

**THE CORPORATION OF THE CITY OF PEMBROKE**

**BY-LAW 98-13**

**BEING A BY-LAW TO LICENCE AND GOVERN**

**CERTAIN BUSINESSES IN THE CITY OF PEMBROKE**

WHEREAS Section 257.2(1) of the Municipal Act, R.S.O. 1990, c.45, as amended, provides that the council of a local municipality may pass by-laws for licensing, regulating and governing any business carried on within the municipality;

AND WHEREAS it is deemed expedient to licence and regulate certain businesses in the City of Pembroke;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF PEMBROKE ENACTS AS FOLLOWS:

**DEFINITIONS**

1. In this by-law:

- (a) **"Building Code"** means the regulations made pursuant to the Building Code Act, 1990 as may be amended from time to time.
- (b) **"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 but does not include:
  - (i) a manufacturing activity or an industry, except to the extent that it sells its products or raw material by retail;
  - (ii) the selling of goods by wholesale; or
  - (iii) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources
- (c) **"Chief Building Official"** means the person appointed by the Council of the Corporation of the City of Pembroke pursuant to the Building Code Act, 1990, as amended.
- (d) **"Council"** means the Municipal Council of the Corporation of the City of Pembroke.

- (e) **"Fire Chief"** means the person appointed by the Council of the Corporation of the City of Pembroke pursuant to the Municipal Act, 1990, as amended.
- f) **"Fire Code"** means the National Fire Code of Canada, 1990 as may be amended from time to time.
- (g) **"Issuer of Licences"** means the person or persons appointed by the Council of the Corporation of the City of Pembroke.
- (h) **"Occupant"** means the person in occupation or having charge, management or control of any premises, whether on his own account or as the agent of any person.
- (i) **"Owner"** means the person for the time receiving the rent of the land or premises in connection with which the land is used, whether on his own account or as an agent or trustee of any person or who would receive the same if such lands and premises were let.
- (j) **"Person"**, except where it is otherwise employed or shown by the context, shall include not only an individual, but also a body corporate or politic, or party, or any firm and the heirs, executors, administrators, successors or other legal representatives thereof to whom the context may apply, and words implying the singular shall include more persons or things as above described or things of the same kind than one, and words implying the masculine gender shall include females as well as males.
- (k) **"Premises"** means and includes any land in any building, public or private, in the municipality.
- (l) **"Property Standards Officer"** means the person or persons appointed by the Council of the Corporation of the City of Pembroke.
- (m) **"Public Health Inspector"** means the person or persons appointed by the Renfrew County and District Health Unit whose duty it shall be to make such inspection as may be required under the provisions of the Public Health Act, 1990, as amended.

#### LICENCES REQUIRED

2. No person shall carry on any of the businesses listed in Schedule "A" to this by-law unless and until they have first procured a licence issued under the provisions of this by-law.

#### APPLICATION FORMS AND FEES

3. The person applying for a licence pursuant to the provisions of this by-law shall complete and submit to the Issuer of Licences or his representative the application form as shown in "Schedule "B" to this by-law and shall pay the required fees as listed in Schedule "A" to this

by-law.

#### GENERAL REGULATIONS

4. All businesses for which a licence application has been submitted may be required to meet such additional requirements as may be established by the Issuer of Licences or his representative.
5. All premises occupied by a business licensed pursuant to the provisions of this by-law shall be required to satisfy the Building Code, the Official Plan, the Zoning By-law, the Maintenance and Occupancy By-law and all other by-laws of the Corporation of the City of Pembroke as may be in effect from time to time.
6. Inspection of the premises may be made by the Chief Building Official or his representative who may, following inspection, certify to the Issuer of Licences compliance or non-compliance with the Building Code.
7. Inspection of the premises may be made by the Property Standards Officer or his representative who may, following inspection, certify to the Issuer of Licences compliance or non-compliance with the Maintenance and Occupancy By-law.
8. Inspection of the premises may be made by the Public Health Inspector or his representative who may, following inspection, certify to the Issuer of Licences compliance or non-compliance with the Public Health Act.
9. Inspection of the premises may be made by the Fire Chief or his representative who may, following inspection, certify to the Issuer of Licences compliance or non-compliance with the Fire Code.

#### REFUSAL OF LICENCE

10. The Issuer of Licences may refuse to issue a licence unless and until compliance with the provisions of this by-law or any other requirements referred to herein is established by the applicant, the owner of the business or the occupier of the premises for which the licence is required.

#### TERM OF LICENCE

11. All licences issued under this by-law, unless they are expressed to be for a shorter period and unless they shall become forfeited or revoked, shall be for the year current at the time of the issuance thereof and shall expire on the thirty-first day of December next following the date set out in each licence as issued.

12. All applications for renewal of licences expiring under the provisions of this by-law shall be made not later than the first day of February in each year.
13. Renewal of licences may be granted by the Issuer of Licences provided no change in the location or nature of the business has occurred and provided the necessary fees have been paid and all regulations complied therewith.

#### TRANSFER OF LICENCE

14. No licence issued under the provisions of this by-law is transferable.

#### POSTING OF LICENCE

15. All licensees shall cause their licence to be permanently and prominently displayed in their place of business or on their person if there are no premises associated with the business during the full term in which they carry on the said business.

#### ENFORCEMENT

16. Issuer of Licences, Municipal Law Enforcement Officers, members of the Pembroke Police Service or any other person or persons designated by Council are hereby authorized to enforce the provisions of this by-law.
17. Any person who contravenes any provision of this by-law is guilty of an offence and is subject to a fine recoverable under the Provincial Offences Act.

#### ENACTMENT

18. This by-law shall come into force and take effect on the 1st day of January 1998.

#### REPEAL

19. By-law Number 94-79 be, and is, hereby repealed.

READ A FIRST TIME this 3rd day of February 1998.

Chief Administrative Officer

Mayor

READ A SECOND TIME this 3rd day of February 1998.

Chief Administrative Officer

Mayor

READ A THIRD TIME AND PASSED this 3rd day of February, 1998.

Chief Administrative Officer

Mayor

## Schedule "A"

<u>Business</u>	<u>Fee</u>
<b>Salesmen / Hawkers / Peddlers (Out-of-Town)</b>	
January - December	\$1,000.00
April - December	750.00
July - December	500.00
<b>Mobile Food Transportation Units</b>	
January - December	200.00
July - December	100.00
<b>Auctioneer (for the purpose of this by-law auctioneers conducting estate sales for City residents shall be considered to be a resident)</b>	
Resident	5.00
Non-Resident	500.00
<b>Midways</b>	200.00

**Schedule "B"**

**City of Pembroke Licence Application Form**

Name of Applicant: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Address (if different from above): \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
(if different from above) (if different from above)

Indicate the type of business to be conducted and the location:

Date

Signature of Applicant



For Office Use Only:

Fee: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

Approved for Issue by: \_\_\_\_\_

Issuer of Licences ~~ City of Pembroke

## Terms and Conditions

1. The applicant must provide at least three (3) character references from members of the business community of the City of Pembroke.
2. The applicant must agree to have all representatives wear personal identification at all times while the business licensed is being conducted.
3. No public property or street (including boulevards) may be used for the conduct of business without the written approval of the Chief Administrative Officer of the City of Pembroke.
4. If private property, not owned by the applicant, is to be used, the approval of the owner must first be obtained.
5. The licensee will not call on any premises marked with a sign indicating "No Solicitations" or marked with a sign similar thereto.
6. The applicant agrees not to conduct the business in a manner such as to cause any nuisance or inconvenience to the general public and failure to comply therewith will result in an immediate revocation of the licence issued therefore.
7. Premises for which the business to be licensed occupies must comply with the National Fire Code, the Ontario Building Code and relevant municipal by-laws. The applicant agrees to allow the appointed municipal employees to enter the premises to determine compliance.
8. In the case of food concessions or mobile food units, the applicant agrees to:
  - (a) Maintain the vehicles in a clean condition and in good repair at all times.
  - (b) Allow appointed Public Health Inspectors to inspect the premises and vehicles to determine compliance with all requirements of the Public Health Act. The applicant further agrees to comply with any order issued within a reasonable time.

I, \_\_\_\_\_, hereby agree to the above terms and conditions and will comply therewith. I understand that any non-compliance will result in the revoking of my licence without refund of the fee paid.

Signature of Applicant