

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 4224-98

BEING A BY-LAW TO PROHIBIT SALES BY RETAIL IN THE HIGHWAYS AND ON VACANT LOTS ADJACENT TO THEM IN THE TOWN OF WHITBY

WHEREAS, Subsection 210(73) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that by-laws may be passed by the councils of local municipalities for prohibiting sales by retail in the highways or on vacant lots adjacent to them;

AND WHEREAS, the Council of the Corporation of the Town of Whitby considers it appropriate to pass such a by-law;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

DEFINITIONS

1. In this by-law,
 - (a) "community event" means an event of community significance sanctioned by the Council of the Corporation of the Town of Whitby;
 - (b) "highway" means a common and public highway and includes a street and a bridge forming part of a highway or on, over or across which a highway passes;
 - (c) "lot" includes a block, reserve or other parcel of land which can be alienated or otherwise disposed of separately and apart from abutting land;
 - (d) "person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
 - (e) "refreshment vehicle" means a vehicle from which refreshments are sold for consumption by the public;
 - (f) "sell" includes expose for sale and offer for sale; and,

- (g) "Town" means the Corporation of the Town of Whitby.

GENERAL

2. No person shall sell by retail any goods, wares or merchandise including produce, of any nature or kind, in any highway or on any vacant lot adjacent to any highway within the territorial limits of the Town.
3. The provisions of this by-law shall not apply to,
 - (a) the retail sale of goods, wares or merchandise at a community event; or,
 - (b) the retail sale of refreshments from a refreshment vehicle licensed by the Town; or,
 - (c) the retail sale of food and refreshments at an outdoor sidewalk patio café approved by the Town.

PENALTIES

4. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction thereof is liable to a fine in the amount provided for in Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or any successor legislation in substitution therefor.

SHORT TITLE

5. This by-law may be referred to as the Street Vendor By-law.

VALIDITY

6. Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

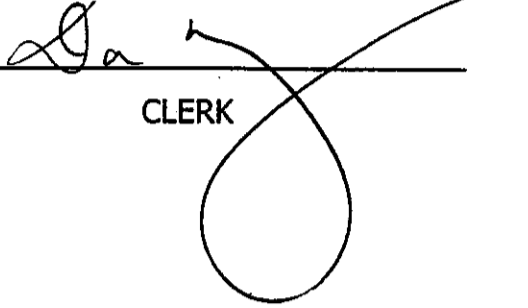
REPEAL OF EXISTING BY-LAWS

7. By-law No. 3821-96 is repealed.

EFFECTIVE DATE

8. This by-law shall come into force and take effect on the final passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13TH DAY
OF JULY, A.D., 1998.



CLERK



MAYOR

