

**THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
BY-LAW NO. 99-60**

**A By-law respecting the licensing, regulating and governing of trades,  
callings, businesses and occupations**

**WHEREAS** Section 257.2 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that a Council may pass by-laws for the licensing, regulating and governing any business carried on within the municipality;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:**

1. DEFINITIONS:

In this by-law:

- (a) "Applicant" means the person, persons or company applying or in possession of a license issued, or requested to be issued, under the provisions of this by-law;
- (b) "Auctioneer" means any person selling or putting up for sale goods, wares, merchandise or effects by public auction;
- (c) "By-law Enforcement Office" means the By-law Enforcement Officer appointed by the Council of the Township of Lake of Bays;
- (d) "Council" means the Council of the Corporation of the Township of Lake of Bays;
- (e) "Hawkers" and "Peddlers" means every person or persons who go from place to place or to a particular place with goods, wares, or merchandise for sale, or who carries or exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the Municipality at any time;
- (f) "Refreshment Vehicle" means any vehicle of any type, with or without wheels, or any structure that does not require a building permit, from which refreshments are sold to the public;
- (g) "Township" means the Corporation of the Township of Lake of Bays;
- (h) "Transient Trader" means any person commencing business and who offers goods, wares or merchandise for sale in the Township, who has not resided continuously in the Township for at least three months immediately preceding the commencement of such business;

2. LICENCES REQUIRED

No person shall conduct or carry on one or more of the businesses listed in Schedule "A" to this by-law unless and until they shall have first procured a licence issued under the provisions of this by-law for each such business to be conducted or carried on.

3. REGULATIONS

All premises occupied by businesses licensed pursuant to the provisions of this by-law shall be required to satisfy the Building Code, the Official Plan, the Zoning By-law and all other by-laws of the Corporation of the Township of Lake of Bays, the Ontario Fire Code, the Public Health Act, the Ontario Electric Safety Code, and all other Provincial Statutes and Regulations as may be applicable.

4. APPLICATION FORMS AND FEES

Applications for licence(s) pursuant to the provisions of this by-law shall be filed with the Clerk in the form annexed as Schedule "B" to this by-law, and all persons

applying shall be required to pay the fees as listed in Schedule "A" to this by-law.

5. INVESTIGATION OF APPLICATION

The By-law Enforcement Officer may inspect places or premises used in carrying on the business, and the equipment, vehicles and other personal property used or kept for hire, at any reasonable time.

6. RIGHT TO REFUSE APPLICATION FOR LICENCE

The application shall be refused if the business cannot satisfy any of the Regulations as noted in Section 3 and the applicant will be notified in writing.

7. APPLICATION APPEAL OF LICENSE REFUSAL

The applicant may, within thirty (30) days of refusal to be issued a business licence, request to be heard by Council and shall express such intent in writing to the attention of Clerk, who will advise the appellant of the date and time to appear at the next regularly scheduled Council meeting.

8. DECISION OF COUNCIL

Council may, at such hearing, grant the license applied for, refuse to grant such license, or if the applicant is willing to accept conditions being imposed, impose such conditions on the granting of the licence, as it considers appropriate.

9. TEMPORARY SUSPENSION OF LICENSE

If the any of the regulations noted in Section 3 are not observed, the By-law Enforcement Officer may suspend any business licence for two weeks or until the next Council meeting, whichever occurs first and Council shall be so advised of the suspension.

10. POWER TO REVOKE LICENSE

The By-law Enforcement Officer may revoke any and all licences for any of the reasons set out in Section 3 of this by-law, including the provisions in any Schedules hereto attached, but before revoking any such license, the holder thereof:

- (a) Shall be given at least seven (7) days notice, mailed or deliver to his last known address, and
- (b) Shall be permitted, either by himself or his representative, to appear before Council to show cause why he believes such licence should not be revoked, and
- (c) Shall have the right to adduce evidence and submit argument in support of his application and to cross-examine any witness adverse in interest to him, and in the event that a licence is refused, Council shall at the request of the applicant deliver written reasons for its decision.

11. DISPLAY OF LICENCE

Every person who has obtained a licence under this By-law, whether the same applies to a premises or a vehicle, shall keep the licence posted up in some conspicuous place on the premises or vehicle in respect to which the license is issued, and every person so licensed shall produce the licence for inspection when so requested by the By-Law Enforcement Officer.

12. LICENCE RENEWAL

No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof the value of the licence shall be the property of the Township.

13. COMPLIANCE TO REGULATIONS

Every person applying for or holding a licence under this by-law shall comply with and be governed by the regulations set out in the respective Schedules and Appendices to this by-law which relates to such licence, and the Schedules and Appendices shall form part of this by-law.

14. GRANTED DATE OF LICENSES

The licenses for the business set out in Schedule "A" to this by-law shall, unless they are expressed to be for shorter or longer time, be for one year, and unless they are sooner forfeited or revoked, shall in each case, expire in each year on the 31<sup>st</sup> day of December.

15. TRANSFERRABILITY

All licenses issued under this by-law shall be personal to the holder thereof and shall not be transferable.

16. PENALTY FOR NON-COMPLIANCE

Any person who contravenes any of the provisions of this by-law is guilty of an offence and is liable to penalties set out in the Provincial Offences Act.

17. SET FINES

Every person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine as approved by the appropriate Justice of the Ontario Court of Justice, in accordance with the Schedule for set fines attached to this by-law.

18. CONTINUING OFFENCE

For the purpose of this by-law each day of continued offence shall be deemed to be a separate offence.

19. ENACTMENT

This by-law shall come into force and effect upon final passing hereof.

READ a FIRST, SECOND and THIRD TIME and finally passed this 29<sup>th</sup> day of June, 1999.

"T.C. Pinckard"  
Mayor

"Norma I. Bryant"  
Clerk

SCHEDULE "A"  
BY-LAW NO. 99-60

	<u>TYPE OF BUSINESS</u>	<u>ANNUAL FEE</u>
(a)	Auctioneer	\$ 25.00
(b)	Refreshment Vehicle	250.00
(c)	Hawkers and Peddlers	250.00
(d)	Transient Traders	500.00

SCHEDULE "B"

BY-LAW NO. 99-60

APPLICATION FOR LICENCE

APPLICANT'S NAME: \_\_\_\_\_

APPLICANT'S ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

TYPE OF LICENCE: \_\_\_\_\_

LOCATION OF LICENCE  
(IF OTHER THAN ABOVE) \_\_\_\_\_

LICENCE AUTHORITY  
BY-LAW NO. \_\_\_\_\_

LICENCE FEE                    \$ \_\_\_\_\_                    ROLL NO. \_\_\_\_\_

CONDITIONS OF ISSUANCE:

1. \_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ do  
hereby confirm that I am aware of and accept the conditions set out with respect to the  
issuance of this licence and agree to the terms of this licence and of By-law No. \_\_\_\_\_  
of the Township of Lake of Bays, concerning the function licences herewith. I further  
hereby indemnify and save harmless the Township of Lake of Bays, its Committees and  
Employees, from any and all claims arising out of the business activity authorized by this  
licence;

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Applicant

APPENDIX I

**AUCTIONEER**

1. Every auctioneer shall keep proper books of account of the business transacted by him as an auctioneer, which books shall give the names and addresses of the owners of the goods, wares or merchandise to be sold, the description of same, the price for which same may be sold, and the names and addresses of the persons purchasing such goods or wares.
2. The auctioneer shall forthwith after the sale of such goods account for the proceeds and pay the same to the person entitled to such proceeds, less his proper and legal commission and charges.
3. No auctioneer shall:
  - (a) permit any disorder in his auction room or offices or at any auction held by him;
  - (b) make or permit or be made any misrepresentations as to the nature, content, quantity, quality of goods, wares, merchandise or effects which may be offered for sale by him;
  - (c) do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he pays for article or articles;
  - (d) avail himself of the services of or act in concert with persons known in the trade as "beaters", "boosters" or "shills" for the purpose of raising or stimulating bids.

## APPENDIX II

**REFRESHMENT VEHICLE**

1. Any person to whom a licence is issued under this By-law may be limited or otherwise regulated in respect to the location or areas within which such person may carry on their business activities as otherwise permitted under this By-law in the absolute discretion of the said Township, including upon any highway or part of it or in any public park or any public place under the jurisdiction of the Township and said limits will be shown as conditions in the licence;
2. The applicant shall maintain the refreshment vehicle in a safe and clean condition;
3. The applicant shall provide original proof of insurance with a public liability coverage of a minimum of \$1,000,000.00 (one million dollars);
4. A refreshment vehicle licensed under the By-law shall be not permitted to operate on any Township property unless the location is specifically authorized on the licence.
5. The operator of a refreshment vehicle licensed under this By-law shall remove all litter that occurs in the vicinity of its location as a result of the business operated from the said licenced vehicle;
6. The applicant shall submit the vehicle to inspection by the Muskoka-Parry Sound District Health Unit, and return an original copy of its report with the licence application;
7. In the case where a Refreshment Vehicle uses propane, the licensee must tender to the Municipality a certificate from a Provincially licensed propane fitter indicating that the propane unit has been installed and operates properly.
8. No person shall operate a refreshment vehicle using any sound amplification.
9. The applicant shall submit a photograph of the vehicle or other similar evidence of appearance of the vehicle with the application;
10. The vehicle shall not be used for business in a location not described in the licence without prior approval of the Township;
11. The applicant shall submit a letter of approval from the landowner, where the vehicle is to be situated.

APPENDIX III

**HAWKERS AND PEDDLERS**

1. No licence shall be required for hawking, peddling, or selling goods, wares or merchandise:
  - (a) to wholesale or retail dealers in similar goods, wares or merchandise;
  - (b) to not-for-profit and charitable organizations;
2. Each separate location where goods are sold as outlined herein shall be considered to be a separate location, each requiring to be licensed under this By-law;
3. The person to whom a licence is issued under this By-law may be limited or otherwise regulated in respect to the location or areas within which such person may carry on their business activities as otherwise permitted under this By-law in the absolute discretion of the Township, including upon any highway or part of it or in any public park or any public place under the jurisdiction of the Township and the said licence shall specify the location authorized by the Municipality;
4. The applicant agrees to submit a letter of approval from the landowner of that property from which he proposes to operate under this licence;
5. This license is not transferable without prior approval of the Township.

APPENDIX IV

**TRANSIENT TRADERS**

1. The provisions of this By-law shall not apply to the sale of stock of a bankrupt or insolvent, within the meaning of a Bankruptcy or Insolvency Act in force in Ontario, nor to the sale of any stock damaged by reason of fire, which is being sold or disposed of within the Township if the business was being carried on in the Township at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock, nor shall this paragraph apply to the sale of a business to a bonafide purchaser who continues same;
2. The applicant shall provide a full written description of the goods, wares or merchandise that are being proposed for sale or offer to sell;
3. The applicant shall provide a written description or photograph of the exact vehicle or portable structure that is intended to be used in the business;
4. The applicant shall provide a written description of all space requirements and services, such as waste recepticals and seating intended to be provided;
5. The applicant shall provide written approval of the landowners for the proposed sites or locations intended to be used and a site plan of each site or location showing the area and vehicles and structures to be used for the licensed activity.