

THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS

BUSINESS TYPE

Photographers (Transient)	1
Salesman/Hawkers/Peddlers	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

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 offense.

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.