

THE CORPORATION OF THE MUNICIPALITY OF
HASTINGS HIGHLANDS

BY-LAW 10-2002

Being a by-law to authorize the issuance of certain licenses
(i.e. Transient Hawkers/Peddlers) and
to provide regulations therefor

WHEREAS it is deemed expedient to provide for the issuance of licenses on and regulation of certain businesses in the Municipality of Hastings Highlands;

NOW THEREFORE the Council of the Municipality of Hastings Highlands enacts as follows;

1. This by-law may be cited as the "Business Licensing By-Law".
2. Application for any license shall be made to the CAO/Clerk and the granting or refusal of a license to an application shall be at the discretion of the Council.
3. In this By-Law:
 - (a) Where a definition is not provided herein and is not provided in the appropriate Provincial Legislation, recourse shall be had to the definition as provided in the latest available edition of the Oxford Dictionary.
 - (b) "Building Code" means the regulation made pursuant to the Building Code Act, 1997, as may be amended from time to time.
 - (c) "Business" means any trade, calling, business, occupation, manufacture or industry and includes the sale, order of hire of goods and services of an intermittent or one-time basis.
 - (d) "Chief Building Official" means the person appointed by the Municipal Council pursuant to the Building Code Act, 1997.
 - (e) "Clerk" means the Municipal Clerk of the Corporation of the Municipality of Hastings Highlands.
 - (f) "Council" means the Municipal Council of the Corporation of the Municipality of Hastings Highlands.
 - (g) "Fire Code" means the National Fire Code of Canada, 1997, as may be amended from time to time.
 - (h) "Issuer of Licenses" means the person or persons as may be appointed by the Municipal Council of the Corporation of the Municipality of Hastings Highlands, from time to time.
 - (i) "Occupant" means the person in occupation or having charge, management, or control of the premises, whether on his own account or as the agent of any person.
 - (j) "Owner" means the person for the time being receiving the rent of the land or premises in connection with which the work is used, whether on his own account or as agent or trustee of any other person or who would receive the same if such lands and premises were let.
 - (k) "Person" except where it is otherwise employed or shown by the context the word "Person" shall include not only an individual, but also a body corporate or politic, or party, or any firm and the heirs, executors, administrators, successors or other legal representative thereof to whom the context may apply, and words implying the singular shall include more persons or things as above described or things of the same kind, than one, and words implying the masculine gender shall include females as well as males.
 - (l) "Premises" means and includes any land or any building, public or private, in the Municipality.
 - (m) "Public Health Inspector" means the person or persons appointed by the Hastings County and District Health Unit whose duty it shall be to make such inspections as may be required under the provisions of the Public Health Act., as amended.

LICENCES REQUIRED

4. No person shall carry on in the Municipality any of the businesses listed in Schedule "A" to this By-Law unless and until they shall have first procured a license issued under the provisions of this By-Law.
 - Type 1 - General.
 - Type 2 - Being a business that requires or has occasion to occupy premises.
 - Type 3 - Being a business for which no premises are occupied, and, because of the nature of the Business must comply with the Public Health Act.

By-Law 10-2002, continued

- Type 4 - Being a business that requires or has occasion to occupy premises and because of the nature of the business must comply with the Public Halls Act.
- Type 5 - Being all vehicles for which a license is required.
- Type 6 - Being businesses that occupy rented or leased buildings and not included in Type 1 or 5 shall obtain a license in lieu of business taxes.
- Type 7 - Being all vehicles for hire.

APPLICATION FORMS AND FEES:

5. The person applying for a license pursuant to the provisions of this By-Law shall complete and submit to the issuer of licenses the application form as shown on Schedule "B" to this By-Law and shall pay the issuer the required fees as listed in the terms and conditions for each type of business.

GENERAL REGULATIONS:

6. In addition to requirements as provided for in paragraph 5 and 19 of this By-Law, all businesses for which a license application pursuant to the provisions of this By-Law has been submitted, may be required to meet such additional requirements as may be established by the issuer of licenses or his representatives.
7. All premises occupied by a business licensed pursuant to the provisions of the By-Law shall be required to satisfy the Building Code, the Official Plan, the Zoning By-Law, the Maintenance and Occupancy By-Law and all other By-Laws of the Corporation of the Municipality of Hastings Highlands as may be in effect from time to time.

BUILDING CODE REGULATIONS:

8. Inspection of premises shall be made by the Chief Building Official or his representative who shall, following inspection, certify to the issuer.

PROPERTY STANDARDS REGULATIONS:

9. No licenses shall be issued for businesses to operate on Village lands without prior approval from Council. Advance notice must be received sixty (60) days prior to any decision of Council to provide sufficient time to obtain the necessary information required. All fees will be determined by Council at the time of approval.
10. Inspection of the premises may be made by the Property Standards Officer or his representative, who may following inspection, certify to the Issuer of Licenses compliance or non-compliance with the Maintenance and Occupancy By-Law.

PUBLIC HEALTH REGULATIONS:

11. In addition to requirements provided for in paragraphs 5 and 19, those businesses and the premises occupied which are identified as Type 2 and Type 6 in Schedule "A" to this By-Law shall be required to allow an inspection of the premises and personnel by the Public Health Inspector.
12. An inspection as provided for in paragraph 10 above shall be made by the Public Health Inspector or his representative who shall, following inspection, certify to the Issuer of licenses, compliance or non-compliance with the Public Health Act.

FIRE CODE REGULATIONS:

13. Inspection of premises may be made by the Fire Chief or his representative who may, following inspection, certify to the issuer of licenses compliance or non-compliance with the Fire Code.

By-Law 10-2002, continued

REFUSAL OF LICENCE:

14. The issuer of licenses may refuse to issue a license unless and until compliance with the provisions of the By-Law or any other requirements referred to herein is established by the Applicant, owner of the Business or by the occupier of the premises for which the business license is required.

GRANTING OF LICENSE:

15. All licenses granted under this By-Law, unless they are expressed to be for a shorter period and unless they shall become sooner forfeited or revoked, shall expire on the thirty-first day of December next following the date set out in each license as issued.

RENEWAL:

16. All applications for renewal of licenses expiring under the provisions of this By-Law, shall be made not later than the first day of February in each year.
17. Renewal of licenses may be granted by the Issuer of licenses provided no change in the location or nature of the business has occurred and provided the necessary fees have been paid and all regulations complied therewith.

SPECIAL REGULATIONS:

18. Licenses issued for the conduct of the Businesses as shown on the attached Schedules "C", "D", "E", "F", "G", "H", and "I" are subject to the licenses complying with the provisions as set out therein, as well as the terms and conditions as set out in applicable Provincial Legislation.

POSTING UP OF LICENSES:

19. All licensees shall cause their license and renewal sticker to be permanently and prominently displayed in their place of business or on their person if there are no premises associated with the business during the full term in which they carry on the said business.

ENFORCEMENT:

20. The issuer of licenses, By-Law Enforcement Officer, or any other person designated by Council be and are hereby authorized to enforce the provisions of the By-Law.
21. Any person who contravenes any of the provisions of this By-Law, is guilty of an offence and is liable to a fine of up to \$2,000.00 exclusive of costs, recoverable under the provisions of the Provincial Offenses Act.
22. For the purpose of this By-Law, each day of a continued offence shall be deemed to be a separate offence.

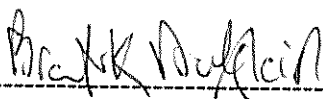
ENACTMENT AND DURATION:

23. This By-Law shall come into force and effect on the date of passing.

REPEAL:

24. Any previous By-Law or portion thereof inconsistent herewith be and is hereby repealed.

Read a First, Second and third time and passed this 13th day of March, 2002.



 Brent K. Dalgleish, Mayor



 Leonard J. LeBlanc, CAO/Clerk

By-Law 10-2002
Schedule "A"

| BUSINESS | TYPE |
|--|------|
| Photographers (Transient) | 1 |
| Salesman/Hawkers/Peddiers | 1 |
| Pawnbrokers | 2 |
| Transient Traders | 2 |
| Midways | 3 |
| Arcades | 4 |
| Pool Rooms | 4 |
| Mobile Food Transportation Units | 5 |
| Businesses in rented or leased premises (Not included in Type 1 or 5) | 6 |
| Vehicles for Hire | 7 |

MUNICIPALITY OF HASTINGS HIGHLANDS
BUSINESS LICENSE APPLICATION FORM

Date of Application: _____

Type of Application: _____

Name of Applicant: _____

Permanent Home Address: _____

Lot and Concession: _____

Telephone: _____

Driver's License No. _____

Name of Business: _____

Address of Business: _____

Telephone: _____

Indicate the type or types of Business to be conducted and the date business to commence if new Application:

Signature of Applicant

MUNICIPALITY OF HASTINGS HIGHLANDS

TERMS AND CONDITIONS – TYPE 1

GENERAL: Type 1 Licenses are for businesses or occupations or special events of a general nature and for which no premises are occupied.

- SPECIFIC:**
1. The applicant must provide at least two (2) character references from residents of the Municipality of Hastings Highlands.
 2. No public property or street (including boulevards) may be used for the conduct of business unless approved by Council.
 3. If private property, not owned by the applicant, is to be used, the approval of the owner must first be obtained.
 4. The licensee will not call on any premises marked with a sign indicating "No Solicitations", or marked with a sign similar thereto.
 5. The applicant agrees not to conduct the business in a manner such as to cause any nuisance or inconvenience to the general public and failure to comply therewith will result in an immediate revocation of the license issued therefore.
 6. License fees are \$200.00 for non-residents and \$100.00 for residents, yearly. One time events are \$50.00 & \$25.00 respectively.

I, _____ (name of applicant) hereby agree to the above terms and conditions and will comply therewith. I understand that any non-compliance will result in the revoking of my license without refund of the fee paid.

Signature of Applicant

MUNICIPALITY OF HASTINGS HIGHLANDS

TERMS AND CONDITIONS – TYPE 2

GENERAL: Type 2 Licenses are for businesses that have occasion to occupy premises.

- SPECIFIC:
1. Premises for which the business to be licensed occupied must comply with the National Fire Code, the Ontario Building Code and relevant municipal By-Laws. The Applicant agrees to allow appointed municipal employees to enter the premises to determine compliance.
 2. The applicant agrees not to conduct the business in a manner such as to cause any nuisance or inconvenience to the general public and failure to comply therewith will result in an immediate revocation of the license issued therefore.
 3. In the case of Pawnbrokers, the applicant acknowledges and will comply with the provisions of the Pawnbrokers Act. All books kept shall be open at all times during business hours to the inspection of Members of Police Department, Issuer of Licenses or any other authorized person appointed by Council.
 4. Transient Trader License fees shall be \$200.00 for non-residents and \$100.00 for residents.

I, _____ (name of applicant) hereby agree to the above terms and conditions and will comply therewith. I understand that any non-compliance will result in the revoking of my license without refund of the fee paid.

Signature of Applicant

MUNICIPALITY OF HASTINGS HIGHLANDS

TERMS AND CONDITIONS – TYPE 3

GENERAL: Type 3 Licenses are for businesses for which no premises are occupied and because of their nature must comply with the Public Health Act.

- SPECIFIC:**
1. Premises for which the business to be licensed occupies, must comply with the National Fire Code, the Ontario Building Code and relevant Municipal By-Laws. The applicant agrees to allow appointed municipal employees to enter the premises to determine compliance.
 2. The applicant agrees to allow appointed Public Health Inspectors to enter the premises to determine compliance with all requirements of the Public Health Act. The applicant further agrees to comply with any order issued within a reasonable time.
 3. The applicant agrees not to conduct the business in a manner such as to cause any nuisance or inconvenience to the general public and failure to comply therewith will result in an immediate revocation of the license issued therefore.
 4. The license fees shall be
 - (a) \$200.00 if conducted by a non-resident or sponsored by an organization not located in the Municipality of Hastings Highlands.
 - (b) \$100.00 if conducted by a resident or sponsored by a local organization.

I, _____ (name of applicant) hereby agree to the above terms and conditions and will comply therewith. I understand that any non-compliance will result in the revoking of my license without refund of the fee paid.

Signature of Applicant

MUNICIPALITY OF HASTINGS HIGHLANDS

TERMS AND CONDITIONS – TYPE 4

GENERAL: Type 4 Licenses are for businesses that have occasion to occupy premises and because of their nature must comply with the Public Health Act.

- SPECIFIC:
1. Premises for which the business to be licensed occupies, must comply with the National Fire Code, the Ontario Building Code and relevant Municipal By-Laws. The applicant agrees to allow appointed municipal employees to enter the premises to determine compliance.
 2. In the case of a Public Hall, the applicant agrees that, before occupancy, it may be subject to an inspection by the Chief Building Official for the Municipality of Hastings Highlands. The applicant agrees to allow the Chief Building Official or his designate to enter the premises to determine the adequacy of the building. The applicant further agrees to provide to the Chief Building Official any report, document, or certificate as is deemed necessary by such official.
 3. The applicant agrees not to conduct the business in a manner such as to cause any nuisance or in convenience to the general public and failure to comply therewith will result in an immediate revocation of the license issued therefore.
 4. In the case of buildings that are rented or leased, the license fee shall be \$300.00.

I, _____ (name of applicant) hereby agree to the above terms and conditions and will comply therewith. I understand that any non-compliance will result in the revoking of my license without refund of the fee paid.

Signature of Applicant

MUNICIPALITY OF HASTINGS HIGHLANDS

TERMS AND CONDITIONS – TYPE 5

GENERAL: Type 5 Licenses are for vehicles for which a license is required.

- SPECIFIC:
1. In the case of a vehicle for food sales, the owner agrees to:
 - (a) Maintain the vehicles in a clean condition and in good repair at all times.
 - (b) The applicant agrees to allow appointed Public Health Inspectors to inspect the vehicle to determine compliance with all requirements of the Public Health Act. The applicant further agrees to comply with any order issued within a reasonable time.
 2. The applicant agrees not to conduct the business in a manner such as to cause any nuisance or inconvenience to the general public and failure to comply therewith will result in an immediate revocation of the license issued therefore.
 3. The license fee shall be \$200.00 for non-residents and \$100.00 for residents.

I, _____ (name of applicant) hereby agree to the above terms and conditions and will comply therewith. I understand that any non-compliance will result in the revoking of my license without refund of the fee paid.

Signature of Applicant

MUNICIPALITY OF HASTINGS HIGHLANDS

TERMS AND CONDITIONS -TYPE 6

GENERAL: Type 6 Licenses are for businesses that have occasion to occupy rented or leased premises and not included in Type 1 to 5.

- SPECIFIC:
1. Premises for which the business is to be licensed and are occupied must comply with the National Fire Code, the Ontario Building Code and relevant municipal By-Laws. The applicant agrees to allow appointed municipal employees to enter the premises to determine compliance.
 2. The applicant agrees not to conduct the business in a manner such as to cause any nuisance or inconvenience to the general public and failure to comply therewith will result in an immediate revocation of the license issued therefore.
 3. The applicant will be required to pay a one time fee of \$300.00.

I, _____ (name of applicant) hereby agree to the above terms and conditions and will comply therewith. I understand that any non-compliance will result in the revoking of my license without refund of the fee paid.

Signature of Applicant

MUNICIPALITY OF HASTINGS HIGHLANDS

TERMS AND CONDITIONS – TYPE 7

GENERAL: Type 7 Licenses are for owners and drivers of vehicles for hire.

- SPECIFIC:
1. No person or persons, firm or company whatsoever shall operate for hire any taxi-cab, motor vehicle within the Municipality of Hastings Highlands without first obtaining a License.
 2. Unless otherwise approved by Council, the maximum number of licenses in the Municipality will be three.
 3. Every license shall set forth the name of the person licensed and the make, style, serial number and model of the taxi-cab, and if the licensee sells, exchanges, or otherwise disposes of his cab, shall before operating any other cab in the place thereof, apply for and receive a transfer of license issued in respect thereof.
 4. Before the owner's license shall be issued, the applicant shall file with the CAO/Clerk of the Municipality of Hastings Highland, a certificate of a policy of insurance issued by a Company authorized to issue Indemnity Insurance Policies in the Province of Ontario, for a period of time which extends to or beyond the expiry of the current license year, insuring the applicant to cover damages arising out of the operation of the cab in respect of which a license is applied for.
 5. Application for such license shall be made to the CAO/Clerk and the granting or refusal of a license to an application shall be at the discretion of the Council.
 6. That if any infraction of the Liquor Control Act and or the Criminal Code shall occur, the license shall be cancelled at the discretion of Council.
 7. The license fee shall be \$100.00 yearly for each taxi-cab when operated and owned by a resident and \$300.00 yearly for each taxi-cab operated and owned by a non-resident.

I, _____ (name of applicant) hereby agree to the above terms and conditions and will comply therewith. I understand that any non-compliance will result in the revoking of my licensee without refund of the fee paid.

Signature of Applicant