

**THE CORPORATION OF THE TOWNSHIP OF CRAMAHE
BY-LAW NUMBER 09-02**

BEING A BY-LAW TO LICENCE AND REGULATE VARIOUS TYPES OF BUSINESS IN THE MUNICIPALITY, AND TO SET FEES FOR THOSE LICENCES.

WHEREAS section 150 of the *Municipal Act, 2001 S.O. 2001, c. 25* permits municipalities to licence, regulate and govern any business wholly or partly carried on within the municipality, and;

WHEREAS except as otherwise provided, a municipality may only exercise its licensing powers under this section including imposing conditions for one or more of the following purposes – health and safety, nuisance control or consumer protection, and;

WHEREAS a by-law licencing or imposing any condition shall include an explanation as to the reason the municipality is licensing it or imposing the conditions as it relates to the purposes under the *Municipal Act, 2001 S.O. 2001, c. 25* Section 150(2);

NOW THEREFORE the Council for the Corporation of the Township of Cramahe **HEREBY ENACTS** as follows:

1. Definitions

In this by-law,

- a) **By-law enforcement officer** means the By-Law Enforcement Officer appointed by the Township of Cramahe, or their designate;
- b) **Council** means the Council for the Corporation of the Township of Cramahe;
- c) **Clerk** means the clerk appointed by the Township of Cramahe;
- d) **Derelict motor vehicle** means a motor vehicle that is inoperable and does not have a current motor vehicle permit attached thereto;
- e) **Municipality** means the Township of Cramahe;
- f) **Person** includes a natural individual, a corporation, association or partnership;
- g) **Refreshment Vehicle** shall include but is not limited to, motorized or unmotorized vehicles and shall include up to three bicycles from which refreshments are sold;
- h) **Wrecking yard** shall mean a place at which used motor vehicle parts from more than three motor vehicles are stored or kept, or more than three derelict automobiles are kept outside a building;
- i) **Restaurant or Prepared Food Service Establishment** shall mean a building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes restaurant, dining room, café, cafeteria, ice cream parlor, tea or lunchroom, diary bar, coffee shop, snack bar or refreshment room or stand.

2. Licence required - offence

No person shall conduct any business in or upon any premises or part thereof, or carry on any trade or calling in the Municipality for which a licence is required in Section 3 of this by-law unless they hold a licence issued therefore by the municipality and has paid the licence fee required by this by-law in accordance with the schedules of the by-law attached hereto.

3. Licence required

- a) A licence shall be required for every person who carries on the following businesses within the limits of the municipality:
 - Refreshment vehicle
 - Wrecking yard
- b) The requirements to obtain a licence applies to every business described in 3 (a) regardless of whether or not the business is being carried on wholly or partly within the Municipality and even if the business is being carried on from a location outside the municipality. Said licence shall be displayed by the business or produced on demand by the By-Law Enforcement Officer or any police officer.

4. Application

Requests for the issuance or renewal of a licence must be received by the Clerk in the form prescribed on or before the 31st day of December for the next ensuing licencing and calendar year, or before commencing a new business.

5. Zoning

No licence shall be issued for any of the businesses set out in Section 3(a) if they do not conform or are not permitted in the municipality's comprehensive zoning by-laws, as amended. This shall include the zoning by-law of the former Township of Cramahe, the former Village of Colborne, and any consolidation of the two.

6. Licence – Entitlement

No person shall be entitled to obtain a licence where:

- a) The past conduct of the applicant or licensee affords reasonable ground for the belief that the applicant or licensee will not carry on the activity for which the applicant is licenced or to be licenced in accordance with the law;
- b) The issuance of the licence or renewal of the licence would be contrary to public interest;
- c) The applicant or licensee is carrying on activities that are, or will be, if the applicant is licenced, in contravention of this by-law;
- d) There are reasonable grounds for belief that the premises, accommodation, equipment or facilities in respect of which the license is required do not comply with the provisions of this by-law or other applicable law;
- e) If the applicant or licensee is a corporation, the past conduct of the officers or directors affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which the applicant is to be licenced in accordance with law;

7. Licence Revocation

A license granted pursuant to this by-law may be revoked where the licensee does not comply with the provisions of this or any other by-law of the municipality, provincial statute or where such licence has been issued through error. Council also reserves the right to revoke a business licence based on excessive or serious complaints from users of the service, where the continuation of the licence would be contrary to public interest.

8. Licence Suspension

Where any licensee is convicted of an offence under this by-law, the licence shall be suspended forthwith and shall not be reinstated until the clerk or his/her designate or a Provincial Offences Officer certifies in writing that the conditions resulting in the conviction have been remedied and that the premises and its proposed operation comply with this by-law.

9. Licence Expiration

Licences issued under the provisions of this by-law, unless otherwise expressed to be granted for a shorter period, shall expire on December 31st of the year for which they have been issued.

10. Licence – Non-transferable

No licence issued pursuant to the provisions of this by-law is assignable or transferable.

11. Licence - Partnership

Persons associated in a partnership applying for a licence under this by-law shall file with their application a statutory declaration in writing, signed by all members of the partnership, which declaration shall state:

- a) the full name of every partner and address of his or her ordinary residence
- b) the name or names under which they carry on or intend to carry on their business
- c) that the persons therein named are the only members of the partnership and;
- d) the mailing address of the partnership.

12. Inspection of Premises

The By-Law Enforcement Officer or his/her designate or a Provincial Offences Officer may at any reasonable time, inspect the premises of the owner or operator of a business listed in Section 3 of this by-law, and the equipment and other personal property used or kept for hire in the carrying on of the business.

13. Schedules

The following schedules are attached to and form part of this by-law:

Schedule "A" – Refreshment Vehicle

Schedule "B" – Wrecking Yards

14. Offences and Penalty

Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is subject to a fine as provided in the *Provincial Offences Act, R.S.O. 1990 c. P3* or the *Municipal Act, 2001 S.O. 2001, c. 25*.

15. Validity

If a court of competent jurisdiction declares any provision or any part of a provision of this by-law to be invalid, or to be of no force and effect, it is the intention of the Council that the remaining provisions of the by-law remain in full force and effect.

This by-law shall come into force and effect on the day that it is passed. By-law 07-58 is hereby repealed.

Read a First time, this 13th day of January 2009,

Read a Second time this 13th day of January 2009,

Read a Third time and passed 13th day of January 2009.

Mayor, Marc Coombs

C.A.O./Clerk, Christie Alexander

**Schedule “A” to By-Law 09-02
Refreshment Vehicle**

Applicable to:	Every vehicle from which food is cooked and intended for immediate consumption is sold.
Exemptions:	<ul style="list-style-type: none"> • Refreshment vehicles operating during Apple Blossom Tyme Festival • Refreshment vehicles with permission from Council to operate for not more than 48 hours during any approved special event. • Restaurant Owner may have up to two (2) Refreshment Vehicles on the same property as the Restaurant or Prepared Food Service Establishment, but only if the Refreshment Vehicles are owned by the same owner as the Restaurant and property owner
Reason for Licencing/Conditions	<p>Consumer Protection, Health and Safety as per the <i>Municipal Act, 2001 S.O. 2001, c. 25</i></p> <p>This business:</p> <ul style="list-style-type: none"> • Has the potential to cause illness or disease to be transmitted to the public • Uses noxious or hazardous material (ie., Propane) • Handles food or food storage • May expose it’s clients to health risk; <p>and has the potential to:</p> <ul style="list-style-type: none"> • Create noise, odor or light in such a way that may disturb the community. • May not be consistent with the interests of the community • May create controversy in the community
Annual Licence Fee:	\$ 100.00
Special Conditions:	<p>As well as all provisions outlined in the main body of this by-law, the following provisions also apply:</p> <ul style="list-style-type: none"> • Must annually provide copy of report from HKPR District Health Unit that all health standards and regulations with respect to the vehicle and equipment have been complied with. • Must annually provide a report from the Municipal Fire Chief that all standards and regulations with respect to the fire protection and prevention have been complied with. • Must annually provide proof that the propane installation has been inspected for that calendar year • Must provide letter from the body governing the road directly adjacent to the property on which the refreshment vehicle is situated, stating that said vehicle does not interfere or hinder the flow of traffic on that road. • No Refreshment Vehicle shall be located on a Private Property within 457 meters (500 Yards) of another Refreshment Vehicle or a Structure being used as a Restaurant or Prepared Food Service Establishment • No refreshment vehicle shall be located on any municipally owned property without prior consent of Council

**Schedule “B” to By-Law 09-02
Wrecking Yards**

Applicable to:	Every business that stores or keeps more than three derelict motor vehicles or motor vehicle parts
Exemptions:	None
Reason for Licencing/Conditions	<p>Nuisance control, as per the <i>Municipal Act, 2001 S.O. 2001, c. 25</i></p> <p>This business:</p> <ul style="list-style-type: none"> • Has the potential to create noise, odor or light in such a way as to disturb the community • May not be consistent with the interests of the community • May create controversy or concern within the community • May use hazardous or noxious material
Annual Licence Fee:	\$ 100.00
Special Conditions:	<p>As well as all provisions outlined in the main body of this by-law, the following provisions also apply:</p> <ul style="list-style-type: none"> • Public access to the wrecking yard shall be limited to such times as there is an attendant on duty • All operations of the wrecking yard shall be conducted in an orderly fashion under the supervision of a competent person. • All fluids shall be drained from derelict automobiles before they are processed and disposed of in accordance with the Environmental Protection Act, if they are not safely stored for resale

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

Set Fine Schedule

Part I Provincial Offences Act.

By-Law Number 09-02, a by-law to Licence and Regulate various types of Business in the Municipality, and to set Fees for those Licences.

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Refreshment Vehicle – Fail to Procure Licence	2	\$250
2.	Refreshment Vehicle Operator – Fail to Produce Licence	2	\$150
3.	Wrecking Yard Operator – Fail to Procure Licence	2	\$400
4.	Wrecking Yard Operator – Fail to Produce Licence	2	\$150

NOTE: The general penalty provision for the offences listed above is section 14 of bylaw 09-02, a certified copy of which has been filed.