire Department written approval <input type="checkbox"/>			
LOCATION OF PROPOSED STRUCTURE/BUSKER/MARKET WILL BE ESTABLISHED			
SIZE OF PROPOSED STRUCTURE			
PROPOSED OPENING DATE (M/D/Y)			
SIGNATURE		TITLE	DATE (M/D/Y)
<i>I have the authority to bind the business/corporation</i>			
NAME IN FULL (PLEASE PRINT)			
FOR OFFICE USE ONLY			
LICENCE FEE	PAYMENT METHOD	CASH <input type="checkbox"/>	DEBIT <input type="checkbox"/>
			CHEQUE <input type="checkbox"/>
BUILDING DEPT- IF STRUCTURE IS OVER 10X10	DOCUMENTATION RECEIVED YES <input type="checkbox"/> NO <input type="checkbox"/>	DATED ISSUED	
COMMENTS			



Pawnbroker Business License Application

www.burksfalls.net

For comprehensive definitions and regulations, consult by-law 04-2026			
<input type="checkbox"/> NEW APPLICATION		<input type="checkbox"/> RENEWAL APPLICATION	
NAME OF APPLICANT (LICENSE GRANTED TO)		NAME OF BUSINESS (OPERATING AS)	
MAILING ADDRESS		BUSINESS ADDRESS (LOCATION TO BE LICENSED)	
CITY	POSTAL CODE	CITY	POSTAL CODE
HOME PHONE	CELL PHONE	BUSINESS PHONE	FAX
E-MAIL ADDRESS (For correspondence purposes)			
I hereby authorize the Chief of Police to forward a security clearance to the Village of Burk's Falls for use in connection with my application for a business license, as required.			
\$2000 SECURITY DEPOSIT REQUIRED FOR LICENSING (NEW ONLY) YES <input type="checkbox"/> NO <input type="checkbox"/>			
PROPOSED OPENING DATE (M/D/Y)			
SIGNATURE		TITLE	DATE (M/D/Y)
<i>I have the authority to bind the business/corporation</i>			
NAME IN FULL (PLEASE PRINT)			
FOR OFFICE USE ONLY			
LICENCE FEE	PAYMENT METHOD CASH <input type="checkbox"/>		DEBIT <input type="checkbox"/>
			CHEQUE <input type="checkbox"/>
BUILDING DEPT Zoning only		POLICE DEPARTMENT	
COMMENTS			
SECURITY DEPOSIT PROVIDED			
DATE RECEIVED	PROOF OF INSURANCE RECEIVED	DATED ISSUED	