

TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 116-2004

**BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH TO
LICENSE, REGULATE AND GOVERN ANY BUSINESS**

WHEREAS pursuant to the Municipal Act, 2001, S.O. 2001, c25 Section 150 to 162 the Council of a local municipality may pass by-laws to licence, regulate 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, except as otherwise provided, a municipality may only exercise its licensing powers under this section, including imposing conditions, for on or more of the following purposes health and safety, nuisance control, consumer protection.

AND WHEREAS, a by-law licensing or imposing any condition shall include an explanation as to the reason the municipality is licensing it or imposing the conditions and how that reason relates to the purposes under the municipal act 2001, section 150, subsection (2).

AND WHEREAS public notice was given and a public meeting was held at which any person who attended was given an opportunity to make representation with respect to the matters herein;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH ENACTS AS FOLLOWS:

Definitions:

In this by-law Business means,

- (a) trades and occupations;
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
- (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire.

In this by-law Business does not mean:

- (a) a manufacturing or industrial business except to the extent that it sells its products or raw materials by retail;
- (b) the sale of goods by wholesale or;
- (c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.

In this by-law Council means the Council of the Corporation of the Township of Woolwich.

In this by-law licensing officer means a person appointed by the Township of Woolwich to enforce this by-law.

Short Title

1. This by-law may be known as the Business Licensing By-law.

Purpose of Business Licensing

2. The Corporation of the Township of Woolwich exercises its' licensing powers including imposing conditions on the classes of businesses as noted in Schedule "B" for the following purposes;
 - (a) Health and Safety
 - (b) Nuisance control
 - (c) Consumer Protection

Explanation

3. An explanation as to the reason why the municipality is licensing the business or imposing the conditions and how that reason relates to the purpose under section 2 of this by-law is attached as Schedule "D" hereto.

Power of Council

4. The powers of Council to licence, regulate and govern a business include the power;
 - (a) to prohibit the carrying on of or engaging in the business without a licence;
 - (b) to refuse to grant a licence or to revoked or suspend a licence;
 - (c) to fix the expiry date for a licence;
 - (d) to define the classes of business and to separately licence, regulate and govern each class;
 - (e) to impose conditions as a requirement of obtaining, continuing to hold or renew a license, including conditions;
 - i) requiring the payment of licence fees;
 - ii) restricting the hours of operation of the business;
 - iii) allowing, at any reasonable time, the municipality to inspect the places and premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying on of the business;
 - iv) prohibiting places or premises used for the business to be constructed or equipped so as to hinder the enforcement of this by-law;
 - v) requiring the premises of the business, or part of the premises, to be accessible to persons with disabilities.
 - (f) to impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continues to hold or renew a license;

- (g) to impose conditions, including special conditions , as a requirement of continuing to hold a licence at anytime during the term of the licence;
 - (h) to licence, regulate or govern the place or premises used for the business and the persons carrying it on or engaged in it;
 - (i) to regulate or govern the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on or engaging in the business; and
 - (j) to exempt any business or person from all or any part of the by-law.
5. The exercise of a power under clause 4(b), (f) or (g) is in the discretion of Council and Council shall exercise its discretion:
- (a) upon the grounds that the conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty or integrity; and
 - (b) hold a hearing in an open public meeting of Council prior to refusing, revoking or suspending a business licence; and
 - (c) the owner of the business as noted on the Business License shall be notified in advance of any such hearing and, as well as, the reason for the hearing, and any party may make representation to Council regarding the refusing, revoking or suspending of a Business Licence.
6. Under section 5(a) “law” refers to the regulations of Canada and the Province of Ontario and the By-laws of the Township of Woolwich, including this by-law.

Application

7. Every class of business as noted in Schedule “A” requires a business license and is governed by the regulations set out within the by-laws of the Township of Woolwich.
8. Every application for a Business Licence shall be accompanied by;
- (a) the business name
 - (b) the type of business
 - (c) the municipal address of the location at which the business operates
 - (d) the names and address of the applicant
 - (e) the telephone number of the applicant
 - (f) the previous use of the business location/occupancy
 - (g) the name and address of each person with a propriety or a partnership interest in the business
 - (h) the name of any business currently or within the last five years operated by the applicant

- (i) the signature of the applicant
 - (j) the appropriate license fee as noted in Schedule "C"
 - (k) any other similar information required by the Licensing Officer or specifically required pursuant to further sections of this by-law for both initial and renewal licensing
9. A Business Licence shall apply only to the location, person and class of business for which it was issued except that a business license may be transferred if the business location or business owner changes.
10. An application for a transfer of a Business Licence shall be made in writing to the Licensing Officer within five (5) business days of the relocation of the business and shall be accompanied by the appropriate transfer fee as noted in Schedule "C"
11. Where Council revokes a Business Licence, the Licensee shall be entitled to a refund of the licence fee proportionate to the un-expired term for which it was granted.
12. Every Business Licence shall be valid for the calendar year in which it is issued and shall expire on the 31st day of December unless a term has been specified on the license.
13. This by-law expires five (5) years after it comes into force or the day it is repealed which ever comes first.
14. Where applicable, any By-law affected by the Schedules appended to this By-law shall be amended in accordance with the Schedules appended to this By-law. The appropriate By-laws shall be amended only in respect of the alteration of the fees permitted to be charged under the appropriate By-law, and only in such a manner as is prescribed by the new Schedules of Fees appended to this By-law.
15. Should any part of this By-law, including any part the Schedules attached to this By-law, be determined by a court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of council that such invalid part of the By-law shall be severable and that the remainder of this By-law including the remainder of the Schedules applicable, shall continue to operate and to be in force and effect.

7. Enforcement

Every person who contravenes any of the provisions of this by-law:

- (a) is guilty of an offence; and
- (b) on conviction is liable to a fine not exceeding \$25,000 exclusive of costs, for each offence pursuant to Section 161 (2) of the Municipal Act, 2001, c25 or any successor thereof; or
- (c) When a corporation is convicted of an offence under section 15 of this by-law, the maximum penalty that may be imposed on the corporation is \$50,000, exclusive of costs for each offence pursuant to Section 161 (3) of the Municipal Act, 2001, c25 or any successor thereof.

9. Effective Date of this By-law

This by-law shall come into effect on January 1, 2005.

Passed this 14th day of December, 2004.

Wm. L. Strauss
Mayor

Christine Broughton
Clerk

TO BY-LAW 116-2004
OF THE
CORPORATION OF THE TOWNSHIP OF WOOLWICH

CLASSES OF BUSINESS

Kennels

Class 1 Kennels	4 to 10 dogs
Class 2 Kennels	11 to 25 dogs
Class 3 Kennels	26 or more dogs

Salesperson Licences

Outdoor Vendors

Musicians

Food Vehicles

Refreshment Vehicle/Chip Wagons

Mobile food vehicles

Seasonal Trailers

Trades

Master Plumbers

Journeyman Plumbers

Drain Layers

SCHEDULE "B"

TO

BY-LAW NUMBER 116-2004

Under section 150 (3) of the Municipal Act 2001 the Township of Woolwich must provide an explanation for licensing each class of business.

Kennels

All dog kennels are to be located in an agricultural zone within the Township of Woolwich. Kennels are licensed to control nuisance noise and set operational standards to ensure the health and safety of its' patrons.

Salesperson Licences

The purpose of licensing salespersons relates to health and safety and consumer protection. Salespersons are required to be licensed to control the type of products being sold to ensure that health and safety guidelines are followed.

Outdoor Vendors

For the purpose of health and safety and consumer protection the Township of Woolwich has determined to license outdoor vendors to ensure that all vendors are inspected and conform to health and Fire Code regulations for the protection of consumers.

Food Vehicles

Every person who operates a refreshment or food vehicle shall comply with the provisions of the Health, Protection and Promotion Act, ss 16, Chap, H7, RSO. Licensing this class of business is to ensure that proper inspections are completed for the health and safety of the consumer.

Seasonal Trailer Parks

For the purpose of ensuring the health and safety of the patrons and operators, as contemplated under Section 150(2) .1 of the Municipal Act, 2001 Council deems it necessary and appropriate to licence, regulate and govern Seasonal Trailer Parks. It is important for the health and safety of the Patrons and Operators of the Seasonal Trailer Parks that the premises be established and maintained in a sanitary fashion and in a safe condition.

Trades

Tradespersons are to be licensed to ensure that they are properly certified under the Trades Qualification and Apprenticeship Act or the Apprenticeship and Certification Act, 1998 for the protection and safety of the consumer.

SCHEDULE "C"

BUSINESS LICENSE FEES

<u>Class of Business</u>	Proposed 2005 Licensing Fees
<u>Kennels</u> Class 1 - 4 to 10 dogs Class 2 -11 to 25 dogs Class 3 - 26 or more dogs	\$100 125 150
<u>Salespersons</u> (Hawkers& Pedlars) Non Resident Annual Non Resident One Day Resident Annual Resident One day Charitable Organization (max. 4 days)	\$ 150 50 50 10 10
<u>Outdoor Vendors</u> Food Other Street Musicians One Day Outdoor Vendor License Relocation Fee Food Other Charitable Licences All Products Max. 4 Days	\$265 265 50 25 100 50 265 25
<u>Food Vehicles</u> (Chip Wagons) Refreshment Vehicle/Chip Wagon One Day License Refrigerated Bicycle Cart Charitable Licence Annual Maximum of 4 days	1,100 50 265 265 10
<u>Seasonal Trailers</u> Per Trailer per month	20
<u>Trades</u> Master Plumber's License Original License Renewal Journeyman Plumber's License Original License Renewal Drain Layer's License Original License Renewal	 75 40 40 20 75 40

SCHEDULE "D"
TO BY-LAW NUMBER 116-2004
OF THE
CORPORATION OF THE TOWNSHIP OF WOOLWICH

Explanation:

The Corporation of the Township of Woolwich is licensing and imposing conditions on the classes of business as noted in Schedule "A" of this by-law for the purposes of Health and Safety and Consumer Protection. Any class involved in the activity of food preparation require Regional Health Department inspection to ensure proper food handling and food preparation processes are practiced. Depending on the class of business being licensed the Township of Woolwich wants to ensure that consumers are protected and any nuisances are reduced and controlled.