

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

BY-LAW NUMBER 085-22

**BEING A BY-LAW TO ESTABLISH BUSINESS LICENSING
REGULATIONS RELATED TO BUSINESS LICENSING IN THE
TOWNSHIP OF WELLINGTON NORTH**

WHEREAS Part IV of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "***Municipal Act***") provides that a municipality may provide for a system of licences with respect to businesses;

AND WHEREAS section 436 of the *Municipal Act* authorizes a municipality to pass by-laws authorizing inspections to assess compliance with a by-law passed under the *Municipal Act*, a direction or order, or a condition of a licence;

AND WHEREAS sections 390 to 400 of the *Municipal Act* authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by it; and

AND WHEREAS the Council of The Corporation of the Township of Wellington North deems such a system of licences appropriate to address health and safety, well-being of persons, consumer protection and nuisance control;

THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows

1. **THAT** the Business Licensing by-law as shown in Appendix A attached hereto is established.
2. **THAT** 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.
3. **THAT** By-law No. 058-16 is hereby repealed.

4. **THAT** this by-law shall come into force and effect on its passage.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 25 DAY OF JULY, 2022.**

ANDREW LENNOX, MAYOR

KARREN WALLACE, CLERK

Appendix A
BUSINESS LICENSING BY-LAW

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1. SHORT TITLE

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

2. DEFINITIONS

For the purposes of this By-law:

- 2.1 **Applicant** means a Person applying for a Licence or a renewal of a Licence under this By-law;
- 2.2 **Application** means an application in the form provided by the Licensing Officer or designate and accompanied by the appropriate fee;
- 2.3 **Business** includes any business wholly or partly carried on within the Township even if the business is being carried on from a location outside the Township and includes (without limitation):
 - (a) a trade and occupation;
 - (b) an exhibition, concert, festival or other organized public amusement, held for profit or otherwise;
 - (c) a charity or non-for-profit business;
 - (d) the selling or hiring out of goods or services on an intermittent or one-time basis and the activities of a transient trader; and
 - (e) the display of samples, patterns or specimens of goods for the purpose of sale or hire;
- 2.4 **Applicable Law** means the laws and regulations of Canada and Ontario, the by-laws of the County of Wellington and the by-laws of the Township, including (without limitation) this By-law;
- 2.5 **Council** means the Council of The Corporation of the Township of Wellington North;
- 2.6 **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;
- 2.7 **Donation Box Business** means a Business operating a Donation Box, including placement or installation of a Donation Box;
- 2.8 **Door to Door Sales** means one or more Persons going from place to place with services, goods or merchandise for sale;
- 2.9 **Fire Chief** means a Fire Chief in the Province of Ontario or designate;

- 2.10 **Food Vehicle or Stand** means a stand, or a motor vehicle (as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended) or a non-motorized vehicle, including (without limitation) a cart, wagon, trailer, truck or bicycle, from which food or drink is offered for sale to the public, and includes (without limitation) a “mobile preparation premises” as defined in Ontario Regulation 562 under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended;
- 2.11 **Food Vehicle or Stand Business** means a Business operating one or more Food Vehicles or Stands (including a combination of both).
- 2.12 **Licence** means a licence to engage in a Business issued under this By-law and the term “Licensed” has a corresponding meaning;
- 2.13 **Licensed Premises** means the premises and each of the vehicles from which a Business is to be operated, as indicated on an issued Licence;
- 2.14 **Licensee** means a Person licensed under this By-law;
- 2.15 **Licencing Officer** means the Director of Legislative Services of the Township of Wellington North and/or designate;
- 2.16 **Medical Officer of Health** means the Medical Officer of Health, or his or her designate, of Wellington-Dufferin-Guelph Public Health, or its successors;
- 2.17 **MLEO** means a Person appointed as a Municipal Law Enforcement Officer by Council pursuant to section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;
- 2.18 **Person** includes an individual, firm, corporation, association or partnership; and
- 2.19 **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 municipally significant pursuant to the regulations made under the *Liquor Licence and Control Act, 2019*, S.O. 2019 c. 15, Sched 22, as amended, shall be exempt from the requirements of section 4 of this By-law.

4 REQUIREMENT FOR LICENCE

- 4.1 Subject to the exemptions in section 3, no Person shall operate a Business listed in section 4.2, or hold themselves out as being Licensed to operate such a

Business, in any of the following manners:

- (a) without a Licence for the Business;
- (b) at a location other than one to which a Licence applies;
- (c) under any other name than the one endorsed on the issued Licence;
- (d) without complying with each provision of this By-law; and
- (e) without complying with all terms of the Licence and all conditions or restrictions placed on the Licence.

4.2 The prohibitions in section 4.1 apply to the following types of Business:

- (a) Food Vehicle or Stand Business;
- (b) Donation Box Business; and
- (c) Door to Door Sales.

4.3 A Licensee shall not transfer or assign a Licence.

4.4 For greater certainty, if a Business falls under two or more categories requiring a Licence, that Business requires a Licence for each category unless this By-law specifically provides otherwise.

5 APPLICATION REQUIREMENTS

5.1 An Applicant shall submit to the Licensing Officer a completed Application for a Licence, including:

- (a) a complete Application in the form prescribed by the Licensing Officer, which shall include:
 - i. the Applicant's name, business address, phone number, and email address;
 - ii. if the Applicant is an individual, government-issued identification; and
 - iii. if the Applicant is a corporation or partnership:
 - 1. the name, residential address, phone number, and email address of each Person who is a director, officer or partner; and
 - 2. a statement signed by the Applicant (where the Applicant is an individual), by an officer (where the Applicant is a corporation), or by a duly authorized partner (where the Applicant is a

partnership), as applicable, certifying the Application's accuracy and completeness;

- (b) the applicable fee(s) set out in the Township's Fees and Charges By-laws, as amended;
- (c) if the Applicant is a corporation, a copy of the articles of incorporation, and any changes or corrections thereto;
- (d) if the Applicant is a partnership, a copy of any declaration filed under the *Limited Partnerships Act*, R.S.O. 1990, c. L.16; and of government-issued records confirming any name registration under the *Business Names Act*, R.S.O. 1990, c. B.17, together with any changes or corrections to either;
- (e) 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, including 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;
- (f) in the case of a Donation Box:
 - i. a Canada Revenue Agency charity number, any articles of incorporation of the charity and detailed information as to how the charity will benefit from the donated goods;
 - ii. a letter of permission signed by the property owner/agent, clearly identifying the location and zoning of the property on which the Donation Box is to be located; and
 - iii. a site plan or similarly detailed plans depicting the proposed location of the Donation Box;
- (g) in the case of a Food Vehicle or Stand Business:
 - i. a letter of permission signed by the property owner/agent, clearly identifying the location and zoning of the property on which each Food Vehicle or Stand is to be located;
 - ii. a site plan or similarly detailed plans depicting the proposed location of each Food Vehicle or Stand;
 - iii. a certificate or letter from a Public Health Unit in Ontario indicating approval for each Food Vehicle or Stand;
 - iv. an inspection report from a Fire Chief in the Province of Ontario, approving the vehicle for operation as a Food Vehicle or Stand and approving any use of propane or natural gas;

- v. a Driver Record Search issued by Ministry of Transportation for every individual permitted to drive a Food Vehicle;
 - vi. a valid Ontario Driver's Licence for the relevant class of vehicle, for every individual permitted to drive a Food Vehicle; and
 - vii. any Commercial Vehicle Operator's Registration for each Food Vehicle if required under the *Highway Traffic Act*, R.S.O. 1990, c. H.8 or its regulations, as amended; and
- (h) other information as required by the Licensing Officer.
- 5.2 In order to amend or renew a Licence, an Applicant shall submit to the Licensing Officer:
- (a) a complete renewal Application in the form prescribed by the Licensing Officer;
 - (b) the applicable fee(s) set out in the Township's Fees and Charges By-law, as amended; and
 - (c) such other documents as the Licensing Officer may require.
- 5.3 Every Application for a Licence or renewal shall be delivered to the Licensing Officer at least seven (7) days in advance of requiring a Licence or renewal. For greater certainty, processing time may vary between Applications and may exceed that period.
- 5.4 The Licensing Officer has discretion to review or waive any documentary requirements not related to public safety or consumer protection.
- 5.5 A Person shall not provide false or misleading information in respect of a Licence or Application, including (without limitation):
- (a) in applying for or renewing a Licence; or
 - (b) in updating the Township's information with respect to an issued Licence.

6 ISSUANCE AND GROUNDS FOR REFUSAL

- 6.1 Council hereby delegates decision-making authority to the Licensing Officer with regards to the issuance (with or without conditions), denial, revocation and suspension of Licences under this By-law, as Council is of the opinion that the delegated powers are of a minor nature.
- 6.2 The Licensing Officer shall receive and process all completed Applications for Licences and Licence renewals.

6.3 The Licensing Officer shall issue a Licence or Licence renewal to any Person who meets the requirements of this By-law, except where:

- (a) the Licensing Officer reasonably believes:
 - i. that the Applicant will not carry on the Applicant's Business with integrity and honesty, and in compliance with Applicable Law;
 - ii. that the Business will likely be adverse to the public interest;
 - iii. that the Business will likely threaten the health or safety of the public;
or
 - iv. that the Application contains false or misleading information;
- (b) one or more of the Departments (defined below) has reviewed the Application in whole or part pursuant to this By-law and has withheld approval of the Application;
- (c) the premises named in the Application are subject to an Order or Orders made pursuant to Applicable Law, including (without limitation) the *Building Code Act, 1992*, as amended; the *Fire Protection and Prevention Act*, as amended; or the *Health Protection and Promotion Act*, as amended;
- (d) the Applicant or any officer, director, or partner thereof is indebted to the Township by way of fines, penalties, judgments, outstanding property taxes, or any other amounts owing; or
- (e) the Applicant or any officer, director, or partner thereof has been convicted, within the past five years, of:
 - i. a criminal offence for which a pardon has not been granted; or
 - ii. a regulatory offence in any way related to the Business.

6.4 Prior to issuance of a Licence or amended or renewed Licence for a Donation Box or Food Vehicle or Stand Business that includes a change in location of operation, the Licensing Officer circulate the address and site plan or other drawing to the following departments for comment and approval:

- (a) the Clerk's Department;
- (b) Township's Building Department;
- (c) the Township's Fire Service; and
- (d) the Township's Operations Department (collectively, the "**Departments**").

- 6.5 Prior to issuance of a Licence or amended or renewed Licence, the Licensing Officer shall seek comment on and approval of the Application from one or more of the Departments as deemed applicable by the Licensing Officer.
- 6.6 The Licensing Officer shall generally perform all administrative functions conferred upon the Licensing Officer by this By-law.
- 6.7 At the time of issuance or at any time during the term of a Licence, the Licensing Officer may impose such conditions as the Licensing Officer considers appropriate, based on any of the grounds set out in section 6.3 of this By-law.
- 6.8 A Licence issued pursuant to this By-law applies only to the Licensee, Business, Licenced Premises, and any geographic restrictions described therein, and is non-transferrable. For greater certainty, and without limitation, a Licence immediately becomes void if the ownership or operation of the subject Business is transferred from the Licensee to another Person without prior amendment.
- 6.9 Where the Licensing Officer has decided to deny an Application or to impose conditions on a Licence, the Licensing Officer shall within five (5) days of that decision provide notice to the Applicant or Licensee, and of the option and deadline for appeal.
- 6.10 Unless otherwise provided in this By-law, applicable fees will not be refunded, including (without limitation) in the event that an Application is withdrawn or a Licence is not issued.

7 OPERATING REQUIREMENTS

- 7.1 Every Licensee shall, at all times during the term of the Licence:
 - (a) post the Licence in a conspicuous place at the Licenced Premises;
 - (b) if permitted to carry on a Business outside of the Licenced Premises, keep a copy of the Licence wherever the Licensee is carrying on Business;
 - (c) produce the Licence when required by a person conducting an inspection pursuant to this By-law;
 - (d) carry on business only in the name set out on the Licence;
 - (e) notify the Licensing Officer immediately of any change in information provided as part of an initial Application or renewal Application;
 - (f) maintain insurance policies acceptable to the Licensing Officer;
 - (g) comply with Applicable Law, including (without limitation) the Township's Zoning By-laws, as amended; and

- (h) comply with the conditions and restrictions placed on the Licence.
- 7.2 Prior to any change in the place of operation of a Food Vehicle or Stand, the Licensee shall obtain an amendment to the Licence from the Township, and shall submit to the Licensing Officer:
- (a) in the case of privately owned lands, a letter of permission signed by the property owner/agent, clearly identifying the location and zoning of the property on which the Food Vehicle is to be located/conducted;
 - (b) a site plan or similarly detailed plans depicting the proposed location of the Food Vehicle; and
 - (c) such other documents as the Licensing Officer may require.
- 7.3 A Person carrying on a Donation Box Business shall ensure the name of the charitable organization, the charitable number and a contact name and telephone number is displayed on a Donation Box.
- 7.4 Donation Boxes shall:
- (a) not exceed 48"x48"x75" high in size;
 - (b) be constructed of metal;
 - (c) be kept in a state of good repair;
 - (d) be emptied once a week between the hours of 7:00 am to 7:00 pm. Monday to Friday; and
 - (e) be cleared of surrounding snow to provide for access.
- 7.5 A Licensee may not locate its 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.
- 7.6 No Person shall conduct Door to Door Sales at any location without prior permission from the landowner or tenant of the premises.
- 7.7 A Licensee shall not permit the pick up of donated goods from Donation Boxes between the hours of 7:00 pm and 7:00 am.
- 7.8 A Licensee shall keep the area on which the Donation Box is located clean, sanitary, and free of dumping.
- 7.9 A Licensee shall not use any noise-making device in the conduct or operation of its business.

- 7.10 A Licensee shall keep each 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.
- 7.11 No officer, director, partner, or employee of a Licensee shall authorize, permit or acquiesce in the Licensee's contravention of any requirement under this By-law.

8 TERM OF LICENCE

- 8.1 Except where otherwise provided in this By-law, a Licence issued or renewed under this By-law shall be for the calendar year of issuance or renewal and, unless it is forfeited, revoked or renewed, shall expire on December 31st.

9 REVOCATION AND SUSPENSION

- 9.1 Subject to section 9.3 of this By-law, the Licensing Officer may revoke or suspend a Licence at any time, without a hearing, where:
- (a) the Licensing Officer reasonably believes:
 - i. that the Applicant has not carried on its Business with integrity and honesty, and in compliance with Applicable Law;
 - ii. that the Business has been or will be adverse to the public interest;
 - iii. that the Business has threatened or will threaten any property, or the health or safety of any Person; or
 - iv. that Licence contains, or was issued at least partly because of, false or misleading information;
 - (b) the premises named in the Application are subject to an Order or Orders made pursuant to Applicable Law, including (without limitation) the *Building Code Act, 1992*, as amended; the *Fire Protection and Prevention Act*, as amended; or the *Health Protection and Promotion Act*, as amended;
 - (c) the Applicant or any officer, director, or partner thereof is indebted to the Township by way of fines, penalties, judgments, outstanding property taxes, or any other amounts owing;
 - (d) the Applicant or any officer, director, or partner thereof is convicted of:
 - i. a criminal offence for which a pardon has not been granted; or

- ii. a regulatory offence in any way related to the Business;
 - (e) a Licence was issued in error; or
 - (f) otherwise authorized by this By-law.
- 9.2 Without limiting other provisions of this By-law, the Licensing Officer may suspend or restrict a Licence for up to 28 days, without a hearing, in order to accommodate any of the following on the property owned by the Township or of any local board of the Township (as “local board” is defined at section 1 of the *Municipal Act*):
- (a) the holding of a special event or community festival;
 - (b) the construction, maintenance or repair of property;
 - (c) the installation, maintenance or repair of a public utility or service;
 - (d) pedestrian, vehicular or public safety; or
 - (e) public health.
- 9.3 In the case of a suspension based on an immediate danger to any property or to the health and safety of any Person:
- (a) before suspending the Licence, the Licensing Officer shall provide the Licensee with oral or written reasons for the suspension, and an opportunity to respond to them; and
 - (b) the Licensing Officer shall limit the duration of the suspension to fourteen (14) days.
- 9.4 Where the Licensing Officer has decided to suspend or revoke a Licence under section 9.1 of this By-law, the Licensing Officer shall provide notice to the Licensee of that decision, and of the option and deadline for appeal, at some reasonable time prior to the revocation or suspension.

10 CANNABIS RETAIL STORES

- 10.1 The minimum distance between a Cannabis Retail Store, as defined under the *Cannabis Licence Act, 2018*, S.O. 2018, c. 12, Sched. 2, as amended (the “***Cannabis Licence Act***”, and school or private school, as defined under the *Education Act*, R.S.O. 1990, c. E.2, as amended, shall be the greater of:
- (a) the distance prescribed by the *Cannabis Licence Act* or its regulations; and
 - (b) 150 metres, measured as follows:

- i. where the school or private school is the primary or only occupant of a building, between the customer entrance to the Cannabis Retail Store and the nearest property line of the lands on which the school or private school is located; and
- ii. where the school or private school is not the primary or only occupant of a building, between the customer entrance to the Cannabis Retail Store and the nearest boundary of the space(s) occupied by the school or private school within its building.

10.2 Schedules A, B and C contain an approximate depiction of the 150-metre distances described in subsections 10.1(b), but are for information purposes only and do not replace the measurements required by section 10.1.

11 APPEAL

- 11.1 Any Person who has been denied a Licence, or the renewal of a Licence, has had their Licence suspended or revoked under s. 9.1, or has had terms or conditions imposed on a Licence, may appeal the decision of the Licensing Officer to Council.
- 11.2 Council shall give notice or direct that notice be given of the hearing of an appeal to the appealing Person and such other Persons as Council considers advisable.
- 11.3 All appeals shall be submitted:
- (a) within twenty-one (21) days after the Applicant has received Notice that of the Licensing Officer's decision to deny issuing or renewing a Licence or suspending or revoking a licence or imposing terms or conditions on a Licence;
 - (b) in writing;
 - (c) to the Township's Clerk;
 - (d) setting out, in detail, the grounds for the appeal; and
 - (e) along with the applicable fee, as outlined in the Township's Fees and Charges By-Laws, as amended.
- 11.4 Where an appeal is not submitted within the time set out in this section, the decision of the Licensing Officer will be deemed to be confirmed and no appeal shall be permitted.
- 11.5 Council shall hear all appeals.

11.6 On an appeal, Council may confirm, modify or rescind the decision appealed from, as Council deems most consistent with the general intent and purpose of this By-law.

11.7 Appeal decisions of Council are final and there is no other appeal mechanism.

12 NOTICES

12.1 Any notice pursuant to this By-law may be given in writing in any of the following ways and is effective:

- (a) on the date on which a copy is delivered to the Person to whom it is addressed;
- (b) on the seventh (7th) day after a copy is sent by prepaid registered mail to either the Person's last known address or registered corporate address; or
- (c) upon the sending of a copy by email transmission to the Person's last known email address.

12.2 For the purpose of notices under this By-law, the Person's last known address, last known facsimile number and last known email address will be deemed to be those provided pursuant to section 5 of this By-law.

13 INSPECTION

13.1 The Township may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) this By-law;
- (b) an order of the Township made under this By-law;
- (c) a condition of a Licence issued under this By-law; or
- (d) an order made under section 431 of the *Municipal Act*.

13.2 For the purposes of conducting an inspection pursuant to section 13.1 of this By-law, the Township may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

- (c) require information from any Person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- 13.3 No Person exercising a power of entry on behalf of the Township shall enter or remain in any room or place actually being used as a dwelling except in accordance with Applicable Law, including (without limitation) the *Municipal Act*.
- 13.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-law.

14 ORDER TO DISCONTINUE ACTIVITY

- 14.1 Where the Licensing Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Licensing Officer may make an order requiring the Person who contravened this By-law, or who has caused or permitted the contravention, or the Owner, tenant or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
- 14.2 An order under subsection 14.1 of this By-law shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date by which there must be compliance with the order.
- 14.3 An order under subsection 14.1 of this By-law may require the discontinuance of activity even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- 14.4 Any Person who contravenes an order under subsection 14.1 of this By-law is guilty of an offence.

15 WORK ORDER

- 15.1 Where the Licensing Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Licensing Officer may make an order requiring the Person who contravened this By-law, or who caused or permitted the contravention, or the Owner, tenant or occupier of the land on which the contravention occurred, to do work to correct the contravention.
- 15.2 An order under subsection 15.1 of this By-law shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the work to be done and the date by which the work must be done.
- 15.3 An order under subsection 15.1 of this By-law may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- 15.4 Any Person who contravenes an order under subsection 15.1 of this By-law is guilty of an offence.

16 REMEDIAL ACTION

- 16.1 If a Person fails to do a matter or thing, including comply with an order under this By-law, as directed or required by this By-law, the Township may, in default of it being done by the Person directed or required to do it, do the matter or thing at the Person's expense. The Township may recover the costs of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.
- 16.2 The costs outlined in 16.1 of this By-law will include interest calculated at a rate of fifteen (15) percent *per annum*, calculated for the period commencing on the day the Township incurs the costs and ending on the day the costs, including interest, are paid in full.
- 16.3 If a Person carrying on a Donation Box Business is found to be in contravention of this 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 seven (7) days remove the Donation Box at the property owner's expense.
- 16.4 Without limiting the foregoing, if a property owner does not remove a Donation Box within seven (7) days of receiving written notice, the municipality will remove the Donation Box and add the cost of removal to the property taxes for the lands on which the Donation Box was sited.

17 PENALTIES

- 17.1 This By-law may be enforced by MLEOs, the Medical Officer of Health or police officers with the Ontario Provincial Police of the County of Wellington.
- 17.2 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial*

Offences Act, R.S.O., Chapter P. 33, as amended, and all contraventions of this By-law are designated continuing offences.

- 17.3 Every Person, other than a corporation, that is convicted of an offence, is liable to a minimum fine of Three Hundred and Fifty Dollars (\$350.00) and a maximum fine of Twenty-Five Thousand Dollars (\$25,000.00) for the first offence and a maximum fine of Fifty Thousand Dollars (\$50,000.00) for a subsequent offence.
- 17.4 Every corporation that is convicted of an offence is liable to a minimum fine of Three Hundred and Fifty dollars (\$350.00) and a maximum fine of Fifty Thousand Dollars (\$50,000.00) for the first offence and a maximum fine of One Hundred Thousand Dollars (\$100,000.00) for a subsequent offence.
- 17.5 In addition to the fine amounts set out in sections 17.3 and 17.4 of this By-law, for each day or part of a day that an offence continues, the minimum fine shall be Three Hundred and Fifty dollars (\$350.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all daily fines for the offence is not limited to One Hundred Thousand Dollars (\$100,000.00).
- 17.6 Pursuant to subsection 447(1) of the *Municipal Act*, where a Person to which that subsection applies is convicted of knowingly operating a Business without a Licence, the Court may order that the premises or part of the premises be closed to any use for a period not exceeding two (2) years.
- 17.7 Pursuant to subsection 447(2) of the *Municipal Act*, where a Person is convicted of a contravention of this By-law, other than a conviction described in section 17.5 of this By-law, and the Court determines that the Owner or occupant of the premises or part of the premises in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the Court may order that the premises be closed to any use for a period not exceeding two (2) years.

18 COLLECTION OF UNPAID FINES

- 18.1 Pursuant to section 441 of the *Municipal Act*, if any part of a fine for a contravention of this By-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act* including any extension of time for payment ordered under that section, the Licensing Officer may give the Person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice.
- 18.2 If the fine remains unpaid after the final date specified in the notice, the fine will be deemed to be unpaid taxes for the purpose of section 351 of the *Municipal Act*.

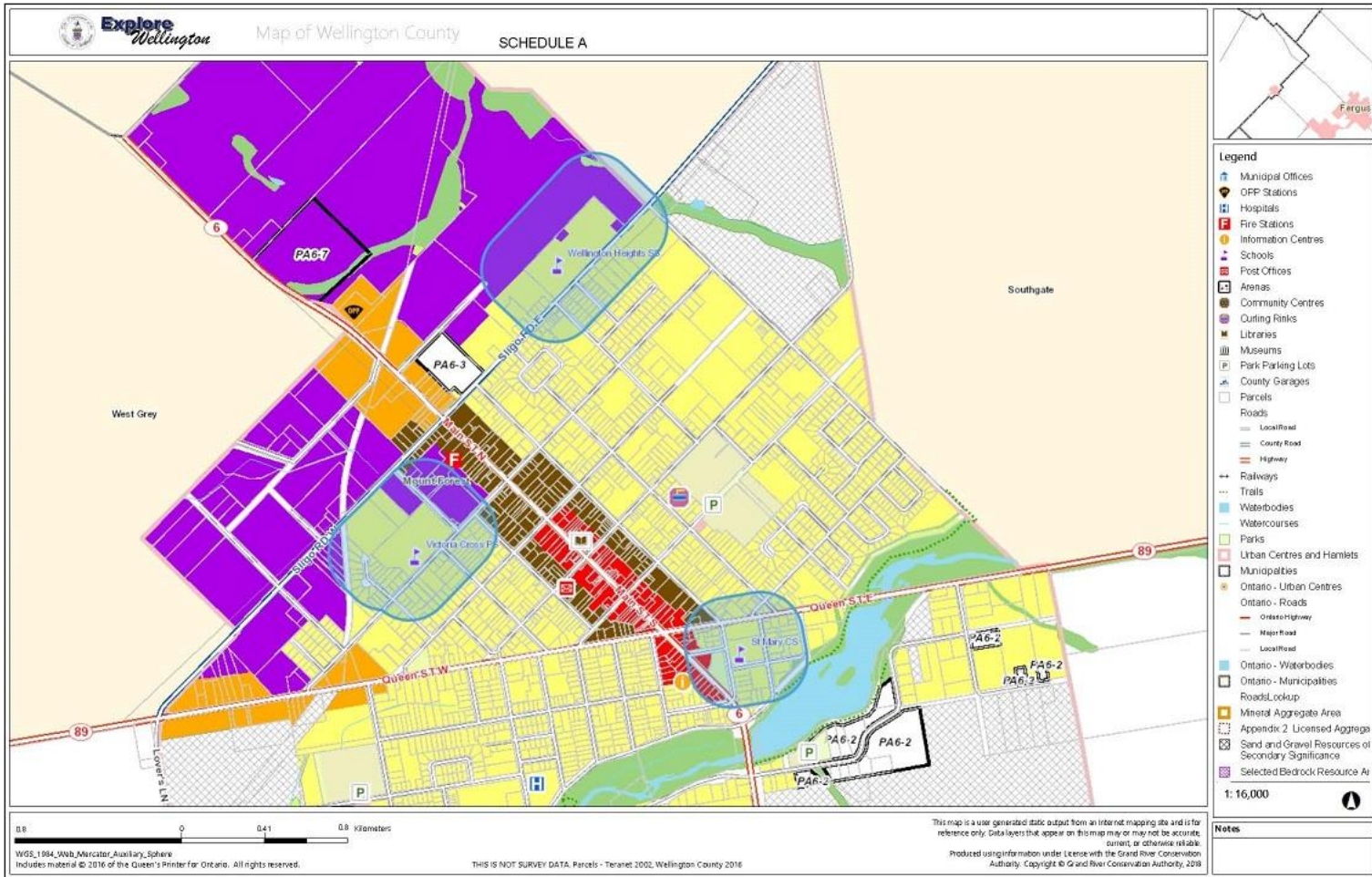
19 REPEAL / TRANSITION

- 19.1 The Township's Business Licensing By-law No. 058-16, as amended, is repealed on the day this By-law comes into force and effect.
- 19.2 Reference to the repealed by-law numbers in any documentation will be deemed to be reference to this By-law.
- 19.3 Notwithstanding subsection 19.1 of this By-law, the provisions of the Township's Business Licensing By-law No. 058-16, as amended, will be deemed to continue in force and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under that by-law, and any assessment, rate, charge, tax, fee, liability or penalty outstanding under that by-law may be collected as if that by-law had not been repealed.
- 19.4 A licence issued under the Township's Business Licensing By-law No. 058-16 will be deemed a Licence under this By-law and will be subject to all provisions of this By-law, but will expire on the earlier of the following dates:
 - (a) the date stated on the licence; or
 - (b) December 31, 2022.

20 GENERAL

- 20.1 This By-law will come into force and effect on the date of its final passing.
- 20.2 Where the time for doing any act expires on a Saturday, Sunday or Public Holiday, the act may be done on the next business day.
- 20.3 The schedules which are attached to this By-law form part of this By-law.

SCHEDULE A



SCHEDULE B



SCHEDULE C



The Corporation of the Township of Wellington North
By-law 085-22, as amended
Short Form Wordings and Schedule of Fines
(Page 1 of 1)
Part I Provincial Offences Act

Item	Short Form wording	Provision Creating or Defining Offence	Set Fine
1.	Operating an unlicensed business without a required license	App. 4.1(a)	\$250.00
2.	Operating a business at an unlicensed location	App. 4.1(b)	\$250.00
3.	Operating a business under an unlicensed name	App. 4.1(c)	\$250.00
4.	Operating a business contrary to licensing requirements	App. 4.1(d)	\$250.00
5.	Operating a business contrary to license terms	App. 4.1(e)	\$250.00
6.	Providing false or misleading information in respect of a license or license application	App. 5.5	\$250.00
7.	Conducting door to door sales without obtaining owner or tenant permission	App. 7.6	\$500.00
8.	Permitting pick up from a donation box outside of permitted times	App. 7.7	\$250.00

Note: The penalty provision for the offences indicated above is Section 17 of By-law No. 085-22, as amended, a certified copy of which has been filed.