



## By-law No. 08-2020 Consolidated Licensing By-law

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45-2018 (Original)	June 29, 2018
08-2020	February 25, 2020

Consolidated for Convenience Only

This consolidated copy of a Woolwich Township By-law is for convenient information. While every effort is made to ensure the accuracy of this copy, the original by-law must be consulted for all legal interpretations and applications. For more information or to view by-laws please contact the Clerks Division. This document is available in alternate formats on request.

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# The Corporation of the Township of Woolwich

## By-law No. 08-2020

### A By-law to licence, regulate and govern business within the Corporation of the Township of Woolwich

**Whereas**, Section 11(3)11 of the *Municipal Act, 2001*, 5.0. 2001 c.25 (the "Act") provides that lower tier municipalities may pass by-laws respecting business licensing; and

**Whereas**, Section 151 of the Act allows the municipality to provide for a system of licences with respect to businesses; and

**Whereas**, Section 164 of the Act allows the municipality to licence trailers located within the municipality; and

**Whereas**, the provisions of Part XII of the Act permits municipalities to pass by-laws imposing fees or charges for permits and services provided or done by them; and

**Whereas**, the Council of the Township of Woolwich deems it appropriate to institute a system of licences to address the health and safety, wellbeing of persons, consumer protection and nuisance control;

**Now Therefore the Council of the Corporation of the Township of Woolwich hereby enacts as follows:**

#### **Part I. Short Title, Purpose and Scope**

##### **Short Title**

1. This by-law shall be known as the "Licensing By-law".

##### **Scope**

2. This by-law shall apply to the licensing of:
  - a. The sale of goods and food on a temporary and mobile basis,
  - b. Trailers, Street Musicians and Drain Layers.
3. This by-law shall not apply to:
  - a. Permanent, non-mobile, tax paying businesses;
  - b. Businesses operating from a place of residence.

## Part II. Interpretation

### Headings

4. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of the by-law.

### References to Applicable Law

5. All references to applicable law are ambulatory and apply as amended from time to time.

### Definitions

6. For the purposes of this by-law:

"Antique/Collectible Show" means the exhibiting or offering for sale, on a temporary basis, at one location by vendors, antique/collectible goods, wares or merchandise;

"Applicant" means a Person who is required to be licenced pursuant to this By-law or who has made application for a Licence to the Township Clerk and shall include a Licencee;

"Bicycle Ice Cream Vehicle" means any cart, bicycle or tricycle, irrespective of the type of motive power employed to move the Bicycle Ice Cream Vehicle from one point to another, and from which the only Food Stuffs sold or offered for sale by consumption by the public are prepared ice cream products;

"Business" means any Business wholly or partly carried on with the Township of Woolwich even if the Business is being carried on from a location outside the municipality and includes:

1. Trades and occupations;
2. Exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
3. The sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and
4. The display of samples, patterns, or specimens of goods for the purpose of sale or hire.

"Building Inspector" means an inspector appointed by By-law by the Township for the purposes of enforcing the *Building Code Act*, 5.0. 1992, c.23, as amended;

"Chip Wagon" means a vehicle, or Trailer in good repair and appearance, either mounted on blocks or supported by a conventional wheel, tire and axel system (with a bottom skirt) and from which food or refreshments are prepared or apportioned and sold to the public;

"Council" means the Council of the Corporation of the Township of Woolwich;

"Craft Show" means the exhibiting or offering for sale, on a temporary basis, at one location by crafts people, goods, wares or merchandise which they themselves have produced;

"Door to Door Sales" means any Business, Person or organization involved with the sale of goods on a door to door basis;

"Drain Layer" means a Person licenced as such under this By-law, except a Township Water Distribution System Operator, which is skilled in the planning, superintending and installing of drain work, is familiar with the laws, rules and regulations governing the same, and who alone or by a Person under his or her supervision performs Drainage Work;

"Drainage Work" means work related to sanitary building sewers, storm building sewers, private water supplies, water service pipes or fire service mains as defined by Ontario Regulation 350/06, as amended or replaced from time to time (the "Ontario Building Code");

"Enforcement Officer" means a Police Officer, By-law Enforcement Officer, or other officer appointed by Council to enforce Township by-laws;

"Fees and Charges By-law" means the fees and charges by-law of the Township, as amended or replaced from time-to-time;

"Fire Chief" means the Person appointed by Council to the position of Fire Chief of the Township, or his or her designate;

"Fire Inspector" means the Fire Chief or any other person employed in, or appointed to, a fire department and assigned to undertake fire inspection services;

"Fireworks" means any article containing a combustible or explosive composition or any substance or combination of substances prepared for, capable of, or discharged for the purpose of producing a visual show or effect which may or may not be preceded by, accompanied with, or followed by an explosion or audible sound and includes fireballs, roman candles, skyrockets, pinwheels and sparklers but does not include pyrotechnical devices for marine, military or railway purposes;

"Food Cart" means a vehicle which is on wheels and is capable of being moved from place to place by a Person, but does not include a motor vehicle;

"Food Stuffs" means food and/or refreshments cooked and prepared, or to be cooked and prepared, for immediate human consumption;

"Food Truck" means a motorized vehicle, other than a motorcycle or motor-assisted bicycle, from which Food Stuffs are sold or offered for sale and includes mobile canteen trucks.;

"Health Inspector" means a public health inspector of a board of health;

"Hearing" includes a hearing or an opportunity given for a hearing, where an Applicant or Licencee may show cause why a Licence should be granted or not refused, revoked or suspended with or without conditions;

"Licence" means a current valid licence issued pursuant to this By-law, and includes a renewal licence;

"Licensing Officer" means a Licensing Officer appointed by the Council of the Township of Woolwich for the purpose of administering this By-law;

"Licencee" means a Person who has been issued a Licence or renewal Licence pursuant to this By-law either in the current calendar year or in a previous calendar year, and shall include an Applicant;

"Mobile" refers to a Food Truck, Food Cart or Mobile Canteen which is licenced to operate at more than one location within the Township;

"Municipal Act" means the *Municipal Act, 2001*, SO 2001, c. 25;

"Noise By-law" means the Noise By-law of the Township of Woolwich, as amended or replaced from time to time;

"Operator" means any Person who alone or with others, operates, manages, supervises, runs or controls a Business, trade or calling, and "operating" "operation" and other words of like intent shall be given a corresponding meaning;

"Place of Business" means any place, or location, or part thereof, in which a Business is operated, and includes a shop, store or office, an office, an office in a dwelling unit which is accessible to the public and, where there is not such a place, includes the location from which the Business is operated, and also includes a vehicle or other equipment used for the purpose of operating the Business;

"Proof of Insurance" means a certified copy of a policy of insurance or a certificate of insurance issued by a company authorized to operate the Business of insurance in the Province of Ontario in accordance with the Insurance Act, R.S.O. 1990, c. I.8 as amended, that shows the proof of liability coverage as required by this By-law;

"Property Standards By-law" means a by-law enacted under the Building Code Act that prescribes standards for the maintenance and occupancy of the property;

"Provincial Offences Act" means the *Provincial Offences Act*, RSO 1990, c.P.33;

"Public Health" means the Region of Waterloo Public Health and any successor agency;

"Refreshment Vehicle" means Vehicle selling Food Stuffs

1. Class "A" - means a Food Truck;
2. Class "B" - means a Refreshment Vehicle that is a stationary vehicle and licenced to operate at one specific location;
3. Class "C" - means a Refreshment Vehicle propelled by muscular power, from which Food Stuffs are sold or offered for sale;

"Regular Place of Business" means the Place of Business in which a Business is normally carried on, but does not include a place, or location in which a Business is conducted on a one-time or temporary basis;

"Salesperson" means any person, retailer or employee of a retailer who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and display samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the Township afterwards; but excludes a consumer Craft Show open to the public or a Trade Show by invitation or registration only, the primary purpose of which are the display of goods and products and not the direct sale of them;

"Sidewalk" means any public Sidewalk, or portion of a Highway between the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of pedestrians;

"Safety Standards Certificate" means a safety standards certificate issued pursuant to sections 88 to 100 of the *Highway Traffic Act*, R.S.O. 199, c. H.8;

"Senior Management" means the Township Clerk, the Chief Administrative Officer, the Director of Finance, the Fire Chief, the Director of Engineering and Planning Services, the Director of Recreation and Facilities Services, or their designates;

"Stationary" refers to a Refreshment Vehicle which is licenced to operate at one permanent location within the Township;

"Street Musician" means any musical performance or busking in a public place for gratuities;

"Temporary Food Vendor" means the exhibiting or offering for sale, on a temporary basis, at one location, Food Stuffs and/or refreshments for consumption by the public, which they themselves have prepared;

"Temporary Non-Food Vendor" means the exhibiting or offering for sale, on a temporary basis, at one location, goods which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer, the primary purpose of which is the display and sale of goods and products;

"Township" means the "Corporation of the Township of Woolwich";

"Township Clerk" means the Clerk of the Township or a Person designated by the Clerk for the purposes of this By-law;

"Trade Show" means the exhibiting or offering for sale, on a temporary basis, at one location by several manufacturers or distributors, goods, wares or merchandise which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer but excludes a consumer show open to the public or a Trade Show open by invitation or registration only, the primary purpose of which is the display of goods and products and not the direct sale of them;



"Trailer" means any Vehicle constructed to be attached and propelled by a motor vehicle and that is capable of being used by Persons for living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed;

"Zoning By-law" means the zoning by-law of the Township, as amended or replaced from time to time; and

"Woolwich" means the Township of Woolwich and a reference to Woolwich is a reference to the geographical area of the Township of Woolwich or to the Corporation of the Township of Woolwich as the context requires.

### **Part III. Administration**

#### **Role of the Township Clerk**

7. All of the regulations in this Part of the By-law shall apply to all Licences required under the provisions of this By-law.
8. Unless otherwise indicated, the administration of this By-law is assigned to the Township Clerk who may delegate the performance of his/her functions under this By-law from time to time, as required.
9. The Township Clerk shall maintain records of Business Licence applications, documentation, inspection reports, departmental and agency approvals and Business Licences issued, in accordance with the Township's Records Retention By-law.

#### **Change in Information**

10. Every Licencee shall notify the Township Clerk within seven (7) calendar days of any change in his or her Business or home address.
11. Where the operating name of the Business changes, though ownership of the Business remains unchanged, the Licencee shall immediately notify the Township Clerk, and being satisfied that there have been no other changes in the circumstances of the licenced Business, the Township Clerk may issue a replacement of the original Licence with the change of the operating name of the Business. The Licencee shall return and surrender his or her Licence in order to effect such a change.
12. Where the Applicant or Licencee is a corporation, it shall, within 15 calendar days after there is a change in an officer or director of the corporation or where there is a change in the controlling interest, notify the Township Clerk of the change in writing.
13. Every Licencee shall, within 15 calendar days, upon change of Ownership of the Licenced Business return and surrender his or her current Licence to the Township Clerk. The new Owner shall make application for a new Licence as set out in this By-law.
14. Where a currently Licenced Business changes location or premise, the new location or Place of Business shall not be deemed to be Licenced. The Applicant must immediately make application for a new Licence, within 15 calendar days,

under the provisions of this By-law, and shall surrender to the Township Clerk the Licence issued in respect of his or her previous location or Place of Business.

### **Refusal to Grant a Licence**

15. The Township Clerk may refuse to grant or issue a licence in the following circumstances:
  - a. Where the Applicant or Licencee fails to comply with the requirements of this By-law or any other applicable law;
  - b. Where the Applicant or Licencee has previously failed to comply with all conditions that were set out in their Licence, or has previously failed to comply with this By-law or any other applicable laws, which affords reasonable grounds for the belief that the Applicant or Licencee will not operate their Business in accordance with this By-law or any other applicable laws;
  - c. Where the Applicant or Licencee has outstanding taxes, fines, penalties or fees owing to the Township;
  - d. Where the Applicant or Licencee has any outstanding fines that have been imposed under the *Provincial Offences Act* for the contravention of any provision of this By-law or any other By-law or provincial statute where such fine is associated with an offence arising out of the conduct, operation, operation or activity within or in conjunction with such Business; or
  - e. Where it is not in the public interest to grant the Licence.

### **Expiry of Licence**

16. All Business Licences that are issued in accordance with this By-law shall have an expiry date of December 31<sup>st</sup> of the corresponding year that it was issued, unless otherwise stated on the Licence.

## **Part IV. General Provisions**

### **General Licensing Requirements**

17. Every Licencee shall :
  - a. Submit a full and complete application to the Township Clerk which includes the appropriate application form and all other documentation and inspections required by the Township Clerk as outlined in the Schedules attached to this by-law or as deemed necessary;
  - b. Pay the required licensing fees as set out in the Fees and Charges By-law;

- c. Continuously maintain the standards and requirements which were necessary to obtain the original approval of the Licence, and any standards and requirements that have been imposed since the issuance of the Licence;
- d. Post the licence in a conspicuous place at the licenced premises or carry the licence on them when engaged in a mobile business;
- e. Produce the licence for inspection and permit any Enforcement Officers to enter the licenced premises to conduct an inspection as may be deemed necessary in order to ascertain whether or not the provisions of the By-law are being complied with; and
- f. Comply with the conditions and restrictions placed on the Licence by the Township Clerk or Council.

### **Prohibitions**

18. No person shall:
  - a. Own, operate, permit to be operated, or act in the capacity of a Business set out in this by-law without a Licence;
  - b. Operate a Business licenced under this By-law:
    - i. At a location other the location identified on the Licence;
    - ii. Under any other name than the name(s) identified on the Licence;
    - iii. Except in accordance with the regulations of this by-law; or
    - iv. Without complying with any and all conditions or restrictions placed on the Licence.
  - c. Transfer or assign a Licence to any other Person or to any other location than the location identified on the Licence;
  - d. Obtain a licence by providing mistaken, false or incorrect information;
  - e. Operate or conduct a Licenced Business on private property without written permission from the property owner setting out the time-frame the business may operate; or
  - f. Hinder or obstruct or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.

### **Schedules**

19. The schedules attached to this By-law shall form part of this By-law.

### **Exemptions**

20. Exemptions from the provisions of this By-law may be granted from time to time as authorized by Council.

### **Suspension or Revocation**

21. Licencees shall comply with all conditions that are subject to their Licence. The issuance of a Licence under this By-law does not permit or condone the violation of any applicable laws. Every Licencee shall comply with all conditions, laws, by-laws, statutes, regulations and standards as a condition of maintaining its Licence in good standing and a Licence may be revoked by the Township if this requirement is not complied with.
22. No person shall operate any Business or Place of Business while his or her Licence is suspended or revoked or in contravention of any terms and conditions of the Licence suspension or revocation.
23. The Township Clerk may revoke a Licence that is voluntarily surrendered by the holder for revocation.

### **Notice and Appeal**

24. The Applicant or Licencee may appeal to Council any decision of the Township Clerk to refuse to issue, suspend or revoke a Licence.
25. Where the Township Clerk refuses to issue, suspends, or revokes a Licence, the Applicant or Licencee shall be notified in writing of such decision. The notice shall include the grounds upon which the refusal to issue, suspension or revocation of the Licence is based and shall state that the Applicant or Licencee may file an appeal with the Township Clerk within 15 days of being notified of being notified of the decision.
26. Upon receipt of an appeal from an Applicant or Licencee, the Township Clerk shall provide an opportunity for the appellant to address Council with their request, as a delegate at a regular meeting of Council, in accordance with the Township's Procedural By-law.
27. Council, in considering whether or not to grant, suspend or revoke a Licence, shall have regard to the following:
  - a. whether or not the Applicant or Licencee complies with the requirements of this By-law or any other applicable laws;
  - b. whether or not the Applicant or Licencee has previously failed to comply with all conditions that were set out in their Licence, or has failed to comply with this By-law or any other applicable laws, which affords reasonable grounds for the belief that the Applicant or Licencee will not operate their Business in accordance with this By-law or any other applicable laws;
  - c. whether or not the Applicant or Licencee has failed to promptly remedy any non-compliance with the conditions of their Licence, or with this By-law or any other applicable laws;
  - d. whether or not the Applicant or Licencee or his/her tenant has any outstanding taxes, fees, or penalties owing to the Township, or imposed under the *Provincial Offences Act*, in respect to the Business or Place of Business in question; or

- e. whether or not it is in the public interest to grant, revoke or suspend the Licence.
28. Additional delegations with an interested in the matters under discussion shall be allowed to make representation at the same meeting in accordance with the Township's Procedural By-law.
29. If the appellant does not attend the meeting at which their appeal is scheduled to be heard, Council may dismiss the appeal or proceed with a decision in the absence of the appellant.
30. After hearing all evidence and submissions, Council may deliberate in closed session but shall issue its decision by resolution in open session.
31. The Township Clerk shall provide the appellant with a copy of Council's decision in writing within 15 days of the meeting. The decision of Council shall be final.
32. If the decision rendered is to grant the Applicant the Licence, the Licence shall be issued within 7 days of Council's decision.
33. If the decision rendered is to suspend or revoke the Licence, the Licencee shall return the Licence to the Township Clerk within 7 days of Council's decision. The Township Clerk or Enforcement Officer shall have access to any Place of Business or other property of the Licencee for the purpose of receiving or taking the Licence.

## **Part V. Enforcement and Penalty**

### **Enforcement**

34. Any Persons appointed or authorized as Enforcement Officers in the Township may enforce this by-law.

### **Penalty**

35. Any person, organization or business who contravenes the provisions of this by-law is guilty of an offense and, upon conviction, is subject to the penalty set out in the Provincial Offences Act.

## **Part VI. Conflict and Transition**

### **Conflict**

36. In the event the provisions of this by-law are inconsistent with the provisions of the Municipal Act, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail.
37. Where a matter is subject to provincial regulation, any provision of this By-law shall have an expiry date of December 31<sup>st</sup> of the corresponding year that it was issued, unless otherwise stated on the Licence.

**Terms Severable**

- 38. The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, in operative or invalid, the remainder of the by-law shall continue to be in full force and effect.

**Repeal or Amendment**

- 39. The following by-laws are repealed:
  - a. By-law 45-2018

**Enactment**

- 40. This by-law shall come into full force and effect on the date it is passed at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby repealed insofar as it is necessary to give effect to the provisions of this by-law.

Finally Passed and Enacted this 25 day of February, 2020.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Deputy Clerk

## Schedule A - Refreshment Vehicles

### Part I. Class "A" - Food Trucks

#### General Provisions

1. Any person operating a Food Truck in the Township of Woolwich is required to obtain a Food Truck Licence.
2. Food Trucks may operate in any zone as set out in the Zoning By-law.
3. Food Trucks may only operate on public or private property with express, written permission from the property owner. The Food Truck operator must be able to provide proof of permission on demand of an Enforcement Officer, at all times.
4. No person shall stop, park or operate a Food Truck for the purpose of selling or offering for sale Food Stuffs, in the following locations:
  - a. Within 8 metres from any intersection;
  - b. Within 100 metres from another Refreshment Vehicle;
  - c. Within 60 metres of the property line of an existing restaurant or food service business in the Township unless the Food Truck is an accessory use to the existing restaurant or food service business, or the Food Truck is operating from Municipal property where prior authorization has been granted;
  - d. Within 100 metres of any Elementary or Secondary School;
  - e. Within 30 metres of any public park or within the public park system unless authorized by the appropriate member of Senior Management to do so and is in conjunction with a Special Event;
  - f. From any boulevard, sidewalk, park or other municipal property within the Township unless authorized by the appropriate member of Senior Management to do so in conjunction with a Special Event;
5. No person shall:
  - a. Stand, stop or park, or permit the standing, stopping or parking, of any Food Truck contrary to any By-law, or Federal or Provincial Statute and Regulation, including the *Highway Traffic Act*.
  - b. Operate, locate or sell from or on the travelled portion of the Highway or obstruct traffic in any way.
  - c. Sound any amplified noise in connection with the conduct of Business from, or in conjunction with, a Food Truck unless an exemption has been granted in accordance with the Township's Noise By-law.
6. No person under the age of 15 years may apply for a Licence for a Food Truck.

**General Application Requirements**

7. In addition to the regulations set out in Part IV of this By-law every person applying for Licence to operate a Business of selling, offering to sell, Food Stuff from a Food Truck shall submit to the Township Clerk:
  - a. A complete application in the form prescribed by the Township;
  - b. The applicable Licence fee as set out in the Fees and Charges By-law;
  - c. Proof of identity of the Applicant;
  - d. Proof of general liability insurance in the minimum amount of \$2,000,000 per occurrence;
  - e. The serial number or vehicle identification number of the Food Truck which is to be used by the Applicant;
  - f. Proof that the Food Truck complies with the propane, handling and storage provisions of the Technical Standards and Safety Authority, for Mobile Food Service Equipment;
  - g. Proof of inspection and approval by Waterloo Region Public Health ;
  - h. Proof of inspection and approval by the Township Fire Chief; and
  - i. Any other documentation deemed necessary by the Township Clerk.
8. Every Licencee or Applicant shall, at their own expense, whenever required to do so by the Township Clerk, Fire Department, Region of Waterloo Public Health Inspector, bring such vehicle to any Person designated for inspection.

**Exemption from Licence Requirements**

9. Food trucks operating at a Farmers Market are not required to obtain a Class "A" Refreshment Vehicle Licence, provided that they are an approved market vendor.



## Part II. Class "B" - Stationary Refreshment Vehicles

### General Provisions

10. Any person selling or offering for sale, Food Stuffs, from a Stationary Refreshment Vehicle in the Township of Woolwich is required to obtain a Stationary Refreshment Vehicle Licence.
11. Stationary Refreshment Vehicles shall only operate within commercial and industrial zones, as set out in the Zoning By-law.
12. Stationary Refreshment Vehicles may only operate on private property with express, written permission from the property owner.
13. The Licencee of a Stationary Refreshment Vehicle shall only operate within the permanent location as designated by the Licence issued pursuant to this By-law.
14. No person shall operate a Stationary Refreshment Vehicle for the purpose of selling or offering for sale Food Stuffs, in the following locations:
  - a. Within 8 metres from any intersection;
  - b. Within 100 metres from another Refreshment Vehicle;
  - c. Within 60 metres of the property line of an existing restaurant or food service business in the Township unless the Refreshment Vehicle is an accessory use to the existing restaurant or food service business, or the Refreshment Vehicle is operating from Municipal property where prior authorization has been granted;
  - d. Within 100 metres of any Elementary or Secondary School;
  - e. Within 30 metres of any public park or within the public park system unless authorized by Council to do so and is in conjunction with a Special Event; or
  - f. From any boulevard, sidewalk, park or other municipal property within the Township unless authorized by Council to do so in conjunction with a Special Event.
15. Where Council has approved the location of a Stationary Refreshment vehicle as an exemption to Section 14 of this Schedule, Staff may approve a subsequent renewal, provided that nothing substantial has changed with respect to the application.
16. No person shall:
  - a. Sound any amplified noise in connection with the conduct of Business from, or in conjunction with, a Food Truck unless an exemption has been granted in accordance with the Township's Noise By-law.
  - b. Apply for a licence under the age of 15 years.
17. No person shall operate a Stationary Refreshment Vehicle that occupies more than 35 square metres.

**General Application Requirements**

18. In addition to the regulations set out in Part IV of this By-law every person applying for Licence to operate a Business of selling, offering to sell, Food Stuff from a Stationary Refreshment Vehicle shall submit to the Township Clerk:
  - a. A complete application in the form prescribed by the Township;
  - b. The applicable Licence fee as set out in the Fees and Charges By-law;
  - c. Proof of identity of the Applicant;
  - d. A site plan or drawing indicating where the Applicant intends to operate the Refreshment Vehicle on the subject property;
  - e. Proof of general liability insurance in the minimum amount of \$2,000,000 per occurrence;
  - f. Proof that the Refreshment Vehicle complies with the propane, handling and storage provisions of the Technical Standards and Safety Authority, for Mobile Food Service Equipment;
  - g. Proof of inspection and approval by Waterloo Region Public Health;
  - h. Proof of inspection and approval by the Township Fire Chief; and
  - i. Any other documentation deemed necessary by the Township Clerk.
  
19. Every Licencee or Applicant shall, at their own expense, whenever required to do so by the Township Clerk, Fire Department, Region of Waterloo Public Health Inspector, bring such vehicle to any Person designated for inspection.

### **Part III. Class "C" - Food Cart**

#### **General Provisions**

20. Any person selling or offering for sale, Food Stuffs, from a Food Cart is required to obtain a Food Cart Licence.
21. No person shall operate a Food Cart which occupies more than 10 square metres.
22. Food Carts may only operate on private property with express, written permission from the property owner.
23. No person shall operate a Food Cart for the purpose of selling or offering for sale Food Stuffs, in the following locations:
  - a. Within 8 metres from any intersection;
  - b. Within 100 metres from another Refreshment Vehicle;
  - c. Within 60 metres of the property line of an existing restaurant or food service business in the Township unless the Refreshment Vehicle is an accessory use to the existing restaurant or food service business, or the Refreshment Vehicle is operating from Municipal property where prior authorization has been granted;
  - d. Within 100 metres of any Elementary or Secondary School;
  - e. Within 30 metres of any public park or within the public park system unless authorized by the appropriate member of Senior Management to do so and is in conjunction with a Special Event; or
  - f. From any boulevard, sidewalk, park or other municipal property within the Township unless authorized by the appropriate member of Senior Management to do so in conjunction with a Special Event.
24. No person shall sell or offer for sale Food Stuffs in the Township from any horse-drawn Food Cart. Specifically, Food Stuffs may not be prepared, cooked and then served from a horse-drawn Food Cart.

#### **General Application Requirements**

25. In addition to the regulations set out in Part IV of this By-law every person applying for Licence to operate a Business of selling, offering to sell, Food Stuff from a Food Cart shall submit to the Township Clerk:
  - a. A complete application in the form prescribed by the Township;
  - b. The applicable Licence fee as set out in the Fees and Charges By-law;
  - c. Proof of identity of the Applicant;
  - d. A site plan or drawing indicating where the Applicant intends to operate the Food Cart on the subject property;
  - e. Proof of general liability insurance in the minimum amount of \$2,000,000 per occurrence;

- f. Proof that the Food Cart complies with the propane, handling and storage provisions of the Technical Standards and Safety Authority, for Mobile Food Service Equipment;
- g. Proof of inspection and approval by Waterloo Region Public Health;
- h. Proof of inspection and approval by the Township Fire Chief; and
- i. Any other documentation deemed necessary by the Township Clerk.

### **Exemption from Licence Requirements**

- 26. Fundraising Barbeque Events are exempt from the licensing requirements set out in this by-law, and no person shall conduct a fundraising barbeque without :
  - a. Permission from the private property owner;
  - b. Approval from Public Health; and
  - c. Proof of compliance with the requirements of the Technical Standards and Safety Authority.
- 27. Items required under Section 26 shall be available upon demand from an Enforcement Officer, the Township Fire Department or Waterloo Region Public Health.

## **Schedule B - Salesperson**

### **General Provisions**

1. Every person operating as a Temporary Non-Food Vendor, is required to obtain a Salesperson Licence in the Township of Woolwich.
2. No person shall conduct a business as a Salesperson except in commercial, industrial and institutional zones as set out in the Zoning By-law.

### **General Application Requirements**

3. In addition to the regulations set out in Part IV of this By-law, every person applying for a Licence under this Schedule shall submit to the Township Clerk:
  - a. An application in the form prescribed by the Township;
  - b. The applicable fee as set out in the Fees and Charges By-law;
  - c. Proof of identity of the Applicant;
  - d. Proof of liability insurance in the minimum amount of \$2,000,000. If the event is occurring on municipal property, the Township shall be named as an additional insured;
  - e. Permission from private property owner and/or a copy of the rental permit for a municipal facility;
  - f. Where multiple vendors are selling goods, wares or merchandise at the same event, a list of vendors shall be submitted outlining the type of goods, wares or merchandise being sold by each vendor; and
  - g. Any other documentation or supporting information as required by the Township Clerk.

### **Exemption from Licence Requirements**

4. No Salesperson Licences shall require a licence in the following circumstances:
  - a. If the goods, wares or merchandise are sold by an agent of the grower, producer or manufacturer who pays property taxes in the Township with respect to the Place of Business used for the sale of goods, ware or merchandise;
  - b. Existing local retailers are exempt from obtaining a Licence and paying a Licence fee for day sales or seasonal sale if the temporary selling activity is an extension of the existing Business at their Regular Place of Business;
  - c. Local farm growers are exempt from obtaining a Licence and paying a Licence fee for day or seasonal sales if the produce they are selling is being sold from their own property and has been grown and harvested by them; or

- d. Vendors participating in a Farmers' Market are exempt from obtaining a Licence and paying a Licence fee provided that they are an approved Farmers' Market vendor in accordance with the rules and regulations of the individual market.
5. The provisions of this Schedule of this By-law which require a Licence are not applicable to:
  - a. Tenant associations, community associations or private individuals holding garage sales of Personal effects provided that the Personal effects are owned by the members of the association and the sale is for a period no longer than 2 days and no more than 2 sales are held in a calendar year.
6. Street Musicians are exempt from the licensing requirements set out in this By-law subject to the following:
  - a. Street Musicians must have written permission from private property owner and/or a copy of the rental permit for a municipal facility at which they are performing.

## Schedule C - Drain Layers

### General Application Requirements

1. Every Applicant applying for a Drain Layer's Licence shall provide to the Township:
  - a. A complete application in the form prescribed by the Township;
  - b. The applicable fee as set out on the Township's Fees and Charges By-law;
  - c. Proof that they are the holder of a valid Drain Layer's Licence, and have successfully passed an examination qualifying the Applicant to be licenced as a Drain Layer, issued by at least one of the following municipalities:
    - i. City of Kitchener
    - ii. City of Brantford
    - iii. City of Cambridge
    - iv. City of Stratford
    - v. City of London
2. If a person applying for a Drain Layer's licence is not able to provide the documents listed in Section 1.C of this Schedule, then the Applicant will be required to undergo an examination to test their qualifications to be licenced as a Drain Layer and shall provide to the Township:
  - a. A description of the Applicant's qualifications, which shall include at least two years' experience as a Drain Layer; and
  - b. The operating name and mailing address of the drain contractor with whom he or she is currently employed.
3. If the Applicant fails to pass the required examination, the Applicant shall be required to pay the examination fee as set out in the Fees and Charges By-law to rewrite the examination. The Applicant must obtain 70% standing in each section of the examination in order to receive a passing grade overall.
4. The Township Clerk must receive applications for annual renewals of Drain Layer Licences no later than January 31<sup>st</sup> of each calendar year. An additional fee as set out in the Fees and Charges By-law is applicable if an application is not received by January 31<sup>st</sup> of each year.

### General Provisions

5. Every Licence shall be valid for the calendar year in which it is issued and shall expire on the 31<sup>st</sup> day of December of the calendar year in which it is issued.
6. Every Licence shall be subject to renewal annually. Each licence shall be subject to review upon renewal and the Township Clerk may request confirmation or renewal of any information requested or provided in support of the Application.

### **Exemption from Licence Requirements**

7. A plumber holding a valid Certificate of Qualifications under the *Ontario College of Trades and Apprenticeship Act, 2009*, S.O. c. 22, as amended or replaced, shall not be required to acquire a Drain Layers' Licence, but shall be subject to all other provisions contained in this By-law.



## **Schedule D - Trailers**

### **General Application Requirements**

1. Every owner of lands used as a trailer park shall obtain a Licence from the Township Clerk prior to the 1<sup>st</sup> day of June of each year for each Trailer located in the trailer park.
2. Every owner of lands used as a trailer park shall contact the Township Clerk by the 1<sup>st</sup> day of June of each year to confirm the number of Trailers located at the trailer park. An invoice shall be calculated and issued by the Township to the owner of the lands used as a trailer camp for each Trailer in accordance with the Fees and Charges By-law.

### **General Provisions**

3. No person shall locate a Trailer within the limits of the Township without a Licence, except:
  - a. In a trailer park licenced or operated by the municipality; or
  - b. On land zoned to permit a Trailer.
4. Licence fees for Trailers shall be charged annually in accordance with the Fees and Charges By-law.
5. The Licence fee shall be charged for each Trailer, for every month, or portion of a month, that the Trailer is located within the Township and the Licence fees, except for the first 30 days, may be payable in advance.

### **Exemption from Licence Requirements**

6. The provisions of the By-law do not apply to Trailers located in the municipality only for the purpose of sale and display, providing that such Trailers are not occupied or inhabited by Persons.
7. No Licence fee shall be charged in respect of a Trailer assessed under the *Assessment Act*, R.S.O. 1990, c. A.31.

### Set Fine Schedule

TOWNSHIP OF WOOLWICH  
PART I Provincial Offences Act  
By-law \*\*-2020: Licensing By-law

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1	Operating a Business without a Licence	Section 18 a)	\$350
2	Operating a Business at a location other than the location identified on the Licence	Section 18 (b) i.	\$350
3	Operating a Business under any name other than the name(s) identified on the Licence	Section 18 (b) ii.	\$350
4	Operating a Business without complying with all conditions or restrictions placed on the Licence	Section 18 (b) iv.	\$350
5	Transferring a Licence to another person or location other than person or location identified on the Licence	Section 18 (c)	\$350
6	Obtaining a Licence by providing mistaken, false or incorrect information	Section 18 (d)	\$350
7	Operating a Licenced Business from private property without written permission from the property owner	Section 18 (e)	\$350
8	Operating a Food Truck within 8 metres from an intersection	Schedule A Part I. s. 4 (a)	\$350
9	Operating a Food Truck within 100 metres from another Refreshment Vehicle	Schedule A Part I. s. 4 (b)	\$350
10	Operating a Food Truck within 60 metres of the property line of an existing restaurant or food service business	Schedule A Part I. s. 4 (c)	\$350
11	Operating a Food Truck within 100 metres of an Elementary or Secondary School	Schedule A Part I. s. 4 (d)	\$350
12	Operating a Food Truck within 30 metres of a public park without authorization of a member of Senior Management	Schedule A Part I. s. 4 (e)	\$350
13	Operating a Food Truck from a boulevard, sidewalk or other municipal property without authorization of a member of Senior Management	Schedule A Part I. s. 4 (f)	\$350
14	Operating a Stationary Refreshment Vehicle in a zone other than Commercial or Industrial	Schedule A Part II. s. 11	\$350
15	Operating a Stationary Refreshment Vehicle within 8 metres of an intersection	Schedule A Part II. s. 14 (a)	\$350

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision creating or defining offence</b>	<b>Column 3 Set Fine</b>
16	Operating a Stationary Refreshment Vehicle within 100 metres of another Refreshment Vehicle	Schedule A Part II. s. 14 (b)	\$350
17	Operating a Stationary Refreshment Vehicle within 60 metres of an existing restaurant or food service business	Schedule A Part II. s. 14 (c)	\$350
18	Operating a Stationary Refreshment Vehicle within 100 metres of an Elementary or Secondary School	Schedule A Part 11. s. 14 (d)	\$350
19	Operating a Stationary Refreshment Vehicle within 30 metres of a public park without authorization of Council	Schedule A Part II. s. 14 (e)	\$350
20	Operating a Stationary Refreshment Vehicle from a boulevard, sidewalk, park or other municipal property without authorization of Council	Schedule A Part 11. s. 14 (f)	\$350
21	Operating a Stationary Refreshment Vehicle occupying more than 35 square metres	Schedule A Part II. s. 17	\$350
22	Operating a Food Cart occupying more than 10 square metres	Schedule A Part III. s. 21	\$350
23	Operating a Food Cart within 8 metres of an intersection	Schedule A Part III. s. 23 (a)	\$350
24	Operating a Food Cart within 100 metres of another Refreshment Vehicle	Schedule A Part III. s. 23 (b)	\$350
25	Operating a Food Cart within 60 metres of an existing restaurant or food service business	Schedule A Part III. s. 23 (c)	\$350
26	Operating a Food Cart within 100 metres of an Elementary or Secondary School	Schedule A Part III. s. 23 (d)	\$350
27	Operating a Food Cart within 30 metres of a public park without authorization of a member of Senior Management	Schedule A Part III. s. 23 (e)	\$350
28	Operating a Food Cart from any boulevard, sidewalk, park or other municipal property without authorization from a member of Senior Management	Schedule A Part 111. s. 23 (f)	\$350
29	Selling Food Stuffs for sale from a horse-drawn Food Cart	Schedule A Part 111. s. 24	\$350
30	Conducting Business as a Salesperson in a Zone other than Commercial, Industrial or Institutional	Schedule B s.2	\$350
31	Conducting a fundraising barbeque from a location without permission from the private property owner	Schedule B s. 26 (a)	\$200
32	Conducting a fundraising barbeque without approval from Public Health	Schedule B s. 26 (b)	\$200
33	Conducting a fundraising barbeque without proof of compliance with TSSA requirements	Schedule B s. 26 (c)	\$200

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
34	Operating as a Street Musician at a location without written permission from the private property owner	Schedule B s. 6 (a)	\$200
35	Operating a Trailer Park without a Licence	Schedule D s. 1	\$500
36	Locate a Trailer in an unlicensed Trailer Park or on lands not Zoned to permit a Trailer	Schedule D s. 3	\$350

Note: Penalty provisions for the offences indicated above are Part 5 of By-law 45-2018, a certified copy of which has been filed.