

## BY-LAW NO. 2016/40

### BEING A BY-LAW RESPECTING THE ISSUANCE OF LICENCES FOR HAWKERS AND PEDLARS, TRANSIENT TRADERS AND MOBILE FOOD SERVICE EQUIPMENT IN THE MUNICIPALITY OF WEST NIPISSING

**WHEREAS** Section 11 (2) of the *Municipal Act, 2001* provides that a lower-tier municipality may pass by-laws respecting the following:

5. Economic, social and environmental well-being of the municipality.

**AND WHEREAS** Section 11 (3) of the *Municipal Act, 2001* provides that a lower-tier municipality may pass by-laws respecting the following:

10. Economic Development Services
11. Business Licensing

**AND WHEREAS** the Council of the Corporation of the Municipality of West Nipissing deems it desirable to enact a Licensing By-Law respecting Hawkers and Pedlars, Transient Traders and Mobile Food Service Equipment.

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING HEREBY ENACTS AS FOLLOWS:**

#### SECTION 1 - DEFINITIONS

**“Business”** means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality and includes:

- (a) trades and occupations
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise
- (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader,
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire. 2006, c. 32, Sch. A, s. 82, *part*.

but does not include:

- (i) a manufacturing or industrial business, except to the extent that it sells its products or raw material by retail;
- (ii) the sale of goods by wholesale; or
- (iii) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.

**“By-Law Enforcement Officer”** means the By-Law Enforcement Officer as appointed by Council, and any member of the West Nipissing Police Services.

**“Chief of Police”** means the Chief of Police of the West Nipissing Police Services.

**“Clerk”** means Clerk of the Municipality of West Nipissing.

**“Council”** means the Council of the Municipality of West Nipissing.

**“Licence”** means a licence issued by the Clerk under the terms of this By-law.

**“Hawker & Pedlar”** means any person, any agent or employee of a corporation who goes from place to place (door-to-door), or to a particular place, with goods, contracts, offer of service, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the Municipality afterwards.

**“Medical Officer of Health”** shall mean the Medical Officer of Health for the North Bay Parry Sound District Health Unit or delegate for the purposes of this by-law.

**“Mobile Food Service Equipment”** means any vehicle from which refreshments are sold for consumption by the public and includes, without limiting the generality of the foregoing, carts, wagons, trailers and trucks, irrespective of the type of power employed to move the refreshment vehicle from one point to another.

**“Owner – Premises”** with respect to premises licenced under this by-law shall mean the registered owner of the land on which the premises are situated and includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land.

**“Owner – Business”** with respect to a business licenced under this by-law shall mean the person, company or partnership that carries on the business and who’s name appears on the licence issued by the municipality for such business pursuant to this by-law.

**“Police Services”** means the West Nipissing Police Services.

**“Person”** includes a corporation and the heirs, executors, administrators or other legal representative of a person to whom the context can apply according to law.

**“Place of Business”** means any place, premises or location, or part thereof, in or from which a business is carried on, and includes a shop, office or a vehicle for the purpose of carrying on the business.

**“Premises”** means land, including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of a Business.

**“Prescribed forms”** means the form set out in Schedule “B” of this by-law.

**“Public Hall”** means a building, including a portable building with a seating capacity for over 100 persons, that is offered for use or used as a place of public assembly but does not include a theatre within the meaning of *The Theatres Act*, or a building, except a tent, used solely for religious purposes.

**“Resident”** means a resident, renting or owning property in the Municipality of West Nipissing.

**“Special Event(s)”** means any public event endorsed by Council such as festivals, winter carnivals, and trade shows or any private event organized by resident on private property.

**“Transient Trader”** means:

- (a) includes any person who offers goods, wares or merchandise for sale in any manner in the municipality other than on a permanent basis; does not include persons offering goods, wares or merchandise for sale at the West Nipissing Farmer’s Market.
- (b) no transient trader shall offer goods, wares or merchandise for sale by auction, conducted by himself or by a licenced auctioneer or otherwise or shall offer them for sale in any other manner in the Municipality of West Nipissing without being licenced under the provisions of this by-law.

**“Waste”** means any food, disposable eating utensils, paper, wood, cardboard, plastic, glass or metal products used in the preparation, serving or consumption of the food or beverages offered for sale from a refreshment vehicle.

## SECTION 2 - GENERAL PROVISIONS

### 2.1 Licencing Powers

The power to licence, regulate and govern a business which includes:

- (a) the power to prohibit the carrying on or engaging in the business without a licence;
- (b) the power to refuse to grant a licence or to revoke or suspend a licence;
- (c) the power to impose conditions as a requirement of obtaining, continuing to hold or renewing a licence
- (d) the power to impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) the power to impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (f) the power to govern real and personal property used for the business and the persons carrying it on or engaged in it; and
- (g) the power to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality.

**2.2 Administration of by-law**

Unless otherwise indicated, the administration of this by-law is assigned to the Clerk who may delegate the performance of his functions under this by-law from time to time as occasion requires.

**2.3 Section 2 applies to all other parts**

All of the regulations contained in this Section of this by-law shall apply to all licences required under the provisions of this by-law.

**2.4 Licence - Display**

No person holding a licence issued pursuant to this by-law shall fail to:

- (a) with respect to premises, display the licence in a visible place in or on the said premises; or
- (b) with respect to mobile food service equipment, display the licence in a visible place in or on the said equipment; or
- (c) with respect to an individual, maintain the licence on their person while conducting the activity for which the licence was issued.

**2.5 Licence - Application**

Applications for all licences issued under the provisions of this by-law shall be made to the Clerk on prescribed forms to be provided by the municipality.

**2.6 Licence - Application - Full Information Required**

Every applicant shall provide in full, at the time the application is submitted, all of the information requested on the application form including:

- (a) The full name, residence, address, business address and telephone numbers of the applicant and each partner, if any;
- (b) If the applicant is a company, corporation, club or organization, the head office address, business address and telephone numbers as well as the full names, addresses and telephone numbers of the principal officers thereof;
- (c) The names, addresses and telephone numbers of three character references and three business references; as well as:
- (d) payment of the prescribed licence fee set out in Schedule "A" of this by-law;
- (e) any other document or information as may be required in any other part of this by-law.

**2.7 Licence Application - Subject to Approval**

Every applicant will be subject to approvals from such municipal or provincial departments or agencies as the Clerk deems necessary.

**2.8 Contravention - Other laws - Prohibited**

The issuance or renewal of a licence is not intended and shall not be construed as permission or consent by the Corporation for the holder of the licence to contravene or to fail to observe or comply with any law of Canada or Ontario or any other by-law of the Corporation.

**2.9 Revocation of Licence - Surrendered Voluntarily**

The Clerk may revoke a licence which is voluntarily surrendered by the holder for revocation.

**2.10 Licence - Property of Municipality - Transfer Prohibited**

Every licence, at all times, is owned by and is the property of the Corporation and is valid only in respect of the person and the premises or of the person named therein and for the nature of business stated in the licence, and no licence may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized, distrained or otherwise dealt with.

**2.11 Information held by the Clerk - Open to Inspection**

Any application, comment, recommendation, information, document or thing in the possession of the Clerk pursuant to the provisions of this by-law shall be made available by the Clerk for an inspection:

- (a) by any person employed in the administration or the enforcement of this by-law; and
- (b) by any other person upon the consent, satisfactory to the Clerk, of the person, civic department, board, commission, authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing;

subject only to the limitations imposed by the *Municipal Freedom of Information and Protection of Privacy Act*.

**2.12 Inspections - West Nipissing Police Services - Other Designated Persons**

Subject to Section 2.14 of this by-law, any member of the West Nipissing Police Services or any person designated by the Council to enforce this by-law may, at all reasonable times and upon producing proper identification, enter and inspect any premises or any part of any premises licenced under the provisions of this by-law.

**2.13 Obstruct - Person who Enforces**

No person shall obstruct, hinder or in any way interfere with any person designated to enforce this by-law.

**2.14 Inspection of Dwelling - Police - Search Warrant**

Except under the authority of a search warrant issued under the *Provincial Offences Act*, a member of the West Nipissing Police Services or any person designated by the Council to enforce this by-law shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

**2.15 Records - To be kept (as required)**

No person shall fail to keep any and all of the records required to be kept by the provisions of any section of any Part of this by-law.

**2.16 Deficiencies - Specified - Notice to Applicant**

Where any determination is made that any premises or person named in the application does not receive the approvals required by this by-law, the reasons for the lack of the required approvals shall be specified, and the Clerk shall notify the applicant of all such reasons.

**2.17 Licence - Not to be issued where by-law contravened**

No licence shall be issued to any person in respect of any premises in which the carrying on or operation of the trade, calling, business or occupation for which the application is being made is in contravention of any by-law of the Corporation.

**2.18 Licence - Term of Expiry**

- a) A licence issued under the provisions of this by-law for 'Hawkers and Pedlars' shall be valid only for the period of time for which it was passed. All such licences shall expire on the date specified in the licence.
- b) A licence issued under the provisions of this by-law for 'Transient Traders' shall be valid only for the period of time for which it was passed. All such licences shall expire on the date specified in the licence.
- c) A licence issued under the provisions of this by-law for 'Mobile Food Service Equipment' shall be valid only for the period of time for which it was passed. All such licences shall expire on the date specified in the licence.

**2.19 Operating without Valid Licence - Prohibited:**

- (a) No person shall, at any location, in the Municipality, carry on the business of "Hawker and Pedlar", or "Transient Trader", or be engaged in services to the public in connection with the business of a "Hawker and Pedlar" or "Transient Trader" without holding a current valid licence for such business issued under the provisions of this by-law.
- (b) No person shall, at any location, in the Municipality, operate any mobile food service equipment without holding a current valid licence for such business issued under the provisions of this by-law.

**2.20 Notification of change of address**

Every licensee shall notify the Clerk within seven (7) days of any change in his business or home address.

**2.21 Standards - maintained**

No person licenced under the provisions of this by-law shall fail to maintain, on a continuous basis, the standards and requirements which were necessary to obtain the original approval of the licence application, or have been imposed since the issuance of the licence.

**2.22 Licence - Special Events - Exemption**

(a) Notwithstanding any other provisions of this by-law, any vendor selling products at special events only, by invitation, and not at any other location in the Municipality shall be exempt from the requirements to obtain a licence under the provisions of this by-law.

**2.23 Exemption from Licence – Flea Market or Antique/Trade Show**

A person who offers for sale or sells goods, contracts or offer of service, wares or merchandise to the public at a flea market or antique show, by invitation, or such an event is not required to be licenced under this By-law.

**2.24 Exemption from Licence – Mobile Food Service Equipment**

Licence fees shall be waived for Mobile Food Service Equipment offering any food for consumption when attending a special event, by invitation, to provide catering services for a specific private or public event.

**2.25 Exemption from Licence – Other Circumstances**

Section 3 does not apply to a person who hawks, peddles or sells or offers for sale goods, contracts or offer of services, wares or merchandise;

- (i) to wholesale or retail dealers in similar goods, wares or merchandise;
- (ii) if the goods, wares or merchandise are grown, produced or manufactured in West Nipissing; which shall include, but not limited to, local produce stands and seasonal roadside sales (i.e. blueberries)
- (iii) if the intent is to solicit donations or fundraising for school purposes or for a registered charitable organization

**2.26 Public Park – Permit by Corporation**

No person licenced, or required to be licenced, under the provisions of this by-law shall carry on the business for which a licence was issued in any public park in the Municipality except under a permit of the Corporation.

**SECTION 3 – HAWKERS and PEDLARS**

**3.1 Licenced Activities**

- (a) No person without a “Hawker and Pedlar” licence shall go from place to place or to a particular place with goods, contracts, offer of service, wares, or merchandise for sale.
- (b) No person without a licence shall carry and expose samples, patterns or specimens of any goods, wares or merchandise which are to be delivered within the Municipality of West Nipissing.

**SECTION 4 – TRANSIENT TRADER**

**4.1 Licenced Activities**

No person without a “Transient Trader” licence shall offer, on an intermittent basis, goods, wares or merchandise for sale in any manner or at any municipality or privately owned property in the municipality.

#### 4.2 Types of Transient Trader Classes

|                |  |
|----------------|--|
| <b>CLASS 1</b> | <p><b>(a)</b> shall include the sale of goods such as, but not limited to, flowers, fresh produce and fireworks, for a one to three day period from one specific location such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot where the use is permitted in the Zoning By-law.</p> <p><b>(b)</b> shall include temporary businesses such as, but not limited to, gardening product sales and Christmas tree sales for a specific period of up to six (6) months from one specific location such as, but not limited to, a parking lot or a vacant commercial lot and may include the use of a temporary structure such as a greenhouse or sales office where the use is permitted in the Zoning By-law.</p> |
| <b>CLASS 2</b> | <p><b>(a)</b> shall include a temporary business such as for Class 2 above and such youth/student must be attending a Secondary or Post-Secondary Education Facility and/or be enrolled in or funded by a Municipal, Provincial or Federal employment Program. A youth/student shall also be subject to all the provisions of this by-law and amendments thereto.</p>  |

### SECTION 5 – MOBILE FOOD SERVICE EQUIPMENT

#### 5.1 Licensed Activities

No mobile food service equipment without a licence shall offer, on an intermittent basis in any location, any food for consumption in any manner or at any municipality or privately owned property in the municipality.

#### 5.2 Responsibilities of Operator

No person shall:

- (a) operate a refreshment vehicle on a site located on a municipal sidewalk without consent of the municipality to do so;
- (b) operate a refreshment vehicle at a distance of 30 metres (120 feet) or less from the front entrance of an eating establishment or a place where foodstuffs are offered for sale, if the refreshment vehicle offers for sale the similar food products as does the eating establishment or the place where foodstuffs are offered for sale; unless co-located by expressed invitation of the eating establishment owner.
- (c) fail to display the Mobile Food Service Equipment licence issued under the provisions of this by-law in a prominent location visible to customers;
- (d) allow waste to accumulate at any location during the hours of operation of the said refreshment vehicle.

#### 5.3 Health Considerations

Every person to whom a Mobile Food Service Equipment licence is issued under the provisions of this by-law shall, at all times in respect of the premises or the vehicle for which the licence has been issued hereunder:

- (a) keep the same, together with all utensils and equipment therein, in a clean and sanitary condition to the satisfaction of the Medical Officer of Health;
- (b) when and as often as requested by the Medical Officer of Health to do so, procure and produce to him a certificate of an approved qualified physician, certifying the good health of any person employed in or occupying the said premises or vehicle, including certification that such physician has carried out a physical examination of such persons and has submitted to the medical officer of health such laboratory specimens as the Medical Officer of Health may direct for the purpose of determining that such persons are free from infection or communicable disease; and

after a request referred to in clause 5.3 (b) above, no person in respect of whom such request has been made shall be employed in, be in or occupy the said premises or vehicle without a certificate of the Medical Officer of Health that all requirements have been met.

#### 5.4 Mobile Food Service Equipment - Insurance

Persons to whom a Mobile Food Service Equipment licence is issued under the provisions of this Section of this by-law shall provide proof on insurance coverage of \$2,000,000.00,

per occurrence, public liability insurance coverage with respect to their refreshment vehicle operations.

**5.5 Mobile Food Service Equipment – Fire Suppression System**

Persons to whom a Mobile Food Service Equipment licence is issued under the provisions of this Section of this by-law shall provide proof of inspection from the Fire Department indicating that an adequate fire suppression system has been installed in the said vehicle.

**5.6 Mobile Food Service Equipment - Safety Certification (Propane Components)**

No person being the owner or operator of a Mobile Food Service Equipment for which a licence has been issued and which uses propane for the preparation or heating of food products, shall operate or authorize or permit the operation of the Mobile Food Service Equipment without proof of a safety certification of such propane components of the vehicle by a certified and registered gas fitter in accordance with the guidelines of the Technical and Safety Standards Authority, issued within the previous 365 days.

**5.7 Approved Mobile Food Service Equipment Sites and Applicable Fees**

The following regulations apply for determining permitted Mobile Food Service Equipment locations in the Municipality of West Nipissing:

- (a) the applicant shall provide particulars of the exact location(s) for which the applicant wishes to operate the Mobile Food Service Equipment;
- (b) will operate in designated zones as authorized by the zoning by-law and amendments thereto;
- (c) all such applications will be subject to such approvals as the Municipal Clerk deems necessary;
- (d) all decisions of the Municipal Clerk with respect to refreshment vehicle site approvals shall be final;
- (e) payment of a Mobile Food Service Equipment licence fee as set out in this schedule shall be required prior to issuance of the said licence;
- (f) the Mobile Food Service Equipment licence shall be valid only for the location(s) indicated on the Mobile Food Service Equipment licence and shall not be valid for any other location without authorization from the Municipal Clerk.

## **SECTION 6 - APPLICATION PROCESS**

**6.1 Application**

- (a) A licence to engage in any activity listed in Sections 3, 4 and 5 of this By-law may be applied for by filing a completed application form, as provided by the Municipality with the Clerk.
- (b) The applicant shall provide to the Municipality any additional information which the Clerk may direct to be furnished.

**6.2 Investigation**

The Clerk, upon receipt of a completed application form, shall direct any and all investigations which he/she deems reasonably necessary to determine if the proposed activity is in compliance with the terms and conditions of this By-law.

**6.3 Issue of Licence**

- (1) After review of the application and any investigation undertaken pursuant to Section 6.2, the Clerk shall grant the licence only if:
  - (a) the licence fee, fixed by Section 6.9 and Schedule "A" of this By-law has been paid; and
  - (b) the proposed activity is in compliance with the terms and conditions of this By-law; and
  - (c) the proposed activity is not, nor is it likely to result in a breach of the law; and
  - (d) the proposed activity does not pose an unreasonable risk to public health and safety; and
  - (e) the proposed activity is in no way adverse to public interest.



- (2) A determination by the Clerk as to whether or not to issue a licence pursuant to Section (2) may be reviewed by Council and Council may order that the licence be granted, denied or varied.
- (3) Neither the Clerk nor Council shall deny or vary a licence without first giving seven (7) days notice of a hearing mailed or delivered to the applicant's address, as indicated on the application, whereby the applicant shall be permitted, either personally or through an agent, to appear before Council for a hearing to show cause why the application for a licence should not be denied or varied.
- (4) A hearing pursuant to Section 6.3 (3) and notice thereof shall be governed by the Statutory Powers and Procedures Act.

#### **6.4 Signature**

The Clerk, on behalf of the Municipality of West Nipissing, shall sign all licences issued pursuant to this By-law and such licences shall be in the form as Council from time to time designates.

#### **6.5 Partnership**

- (1) Members of a partnership, when applying for a licence pursuant to this By-law, shall list the name and address of each member of the partnership.
- (2) A licence issued to a partnership pursuant to this By-law may be issued to one partner only.

#### **6.6 Licence Personal**

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 a licence shall be the property of the Municipality of West Nipissing.

#### **6.7 Validity of Licence**

- (1) No licence issued pursuant to this By-law shall be transferred to another person, or be valid at any designated place, except as indicated thereon, except with the written consent of the Clerk who shall consider Section 5 as well as all other provisions of this By-law, in considering the transfer.
- (2) **Transfer Fee** - The Transfer fee is \$10.00 or the amount of the original licence fee, whichever is smaller.

#### **6.8 Expiry**

Any licence issued pursuant to this By-law for activities set out in Schedule "A" of this By-law shall, unless the licence expressly states otherwise, and unless they are sooner forfeited or revoked, in each case, expires on the date specified on the licence.

#### **6.9 Fees**

- (1) The respective sums of money set out in Schedule "A" of this By-law, opposite the respective duration of licences are hereby fixed as the amount of the fee for such licence and which shall be paid before the issue of renewal or any licence provided for herein. Unless otherwise specified, the fees shown are for the current calendar year or the portion thereof unexpired on the date of the application.

### **SECTION 7 - COMPLIANCE**

#### **7.1 Posting Up**

- (1) Every person who, pursuant to this By-law, obtains a licence which applies to premises, shall post the licence in a visible place on the premises in respect of which the licence was issued.
- (2) Every person who, pursuant to this By-law, obtains a licence shall, upon request from any person duly authorized by the Municipality, produce the licence for inspection.

#### **7.2 Inspection**

- (1) Any person duly authorized by the Municipality may, at any reasonable time, inspect as much of any house, place, or premises as is used for any activity in respect of which a licence has been issued or is required under the terms and conditions of this By-law.



- (2) An inspection under Section 7.2 (1) shall not occur in any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under the Provincial Offences Act.

### **7.3 Application of Schedules**

The regulations herein and fees set out in Schedule "A", shall form part of this By-law and every person applying for or holding a licence issued pursuant to this By-law shall, in such application or in engaging in the activity in respect of which the licence is issued, observe, comply with, and be governed by the regulations which relate to such person or activity.

### **7.4 Revocation**

- (1) Where the Council determines upon reasonable grounds that a holder of a licence, issued pursuant to this By-law, has acted in contravention of this By-law, Council may revoke the licence where such power to revoke may, pursuant to the Municipal Act or any other Act, be exercised by By-law of the Council of the Municipality of West Nipissing.
- (2) Council shall not revoke a licence under section 7.4 (1) without first giving seven (7) days notice of a hearing mailed or delivered to the applicant's address, as indicated on the application, whereby the applicant shall be permitted, either personally or through an agent, to appear before Council for a hearing to show cause why the licence should not be revoked.
- (3) A hearing pursuant to Section 7.4 (2), and notice thereof, shall be governed by the Statutory Powers Procedure Act.
- (4) **Suspension** - Notwithstanding Section 7.4 (2), the Clerk may, in the public interest, suspend any licence referred to in Section 7.4 (2) pending final determination under Section 7.4 (2) of the revocation of said licence by the Council of the Municipality of West Nipissing; to be effective immediately upon notice to the licence holder.

### **7.5 Notice**

- (1) Notice of revocation of any licence shall be signed by the Clerk and sent by registered letter to the address given by the licensee in his application for the licence and upon such notice, the licence revoked shall cease and terminate and be of no further effect.
- (2) After notice has been issued under Section 7.5 (1), the licensee shall forfeit possession of the certificate of licence to the Clerk upon demand.

### **7.6 Power of Power**

The exercise of a power under this By-law is in the discretion of the Council and, without limiting such discretion, the Council may exercise its powers if,

- (a) the conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the trade, calling, business or occupation in accordance with the law or with honesty and integrity;
- (b) in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the trade, calling, business or occupation will not be carried on in accordance with the law or with honesty and integrity.

**7.7** The Council may at any time on its own initiative review any action taken by it under this by-law and may confirm or vary such action.

**7.8** The Council shall, at the request of the applicant, licensee or former licensee, give reasons in writing for any action it takes under this section.

### **7.9 Refund of Fee**

If a business licence is revoked under this By-law, the former licensee is entitled to a refund of a part of the licence fee proportionate to the un-expired part of the term for which it was granted.

### **7.10 Applications - Other By-laws**

The provisions of this By-law and the issuance of a licence hereunder shall not be deemed to authorize a contravention of any other By-law of the Municipality of West Nipissing.

**7.11 Penalty**

Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this By-Law or any licence, permit or order issued pursuant thereto, is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, as amended.

**7.12** By-laws no. **2008/44** and **2011/40** and all associated schedules are hereby repealed and replaced with the attached hereto.

This by-law shall come into effect upon the date of passage.

**ENACTED AND PASSED THIS 19<sup>th</sup> DAY OF APRIL 2016 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.**

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MAYOR

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CLERK

CREATED : MARCH 2016

**BY-LAW 2016/40**  
**LICENCING OF HAWKERS AND PEDLARS, TRANSIENT TRADERS**  
**AND MOBILE FOOD SERVICE EQUIPMENT**  
**SCHEDULE "A"**

➤➤ **RELATING TO FEES FOR LICENCES**

| Description of Licence   | FEES      |                    |            |
|--|-----------|--------------------|------------|
|  | 3 DAYS    | SEASON<br>(3 mths) | YEAR       |
| <b>HAWKERS and PEDLARS:</b> <ul style="list-style-type: none"> <li>• door-to-door sales</li> <li>• expires on date specified on licence</li> </ul>           | \$ 250.00 | \$ 500.00          | \$1,000.00 |
| <b>TRANSIENT TRADERS – CLASS 1</b> <ul style="list-style-type: none"> <li>• temporary vendor</li> <li>• expires on date specified on licence</li> </ul>      | \$ 250.00 | \$ 500.00          | \$1,000.00 |
| <b>TRANSIENT TRADERS – CLASS 2</b> <ul style="list-style-type: none"> <li>• Youth/Student Licence</li> <li>• expires on date specified on licence</li> </ul> | \$ 50.00  |                    |            |
| <b>MOBILE FOOD SERVICE EQUIPMENT</b> <ul style="list-style-type: none"> <li>• expires on date specified on licence</li> </ul>                                | \$ 250.00 | \$ 500.00          | \$1,000.00 |

**BY-LAW 2016/40**  
**LICENCING OF HAWKERS AND PEDLARS, TRANSIENT TRADERS AND**  
**MOBILE FOOD SERVICE EQUIPMENT**  
**SCHEDULE "B"**

**APPLICATION FOR LICENCE**

I hereby make application for a licence as indicated below for the year \_\_\_\_\_.

| ✓ | TYPE OF LICENCE  | FEE<br>(based on Schedule "A") |
|---|--|--------------------------------|
|   | <b>Hawker &amp; Pedlar:</b><br>• door-to-door vendor (expires on date specified on licence)  | \$ _____                       |
|   | <b>Transient Trader- CLASS 1</b><br>• temporary vendor (expires on date specified on licence)  | \$ _____                       |
|   | <b>Transient Trader- CLASS 2</b><br>• Youth/Student Licence (expires on date specified on licence)   | \$ _____                       |
|   | <b>Mobile Food Service Equipment</b><br>• sale of food for consumption (expires on date indicated on licence)<br>• sales location must be zoned commercial (verify with Zoning Department) | \$ _____                       |

| Business Information |
|----------------------|
| Name:                |
| Address:             |
| City:                |
| Postal Code:         |
| Tel. No.:            |

| Owner Information |
|-------------------|
| Name:             |
| Address:          |
| City:             |
| Postal Code:      |
| Tel. No.:         |

|                     |           |
|---------------------|-----------|
| <b>Location(s):</b> | (1) _____ |
|                     | (2) _____ |
|                     | (3) _____ |
|                     | (4) _____ |
|                     | (5) _____ |

- |  |  |
|--|--|
| <input type="checkbox"/> Attach Report of Medical Officer of Health <i>(if required)</i> | <input type="checkbox"/> Attach Report of Chief of Police <i>(if required)</i>   |
| <input type="checkbox"/> Attach Report of Zoning Administrator <i>(if required)</i>      | <input type="checkbox"/> Attach Report from Fire Department <i>(if required)</i> |

I/We hereby grant permission for the Municipality of West Nipissing to have access to any records containing my "personal information" for the exclusive purpose of verifying the information that I have provided in this application form. I also acknowledge that there is a fee for this licence and I will be required to make such payment prior to issuance of the licence.

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR OFFICE USE ONLY:**

- I hereby recommend that this application be approved and the necessary licence be issued to the applicant.
- I hereby recommend that this application NOT be approved and that a licence NOT be issued to the applicant for the following reasons: \_\_\_\_\_

Fee paid: \$ \_\_\_\_\_

Licence Issuer: \_\_\_\_\_

Date of issue: \_\_\_\_\_

Licence Number: \_\_\_\_\_

CREATED : MARCH 2016

**BY-LAW 2016/40**  
**LICENSING OF HAWKERS AND PEDLARS, TRANSIENT TRADERS AND**  
**MOBILE FOOD SERVICE EQUIPMENT**  
**SCHEDULE "C"**

**➤➤ SET FINE SCHEDULE - PART 1 PROVINCIAL OFFENCES ACT**

| ITEM | SHORT FORM WORDING  | PROVISION CREATING OR DEFINING OFFENCE | SET FINE  |
|------|---|--|-----------|
| 1    | Fail to display licence on premises   | Section 2.4 (a)                        | \$ 100.00 |
| 2    | Fail to display licence on mobile food service equipment  | Section 2.4 (b)                        | \$ 100.00 |
| 3    | Fail to maintain licence on person  | Section 2.4 (c)                        | \$ 100.00 |
| 4    | Obstruct/interfere with person designated to enforce by-law   | Section 2.13                           | \$ 100.00 |
| 5    | Failure to keep records as required   | Section 2.15                           | \$ 100.00 |
| 6    | Failure to hold valid licence to carry on the business of "Hawker & Pedlar"   | Section 2.19 (a)                       | \$ 100.00 |
| 7    | Failure to hold valid licence to carry on the business of "Transient Trader"  | Section 2.19 (a)                       | \$ 100.00 |
| 8    | Failure to hold valid licence to operate "Mobile Food Service Equipment"  | Section 2.19 (b)                       | \$ 100.00 |
| 9    | Failure to notify Clerk of change of address within 7 days  | Section 2.20                           | \$ 100.00 |
| 10   | Failure to maintain standards/requirements  | Section 2.21                           | \$ 100.00 |
| 11   | Carry on business of 'Hawker/Pedlar' without licence  | Section 3.1                            | \$ 100.00 |
| 12   | Carry on business of 'Transient Trader' without licence   | Section 4.1                            | \$ 100.00 |
| 13   | Carry on business of mobile food service equipment without licence  | Section 5.1                            | \$ 100.00 |
| 14   | Operate mobile food service equipment on a municipal site without consent   | Section 5.2 (a)                        | \$ 100.00 |
| 15   | Operate mobile food service equipment within 30 metres (120 feet) or less from the front entrance of another eating establishment | Section 5.2 (b)                        | \$ 100.00 |
| 16   | Fail to display licence on premises   | Section 5.2 (c)                        | \$ 100.00 |
| 17   | Allow waste to accumulate at any location during the hours of operation of the mobile food service equipment                      | Section 5.2 (d)                        | \$ 100.00 |
| 18   | Failure to maintain clean and sanitary conditions of mobile food service equipment  | Section 5.3 (a)                        | \$ 100.00 |
| 19   | Failure to provide certificate of good health for employee(s) of mobile food service equipment                                    | Section 5.3 (b)                        | \$ 100.00 |
| 20   | Operate mobile food service equipment without proof of insurance  | Section 5.4                            | \$ 100.00 |
| 21   | Operate mobile food service equipment without proof of fire suppression system  | Section 5.5                            | \$ 100.00 |
| 22   | Operate mobile food service equipment without proof of safety certification re: propane components                                | Section 5.6                            | \$ 100.00 |
|      |   |  |           |

**NOTE:** Penalty provision for the offences indicated above is Section 7.11 of By-Law No. 2016/40, a certified copy of which has been filed.

CREATED : MARCH 2016

**BY-LAW 2016/40**  
**LICENSING OF HAWKERS AND PEDLARS, TRANSIENT TRADERS AND**  
**MOBILE FOOD SERVICE EQUIPMENT**  
**SCHEDULE "C"**

**➤➤ SET FINE SCHEDULE - PART 1 PROVINCIAL OFFENCES ACT**

| ITEM | SHORT FORM WORDING  | PROVISION CREATING OR DEFINING OFFENCE | SET FINE |
|------|---|--|----------|
| 1    | Fail to display licence on premises   | Section 2.4 (a)                        |          |
| 2    | Fail to display licence on mobile food service equipment  | Section 2.4 (b)                        |          |
| 3    | Fail to maintain licence on person  | Section 2.4 (c)                        |          |
| 4    | Obstruct/interfere with person designated to enforce by-law   | Section 2.13                           |          |
| 5    | Failure to keep records as required   | Section 2.15                           |          |
| 6    | Failure to hold valid licence to carry on the business of "Hawker & Pedlar"   | Section 2.19 (a)                       |          |
| 7    | Failure to hold valid licence to carry on the business of "Transient Trader"  | Section 2.19 (a)                       |          |
| 8    | Failure to hold valid licence to operate "Mobile Food Service Equipment"  | Section 2.19 (b)                       |          |
| 9    | Failure to notify Clerk of change of address within 7 days  | Section 2.20                           |          |
| 10   | Failure to maintain standards/requirements  | Section 2.21                           |          |
| 11   | Carry on business of 'Hawker/Pedlar' without licence  | Section 3.1                            |          |
| 12   | Carry on business of 'Transient Trader' without licence   | Section 4.1                            |          |
| 13   | Carry on business of mobile food service equipment without licence  | Section 5.1                            |          |
| 14   | Operate mobile food service equipment on a municipal site without consent   | Section 5.2 (a)                        |          |
| 15   | Operate mobile food service equipment within 30 metres (120 feet) or less from the front entrance of another eating establishment | Section 5.2 (b)                        |          |
| 16   | Fail to display licence on premises   | Section 5.2 (c)                        |          |
| 17   | Allow waste to accumulate at any location during the hours of operation of the mobile food service equipment                      | Section 5.2 (d)                        |          |
| 18   | Failure to maintain clean and sanitary conditions of mobile food service equipment  | Section 5.3 (a)                        |          |
| 19   | Failure to provide certificate of good health for employee(s) of mobile food service equipment                                    | Section 5.3 (b)                        |          |
| 20   | Operate mobile food service equipment without proof of insurance  | Section 5.4                            |          |
| 21   | Operate mobile food service equipment without proof of fire suppression system  | Section 5.5                            |          |
| 22   | Operate mobile food service equipment without proof of safety certification re: propane components                                | Section 5.6                            |          |
|      |   |  |          |

**NOTE:** Penalty provision for the offences indicated above is Section 7.11 of By-Law No. 2016/40, a certified copy of which has been filed.