

**THE CORPORATION OF THE
TOWNSHIP OF WELLINGTON NORTH**

BY-LAW NUMBER 058-16

(including amendments in By-law 060-19)

BEING A BY-LAW TO ESTABLISH BUSINESS LICENSING REGULATIONS RELATED TO BUSINESS LICENSING IN THE TOWNSHIP OF WELLINGTON NORTH pursuant to ss. 10 (2) of the Municipal Act, 2001. S.O. 2001, c. 25 as amended (the “Municipal Act, 2001”)

THE Council of the Corporation of the Township of Wellington North enacts as follows:

1. SHORT TITLE

This by-law shall be known as the “Business Licensing By-law”

2. DEFINITIONS

For the purposes of this by-law:

Applicant means a person applying for a licence or a renewal of a licence under this by-law and in the case of a corporation shall include all present directors;

Application means an application in the form provided by the Licensing Officer or designate and accompanied by the appropriate fee;

By-Law Enforcement Officer means a person appointed by the Corporation of the Township of Wellington North as a By-law Enforcement Officer for the purposes of enforcing this by-law;

Driver means any person licensed to drive a class of vehicle for which they will be operating under their business licence;

Driver’s Licence means the licence issued to a driver that permits them to operate a class of vehicle under their business licence;

Donation Box means any receptacle used for the purpose of collecting clothing, shoes or household items, donated by the public, on an ongoing basis and as part of the regular activity of the operator;

Donation Box Operator means a person or corporation engaged in the business of operating a Donation Box;

Door to Door Sales means individuals or corporations going from place to place with services, goods or merchandise for sale;

Fire Chief means the Fire Chief of the Wellington North Fire Service or designate;

Food Vehicle or Stand means any vehicle or stand from which food and drinks are for sale or sold to the public, and includes, but not limited to a chip truck, food cart, ice cream bicycle, ice cream truck and mobile lunch truck;

Health Department means the Wellington-Dufferin-Guelph Health Unit or any other agency carrying out the responsibilities of the Wellington-Dufferin-Guelph Health Unit;

Licence means the certificate or other similar document issued under this by-law;

Licensed means to have in one's possession a valid and current licence issued under this by-law and includes a licensee;

Licensee means a person licensed under this by-law;

Licensing Officer means the Clerk of the Township of Wellington North and designate;

~~**Temporary Vendor** means a trade or occupation for the sale of goods on a one time basis and or the display of samples, patterns or goods for the purposes of sale or hire for on a short term basis, not exceeding two consecutive days, no more than four times per year; (Amended by By-law 060-19)~~

~~**Temporary Vendor Operator** means the owner of a temporary business; (Amended by By-law 060-19)~~

Township means the Corporation of the Township of Wellington North;

3. EXEMPTIONS

- 3.1 Minor sports organizations, local service clubs and organizations, youth activities and clubs, school fundraisers, religious organizations and events held in conjunction with the municipality and or events that are deemed municipality significant under the Alcohol and Gaming Commission of Ontario are exempt from the requirements of the by-law. (Amended by By-law 060-19)

4. PROHIBITIONS

- 4.1. No person or corporation shall carry on a business, permit a person to carry on a business, or hold themselves out as being licensed to carry on a business:

- 4.1.1. without a licence issued under this By-law;
- 4.1.2. at a location other than for which a licence is issued; or
- 4.1.3. under any other name than the one endorsed on the licence issued this By-law.

4.2. No person or corporation may transfer or assign the licence issued.

4.3. No person or corporation may obtain a licence by providing mistaken, false or incorrect information.

4.4. Pro-rating the cost of a license for a portion of a year is prohibited.

4.5. No person or corporation may conduct Door to Door Sales pursuant to Section 128(1) of the Municipal Act, 2001 unless they have prior permission from a landowner or tenant of the premises.

4.6. Individuals or corporations operating donation boxes shall not permit the pick up of donated goods between the hours of 7:00 pm and 7:00 am.

5. LICENSING REQUIREMENTS

5.1. A license shall be obtained by a person or corporation prior to operating a Food Vehicle or Stand, Temporary Vendor or placing a Donation Box.

5.2. A completed application for a licence or renewal shall be submitted to the Licensing Officer, together with any other information or documentation the Licensing Officer may require including but not limited to articles of incorporation and government issued identification.

5.3. An applicant shall pay the applicable fee as provided in the Township Fees and Charges by-law.

5.4. The Licensing Officer, for renewal applications and on a case by case basis may review or waive any documentary requirements not related to public safety or consumer protection.

5.5. Every application for a licence shall be delivered to the Licensing Officer at least seven (7) days in advance of requiring a licence.

- 5.6. Operators of Food Vehicles or Stands and Door to Door Sales and Donation Box Operators shall provide proof of insurance deemed acceptable by the Licensing Officer with a minimum insurance coverage of two million dollars (\$2,000,000) against loss or damage. The proof of insurance shall include a provision that the Licensing Officer will be given at least ten days notice in writing from the insurance company of any cancellation, expiration or variation in the policy. (Amended by By-law 060-19)
- 5.7. Every Application shall include, where applicable:
- 5.7.1. A letter of permission signed by the property owner/agent, clearly identifying the location and zoning of the property on which the Food Vehicle or Stand, temporary business or Donation Box is to be located/conducted;
 - 5.7.2. A site plan showing the proposed location of the Food Vehicle or Stand, temporary business or Donation Box;
 - 5.7.3. A certificate or letter from the Health Department indicating approval for the Food Vehicle or Stand;
 - 5.7.4. An inspection report from the Fire Chief approving the vehicle for operation as a Food Vehicle or stand or Temporary Vendor, if using propane or natural gas;
 - 5.7.5. A Driver Record Search issued by Ministry of Transportation (for Class A vehicles only) if the Food Vehicle is to travel on highways.
 - 5.7.6. A current Ontario driver's licence in good standing (for Class A vehicles only) if the Food Vehicle is to travel on highways; and
 - 5.7.7. A current Commercial Vehicle Operator's Registration if the Food Vehicle is over 11,000 kilograms.
- 5.8. Donation box operators shall provide a Canada Revenue Agenda charity number, articles of incorporation of the charity and information as to which charity and how they will benefit from the donated goods.
- 5.9. The Donation Box Operator shall ensure the name of the charitable organization, the charitable number and a contact name and telephone number is displayed on a Donation Box.

5.10. Donation Boxes shall:

- 5.10.1. Not exceed 48"x48"x75" high in size;
- 5.10.2. Be constructed of metal;
- 5.10.3. Be kept in a state of good repair;
- 5.10.4. Be emptied once a week between the hours of 7:00 am to 7:00 pm. Monday to Friday; and
- 5.10.5. Shall ensure snow is cleared around the box to provide for access.

5.11. Every person licensed under this By-law for a Food Vehicle or Stand or Temporary Vendor, shall at all times:

- 5.11.1. post the Licence in a conspicuous place at the fixed place of business where a Licensee carries on business;
- 5.11.2. notify the Licensing Officer immediately of any change in any of the particulars originally provided in the Application for a License;
- 5.11.3. carry on business in the name which is set out on the licence and shall not carry on business in the Township in any other name unless he has first notified the Licensing Officer; and
- 5.11.4. notify the Licensing Officer within ten (10) days of any change of name, address or any other information related to the licensee.

5.12. The Licensee shall comply with all federal and provincial legislation and regulations.

6. TERM OF LICENCE

6.1. The Licence issued under this by-law shall be for the current year and unless the license is forfeited or revoked, shall in each case, expire on December 31st each year.

7. INSPECTION

7.1.1. The Licensing Officer, the Fire Chief or a By-law Enforcement Officer may at any reasonable time inspect:

- 7.1.1.1. any premises/vehicles or place where a business which is subject to this By-law is carried on or where there are reasonable or probable grounds to believe a business is being carried on; or

7.1.1.2. any goods, equipment, books, records or documents used or to be used by the Applicant or Licensee under this By-law.

7.2. It shall be an offence to obstruct or permit the obstruction of such inspection.

8. OPERATING REQUIREMENTS

8.1. A Licensee shall only locate their operation on the location or locations approved by the Licensing Officer and as listed on the Licence.

8.2. A Licensee may not locate their business on any Township owned property unless it is being held in connection with an approved community event or exhibition, during the defined community event or exhibition or with the written permission of the Township.

8.3. No Licensee shall use any noise-making device in the conduct or operation of their business.

8.4. A Licensee shall keep the Food Vehicle or Stand and the property on which they are located clean and sanitary and shall provide a metal refuse container with a self-closing lid; emptied at least once daily and ensure all waste is placed in the waste receptacle.

9. GROUNDS FOR REFUSAL TO ISSUE OR RENEW A LICENCE

9.1. An Applicant will not be issued a new License or renewal if:

9.1.1. the issuing of the Licence or renewal of the Licence would be contrary to the public interest;

9.1.2. the Applicant or Licensee is carrying on activities that are, or will be, if the Applicant is Licensed, in contravention of this by-law, or any other municipal by-law or any other applicable law;

9.2. If an Applicant is refused a License, the Licensing Officer shall, within two (2) days provide in writing the reason why the License was refused.

10. APPEAL

If an applicant has been refused a license by the Licensing Officer, they may make a written appeal to Wellington North Council setting out the reasons why they feel

they should be issued a License. The decision of the Council is final and there is no other appeal mechanism.

11. SERVICE

Where notice is to be made, it shall be made by prepaid registered mail, the service shall be considered to have been made on the seventh (7) day after the date of mailing to the last known address of the individual or corporate head address.

12. PENALTY

12.1. As provided for in the Section 151(1)(g) of the Municipal Act, 2001, any person or corporation who contravenes any provision of this By-law, shall be issued a penalty notice and will be liable to pay to the Township an administrative penalty per occurrence or contravention in the amount of \$300 or as revised in the Fees and Charges by-law.

12.2. If a Donation Box Operator is found to be in contravention of the by-law, on written notice by the municipality, the property owner who issued permission for the siting of the Donation Box on private property, shall within 7 days remove the Donation Box at the property owner's expense. (Amended by By-law 060-19)

If a property owner does not remove a Donation Box within 7 day of receiving written notice, the municipality will remove the Donation Box and add the cost of removal to the property taxes. (Amended by By-law 060-19)

13. SEVERABILITY

Every provision of this by-law is declared to be severable from the remainder of the by-law and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction such declaration shall not effect the validity of the remainder thereof.

14. REPEAL PROVISIONS

That By-law No. 46-05 is hereby repealed

15. EFFECTIVE DATE

This by-law shall come into force and effect on its passage.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 11TH DAY OF JULY, 2016.**

ANDREW LENNOX, MAYOR

KARREN WALLACE, CLERK