

**The Municipality of Central Manitoulin**

**By-Law Number 2020-08  
(A By-Law to replace By-Law Number 2012-11)**

**Being a By-law to License Mobile Vendors**

**Whereas** the Municipal Act, Section 151, RSO 2001 Ch. 25, as amended, empowers municipalities to enact By-laws for licensing, regulation and governing vehicles, structures and locations, from which products or services, are sold or distributed to the public, and for revoking any such license.

**And Whereas** the Municipal Act, Section 151, RSO 2001 Ch. 25, as amended, empowers municipalities to enact by-laws for licensing, regulation and governing persons who go from place to place or at 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 Municipality afterwards;

**And Whereas** the Municipality of Central Manitoulin does hereby deem it advisable to license Mobile Vendors.

**Now Therefore**, The Municipality of Central Manitoulin enacts as follows:

**“Mobile Vendor”** means any person, non-permanent structure or vehicle used for the purpose of the distributing or selling of a service or product to the public in any location within the Municipality of Central Manitoulin.

**“Class A - Stationary Unit”** means a motorized or non-motorized vehicle that is used as a non-travelling, site specific food premises including but not limited to a catering truck, chip truck or refreshment trailer and for the purposes of this By-Law shall be considered to be a structure.

**“Class B - Mobile Unit”** means a motorized or non-motorized vehicle that is used as a travelling food premises including but not limited to a catering truck, chip truck or refreshment trailer.

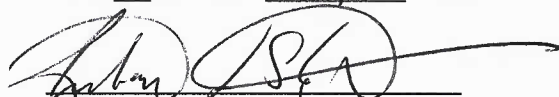
**“Class C - Pushcart”** means a cart which is propelled by muscular power and is equipped with cooking equipment on which to prepare hot food or a cart which is propelled by muscular power and is equipped with an insulated container for storing and transporting frozen products.

**“Class D - Door to door sales”** means any person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the Municipality afterward.

1. No person shall operate as a Mobile Vendor within the Municipality without having first obtained a license to commence such an operation from the Municipality. Temporary licenses must be obtained by those persons who are operating for a specific time period or on a short-term basis. For the purposes of this By-law, operators or groups whose wares, services or merchandise will be sold or distributed at licensed events or locations such as but not limited to Fall Fairs and Farmers Markets shall not be considered to be “Mobile Vendors”.
2. The following classes and fees of Mobile Vendors are hereby established:
  - a. *Class A - Stationary Units* - \$750.00 per year
  - b. *Class B - Mobile Units* - \$500.00 per year
  - c. *Class C - Pushcart* - \$250.00 per year
  - d. *Class D - Door to Door Sales* - \$250.00 per year
3. Operation as a “*Class A - Stationary Unit*” shall occur only on properties where a commercial use would be in conformity with the Municipal Zoning By-law and shall meet all provisions of the zone in which it is located.
4. A “*Class A – Stationary Unit*” license issued pursuant to this By-Law shall be non-transferable and shall be valid for the term specified but shall expire on December 31<sup>st</sup> of each calendar year.
5. A “*Class B – Mobile Unit*”, “*Class C – Pushcart*” or “*Class D – Door to door sales*” license issued pursuant to this By-Law shall be non-transferable and shall be valid for the term specified but shall expire on October 31<sup>st</sup> of each calendar year.
6. No person shall carry on or operate as a “*Class B – Mobile Unit*”, “*Class C – Pushcart*” or “*Class D – Door to door sales*” except during the times between 8:00 a.m. and 8:00p.m. on any day.
7. No person shall carry on or operate as a “*Class B – Mobile Unit*” or “*Class C – Pushcart*” on any property within the Municipality whether it is Privately, Provincially or Municipally owned without a written consent letter from the owner thereof.

8. No person shall operate as a Mobile Vendor or obtain a Municipal license to operate as a Mobile Vendor, without first having obtained and, supplied to the Municipality, a Certificate of approval from the Medical Officer of Health, if applicable.
9. No person shall operate as a Mobile Vendor, without having first obtained and, supplied to the Municipality, a Certificate of Compliance from a licensed propane service depot, if applicable.
10. No person shall operate as a Mobile Vendor unless the Municipal license is prominently displayed at the location where the Mobile Vendor is in operation.
11. The Council may at any time after a hearing is held, and on notice to the licensee, revoke any license held by the licensee for cause. Without limiting the generality of the foregoing, Council may suspend a license for:
  - a. Breach of the Criminal Code of Canada.
  - b. A violation of the provisions of this or any other By-Law of the Municipality.
12. Every person who applies for a license to operate as a Mobile Vendor under this By-law shall apply to the Municipality with the form provided and be accompanied by the required fee.
13. The proposed temporary structure or vehicle to be used shall meet the requirements of all Municipal By-laws, the Ontario Fire Code and all other applicable law pertaining to its intended use.(i.e. Highway Traffic Act)
14. The applicant at the time of making application for license shall furnish the Municipality with true copies of all documents and approvals as required by applicable law in connection with the operation as a Mobile Vendor, and shall be restricted to one non-permanent structure or vehicle with a maximum floor area of 20m<sup>2</sup>, for the operation of said business.
15. Application for license does not guarantee a license will be granted.
16. Every person licensed under this by-law, upon changing their address, shall give written notice thereof to the Municipal Clerk within ten (10) days after such change, setting forth their new address.
17. The provisions of this By-Law shall be enforced by the By-law Enforcement Officer or designate who is designated by Council.
18. No person shall hinder or obstruct or attempt to hinder or obstruct an officer who is exercising a power or performing a duty under this By-Law.
19. Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended. (See Schedule "A")
20. The cost of any action taken by the Municipality to ensure compliance with this or any other By-law, shall be recoverable to the limits provided by law.
21. Any persons convicted of a breach of any of the provisions of this by-law by a Provincial Court Judge or competent jurisdiction thereafter, shall be issued an order prohibiting the continuation or repetition of the offence or the doing of any act by the person convicted directed towards the continuation or the repetition of the offence. Also, in addition to any other penalty, all recoverable costs shall also be imposed on the person convicted.
22. This By-Law repeals Municipality of Central Manitoulin By-Law 2012-11.
23. That this by-law shall come into effect on the first day of passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
THIS 28<sup>th</sup> DAY OF MAY 2020.

  
Richard Stephens, Mayor

  
Ruth Frawley, Clerk

I, Ruth Frawley, Clerk of the Municipality of Central Manitoulin, hereby certify that the foregoing is a true copy of By-Law 2020-13 passed by the Council of the Municipality of Central Manitoulin on the 28 day of May, 2020.

  
Clerk

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
NORTHEAST REGION  
  
159 CEDAR STREET  
3<sup>rd</sup> FLOOR, SUITE 303  
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DU NORD-EST  
  
159, RUE CEDAR  
3<sup>e</sup> ÉTAGE, BUREAU 303  
SUDBURY (ONTARIO) P3E 6A5  
  
TELEPHONE/TÉLÉPHONE (705) 564-7624  
FAX/TÉLÉCOPIEUR (705) 564-7620

## PROVINCIAL OFFENCES ACT

### Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2020-08, of the Municipality of Central Manitoulin, Manitoulin District, attached hereto is the set fine for that offence. This Order is to take effect June 26<sup>th</sup>, 2020.

Dated at the City of Greater Sudbury, this 12<sup>th</sup> day of June, 2020.

A handwritten signature in black ink, appearing to read 'P. Boucher', written over a horizontal line.

PATRICK BOUCHER  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

**Municipality of Central Manitoulin**

**Part I**

**Provincial Offences Act**

**Bylaw 2020-08**

**License Mobile Vendors**

**Schedule "A"**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
<b>1</b>	<b>Failure to obtain license</b>	<b>Section 1.</b>	<b>\$ 200.00</b>
<b>2</b>	<b>Operate between 8:00 p.m. and 8:00 a.m.</b>	<b>Section 6.</b>	<b>\$ 300.00</b>
<b>3</b>	<b>Operate on property without consent</b>	<b>Section 7.</b>	<b>\$ 200.00</b>
<b>4</b>	<b>Failure to procure Certificate from Medical Officer of Health</b>	<b>Section 8.</b>	<b>\$ 200.00</b>
<b>5</b>	<b>Failure to procure Certificate for Propane Compliance</b>	<b>Section 9.</b>	<b>\$ 200.00</b>
<b>6</b>	<b>Failure to display license</b>	<b>Section 10.</b>	<b>\$ 100.00</b>
<b>7</b>	<b>Fail to notify change of address</b>	<b>Section 16.</b>	<b>\$ 100.00</b>
<b>8</b>	<b>Obstruct or attempt to obstruct an Officer</b>	<b>Section 18.</b>	<b>\$ 500.00</b>

**NOTE: The penalty provisions for the offences indicated above is Section 19 of Bylaw 2020-08, a certified copy of which has been filed.**

A handwritten signature in black ink, appearing to be a stylized 'C' followed by a series of loops and a long horizontal stroke.