



PROVINCE DE QUEBEC
TOWN OF KIRKLAND

BY-LAW NO : GEN-2021-54

**BY-LAW CONCERNING PEDDLERS, ITINERANT
MERCHANTS AND DISTRIBUTORS OF ADVERTISING
MATERIAL**

ADOPTION PROCEDURE

Notice of motion :	May 3, 2021
Filing of draft by-law :	May 3, 2021
Adoption of by-law :	June 7, 2021
Publication :	June 11, 2021
Coming into effect :	June 11, 2021

- WHEREAS pursuant to sections 6 and 10 of the *Municipal Powers Act* (CQLR, c. C-47.1), the Town of Kirkland may regulate the exhibiting, carrying or distribution of printed matter or other objects on a public road or a private immovable and the conditions for the issuance of a permit to do so;
- WHEREAS pursuant to section 356 of the *Cities and Towns Act* (CQLR, c. C-19), notice of motion of this by-law was given and a draft of this by-law was filed at the regular sitting of the Municipal Council held on May 3, 2021;
- WHEREAS copy of this by-law was made available to the public;
- WHEREAS the Preamble forms an integral part of this by-law;

MUNICIPAL COUNCIL DECREES THE FOLLOWING:

SECTION 1 – DEFINITIONS

For the purposes of the present by-law, unless the context indicates otherwise, the following words and expressions have the meanings included in the present section:

- “advertising material”:** any pamphlet, printed publication, brochure, leaflet, flyer, circular, advertisement or any other printed advertising material;
- “competent authority”:** any employee of the Urban Planning and Environment Department of the Town of Kirkland;
- “distributor”:** any person who, for himself or for a third party, distributes, either himself or through any intermediary, advertising material;
- “itinerant merchant”:** any merchant who, personally or through a representative, elsewhere than at his address, solicits a particular consumer for the purpose of making a contract or makes a contract with a consumer;
- “peddler”:** any person who carries or transports objects or goods with the intention of selling them door-to-door;
- “Town”:** the Town of Kirkland.

SECTION 2 – PERMIT

It is prohibited to peddle, to act as an itinerant merchant or to distribute advertising material within the Town’s territory without a permit issued for that purpose by the competent authority.

SECTION 3 – CONDITIONS FOR THE ISSUANCE OF PERMITS

- 3.1. Any person wishing to obtain a permit to act as a peddler within the Town’s territory must, in addition to paying the cost of the issuance of the permit, provide the following information and documents:
- a) the name, address and telephone number of the persons who will be peddling;
 - b) if acting on behalf of a business, the name, principal place of business and telephone number of the business;
 - c) a description of the goods or services to be offered for sale;
 - d) the days and hours of peddling;
 - e) the locations where the peddling activities will take place, including a reference to the street names;
 - f) if applicable, proof that they hold the permit required by the *Consumer Protection Act* (CQLR, c. P-40.1);

- g) a certificate of absence of criminal record issued by the Sûreté du Québec for each person who will be going door-to-door.
- 3.2. Any person wishing to obtain a permit to act as an itinerant merchant within the Town's territory must, in addition to paying the cost of the issuance of the permit, provide the following information and documents:
- a) the name, address and telephone number of the persons who will be going door-to-door;
 - b) if acting on behalf of a business, the name, principal place of business and telephone number of the business;
 - c) a description of the goods or services to be offered for sale;
 - d) the days and hours during which the activities will be held;
 - e) the locations where the activities will take place, including a reference to the street names;
 - f) if applicable, a certified copy of the document (deed of purchase, lease, letter of authorization, etc.) authorizing the operation of the business at the location mentioned in paragraph e);
 - g) if applicable, a photocopy of the registration of the vehicle(s) used for commercial purposes;
 - h) if applicable, proof that they hold the permit required by the *Consumer Protection Act* (RLRQ, c. P-40.1);
 - i) a certificate of absence of criminal record issued by the Sûreté du Québec for each person who will be going door-to-door.
- 3.3. Any person wishing to obtain a permit to distribute advertising material within the Town's territory must, in addition to paying the cost of the issuance of the permit, provide the following information and documents:
- a) the name, address and telephone number of the persons who will be going door-to-door;
 - b) if acting on behalf of a business, the name, principal place of business and telephone number of the business;
 - c) a copy of the advertising material the distributor wishes to distribute;
 - d) the days and hours during which the distribution will take place;
 - e) the locations where the distribution will take place, including a reference to the street names;
 - f) a certificate of absence of criminal record issued by the Sûreté du Québec for each person who will be going door-to-door.

SECTION 4 – EXCLUSION

No permit is required for:

- a) Canada Post;
- b) the Town and its distributors;
- c) candidates for elections;
- d) students residing in the Town whose peddling proceeds are used to fund a school or extracurricular activity;
- e) religious organizations;
- f) distributors of a local newspaper.

SECTION 5 – FREE OF CHARGE PERMIT

A permit shall be issued free of charge to non-profit organizations acting for charitable or educational purposes or whose head office is located within the Town's territory, such as Scouts, Girl Guides, sports clubs, social clubs, citizens' associations, etc.

Only the following information and documents shall be provided:

- a) the name, principal place of business and telephone number of the non-profit organization;
- b) a description of the goods or services to be offered for sale or a copy of the advertising material it wishes to distribute;

- c) the days and hours of peddling or of distribution;
- d) the locations where the peddling or distribution activities will take place, including a reference to the street names;

SECTION 6 – APPLICABLE TERRITORY

Provided that the conditions set out in section 3 are complied with, peddlers, itinerant merchants and distributors of advertising materials are allowed to operate in the industrial and commercial zones of the Town as defined in the Town's zoning by-law.

Except for the persons and organizations designated in sections 4 and 5 and distributors of publications generally containing a local newspaper, no person shall act as a peddler, itinerant merchant or distributor of advertising material in the residential and institutional zones of the Town as defined in the Town's zoning by-law.

It is prohibited to place or cause to be placed advertising material on the public domain.

SECTION 7 – COST OF THE PERMIT

The cost of issuance of a peddler, itinerant merchant or distributor of advertising material permit is one hundred dollars (\$100) plus five dollars (\$5) for each additional person going door-to-door.

SECTION 8 – EXPIRATION DATE

All permits issued in accordance with this by-law expire on December 31 of each year.

SECTION 9 – TRANSFER

Permits issued under this by-law are not transferable.

SECTION 10 – PERMITTED HOURS

Peddling, itinerant commerce and distribution of advertising material must take place between 9:00 a.m. and 6:00 p.m., from Monday to Friday.

SECTION 11 – DOOR-TO-DOOR EXECUTION

Every person who goes door-to-door in accordance with this by-law shall use the alleys, sidewalks or roads leading to the buildings.

SECTION 12 – EXECUTION OF THE DISTRIBUTION OF ADVERTISING MATERIAL

No person shall place advertising material on private property if the owner or occupant of the property displays, in the area where the advertising material is normally placed, a sign indicating that they refuse to receive advertising material, such as the one depicted in Schedule "A" of this by-law as an example.

Except with respect to the first paragraph, advertising material must be hand-delivered to a person occupying the premises or placed in a receptacle intended for such purpose, such as a mailbox, mail slot, newspaper rack or a shelf intended for that purpose in the lobby of a building.

It is prohibited to place any advertising material on a vehicle parked on private property or on the public domain.

SECTION 13 – CARRYING OF THE PERMIT

The permit required by this by-law shall be carried by every peddler, itinerant merchant or distributor in such a manner as to be visible to the public.

It shall also be made available for examination by a law enforcement officer or the competent authority upon request.

SECTION 14 – PENAL PROVISIONS

Any person who contravenes any provision of this by-law commits an offence and is liable to the following fine:

- **for a first offence:** a minimum of THREE HUNDRED DOLLARS (\$300) and a maximum of ONE THOUSAND DOLLARS (\$1,000) if the offender is a physical person or a minimum of FIVE HUNDRED DOLLARS (\$500) and a maximum of TWO THOUSAND DOLLARS (\$2,000) if the offender is a moral person;
- **for a subsequent offence:** a minimum of SIX HUNDRED DOLLARS (\$600) and a maximum of TWO THOUSAND DOLLARS (\$2,000) if the offender is a physical person or a minimum of ONE THOUSAND DOLLARS (\$1,000) and a maximum of FOUR THOUSAND DOLLARS (\$4,000) if the offender is a moral person.

If the offence is continuous, it constitutes a separate and distinct offence on a day-by-day basis and the fine may be imposed for each day during which the offence persists.

SECTION 15 – REPEALING AND FINAL PROVISIONS

By-law 91-62 and its amendments are repealed.

Sections 2 c) and 2.1 of by-law 81-25 are repealed.

The present by-law comes into effect in accordance with the law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk

SCHEDULE A

