

The Corporation of the Town of Amherstburg

A by-law respecting the issuance and revocation of licences.

WHEREAS the Municipal Act empowers council to pass by-laws respecting the licencing of certain trades, occupations, businesses and callings;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:

1. In this By-law

- (a) "Town" shall mean the Corporation of the Town of Amherstburg;
- (b) "Clerk" shall mean the Clerk of the Corporation of the Town of Amherstburg;
- (c) "Person" shall include persons, partnerships, Associations, Corporations, and the heirs, executors, administrators or other legal representatives of a person;

PART 1

2. The following shall obtain a licence from the Clerk before carrying on the several trades, occupations, callings and businesses hereinafter listed within the Town:

- (1) Persons who for hire or gain directly or indirectly keep, or have in their premises, any billiard, pool or bagatelle table, or keep or have any such table, whether used or not, in a house or place of public entertainment or resort;
- (2) The Owners of barbershops and hairdressing establishments;
- (3) Drain contractors, drain layers and persons who install septic tanks or repair or reconstruct drains, remove tree roots or other obstructions from drains and private drain connections by mechanical or other means;
- (4) Persons who carry on the business of teaching persons to operate motor vehicles and driving instructors employed in such business;
- (5) Electrical contractors and electricians;
- (6) Persons who operate exhibitions for hire or gain, theatres (except those defined and regulated by The Theatres Act), music halls, bowling alleys, moving picture shows, public halls and all places of amusement;
- (7) Persons who exhibit wax works, menageries, circus riding, and other like shows usually exhibited by showmen, or who operate roller skating rinks and other places of like amusement, and merry-go-rounds, switchback railways, carousels and other like contrivances;
- (8) Dealers in coal, coke, oil or other fuel, including those who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver fuel within the town;
- (9) Persons who deliver coal or other fuel;
- (10) Persons who carry on the business of installing insulation in buildings;
- (11) Persons who own or operate vehicles from which refreshments are sold for consumption by the public;

- (12) Plumbing contractors, plumbers, master plumbers and journeyman plumbers;
- (13) Keepers of shoe repair or shoe shine shops;
- (14) Owners and operators of tourist camps, trailer camps and motels;
- (15) Chimney repair men and persons engaging in the business of altering, repairing or renovating buildings or structures or constructing radiation fallout shelters, except building contractors whose principal business is the construction of building or structures;
- (16) Operators of victualling houses, ordinaries, and houses where fruit, fish, oysters, clams or victuals are sold to be eaten therein, and places for the lodging, reception, refreshment or entertainment of the public;
- (17) Operators of all places where food stuffs intended for human consumption are made for sale, offered for sale, stored or sold;
- (18) Auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction;
- (19) Bill posters, advertising sign painters, bulletin board painters, sign posters and bill distributors;
- (20) Sellers of fresh meat in quantities less than by the quarter-carcass, and sellers of fresh fish;
- (21) Keepers of stores and shops where tobacco, cigars or cigarettes are sold by retail;
- (22) Photographers and other persons who for gain use photographic cameras or other similar devices and who, not being residents of the municipality, go from place to place or to a particular place, notwithstanding that any product is to be delivered in the municipality afterwards, provided that this paragraph does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts or to photographers on a specific assignment to local industries;
- (23) Teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire;
- (24) Keepers of livery stables and of horses for hire;
- (25) Persons keeping boats for hire;
- (26) Persons selling newspapers and magazines upon any highway;
- (27) Operators of salvage shops, salvage yards, and second-hand goods, shops and dealers in second-hand goods;
- (28) Any person using any land in the Town for the purposes of the business of dry cleaning, dry dyeing, cleaning and pressing and spotting or stain removing, and including land used for the purpose of receiving articles or goods to be subjected to any such process and for the distribution of articles or goods that have been subjected to any such process;
- (29) Laundrymen and laundry companies, except women carrying on a laundry business in private dwelling houses;
- (30) Massagists and operators of massage parlours;
- (31) Operators of lending libraries that are carried on for profit or gain;

- (32) Keepers of lodging houses. "Lodging House" in this paragraph is defined as meaning any house or other building or portion thereof in which persons are harboured, received or lodged for hire but does not include a hotel, hospital, home for the young or the aged, or institutions, provided the hotel, hospital, home or institution is licensed, approved or supervised under any general or special Act;
- (33) Persons carrying on the business of making available to the public the use of washing machines, dryers and dry cleaning machines, including coin operated washing machines, dryers and dry cleaning machines;
- (34) Persons holding motor vehicle or motorcycle races;
- (35) Persons who for hire or gain purchase or deal in old gold and other precious metals and in old jewellery or other articles for the purpose of smelting the same and recovering the gold therefrom;
- (36) Keepers of shops or places where animals or birds for use as pets are sold or kept for sale;
- (37) Bailiffs and bailiffs' assistants, except bailiffs of any Division Court or any Sheriff or his agent, or any officer of any Court of record;
- (38) Owners or operators of public garages. Public Garage includes an automobile service station, a parking lot, a motor vehicle repair shop, and a building or place used for washing or cleaning motor vehicles;
- (39) Persons engaged in the installation, erection, construction, reconstruction, alteration or repair of structures used to carry television antennae;
- (40) Persons who go from place to place or to a particular place with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the town afterwards, except from persons exempted from this requirement for a licence to hawk, peddle or sell goods, wares or merchandise by S.234 S(1)(3) of the Municipal Act, R.S.O. 1990 , Chapter M.45 - The fee for a hawker and pedlar licence shall be \$500 for an eight month period.
- (41) Persons conducting a special sale of goods. In this paragraph "special sale" means any sale or intended sale at retail described by the use of any of the following words or expressions, or any enlargement, contraction or combination thereof:

Bankrupt	moving out	fire
insolvent	selling out	smoke
trustee	lease expiring	water damage
receiver	closing out	creditor
liquidation	discontinuing	forced

or any similar word or words that represent, hold out or advertise that any goods, wares or merchandise are to be disposed of in a manner that is not in the ordinary course of retail business. This paragraph does not apply to a special sale by or under the authority of -

(a) a receiver or trustee under The Bankruptcy Act (Canada) or a liquidator under the Winding Up Act (Canada)

(b) a court or receiver appointed by the Court

(c) a bailiff, sheriff, executor or administrator; or

(d) a receiver, liquidator or trustee under any general or special Act.

- (42) Operators of body-rub parlours. For the purpose of this paragraph, "body-rub" includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licenced or registered so to do under the laws of the Province of Ontario, and "body-rub parlour" includes any premises or part thereof where a body-rub is performed, offered or solicited.
- (43) Taxi-cab brokers. In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by persons other than himself, his immediate family or his employer.
- (44) Persons who manufacture, or store in quantities of more than 25 pounds,
- (a) dynamite, dualin, nitro-glycerine or gunpowder;
 - (b) petroleum, gasoline or naphtha;
 - (c) detonators and detonator caps; and
 - (d) other dangerous or combustible, inflammable or explosive substances.
3. The granting of licences under this Part of this By-law shall be by resolution of Council, and shall direct the Clerk to issue a licence in exchange for the licence fee therefor. All persons requiring a licence under this Part shall make application in writing therefor, by way of petition to Council stating therein the particulars of the trade, occupation, calling or business which the applicant intends to carry on, and the name and address of the applicant, and shall leave the application with the Clerk. The Council shall consider the application at its next meeting occurring 24 hours or more after the filing of the application, and may then grant or refuse to grant the licence, or may direct inquiries to be made by the Clerk, Assessor, Chief Constable, County Health Unit, a committee of Council, or such persons as Council deems advisable, before further considering the application, and then upon receiving the reports of such persons may grant or refuse to grant the licence.
4. The fee for all licences under this Part of this By-law shall be Ten Dollars, except the licence fee payable by the owner or operator of vehicles from which refreshments are sold for consumption by the public, who shall pay a licence fee of \$125.00 for each vehicle so owned or operated. Persons carrying on more than one trade, occupation, calling or business requiring a licence under this Part of this by-law shall apply separately for a licence for each such trade, occupation, calling or business, but shall pay only one licence fee, except the owner or operator of vehicles from which refreshments are sold for consumption by the public, who shall pay a licence fee of \$125.00 for each vehicle so owned or operated, and an additional \$10.00 fee for any and every trade, occupation, calling or business also carried on, requiring a licence under this Part.
5. "All licences issued hereunder shall initially be in force from the date of issue until the date 60 days after the annual review of licences by Council, and thereafter shall continue in force from 60 days after annual review to 60 days after annual review, without further fee or application, unless Council, on such annual review, should determine by resolution that any particular licence should not be automatically renewed. Once each year the Clerk shall report to Council on the number of licences outstanding, the payment of business taxes by licence holders, any licence holders that to the knowledge of the Clerk are no longer in business, any complaints received relating to licence holders, the reports available to

him of any inspections of licenced premises and any other matter that Council may request or direct. In the event of Council determining that any particular licence should not be automatically renewed the Clerk shall forthwith give notice of such determination to the licence holder by registered mail addressed to his address as shown on his licence application advising that his licence will expire 60 days from the date of the annual review unless he should show cause to Council for the renewal of his licence. The licence of any licence holder so notified, that does not show cause to Council for renewal, to be determined by resolution of Council, shall expire at the end of the 60th day from the date of annual review. Hawkers & Pedlars Licence terms shall be for eight (8) months.

6. All licences under this Part of this By-law may be revoked by Council by By-law, except those issued for the trades, occupations, businesses and callings enumerated in sub-sections 4, 7, 12, 14, 15, 17, 19, 20, 22, 24, 28, 29, 30, 31, 34, 40, 41 42, 43, 44 of Section 2 of this By-law.
7. Pursuant to Section 234 of The Municipal Act, the granting or refusing of a licence to any person to carry on a particular trade, calling, business or occupation, or the revoking of a licence under the powers of the Municipal Act, is in the discretion of Council
8. The Clerk shall prepare and issue all licences granted by Council under this Part of this By-law and shall collect all licence fees. The Clerk shall also keep and maintain a record of the licences issued, the persons to whom they were issued, and the expiry date of each licence. The Clerk may send reminders to licence holders of the approaching expiry date of their licences.
9. Licences granted under this Part of this By-law shall not be assignable or transferable.
10. Failure to comply with the provisions of Section 2 of this By-law shall, for each day of such non-compliance, be a new offence.
11. Any person violating any of the provisions of this Part of this By-law shall for each and every such offence be liable upon conviction thereof to a penalty of \$500.00 exclusive of costs, which penalty and costs shall be recoverable under the Provincial Offences Act.

PART II

12. Any person who
 - (a) proposes to offer goods, wares or merchandise for sale within the Town of Amherstburg, and
 - (b) has not resided continuously within the Town of Amherstburg for at least three months next preceding the time of commencing such business, and
 - (c) is not entered on the Assessment Roll in respect of business assessment for the Town of Amherstburg for the then current year, or is entered on it for the first time, shall obtain a transient trader's licence, in addition to any licence or licences that may be required under Part 1 of this By-law, before commencing to trade.

13. Any person who

(a) proposes to offer goods, wares or merchandise for sale within the Town of Amherstburg, and

(b) has resided continuously within the Town of Amherstburg for at least three months next preceding the time of commencing such business, but

(c) is not entered on the Assessment Roll for the Town of Amherstburg in respect of business assessment, or is entered on it for the first time,

shall obtain a new business licence, in addition to any licence or licences that may be required under Part 1 of this By-law, before commencing to trade.

14. This part of this By-law does not apply to

(a) a bona fide purchaser of an existing business within the Town, who continues the business, or

(b) the sale of the stock of a bankrupt or insolvent within the meaning of The Bankruptcy or Insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, of a business that was being carried on within the Town at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock.

15. The fee to be paid for a transient trader's licence shall be 100 % of previous year's taxes - Minimum \$200, Maximum \$500 to be held as security, except for a farmer resident in Ontario, who offers for sale only the produce of his own farm, for whom the fee shall be \$5.00.

16. The fee to be paid for a new business licence shall be a sum computed by reference to the business tax on the premises that such person would have been required to pay for the current year in respect to such business if he had been previously assessed and made liable for such tax, and shall be 100% of the previous year's taxes - Min. \$200, Maximum \$500 to be held as security.

17. Persons required to pay a licence fee calculated under Section 16 of this By-law shall provide the Clerk with all information required to calculate the licence fee.

18. Applications for a transient trader's licence or a new business licence shall be made, and dealt with by Council, in the same manner as an application under Section 3 of this By-law, except that the application for a transient trader's licence or a new business licence shall include a full description of the goods, wares or merchandise that the applicant proposes to sell or offer for sale under such a licence, and shall be accompanied by a certified cheque payable to the Town for the full amount of the licence fee.

19. Every transient trader shall cause his licence to be prominently and permanently displayed in his place of business during the full term in which he is carrying on business as a transient trader, and in default thereof is guilty of an offence and on conviction is liable to a fine of not less than \$1.00 and not more than \$10.00.

20. Any person who violates Section 12 of this By-law is guilty of an offence and on conviction is liable to a fine equal to the licence fee that he should have paid in the amount of \$500.00.

21. Any person who violates Section 13 of this By-law is guilty of an offence and on conviction is liable to a fine of \$500.00.

By-law 2201 of the for Town of Amherstburg is hereby repealed.

This By-law shall come into force and take effect on the day of the final passage thereof.


MAYOR


CLERK

First Reading - December 16, 2002

Second Reading - December 16, 2002

Third Reading - December 16, 2002

Certified to be a true copy of By-law 2002-81
passed by the Amherstburg Municipal Council
on December 16, 2002.