

THE CORPORATION OF THE NATION MUNICIPALITY

BY-LAW NUMBER NO° 50-2005

Being a by-law to license, regulate and govern certain businesses within The Nation Municipality.

WHEREAS Section 150(1) of the *Municipal Act, 2001, S.O. 2001, c.25* as amended provides that the council of a local municipality may license, 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 the Council of the Corporation of The Nation Municipality deems it necessary for health, safety, nuisance control and consumer protection to enact a by-law to regulate, license and govern certain businesses within The Nation Municipality; now

THEREFORE the Council of the Corporation enacts as follows:

DEFINITIONS

1. In this by-law:
 - (a) **"Applicant"** shall mean the person making an application for a license under this By-Law;
 - (b) **"Corporation"** shall mean the Corporation of The Nation Municipality;
 - (c) **"Council"** shall mean the Council of the Corporation of The Nation Municipality;
 - (d) **"License"** shall mean a license issued under the provisions of this by-law;
 - (e) **"Municipal Law Enforcement Officer"** shall mean the Municipal Law Enforcement Officer appointed by the Council of the Corporation of The Nation Municipality;
 - (f) **"Licensee"** shall mean the person licensed under the provisions of this by-law;
 - (g) **"Fees and Charges By-Law"** shall mean the Fees and Charges By-Law in effect on the date an application for license or renewal of license is received by the Municipality;
 - (h) **"Medical Health Officer"** shall mean the Eastern Ontario Medical Officer of Health;
 - (i) **"Municipal Planner"** shall mean the Municipal Planner appointed by the Council of the Corporation of The Nation Municipality;
 - (j) **"Fire Chief"** shall mean the Chief of the Fire Department, a Sector Chief, a Station Chief, or his or her authorized designate;

(k) **“Refreshment vehicle”** shall mean any vehicle from which food stuffs and/or refreshments are sold or offered for sale for the consumption by the public and includes, without limiting the generality of the foregoing, carts, wagons, trailers and trucks irrespective of the type of motive power employed to move the refreshment vehicle from one point to another;

(l) **“Transient Trader”** shall mean and include any person, either principal or agent, who:

- I. Travels from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares, or merchandise, either on foot or from any animal, cart, or vehicle; or
- II. Travels from town to town, or place to place in the same town, offering to perform personal services for real property repairs or improvements, or solicits or induces any person to sign any contracts relating to real property repairs and improvements;

but shall not include any nonprofit organization, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes when no part of the entity's earnings benefit any private shareholder or individual.

TRANSIENT TRADERS

Transient Traders are licensed for the purposes of health and safety of the public by ensuring that the licensee is following the required health regulations to ensure the consumer does not become ill, to ensure that the business is not a nuisance by hindering vehicles or pedestrian traffic or causing a hazard in any way or having a negative impact on the municipality, to protect the consumer who is purchasing the products being sold, to control locations where vending occurs, to require the identification of vendors and to ensure that vending is not a nuisance to the surrounding properties and neighbourhood.

2. No person shall carry on the business of transient trader as defined in this by-law within the Corporation without first obtaining a license from the Corporation as hereafter set out.
3. Any person carrying on the business of a transient trader shall keep the license with him or her at all times and shall exhibit it to any person when requested to do so.

REFRESHMENT VEHICLES

Refreshment vehicles are licensed for the purposes of health and safety of the public by ensuring that the licensee is following the required health regulations to ensure the consumer does not become ill, the required fire regulations to ensure public safety, to ensure that licensees are not hindering vehicle or pedestrian traffic and causing a hazard or nuisance in any way, and to ensure consumer protection by identifying vendors.

4. No person shall operate a refreshment vehicle within the Municipality without first obtaining a license as hereafter set out.
5. No person shall, with the following exceptions, operate a refreshment vehicle within three hundred (300) metres of the property line of an existing restaurant or food premises building or refreshment vehicle:
 - (a) Type "B" refreshment vehicle licenses;
 - (b) Refreshment vehicles located on lands designated as parks.
6. No person shall operate a refreshment vehicle within five (5) metres of any building or structure.
7. No person shall operate a refreshment vehicle on municipally owned boulevards, sidewalks, lands or parks without prior written consent from the Council.
8. No person shall obstruct traffic in any way on any street.
9. No person shall operate a refreshment vehicle within fifteen (15) metres of any intersection.
10. No person shall operate a refreshment vehicle within thirty (30) metres of any public park without prior written consent of Council.
11. No person shall operate a refreshment vehicle without having a license issued under this By-law prominently displayed on the vehicle.
12. No person who operates a refreshment vehicle shall place or locate any carton, box or other article, other than a refuse container and a recycling material container, outside of the refreshment vehicle.
13. Every person who operates a refreshment vehicle shall insure that the garbage or litter resulting from his or her activity is collected and removed from the area.
14. Every person who operates a refreshment vehicle shall ensure that the refreshment vehicle is equipped with a refuse container with a self-closing lid and adequate recycling material containers and that such

containers are kept in a clean and sanitary condition and emptied at least once daily.

15. The licensee shall ensure that the food handling protocols established by the Medical Officer of Health are adhered to at all times and that every person selling or handling refreshments and food stuffs shall be clean and neat in appearance and shall maintain clean hands at all times.

REFRESHMENT VEHICLE LICENSE APPLICATION - ADMINISTRATION

16. Every person applying for a license for a refreshment vehicle shall complete an application in writing and shall provide the following;
 - (a) proof that the applicant is at least eighteen (18) years of age;
 - (b) proof of insurance in the minimum amount of \$2,000,000.00 per occurrence;
 - (c) proof of valid Province of Ontario driver's license where applicable;
 - (d) proof of a current motor vehicle permit issued pursuant to the Highway Traffic Act that permits the refreshment vehicle to be driven on any highway, where applicable;
 - (e) proof that the vehicle complies with propane handling and storage regulations under the *Technical Standards and Safety Act, S.O. 2000, c. 16* as amended, where applicable;
 - (f) a report in writing from the Medical Officer of Health stating that the refreshment vehicle and equipment are suitable for the purpose of the license application and is in a sanitary condition; and
 - (g) a report in writing from the Fire Chief, where applicable, stating that the refreshment vehicle and equipment are suitable for the purpose of the license application and is in a fire safe condition.
17. The license may, at the discretion of Council, and by Resolution of Council, designate the private properties upon which a licensee may operate a refreshment vehicle. No designation of a private property for the purposes of such operation shall be made unless the applicant provides express written permission of the property owner including the specific time frame for which the applicant is permitted to operate at such location.

PERMITS

18. The Council of the Corporation hereby appoints and authorizes the Municipal Law Enforcement Officer to:
 - (a) administer the licensing provisions of this By-Law,
 - (b) issue licenses on the behalf of the Corporation,
 - (c) sign all licenses on behalf of the Corporation,
 - (d) undertake any technical investigation or inspection for the purposes of administering this By-Law.

19. ~~The license may,~~ at the discretion of the Municipal Law Enforcement Officer or by resolution of Council, designate any further terms or conditions of license deemed necessary.
20. Every person who requires a license under the provisions of this By-law shall:
 - (a) file an application in writing by completing a prescribed form available at the Offices of the Corporation;
 - (b) submit the annual license fee as indicated in the Fees and Charges By-Law; and
 - (c) provide, as required by the Municipal Law Enforcement Officer, any further documents, permits or permissions pertaining to the operation of said business.
21. The annual license fee shall not be reduced or pro-rated.
22. The issuance of a business license under this By-Law may, where applicable, be subject to written approval of all or any of the following:
 - (a) the Municipal Planner;
 - (b) the Fire Chief; and
 - (c) the Medical Officer of Health.
23. The Municipal Law Enforcement Officer shall, upon receipt of the application filed in accordance with this by-law, make, or cause to be made, all investigations considered necessary or which are required by law or by the Corporation relative to the application.
24. If the investigation referred to in Section 23 discloses any reason that the carrying on of the said business may result in a breach of the law or of any By-Law of the Corporation the Municipal Law Enforcement Officer shall refuse to issue the license and shall give the applicant notice of this refusal in writing.
25. The Council may, by resolution of Council;
 - (a) refuse to grant a license;
 - (b) revoke or suspend a license;
 - (c) impose special conditions on a business in a class that have not been imposed on all businesses in that class as a requirement of obtaining, continuing to hold or renewing a license; and
 - (d) impose conditions, including special conditions, as a requirement of continuing to hold a license at any time during the license upon the grounds that the conduct of a person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

26. No person shall be deemed to have been issued a business license until the Municipal Law Enforcement Officer has issued the license. An application for a license does not constitute a license.
27. No person shall fail to comply with any terms or conditions of license as designated pursuant to Sections 19 and 25 of this By-Law.
28. No license issued pursuant to this By-Law shall be transferred in any manner.
29. A license granted under this By-law shall, with the following exceptions, expire one calendar year after the date of issue.
 - (a) A type "B" license may be issued for a specific event provided that:
 - I. the event is being held for a period of not more than ten (10) consecutive days; and
 - II. the applicant has furnished details as to the specific event including its location.

RENEWAL

30. To renew the license the licensee shall submit the annual licensing fee as indicated in Fees and Charges By-Law accompanied by
 - (a) a copy of the valid license; or
 - (b) an application in writing by completing a prescribed form available at the Offices of the Corporation.

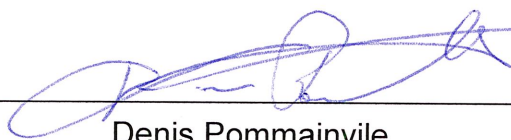
ADMINISTRATION

31. Nothing in this By-Law shall exempt any person from complying with the requirements of any other By-Law or regulation or any other law in force within the area affected by this By-Law. It is the responsibility of the owner to ensure that the business complies with all legislation and regulations pertaining to the conduct of the business.
32. The provisions of this By-Law shall be enforced by the Municipal Law Enforcement Officer.
33. The Municipal Law Enforcement Officer may, at any reasonable time, enter any facility for the purpose of determining whether there is compliance with the By-Law.
34. No person shall obstruct the Municipal Law Enforcement Officer carrying out an inspection under this By-Law.
35. The Municipal Law Enforcement Officer may make such examinations, investigations and inquiries as are necessary to determine whether there is compliance with this By-Law.

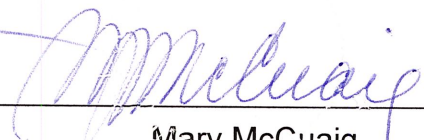
PENALTIES

36. Each day that a person operates a business in contravention of the provisions of this by-law shall constitute a separate offence.
37. Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the *Provincial Offences Act, R.S.O. 1990*, chapter P.33 and amendments thereto.
38. When a person has been convicted of an offence under this By-law, any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.
39. The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.
40. This by-law shall come into force and take effect on the day of its passing.

**READ A FIRST AND SECOND TIME AND DULY PASSED UPON THIRD
READING THIS 21st DAY OF MARCH, 2005.**



Denis Pommerville
Mayor



Mary McCuaig
Clerk

Amendments to the Fees and Charges By-Law

FEES

1.	Transient Trader annual license fee.	\$200.00
2.	Transient Trader Type "B" license fee.	\$20.00 per day
3.	Refreshment Vehicle annual license fee.	\$300.00
4.	Refreshment Vehicle Type "B" license fee.	\$20.00 per day

CORPORATION OF THE NATION MUNICIPALITY

BY-LAW NO. 89-2010

BEING a By-Law to amend Fees and Charges Schedule of By-Law No. 50-2005 for the Refreshment Vehicle fee schedule.

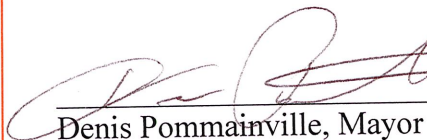
WHEREAS, the Municipal Law Enforcement Officer has recommended making certain amendments to the Fees and Charges schedule of By-law 50-2005;

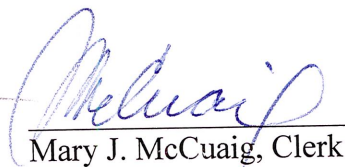
AND WHEREAS, Council deems it advisable to amend the Schedule from time to time based on careful review of the recommendations received;

THEREFORE, the Council of the Corporation of The Nation Municipality enacts as follows:

- 1) That Fees and Charges Schedule to By-Law No. 50-2005 be amended as follows:
 1. Transient Trader annual license fee \$200.00
 2. Transient Trader Type "B" \$20.00 per day
 3. Refreshment Vehicle Type "B" \$30.00 per day
- 2) That all other sections of By-Law No. 50-2005 shall remain the same.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL
THIS 14TH DAY OF JUNE, 2010.


Denis Pommerville, Mayor


Mary J. McCuaig, Clerk

SEAL