

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

A By-Law Respecting the Sale of Motor Vehicles by Transient Vendors

Short Title

1. This by-law shall be known and may be cited as the 'Motor Vehicle Transient Vendors By-Law'.

Interpretation

2. In this by-law:

'Chief Administration Officer' means the Chief Administration Officer of the Municipality of the District of Lunenburg.

'Council' means the Council of the Municipality of the District of Lunenburg.

'Licencing authority' means the Chief Administration Officer, or such employee or agent of the Municipality as the Chief Administration Officer may designate to receive applications for licences under this by-law.

'Motor vehicle' means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway and which is propelled or driven otherwise than by muscular power, but does not include motorized wheelchairs, or vehicles used exclusively upon stationary rails or tracks.

'Municipality' means the Municipality of the District of Lunenburg.

'Person' means an individual, guild, agency, or body corporate.

'Sell' includes selling, trading, or otherwise transferring for a valuable consideration, whether present or executory.

'Temporarily' means less than 60 consecutive days in one calendar year. [Amended: December 11, 2007]

'Transient vendor' means a person temporarily selling motor vehicles in the Municipality that has been issued a dealer supplemental license within Lunenburg County issued by the Province of Nova Scotia under the Motor Vehicle Act whose permanent dealer's license has not been issued within Lunenburg County. [Amended: December 11, 2007]

Sale of Motor Vehicles

3.(1) No person shall sell motor vehicles in the Municipality as a transient vendor except in accordance with this by-law.

(2) Council may designate persons to be responsible for enforcement of this by-law, and any peace officer shall have enforcement authority.

Licensing

4.(1) A transient vendor shall obtain a licence to sell motor vehicles in the Municipality, and any sale by such a vendor without a current and valid licence shall be an offence.

(2) Every application for a licence shall be made in writing to the licencing authority, and shall contain:

- a. The name, mailing address, telephone number and, if available, facsimile number and e-mail address of the applicant;
 - b. The corporate or partnership name, if applicable;
 - c. A list of the motor vehicles the applicant proposes to sell;
 - d. A certified copy of a valid and current Motor Vehicle Dealer's Licence issued by the Province under the applicable regulations promulgated pursuant to the Motor Vehicle Act;
 - e. If the applicant is proposing to sell at a site of which the applicant is not the owner, written permission from the owner;
 - f. Written conformation that the vendor either owns or has authority to sell the motor vehicles;
 - g. Confirmation of liability insurance in a minimum amount of \$1,000,000 in respect of operations at the proposed site of sale;
 - h. Confirmation that the site of the proposed sale of motor vehicles is not less than 200 feet from any lot on which a permanent business establishment subject to commercial property tax, and selling motor vehicles, is located;
 - i. The Applicable licence fee as established by policy of Council;
5. After receipt of a completed application, the licencing authority shall issue a licence after first confirming that the proposed site of the sale is zoned for such use under any applicable Land Use By-Law;
6. A licence issued under this by-law shall:

a. Include the list of motor vehicles and the proposed site of sale referred to in subsection 4(2); and shall only be applicable to such site;

b. Be conspicuously displayed at all times at the site of the vendor's business.

7. A licence issued under this by-law shall be in force for a period equal to, or less than, 30 days. The licence shall expire at the conclusion of that period, and must be reissued for each subsequent sale of motor vehicles by a transient vendor.

Records

8. (1) A transient vendor shall maintain records of all sales made pursuant to a licence issued under this by-law, which shall reveal all particulars of the sale, including all consideration paid, traded or in any way transferred to or for the benefit of the vendor in respect of each sale.

(2) The records maintained under this section shall be disclosed to the licencing authority upon request. The licencing authority shall use the information disclosed in those records only for purposes of enforcement of this by-law, and shall not disclose that information other than for that purpose.

Revocation

9. A licence maybe revoked where:

a. The licensee has provided incorrect information in the application for a licence;

b. The licensee is selling vehicles not stipulated in the licence application;

c. The licensee's provincial Dealer's Permit has been revoked or is no longer in force;

d. The licensee is in violation of any provision of this by-law or of any other by-law of the Municipality;

e. The licensee does not have insurance in force as stipulated in the licence application;

f. [Repealed: December 11, 2007]

Tax

10. (1) [Repealed: December 11, 2007]

(2) [Repealed: December 11, 2007]

Licence fees

11. (1) The fee for the issuance of licence under this by-law shall be as fixed by policy made by Council pursuant to section 49 of the Municipal Government Act.

(2) A certified copy of the said policy shall be affixed to this by-law as Schedule 'A'. In the event that the fee so fixed is changed, a certified copy of the new policy shall be affixed in place of the previous.

Penalties Enforcement

12. Every person who contravenes or fails to comply with any provision of this by-law, or any person who owns or controls premises or property used for unlicensed sale of motor vehicles by a transient vendor commits an offence and is liable on conviction to a penalty of not less than \$100 and not more than \$10,000 or, in default of payment, to imprisonment for a period of not less than 30 days. [Amended: December 11, 2007]

13. Where a person is selling motor vehicles contrary to this by-law, or the terms and conditions of a licence, the Municipality may, in addition to any other remedy or penalty herein, and without notice of any kind, impound and remove any vehicles and all costs or charges for removal and storage shall be paid before the vehicles are released.

14. The Municipality may apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order where:

- a. Land is being used in contravention of this by-law;
- b. A person is selling motor vehicles without having paid the licence fee required; or
- c. A breach of this by-law is anticipated or is of a continuing nature.

Schedule 'A'

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

Policy

Motor Vehicle Transient Vendors By-Law Licence Fee

The fee for the issuance of a licence under the Motor Vehicle Transient Vendors By-Law is fixed at One Thousand Six Hundred Eighty Dollars (\$1680.00). This policy shall take effect on the coming into force of Transient Motor Vehicle Vendor By-Law.


I CERTIFY this to be a true copy of a policy adopted by Council of the Municipality of the District of Lunenburg, pursuant to subparagraph 49(1)(c)(i) of the Municipal Government Act on

_____, 2007.

T. S. Wilson, Chief Administration Officer

APPLICATION ONLY

MOTOR VEHICLE TRANSIENT VENDORS LICENCE

 <p>Municipality of the District of Lunenburg Planning Department 210 Aberdeen Road Bridgewater NS B4V 4G8</p> <p>TEL: (902) 541-1325 - FAX: (902) 527-1135</p>	
---	--

APPLICANT INFORMATION

Applicant Name: _____	
Corporate / Partnership Name: _____	
Mailing Address: _____	
Town/City: _____	Postal/Zip Code: _____
Telephone No: _____	Fax No: _____
E-mail: _____	

PROPERTY INFORMATION

Location of Proposed Sale: _____ (Civic #, Street Name, Community Name)	
Property ID No.: _____	Assessment Account No.: _____
Property Owners Name: _____	
Mailing Address: _____	
Town/City: _____	Postal/Zip Code: _____
Telephone No: _____	Fax No: _____
E-mail: _____	

DURATION OF PROPOSED SALE

Dates of Proposed Sale (Note: duration of sale can not exceed 30 days)	
Start Date: _____ (Month / Day / Year)	End Date: _____ (Month / Day / Year)

APPLICATION CONTINUES ON OTHER SIDE

ADDITIONAL INFORMATION REQUIRED

To apply for a Motor Vehicle Transient Vendors Licence the following is required to be attached to this application:

- List of Motor Vehicles to be sold
- Certified Copy of a Motor Vehicle Dealer's Licence issued by the Province
- Written Permission from Property Owner --if applicant doesn't own the site of proposed sale
- Written confirmation that the vendor owns or has authority to sell the motor vehicles
- Confirmation of at least \$1 million liability insurance for site of proposed sale
- Confirmation that the Property is at least 200 feet from a permanent business selling motor vehicles
- Development Permit --where applicable
- Licence fee (\$20,000)

LEGAL DECLARATION

I, _____ of _____ do solemnly declare that all the above statements and attachments are true and accurate and I make this solemn declaration conscientiously believing it to be true and accurate knowing that it is the same force and effect as if made under oath. I acknowledge that I have read the Motor Vehicle Transient Vendors By-law and I understand that the particulars of all sales made pursuant to a licence shall be recorded and disclosed to the licencing authority upon request. I further understand that I shall pay a tax of two percent of the total consideration for the sale of every motor vehicle sold pursuant to a licence.

Dated at _____ this ____ day of _____, 20____.

Signature of Applicant