

**THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND  
BY-LAW 2015-179**

**BEING A BY-LAW OF THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND TO PROVIDE FOR LICENSING, REGULATING AND GOVERNING TRADES, CALLINGS, BUSINESSES OR OCCUPATIONS.**

**WHEREAS** under the provisions of the Municipal Act, S.O. 2001, Chapter 25, Section 150(1), a local municipality may license, regulate and govern any business wholly and partly carried in within the municipality even if the business is being carried on from a location outside the municipality;

**AND WHEREAS** without limiting the powers of section 150 of the Municipal Act S.O. 2001, Chapter 25, to license, regulate and govern a business includes the power,

- (a) to prohibit the carrying on of or engaging in business without a license;
- (b) to fix the expiry date for a license;
- (c) to impose conditions as a requirement of obtaining, continuing to hold or renewing a license, including conditions;
- (d) requiring the payment of license fees;
- (e) restricting the hours of operation of the business; and
- (f) to regulate or govern the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on or engaging in the business.

**NOW THEREFORE THE COUNCIL OF THE CITY OF CLARENCE-ROCKLAND ENACTS AS FOLLOWS:**

**DEFINITIONS**

1. For the purposes of this By-Law:

**"Amusement Services"** means a business where the renting or temporary use of equipment, items or other equipment designated for the entertainment of the public is provided.

**"Applicant"** means a person applying for a licence under this By-Law.

**"Auctioneer"** means a person selling, renting or putting up for sale, goods, wares, merchandise or effects or livestock by public auction;

**"Automotive Services"** means a business that offers automobile services, including a automobile body shop, automobile sales garage, automobile gas bar, automobile service station, automobile storage,

automobile wrecking yard and car washes whether automatic or not.

**"Building Department"** means the Chief Building Inspector or any of his subordinates appointed by Council of the Corporation.

**"Business"** means a trade, business or occupation and includes the sale or hire of goods or services on an intermittent or one-time basis, the showing for the purpose of sale or hire of samples, patterns or specimens of any goods and shall include exhibitions held for hire and gain, theatres, music halls, bowling alleys, movie pictures shows but does not include;

- (i) a manufacturing activity or and industry, except t the extent that the sells its products or raw material by retail.
- (ii) the selling of goods by wholesale; or
- (iii) the generation, exploitation, harvesting, processing, renewal or transportation of natural recourses;

**"City Clerk"** means the Clerk or any of his subordinates appointed by the Council of the Corporation.

**"Corporation"** means the Council of the Corporation of the City of Clarence-Rockland.

**"Council"** means the Council of the Corporation of the City of Clarence-Rockland.

**"Entertainment Services"** means a business that provides or offers leisure activities in which the customer or customer acts as an observer and does not actively participate.

**"Fire Department"** means the Fire Chief or any of his subordinates appointed by the Council of the Corporation.

**"Food/Brevage Service"** means a business that offers food or brevages intended for human consumption.

**"Highway Traffic Act"** means the Highway Traffic Act, R.S.O. 1990, Chapter H.8, and amendments thereto.

**"Home occupation"** as defined in the Clarence-Rockland Zoning By-law No.2006-3, as amended.

**"Itinerant Vendor"** means a person who goes from place to place or to a particular place with goods for sale by retail, or who carries and displays samples, patterns or specimens of any goods for the purpose of sale or hire that are delivered in the City afterwards, but does not include a person who sells to wholesale or retail dealers in similar goods;

**"Licence"** means a licence issued under this By-Law by the Corporation of the City of Clarence-Rockland.

**"Licensed"** means a licence issued under the provisions of this By-Law.

**"Licensed Premises"** means the premises where the licensee carries on his/her licensed business.

**"Licensee"** means a person or corporation to whom a licence has been issued for under this By-Law.

**"Medical Officer of Health"** means the Chief Medical Officer of Health or his/her appointee.

**"Mobile Sales/Services"** means a business which does not operate from a permanent location but goes from place to place to sale or provides services to customers.

**"Motor Vehicle"** means an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicle running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement or husbandry or road-building machine.

**"Municipal Law Enforcement Officer"** means a Peace Officer for the purpose of enforcing Municipal By-laws for the Corporation of the City of Clarence-Rockland.

**"Person"** means an individual, a partnership, a body corporate and any association, and the heirs, executors, administrators, successors and assigns or other legal representatives thereof to whom the context means a human being of the male or female gender.

**"Planning Department"** means the Municipal Planner or any of his subordinates appointed by Council of the Corporation.

**"Police Officer"** means the Chief of police as defined in the **Police**

**Services Act** R.S.O. 1990, Chapter P.10.

**“Recreational Services”** means a business that provides or offers sport or leisure activities in which the customer actively participates.

**“Seasonal”** means a business that operates less than 6 consecutive months during a specific time of the year.

**“Seasonal Produce Vendor”** means a business that operates less than 6 consecutive months during a specific time of the year and sells locally grown produce.

**“Temporary Sales”** means a business, who on a temporary basis sells, or offers for sale goods, wares, merchandise, items or service at an indoor or outdoor location or premises.

**“Trades/Contractors”** means a person who makes an agreement with another to do a piece of work, retaining in himself control of the means, method and manner of producing the result to be accomplished.

**“Transient Trader”** means a business, who on a temporary basis, sells or offers for sale, goods, wares, merchandise, items or service at an indoor or outdoor location or premises.

**“Transient Trader – Special Event”** means a business event organised by a sponsoring organization(s) within the City, where one or more transient traders are engaged in business activity, who on a temporary basis, sells or offers for sale, goods, wares, merchandise, items or service at an indoor or outdoor location or premises.

**“Vehicle”** means a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

## **INTERPRETATION**

2. No person shall operate within the City of Clarence-Rockland any business as defined in this By-law without first obtaining a licence from the Corporation authorizing him/her to operate a business.

## **APPLICATIONS PROCESSING AND ISSUANCE**

3. Every person who requires a licence under the provisions of this By-Law for any business shall:

- a) file an application in writing by completing a prescribed form available at the Municipal Law Enforcement Services;
  - b) provide as required by the Municipal Law Enforcement Officer any documents, permits or permission pertaining to the operation of the said business;
  - c) pay the annual licence fee as established in current fee by-law.
4. The annual licence fee referred to in Section 3.c) shall not be reduced or pro-rated.
5. The issuance of the licence under this By-law may, where applicable, be subject to the written approval of all or any of the following:
  - a) the Planning Department,
  - b) the Building Department,
  - c) the Fire Department,
  - d) the Medical Health unit and
  - e) the Municipal Law Enforcement Department.
6. If an applicant fails to provide the Municipal Law Enforcement Officer with any written approval, pursuant to Section 5. of this By-law, the application will not be processed.
7. No person shall be deemed to have been issued a business licence until the Municipal Law Enforcement Officer has signed and issued the licence. The application for a business licence does not constitute a licence.
8. The Municipal Law Enforcement Officer shall upon receipt of the written approval(s), make or cause to be made any investigations considered necessary or which are required by law or by the Corporation relative to the application.
  - a) A fire prevention inspection may be required for certain class of businesses and subject to inspection fees as provided for under By-law 1999-68, as amended.

## **REFUSAL - SUSPENSION - REVOKATION OF LICENCE**

9. If the investigation referred to in Section 8. of this By-law discloses any reason that the carrying on of the said business may result in a breach of the law or of any provisions of any By-laws of the Corporation the Municipal Law Enforcement Officer may refuse to issue the licence and shall notify the applicant of his refusal in writing.
10. The Council may, by resolution;
  - a) refuse to grant a licence;
  - b) revoke or suspend a licence;
  - c) impose special conditions on a business in a class that have not been imposed on all business in that class as a requirement of obtaining or continuing to hold or renewing a licence; and
  - d) imposing conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the licence upon the ground that the conduct of a person or in the case of a business corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for the belief that the person will not carry on or operate the business in accordance with the law or with honesty and integrity.
11. No person shall enjoy vested right in the continuance of a licence and upon the issue, renewal, cancellation or suspension thereof, the value of the licence shall be the property of the Corporation of the City of Clarence-Rockland.
12. The granting of a licence under the provisions of this By-law shall be dependent upon the licensee indemnifying and saving harmless the Corporation and the employees, contractors and agents of the Corporation from all loss, damage, legal action, costs and expenses of every nature and kind arising from or in consequence the carrying on of the said business, for which the licence was issued.

## **EXPIRY OF LICENCE**

13. The licences for every businesses shall, unless they are expressed to be for a 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 date established in current fee by-law.

## **RENEWAL OF LICENCE**

14. The Municipal Law Enforcement Officer may renew an existing licence if the licensee:
  - a) produces his/her licence on or before the expiry date; or
  - b) complies with all required approval as provided for under this By-law; or
  - c) pays the applicable licence fees as established in current fee by-law.
  - d) pays the prescribed fire prevention inspection fee as provided for under By-law 1999-68, as amended.

## **REFUSAL TO RENEW A LICENCE**

- 15 A licence shall not be renewed by the Municipal Law Enforcement Officer until it has been determined that the licensee has not complied with:
  - a) the regulations under the jurisdiction of the Medical Officer of Health Unit; or,
  - b) any other laws or by-laws of the Corporation;
  - c) the applicable licence fee as established in current fee by-law.
16.
  - a) If the Municipal Law Enforcement Officer refuses to renew the licence, the licensee shall receive notice of refusal in writing, said notice to be served personally upon or sent by prepaid registered mail to the licensee.
  - b) If the licensee is not satisfied with the terms of the notice referred to in Section 14 of this By-Law, he/she may appeal to the City Clerk within thirty (30) days after service of the notice of refusal.
17. Every person who a licence has been issued to under this By-Law shall;
  - a) where the licence applied to a premises, keep his/her licence posted up in a conspicuous place on the premises in respect to which the licence is issued;

- b) where the licence does not apply to a premises, shall keep on his/her person the licence issued; and
- c) where the licence applies to a vehicle, shall keep on the person driving such particular vehicle the individual licence issued with respect to said vehicle, and where plates are issued with respect to such individual licence, the plates shall be securely fixed to the back of the vehicle.

### **TRANSFER OF LICENCE**

- 18. No licence shall be transferred except with the consent in writing of the Municipal Law Enforcement Services.
  - a) No licence shall be transferred pursuant to Section 18 of this By-Law without first paying the transfer of ownership fee as established in current fee by-law.
  - b) No person owning or operating a licensed premises under this By-Law shall move from one location to another within the City of Clarence-Rockland without first paying the application fee as established in current fee by-law and fulfilling the requirements for a licence application as set out in this By-Law.
  - c) No person owning or operating a vehicle licensed under this By-Law shall transfer the licence from one vehicle to another without first paying the plate transfer fee as established in current fee by-law and fulfilling the requirements for a vehicle licence application as set out in the applicable schedule of this By-Law.
  - d) No licence certificate or licence plate shall be replaced without first paying the replacement fee as established in current fee by-law.
- 19. No person licensed under this By-Law shall refuse to permit a guide dog, while serving as a guide or leader for a blind person, to enter and remain upon his/her premises or in his/her vehicle during the carrying on of the business in respect of which the licence is granted

### **INSPECTIONS**

- 20. A Municipal Law Enforcement Officer may:
  - a) at all reasonable times, inspect the building, place or premises that is used for a business for which a person is licensed or is required



to be licensed; and

21. Every person who obtains a licence under this By-Law shall produce the licence when requested to do so by a Municipal Law Enforcement Officer or a Police Officer.

### **ADMINISTRATION AND ENFORCEMENT**

22. Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law or regulation or any other law in force within the area affected by this By-law. It is the responsibility of the licensee and the owner to ensure that the business complies with all legislation and regulation pertaining to the conduct of the business.
23. The provisions of this By-law shall be administered and enforced by the Municipal Law Enforcement Officer
24. No person who is licensed or required to be licensed, shall hinder or obstruct the Municipal Law Enforcement Officer during inspections referred to in this By-law or cause the inspections to be hindered or obstructed.

### **EXCEPTIONS - SPECIAL CONDITIONS**

25. Council may require certain classes of businesses to be regulated separately from this By-law, where it is believed that special condition should be imposed and which are not defined in this By-law. The classes of businesses requiring special conditions are defined in Schedule "A" of this By-law.

### **PENALTIES**

26. Each day that a person operates a business in contravention of the provisions of this By-law shall constitute a separate offence.
27. Any person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction shall forfeit and pay a penalty as provided for in the **Provincial Offences Act**, 1990, R.S.O., Chapter P. 33. and amendments thereto.

### **ORDER PROHIBITING**

28. When a person has been convicted of an offence under the provisions of

this By-law, any court of competent jurisdiction thereafter may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act by person convicted directed towards the continuation or repetition of the offence.

**SEVERABILITY**

29. It is declared that if any section or subsection or part or parts thereof be declared by any competent Court of Law to be illegal shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

**BY-LAW IN FORCE**

30. This By-law shall come into force and take effect as of the date of its adoption.

**SCHEDULE ADOPTED**

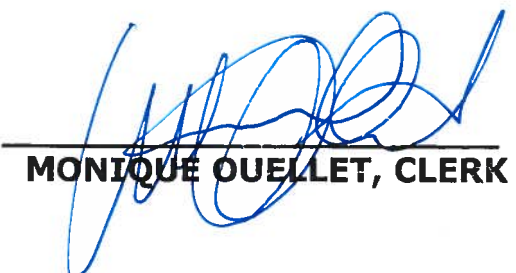
- 31 The schedule referred to in this by-law shall form part of this by-law and be read in conjunction with the entry across therefrom, and not otherwise.

**FORMER BY-LAWS REPEALED**

32. That By-law No.2006-62, 2013-30, 2014-105 regulating and licensing of businesses in the City of Clarence-Rockland and any amendments are hereby repealed.

**ENACTED AND PASSED IN OPEN COUNCIL THIS 21<sup>ST</sup> DAY OF DECEMBER 2015.**

  
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**GUY DESJARDINS, MAYOR**

  
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**MONIQUE OUELLET, CLERK**

**CORPORATION OF THE CITY OF CLARENCE-ROCKLAND  
BY-LAW NO. 2015-179**

**SCHEDULE "A"**

**EXCEPTIONS TO THIS BY-LAW**

1	Taxicab Licensing By-law No. 2004-02 as amended
2	Adult Entertainment Establishment By-law No. 2006-14
3	Adult Entertainment Parlour By-law No. 2006-10
4	Chip Wagon Licensing By-law No. 2001-24, as amended
5	Mobile Canteen By-law No. 2006-16