

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

BY-LAW 2008 - 118

A By-Law of The Corporation of the Township of Springwater to provide for the licensing, regulating and governing of certain businesses, trades or occupations carried on, or engaged in within the Township of Springwater; and to repeal By-laws 2001-005 ,2001-025, 2005-072, 2006-002 and 2006-031.

The Council of the Corporation of the Township of Springwater hereby enacts as follows:

1. **TITLE AND SCOPE**

This by-law shall be known as a by-law for the licensing, regulating and governing of trades, businesses or occupations or the persons carrying on, or engaged in such activities in the Township of Springwater and may be cited by its short title, "The Business Licensing By-law".

2. **AUTHORITY**

Municipal Act, 2001, S.O. 2001, Chapter 25, (the "*Municipal Act, 2001*"), as may be amended from time to time, Part IV, Sections 150 through 165 inclusive.

3. **DEFINITIONS**

For the purpose of this by-law:

- 3.1 **"Accessory"** means a use, building or structure that is normally incidental and/or subordinate, and is exclusively devoted to a main use and/or building and/or structure, and is located on the same lot therewith.
- 3.2 **"Animal"** means any canine, bovine, feline, swine, livestock, poultry or non-exotic animal residing at the same premises as a licensed operation.
- 3.3 **"Animal Control Officer"** means a person appointed or engaged by the Township for the purpose of animal control and includes a By-law Officer;
- 3.4 **"Annual License"** means a license to operate a business at one (1) designated location in the Township of Springwater for the duration of the licensing year and may for licensing purposes include a vehicle which travels from location to location in the Township.
- 3.5 **"Applicant"** means a person who is required to be licensed pursuant to this by-law or who has made application for a license to the Issuer of Licenses and shall include a licensee.

- 3.6 **“Approval”** means written approval unless otherwise specified.
- 3.7 **“Association”** means a group of persons joined together to carry on a common business that is not a partnership or corporation.
- 3.8 **“Auction”** means a sale in which bids on goods, articles, merchandise or effects are received by an Auctioneer and where each bid offers more than the last previous bid and where the good, article, merchandise or effect being put up for sale is sold to the highest bidder.
- 3.9 **“Auctioneer”** means any person selling or putting up for sale goods, wares, merchandise or effects by public auction and, without limiting the foregoing, may include livestock as shown in Schedule 5 attached.
- 3.10 **“Boarding”** means the taking in of domestic animals for a period of time for hire.
- 3.11 **“Breeding”** means the generating of offspring resulting in quality of bloodlines as in purebred.
- 3.12 **“By-law Enforcement Officer”** means a Municipal Law Enforcement Officer appointed by by-law for the purposes of carrying out inspections and the enforcement of municipal by-laws.
- 3.13 **“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 trades and occupations; exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise; the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and the display of samples, patterns or specimens of goods for the purpose of sale or hire.
- 3.14 **“Business Day”** means a day from Monday to Friday except a statutory holiday.
- 3.15 **“Campground”** means any parcel of land which is zoned for the siting of recreational vehicles, trailers and/or tents within the meaning of this By-law as shown in Schedule 2.
- 3.16 **“Complainant”** means a person who has filed a formal complaint under the provisions of this By-law.
- 3.17 **“Commercial Cooking Equipment”** means refreshment vehicles that are equipped with but not limited to all manners of cooking equipment, exhaust hoods, grease removal devices, exhaust ductwork, exhaust fans, dampers, fire extinguishing equipment and all other auxiliary or ancillary components or systems that are involved in the capture, containment and control of grease laden cooking effluent .

- 3.18 **“Council”** means the Council for The Corporation of the Township of Springwater.
- 3.19 **“Director”** means a person appointed or elected to the Board of Directors of a corporation.
- 3.20 **“Dog”** means any member of the species *Canis familiaris* and shall include a male or female, spayed or neutered dog over the age of twelve weeks.
- 3.21 **“Domestic Animal”** means a dog, cat, or other similar pet which is generally understood to be domesticated and is typically kept indoors at a residence.
- 3.22 **“Domestic Animal Boarding Kennel”** means any building, structure, run or facility or part thereof, used for the boarding for hire of more than one (1) domestic animal, but does not include a veterinarian clinic, (hereinafter referred to as “Boarding Kennel”).
- 3.23 **“Fee”** means a payment for services and remuneration paid for goods or other property.
- 3.24 **"Fire Official"** means the person who may, from time to time, be appointed by Council to the position of Fire Official/Chief or his designate.
- 3.25 **“Health Unit”** means the Simcoe Muskoka District Health Unit and includes any successor or assign.
- 3.26 **“Humane Society”** means the Ontario Society for the Prevention of Cruelty to Animals or any local branch of the Ontario Humane Society.
- 3.27 **“Inspector”** means a Township Building Inspector, Fire Inspector or Chief Building Official.
- 3.28 **"Issuer of Licenses"** means the Clerk or Deputy Clerk of the Township of Springwater.
- 3.29 **“Kennel”** means any building, structure, dog run or other facility, or part thereof, where:
- a) purebred dogs are kept for breeding or show purposes; or
 - b) dogs are kept solely for the purpose of routinely entering into competitive events;
 - c) hunting dogs are kept for hunting purposes; or
 - d) more than three (3) dogs are kept at any one time.
- 3.30 **“Kennel, Commercial Breeding”** means any kennel used for the keeping of eight (8) or more dogs, but does not include a veterinarian clinic.

- 3.31 **“Kennel, Hobby”** means any kennel used for the keeping of more than three (3) but less than eight (8) dogs, including taking in occasional dogs for sanctuary or shelter provided that documentation from the Humane Society confirms participation in an approved program but does not include a veterinarian clinic. In addition to the maximum number of dogs set out above, a maximum of two litters of pups up to twelve (12) weeks of age may be permitted in any licensing year.
- 3.32 **"License"** means a business license issued pursuant to the provisions of the appropriate Schedules of this by-law.
- 3.33 **“License Fee”** means the appropriate fee for the license as set out in Appendix “B” of this by-law.
- 3.34 **"Licensee"** means a person who has been issued a license pursuant to this by-law either in the current calendar year or in a previous calendar year and shall include an applicant.
- 3.35 **“Licensing Year”** means the period from January 1st to December 31st of each given year unless otherwise stated in the attached schedule.
- 3.36 **“Occupant”** means any person who pays for the use of a campground site.
- 3.37 **“Operator”** means a person who operates a business within the Township of Springwater.
- 3.38 **“Owner”** means the registered owner of a property located within the Township of Springwater.
- 3.30 **“Officer”** means a person appointed by the board of directors of a corporation to hold an office of management in a corporation such as president, vice-president, treasurer or secretary.
- 3.40 **“Park Model Trailer”** means a recreational trailer that meets the following criteria:
- a) built on a single chassis, mounted on wheels;
 - b) designed to facilitate relocation from time to time;
 - c) designed as living quarters for seasonal camping and may be connected to those utilities necessary for operation of installed fixtures and appliances; and
 - d) has a gross floor area, including lofts, not exceeding 50 m² (538.21 ft.²) when in the setup mode and having a width greater than 2.6 m (8.53 ft.) in the transit mode. 28.153
- 3.41 **“Park Model Trailer Add On”** means a pre-manufactured structure designed for use as a sunroom or porch, which is for the most part unenclosed on at least three sides, except for screening, clear glass or lower skirting or bottom panels

and is intended or used for additional living area but is not intended or used for the purpose of cooking or sleeping accommodation.

- 3.42 **"Person"** means a member of the public, an association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 3.43 **"Planning Act"** means the Planning Act R.S.O. 1990, c.P13, as amended from time to time.
- 3.44 **"Police Officer"** means officer who is a member of the Ontario Provincial Police or such other police force as may be contracted from time to time to service the Township.
- 3.45 **"Premise"** means land and includes any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business and premise shall have the same meaning.
- 3.46 **"Purebred"** means any dog that is registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) or any other similar National Association;
- 3.47 **"Recreational Facility"** means an indoor or outdoor recreational facility used for a commercial operation.
- 3.48 **"Refreshment Vehicle"** means a motorized vehicle from which refreshments are sold, which may be on construction sites to sell food and drink to workers on site, and which does not solicit business in commercial or residential areas but not limited to french fries, hot dogs, hamburgers, sausage, fish, chicken, ice cream, beverages and similar items are sold or offered for sale, and without limiting the foregoing, are commonly known as a chip wagon/fry truck, coffee truck, hot dog cart or any other food trailer, including a mobile barbeque facility.
- 3.49 **"Refreshments"** means, but shall not be limited to, such items as french fries, hot dogs, hamburgers, sausage, fish, ice cream, beverages and similar items which can be sold from a vehicle which conforms with the requirements of this By-law and any other regulations that any other agency or Ministry may impose.
- 3.50 **"Restaurant"** means a building or part of a building where food is offered for sale or sold to the public for immediate consumption on the premises.
- 3.51 **"Renewal"** means the issuance of the same class of license to the same person for the subsequent licensing period.
- 3.52 **"Service"** means to provide or perform work done and benefit conferred upon another for a fee and profit.

- 3.53 **“Settlement Area”** means urban or rural settlement areas within the municipality that are built up areas where development is concentrated and which have a mix of land uses; and lands which have been designated for development in an Official Plan. In cases where growth areas have not been designated by the Provincial or County Planning Policies, the settlement area may be no larger than the area where development is concentrated.
- 3.54 **"Shareholder"** and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.
- 3.55 **"Springwater"** means The Corporation of the Township of Springwater.
- 3.56 **“Structure”** means anything constructed or erected, the use of which requires location on the ground, or which is attached to something having location on or in the ground.
- 3.57 **“Temporary Event License”** means a license to operate a refreshment vehicle at an event for a period of not more than 72 hours for one time only in any licensing period, in the same location.
- 3.58 **"To Provide"** means to sell, offer to sell or display for sale, by retail or otherwise including renting or barter for trade any good or service.
- 3.59 **"Township"** means The Corporation of the Township of Springwater.
- 3.60 **“Transient Trader”** means a person operating a business or conducting any commerce or trade, or offering for sale of any good or service on a temporary, intermittent or one time basis on any road allowance, municipally owned property, private property, or other public space.
- 3.61 **“Travel Trailer”** means a recreational trailer, other than a Park Model Trailer, intended as temporary seasonal living accommodations, including structures commonly referred to as travel trailers, motor homes, slide in campers, chassis mounted campers and tent trailers having the following features: an overall length not exceeding 12.5 m (41.01 ft.); and an overall width not exceeding 2.6 m (8.53 ft.). Width shall mean the sum of the distance from the vehicle centre line to the outer most projections on each side when the vehicle is folded or condensed for transit.
- 3.62 **“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.
- 3.63 **“Zoning Administrator”** means a person or delegate appointed by Council from time to time for the purposes of administering the Township’s Zoning By-law(s).

3.64 **“Zoning By-law”** means the most current comprehensive zoning by-law in force in the Township or portions thereof, as amended and passed, pursuant to the *Planning Act*, R.S.O. 1990, c. P. 13 (the “*Planning Act*”).

4. INTERPRETATION

4.1 Sections 1 through 14 of the By-law are intended to be the general sections applicable to all businesses which are licensed by the municipality. Each Schedule contains specific regulations which apply to named categories of businesses. The provisions set out in the schedules relating to a specific business category shall form part of this by-law and shall be deemed to be in addition to the provisions set out in sections 1 through 14.

4.2 Words used in the singular shall have corresponding meanings when used in the plural.

4.3 "May" shall be construed as permissive.

4.4 "Shall" shall be construed as imperative.

4.5 Unless the contrary intention appears in this by-law, words importing the masculine gender only shall include females as well as males and the converse.

4.6 Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time, provided however, if what is known as "daylight saving time" has been generally adopted in the regional area for any period of the year such time shall be the time referred to during such period in any reference to time in this by-law.

5. GENERAL PROVISIONS

5.1 Licenses

No person shall carry on, conduct, operate, maintain, keep or engage in any business set forth in this by-law, without first having obtained a license from the Issuer of Licenses.

5.2 Application for License

a. Any person wishing to obtain a license shall submit the following to the Issuer of Licenses:

- i. A completed application in the form set out as Appendix "A" of this by-law, titled Business License Application;
- ii. The required license fee as shown in Appendix "B" of this by-law; and

- iii. Proof of valid insurance and any other documentation which may be listed on the License Application form.
 - b. If the applicant is a corporation, partnership or association, the applicant shall file with the application the full name of every director, officer, partner, shareholder or other person having an interest in the shares of the corporation. As a condition of the license, the applicant shall inform the Township of any changes to the shareholder information to ensure that the Township's files are current at all times.
 - c. The Issuer of Licenses shall not issue a license until the application and license fees have been paid and all inspections and requirements have been met.
 - d. The Township retains the right to review all license fees on an annual basis.
 - e. If one applicant operates more than one business at the same location he shall submit one application form for each business to be conducted at the location. Upon review of the application, the Issuer of Licenses shall determine whether more than one license fee must be paid, and what the most applicable fee is in a "multi-business" situation.
 - f. Upon receipt of an application the Issuer of Licenses shall undertake any investigations that, in their opinion, are necessary to assess the application. All costs incurred in such investigations shall be at the applicant's expense.
 - g. The applicant shall be responsible for obtaining all necessary inspections and approvals as set out in this by-law, at their own expense, in addition to the licensing fee.
 - h. The Township may refuse to issue or renew a license if the property taxes or utility accounts for the premises at which the licensed business is located are unpaid, or if any outstanding monies are owing to the Township for services provided to or on the subject property.
 - i. The Township retains the right to refuse to issue or renew a license, or suspend or revoke an existing license if the owner or applicant is in contravention of any other municipal by-law. The license may be issued or reinstated once compliance has been met.
- 5.3 Upon receipt of a completed application and the appropriate fees for a license, the Issuer of Licenses shall:
- a. Make any enquiries with any municipal official or employee who has conducted inspections relative to the business under application;
 - b. Receive reports from such municipal officials and employees as may be deemed necessary;

- c. Inquire into all relevant matters in order to ascertain if the applicant is entitled to a license under the provisions of this by-law;
- d. Ensure that all other provisions of this by-law have been complied with by the applicant prior to the issuance of any such license.

5.4 **Accessibility**

The Township may refuse to issue a license unless the proposed business complies with the Township's Accessibility Plan.

5.5 **Insurance**

No application for a license shall be approved until the applicant provides proof of current and valid liability insurance for the term of the license in the amount set out in the appropriate Schedule to this by-law. *The Certificate of Insurance shall name Springwater as additionally insured.*

- a. Notwithstanding certain sections of the Schedules to this by-law, the Issuer of Licenses may, at their discretion, require or permit a business to obtain an amount of liability insurance other than the amount set out.

5.6 **Application for License Renewal**

Each business requiring a license shall be required to obtain a new license each year. No business license shall be extended beyond one year from the date of issue.

Annual renewal of a license issued in a previous year is not guaranteed, and each licensed business shall submit the following to the Issuer of Licenses annually:

- a. A renewal application set in the form in Appendix "A" of this by-law;
- b. A site plan showing any changes that have been made to the business or the property since issuance of the last license;
- c. The required license fee shown in Appendix "B".

5.7 If the Issuer of Licenses receives an application for renewal of a license previously granted under this by-law and the appropriate license fee, he shall:

- a. Ensure that all required inspections and approvals have been obtained;

- b. Make inquiries into all relevant matters in order to ascertain if the applicant is entitled to obtain a renewed license under the provisions of this by-law;
- c. Inquire into any and all relevant changes in circumstances since the previous license was issued to the applicant;
- d. Make any inquiries of any municipal official, employee or other agency who has carried out inspections or investigations relative to the business under application;
- e. Receive reports from such municipal officials, employees or other agencies as may be deemed necessary, prior to the issuance of any such renewal license;
- f. Ensure that neither the applicant nor licensee has any unpaid fines imposed under the *Provincial Offences Act* for the contravention of the section of this by-law under which the license was granted;
- g. Ensure that all property tax and utility payments are up to date on the premises at which the licensed business will be located; and
- h. Receive evidence that the applicant has obtained liability insurance in the amount set out in the appropriate schedule to this by-law and ensure that the Certificate of Insurance shall name Springwater as additionally insured.

5.8 If all necessary inspections and approvals have been obtained and if the Issuer of Licenses is satisfied that the applicant is entitled to the renewal of a license, the Issuer of Licenses shall prepare and issue a renewed license to the applicant.

5.9 **Form of License**

Every license shall contain the following:

- a. The operating name of the business or person to whom the license is issued;
- b. The operating address of the premises or location for which the license is issued;
- c. The category of license granted;
- d. The date of issuance;
- e. The date of expiration;
- f. The signature of the Issuer of Licenses or designate.

5.10 Lost or Destroyed

In the event that a license issued under this by-law is lost or destroyed the applicant shall:

- a. Submit proof of such loss or destruction to the satisfaction of the Issuer of Licenses;
- b. Submit payment of the replacement fee of five dollars (\$5.00); and
- c. Upon receipt of the aforementioned, the Issuer of Licenses shall issue a duplicate license with the word "duplicate" stamped or marked on it.

5.11 Change of Name, Ownership or Location

Upon change of ownership of the licensed business every licensee shall return and surrender his current license to the Issuer of Licenses. The new owner shall make application for a new license as outlined in Section 5.2 of this by-law. For the purpose of this section, a change in beneficial ownership of a licensed business that is a corporation shall be deemed to have occurred if a majority of the shares of the corporation are transferred.

A license is not transferable to a new location even if there is no change in the business or the owner. The applicant must apply for a new business license pursuant to Section 5.2 and shall surrender the license issued to the business at the previous location, to the Issuer of Licenses.

5.12 Licenses Personal

No person shall have a vested interest or property right in any license or the continuance of any license. All licenses remain the property of the Township.

5.13 Nuisance Abatement

In addition to any other provisions or requirements of this by-law every licensee shall:

- a. At all times maintain and keep safe, clean and in good condition and repair any object, amusement, vehicle, place or premises for which the license is issued;
- b. Not cause, suffer, or permit any breach of any by-law of the corporation or of any local board thereof, or of any statute, order-in-council, or regulation of the legislature of the Province of Ontario or the Parliament of Canada or of any agency, board or commission of either of them, in, upon, or in connection with the object, amusement, place or premises for, or in relation to which such license was issued;

- c. Not cause, suffer or commit any nuisance to arise in, on, or in connection with the object, amusement, vehicle, place or premises for which the license was issued;
- d. Not cause or permit any shouting, noise or other disturbance on, in, or in connection with the object, amusement, vehicle, place or premises for which the license was issued, which is, in the opinion of the Township, unnecessary, unreasonable or contrary to any municipal by-law prohibiting the same;
- e. Not cause or permit any obstruction on any highway, lane or public place near or adjoining the place or premises for which the license was issued; and
- f. Not cause or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any vehicle, place or premises for which the license was issued.
- g. Not obstruct the flow of vehicular traffic or obstruct any site lines of vehicular traffic.

5.14 Every person who acquires a license that is issued under this by-law is responsible for the due performance and observance of all the provisions of this by-law by himself and by his employees and all other persons in, or upon the licensed premises.

5.15 **Inspection**

- a. The Issuer of Licenses or designate, including but not limited to, the Fire Official, Health Officials, Conservation Officers, Fire Fighters, Provincial Offences Officers, Municipal Law Enforcement Officers, Police Inspectors or Police Officers, Tobacco Enforcement Officers, or any agent, servant or employee of such servants as designated by Council, may at all reasonable times, inspect or cause to be inspected the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the carrying on of a licensed business or a business being carried on without a license, contrary to this by-law.
- b. If a license issued under this by-law applies to an occupation every person obtaining a license shall carry the license with him when engaged in the occupation for which the license is issued, and every person so licensed shall, produce the license for inspection when so requested by any person authorized to do so.
- c. Every person obtaining a license where the license applies to the premises, shall keep his license posted in a conspicuous place on the premises in respect of which the license is issued and every person so

licensed shall, when requested by any person authorized by the Township, produce the license for inspection.

5.16 Suspension or Refusal to Grant a License

- a. The Issuer of Licenses may refuse to issue a license to any applicant who, in the Issuer's opinion, should not be granted a license because of past breaches of this by-law or a failure to comply with the requirements of this by-law or other applicable by-laws of the Township, or of any local board thereof, or of any statute, order-in-council, or regulation of the Provincial Legislature or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon or in connection with the business of the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the business.
- b. The Township of Springwater retains the right to suspend a license issued under this By-law if the municipality is satisfied that the continuation of a business poses an immediate danger to the health or safety of any person, animal, or to any property. The municipality may, for the time and on such condition as it considers appropriate, without a hearing, suspend a license subject to providing the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them. Such suspension shall not exceed 14 calendar days.
- c. Notice of suspension or revocation of any license may be given by registered letter mailed to the address on the license. Receipt of such notice is deemed to occur at the time of mailing the notice and the license shall terminate two business days after receipt of notice.
- d. Upon revocation and/or suspension of a license the licensee shall:
 - i. Return all certificates issued with reference to such license;
 - ii. Permit any officer to enter the premises, vehicle or other property of the licensee for the purpose of receiving or taking the certificates; and
 - iii. In no way hinder, prevent or obstruct an officer from carrying out his duties.
 - iv. Cease operation of the business immediately.

5.17 Notice and Appeal

- a. If the Issuer of Licenses refuses to issue, or revokes a license, the said Issuer of Licenses shall notify the applicant and/or owner of the property in writing of the decision. The notice shall set out the grounds for the refusal

and shall state that the applicant or licensee may appeal the decision by filing an appeal with the Clerk of the Township within ten (10) business days of receiving the notice.

- b. Upon receipt of an appeal from the applicant the Clerk and Council shall follow the hearing procedure set out in this by-law.
- c. After conducting the hearing the Council may grant a license, refuse to grant, revoke or suspend a license, and may make any suspension of license subject to such terms or conditions as Council may prescribe. The decision of Council is final and binding upon the applicant or any license.
- d. In making its determination, Council may have regard for the following:
 - i. Whether the applicant or licensee and the premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of the business comply with all requirements of this by-law;
 - ii. Whether the applicant or licensee has failed to promptly remedy any concern with regard to those matters set out in this by-law or has committed past breaches of this by-law;
 - iii. Whether the applicant or licensee has failed to comply with any requirements of any other applicable by-law of the Township or any local board thereof or of any statute, order-in-council or regulation of the Provincial Legislature or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon or in connection with the business or the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the business;
 - iv. Whether the applicant or licensee has any fines (due and unpaid for fifteen days or more) imposed under the *Provincial Offences Act* for the contravention of the applicable section of this by-law under which the license was granted;
 - v. Whether all property taxes due on the premises used in connection with the business or owned by the applicant have been paid; and
 - vi. Whether all water and/or sewer accounts due on any premises used in connection with the business or owned by the applicant have been paid have been paid.
 - vii. Whether the applicant or property owner has any outstanding fines or fees owing to the Township.

- viii Whether the owner or applicant is currently in contravention of any other municipal by-law.
- ix. Whether there is reason to believe that the conduct of the Licensee affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law, or with honesty or integrity.

5.18 Hearing Procedure

The Clerk shall fix a date and time for such matter to be considered by Council and shall mail a Notice of Hearing to the licensee (at the last address as shown in the records of the Issuer of Licenses or the current year's assessment roll) and to any other person who has applied to be heard with regard to the matter.

- a. Notice shall be mailed at least fifteen (15) days prior to the date and time fixed for the hearing.
- b. At the hearing Council shall receive a report, either verbally or in writing, from the Issuer of Licenses and from such other officers and employees of the Township as required by Council.
- c. At the hearing the licensee, either personally or through an agent or solicitor, shall be afforded an opportunity to present material and evidence relevant to the issue before Council, and may ask questions of any person presenting evidence or a report to Council relevant to the issue.
- d. Council may afford any other person who applied to be heard and who, at the discretion of Council, has an interest in the matter under discussion, may be granted an opportunity to present material and evidence relevant to the issue before Council and to ask questions of any person presenting evidence or a report to Council relevant to the issues.
- e. A quorum of Council shall be a majority of the whole number of the members of Council. A decision by a majority of Council shall be final.
- f. After having heard all of the evidence and submissions made by the applicant/licensee and the Issuer of Licenses, Council may resolve into Closed Session to debate the matter and make a decision.
- g. The decision made by Council in Closed Session shall be confirmed in open Council by Resolution immediately following the Closed Session, and a certified copy of such resolution shall be mailed to the licensee, to any person who has appeared before Council and requested that a copy of the resolution be provided to them, and to the Issuer of Licenses.

5.19 General

- a. No person shall engage in, or continue to conduct, or permit any person to engage in or continue to conduct, a business for which a license is required under this by-law while such license is suspended, revoked or expired.
- b. Every person engaging in any business for which they are required to be licensed by the provisions of this by-law shall be responsible to comply with all the terms of this by-law.
- c. For the purposes of this by-law, a business shall be deemed to be carried on within the municipality if any part of the business occurs within the municipality, even if the business is carried on from a location outside the municipality.
- d. In addition to the authority provided in the *Municipal Act*, and subject to the *Theatres Act* and the *Retail Business Holidays Act*, the Council of a local municipality may pass by-laws for the licensing, regulating and governing any business carried on within the municipality.

7. **ADMINISTRATION**

This by-law shall be administered by the Clerk as the Issuer of Licenses, or their duly authorized representative

8. **VALIDITY**

Should any section, subsection, clause, paragraph, schedule or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole.

9. **ENFORCEMENT**

This by-law shall be enforced by Township's By-Law Enforcement Officers and the Huronia West Detachment of the Ontario Provincial Police.

10. **OFFENCES AND PENALTIES**

10.1 Any person who contravenes any provision of this by-law unless otherwise provided herein is guilty of an offence.

- 10.2 Each day that a breach of this by-law continues shall constitute a separate offence.
- 10.3 Where an owner is convicted of knowingly carrying on or engaging in a trade, calling, business or occupation on, in, or in respect of any premises or part thereof without a license required by a by-law passed under the Municipal Act, 2001, the Court shall order that the premises or part thereof be closed to any use for any period not exceeding two years.
- 10.4 Where a person is convicted of a contravention of a by-law passed under Sections 15 through 165 of the Municipal Act, 2001, the Court may order that the premises or part thereof be closed to any use for any period not exceeding two years.

11. **FORCE AND EFFECT**

- 11.1 This by-law shall come into force and take effect on and from the day it is finally passed by Council and unless earlier revoked.
- 11.2 Any license already issued for 2008 shall remain in effect under the by-law under which it was issued.
- 11.3 Any new license issued between the date of the passing of this by-law and the end of 2008 shall be subject to the provisions contained within this by-law.
- 11.4 Every license issued under this by-law shall expire at 12:00 midnight on December 31 of the year for which the business license was issued.

12. **APPLICATIONS**

- 12.1 Any person providing false information in any application pursuant to this by-law is guilty of an offence.
- 12.2 Any person who is issued a license pursuant to this by-law shall report any change in information to the Issuer of Licenses within fifteen (15) business days of such change.
- 12.3 The granting of a license shall not in any way, be deemed to be a waiver by the Township of compliance with any other applicable by-laws of the Township or any other legislation.

13. **EXISTING BY-LAWS**

- 13.1 Nothing in this by-law shall override the provision of The Township of Springwater Zoning By-law.

13.2 By-laws 2001-005, 2001-025, 2005-072, 2006-002 and 2006-031 are hereby repealed and replaced.

14. **EFFECTIVE DATE**

This by-law shall come into force upon the final passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME and finally passed this First day of December 2008.

Tony Guergis, Mayor

Carol O. Trainor, Clerk

**SCHEDULE 3
To By-law 2008 - 118**

REFRESHMENT VEHICLE LICENSE

1. Requirements for Annual Refreshment Vehicle License

- 1.1 An application for an Annual License under this By-law shall be made in the form provided by the Township.
- 1.2 Each Annual License application shall be accompanied by the following:
- a) Annual Inspection Report from Simcoe County District Health Unit; and
 - b) Inspection for Gas and/or Propane Installation by a Licensed Contractor dated within six (6) months, where applicable; and
 - c) Annual Clearance from the Road Authority, where applicable, being:
 - i) Ministry of Transportation Ontario if the proposed location is on a Provincial Highway, or
 - (ii) County of Simcoe Engineering Department if the proposed location is on a County Road, or
 - (iii) Township of Springwater Deputy Director of Public Works Superintendent if the proposed location is on a Township Road
 - d) Proof of a minimum of \$2,000,000 (two million dollars) commercial liability Insurance naming the Township as additionally insured,
 - e) Site diagram, drawn to scale showing the location of the proposed refreshment vehicle on the property including setbacks from the adjacent property lines, the proposed location of all signage and garbage/recycling containers, fencing and entrances/exits where applicable
 - f) Letter of permission from the property owner, where the operator is not the owner of the property.
 - g) Applicable fee in accordance with Appendix "B", attached hereto and forming part of this By-law.
 - h) Current inspection report from Township Fire Official, including conformity with the general provisions of this By-law where applicable; and
 - i) Annual Clearance from Zoning Administrator

- 1.3 No Annual License shall be issued for any refreshment vehicle located within 300 metres of any restaurant or similar prepared food service establishment in the Township.
- 1.4 Where the application has met all of the above noted licensing requirements, the Issuer of Licenses shall issue an Annual License.
- 1.5 An Annual License for a refreshment vehicle may only be issued for one designated property in the Township per licensing year.
- 1.6 Notwithstanding Section 1.5, an annual license for a Coffee Truck or Ice Cream Cart may be issued for a designated area within the Township of Springwater, provided that the designated area is defined in the application and the owner of the property or builder or developed has provided approval.
- 1.7 An Annual License may not be transferred to another property in the Township for the balance of a licensing year. If an operation changes ownership a new application is required.
- 1.8 All Annual Licenses shall expire on the Thirty First day of December of the year it was issued.

2. Temporary Event Refreshment Vehicle License Requirements

- 2.1 An application for a Temporary Event License under this By-law shall be made in the form provided by the Township.
- 2.2 Each Temporary Event License application shall be accompanied by the following:
 - a) Annual Inspection Report from Simcoe County District Health Unit; and
 - b) Semi-Annual Inspection for Gas and/or Propane Installation by a Licensed Contractor, where applicable; and
 - c) Proof of a minimum of \$2,000,000 (two million dollars) commercial liability insurance naming the Township as additionally insured,
 - d) Applicable fee in accordance with Appendix "B", attached hereto and forming part of this By-law
 - e) Annual Inspection Report from Township Fire Official, including conformity with the general provisions of this By-law, where applicable.
- 2.3 Where the application has met all of the above noted licensing requirements, the Issuer of Licenses shall issue a Temporary Event License.

- 2.4 In the event that an operator applies for a second or subsequent Event License for the same refreshment vehicle in any licensing year and the approvals on file with the previous application are dated within six (6) months, the operator is exempted from the application requirements under Subsection 2.2 a) (Health Unit approval) Section 2.2 b) (Gas/Propane Inspection) and Subsection 2.2) (Fire Inspection).
- 2.5 All Temporary Event Licenses shall be valid for a period of up to 72 hours as specified on the license and are not transferrable to any other event or date without written permission of the Issuer of Licenses.
- 2.6 Temporary Event Licenses may only be issued for the purpose of an auction, community festival, fair, charitable event or sports tournament.
- 2.7 A license issued under this Section does not exempt the operator from obtaining Health Unit approval and/or an inspection, or any other requirements such as fire extinguishers as may be required by the Fire Official.

3. General Provisions

- 3.1 No refreshment vehicle shall sell or offer for sale refreshments to the public while situated, standing or parked located in a Township park or on a public road allowance or other public property within the Township, unless in conjunction with a Council authorized event or under lease agreement with the owner.
- 3.2 Notwithstanding Section 3.1 above, an ice cream cart may sell or offer for sale refreshments to the public while situated, standing or parked located on a public road allowance provided that such activity does not take place on the travelled portion of the road and does not interfere with, or obstruct, traffic.
- 3.3 All refreshment vehicles containing commercial cooking equipment such as deep fryers shall be designed, constructed, installed and inspected in conformity with NFPA 96, "Installation of Equipment for the Removal of Smoke and Grease Laden Vapours from Commercial Cooking Equipment."
- 3.4 Every license issued under this By-law shall be displayed in a conspicuous location on the vehicle and shall be produced on demand for the Issuer of Licenses, a Municipal Law Enforcement Officer or an agent or inspector of any approval agency.
- 3.5 No structure, whether attached or unattached, shall be constructed immediately adjacent to a refreshment vehicle

3.6 Notwithstanding Section 3.5, a detached deck may be constructed adjacent to a refreshment vehicle provided that the Chief Building Official has provided written approval, and:

- a) such deck is less than 0.6 metres in height; and
- b) such deck is less than 10 square metres in area; and
- c) such deck does not extend beyond, or wrap around, the refreshment vehicle



The Corporation of The Township of Springwater
1110 Highway 26
Simcoe County Administration Centre
Midhurst, ON L0L 1X0

Appendix "A" to Schedule 3 Application for a Refreshment Vehicle License

New Application Renewal
Annual License Temporary Event License

Section 1: Applicant Identification

Registered Name of Business: _____
Name of Applicant: _____
Operating Business Address*: _____
Mailing Address: _____
Postal Code: _____
Business Telephone No: _____ Home Telephone No: _____
Email or Website: _____

* No annual license shall be issued for any designated location within 300 metres of any restaurant or similar prepared food service establishment in the Township

Section 2: Refreshment Vehicle Information

Type of Vehicle: _____
With Commercial Cooking Equipment (Deep Fryer)
** Refreshment Vehicles containing commercial cooking equipment such as deep fryers must meet NFPA 96 Standards
With Cooking Equipment BBQ Type of Fuel/Gas _____
Without Cooking Equipment
Is a Deep Fryer Being Used? Yes No
Type of Food Being Served: _____
Proposed Location of Vehicle: _____
Days of Operation: _____
Hours of Operation: _____ a.m. to _____ p.m.

Section 3: Property Information

If applicant is not the property owner, a letter of permission is required.
Owner of Property where vehicle is to be located: _____
Letter of Permission Attached: Yes No

Section 4: License Fee – For applicable license fee, please consult attached fee schedule

Applicable License Fee attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
----------------------------------	------------------------------	-----------------------------

License will not be issued until the license fee is paid in full.

Section 5: Proof of Insurance

<i>Minimum of \$2,000,000 (Two Million Dollars) in Commercial Liability Insurance naming the Township as additionally insured is required to be submitted with all license applications.</i>		
Certificate of Insurance Attached	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Section 6: The following documentation must be attached to your application form

Clearance Received from:			
1.	Simcoe Muskoka District Health Unit Annual Inspection Report	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.	Propane/Gas Inspection by Licensed Installer (within last 6 months)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3.	Clearance from appropriate Roads Authority (Township - Public Works, County Road - County Engineering Department, Provincial Hwy – MTO)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.	Springwater Fire & Emergency Services Clearance	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5.	Zoning Administrator (For Annual Licenses)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6.	Treasury Clearance (For Annual Licenses)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Section 7: Applicant’s Signature Required

<i>Every Annual License issued pursuant to this Schedule shall expire on the Thirty First day of December in the year it was issued. All Temporary Event Licenses are valid for a period of 72 hours as specified on the license and not transferable to any other event without written permission. No refund will be given for a license that has been issued or for a renewal.</i>	
Applicant’s Signature: _____	Date: _____

License Fees

Every application shall be accompanied by the applicable license fee as follows:

Annual License Fees	\$300.00
Temporary Event License Fees	\$50.00

Cont’d on next page

Section 8: Administrative Use Only

Refreshment Vehicle License No _____ issued by: _____	
Issuer of Licenses	Date

This application may contain "Personal Information" as defined under the Municipal Freedom of Information and Protection of Privacy Act. This information is collected pursuant to the Municipal Act, 2001 as amended. It will be used by the Township of Springwater to process this application to determine whether to issue a license, for administration of such license and for law enforcement purposes to ensure compliance with all applicable statutes, regulation and by-laws. Questions about his collection should be directed to the Issuer of Licenses, 1110 Highway 26, Midhurst, ON L0L 1X0 T705-728-4784, Ext. 2015

APPENDIX "B"
To By-law 2008 - 118

SCHEDULE OF FEES

CATEGORY	SCHEDULE	FEE
Hobby or Boarding Kennel	1	\$200.00
Commercial Breeding Kennel (Require proof of certification & Papers)	1	\$300.00
Seasonal Recreational Campground	2	\$200.00
Seasonal Park Model Trailer Campground	2	\$200.00
Annual Refreshment Vehicle License	3	\$300.00
Temporary Event Refreshment Vehicle License	3	\$50.00
Auctioneer	4	\$100.00
Reinstatement following revocation		\$50.00
Replacement for lost or destroyed license		\$15.00