

THE MUNICIPALITY OF CENTRAL MANITOULIN

BYLAW NO.2009-09
A BYLAW TO PROVIDE FOR THE
ESTABLISHMENT AND MAINTENANCE OF A
BUSINESS REGISTRY
IN THE MUNICIPALITY OF CENTRAL MANITOULIN

WHEREAS pursuant to Section 151 (1) of the Municipal Act, 2001 which allows a municipality to establish and maintain a registry of businesses and require a business to which Section 150 of the Municipal Act 2001 applies, and to which is being carried on within the municipality, to register and maintain its registration in the registry.

AND WHEREAS pursuant to Section 152 (1) of the Municipal Act, 2001, a municipality shall not pass a business registry by-law providing for a system of registry which makes it illegal for a business listed below to carry on or engage in the business without registering:

1. A manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail.
2. The sale of goods by wholesale.
3. The generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources. 2006, c. 32, Sched. A, s. 82.

AND WHEREAS pursuant to Section 10 (2) of the Municipal Act, 2001 the Council of the Municipality of Central Manitoulin has the authority to require a business to be part of a registry for the following purpose;

- i) nuisance control
- ii) health & safety of citizens
- iii) consumer protection

AND WHEREAS pursuant to Section 150 of the Municipal Act, 2001, the following businesses are to be included in the business registry;

- i) A business, trade or occupation
- ii) Any business that is not subject to a business license pursuant to Section 152 of the Municipal Act 2001 or it's Regulations.

THEREFORE the Municipal Council of the Municipality of Central Manitoulin enacts as follows:

PART 1
DEFINITIONS

1.1 IN THIS BYLAW:

"Business" includes a business, trade or occupation

"Municipality" means the Municipality of Central Manitoulin

"Clerk" means the person within the administration of the Township who fulfils the function of Township Clerk as required by the *Municipal Act, 2001*

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“**Owner**” includes a person who alone or with others owns or has the right to possess or operate a business and includes a lessee of a business premises upon which a business is located, and “own”, “ownership”, and words of like import or intent shall be given corresponding meanings.

“**EDO**” shall mean Economic Development Officer for the Municipality

PART 2

GENERAL PROVISIONS

2.1 LICENSE REGISTRY PROCESS:

Applications to register a business shall fall under the provisions of this bylaw and applications for the renewal of such licenses:

- a) shall be made to the Economic Development Officer on the form provided
- b) shall be circulated to such municipal departments as required
- c) shall ensure that the business is operating within the appropriate zone
- e) maintain and keep records of all registrations received and shall update and amend such records in accordance with information received

2.2 Every applicant shall provide in full, at the time the application is submitted, the necessary information on the application form attached as Schedule “A” and shall include but not be limited to the following information:

- a) name, ownership, contact information including address, telephone number, fax number
- b) type of business, trade or occupation being operated
- c) location of business
- d) hours of operation
- e) such other information as may be required by the Registrar; and

2.3 REGISTRATION FEE

- a) No fees are payable for registration of a business under this Bylaw.

2.4 PROHIBIT OPERATION OF BUSINESS UNLESS BUSINESS IS REGISTERED

1. No person shall operate a business within the territorial jurisdiction of the Municipality of Central Manitoulin unless such person:
 - a) registers in accordance with this Bylaw
 - b) maintains such registration in accordance with this Bylaw
2. Every Owner of a Business identified in subsection 2.4 (1) shall file a separate application for registration for each such Business owned by him or her.

2.5 REVOKE OR SUSPEND A REGISTRATION

No person shall operate a business in which the carrying on or operation of the business for which the application is being made is in contravention of any bylaw of the Municipality, or any applicable Provincial or Federal legislation.

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2.6 UPDATING OF REQUIRED INFORMATION

Every person operating a business under this Bylaw upon changing his contact information, shall give written notice thereof to the Economic Development Officer for the Municipality within fourteen (14) days after such change, setting forth his new information.

Every Owner who ceases to own or ceases to operate the business registered pursuant to this Bylaw shall notify the Registrar in writing of such fact within 14 days of ceasing to own or ceasing to operate the business, as the case may be.

2.7 PUBLIC REGISTER

The EDO shall record the information provided in a Public Register maintained by the EDO in a form determined by him or her, which may be in written or electronic format.

2.8 EXPIRY OF REGISTRATION – RE REGISTRATION

Every registration made prior to DECEMBER 31, 2008, shall expire on DECEMBER 31st, 2010.

Thereafter registrations made under this By-law shall expire December 31st of every second year following the year 2010.

The Owner of a Business shall re-register every second year thereafter, a minimum of 14 days prior to the expiry date as previously described.

This By-law shall come into force and take effect 20 days after the final passing of this By-law.

That By-law 2007-21 of the Corporation of the Township of Central Manitoulin is hereby rescinded.

Schedule "A" attached hereto shall form part of this By-law.

READ a first, second and third time and finally passed this _____ day of _____, 2009.

Deputy Reeve, Sarah Bowerman

Clerk, Ruth Frawley

I _____, Clerk of the Municipality of Central Manitoulin, do hereby certify that this is a true copy of By-law 2009-09 as passed in open Council on the ___ day of _____, 2009.

Clerk - Municipality of Central Manitoulin

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Schedule "A" to By-law 2009-09

REGISTRATION OF BUSINESS

The registration of a business is governed by rules, regulations and conditions as set out in Bylaw No. 2009-09 of the Municipality of Central Manitoulin.

* The following information is **NECESSARY** for the purposes of registration.

Name of Business: _____

Location of Business: _____ Hours of Operation: _____

Type of Business: _____

(Wares to be Sold/ services to be provided)

Name of Business Owner: _____

Address: _____

Telephone No.: _____ Fax No.: _____

Do you wish to have your business advertised on Central Manitoulin Website: Yes__ No__

The following information is **OPTIONAL**:

Web/Email

Address: _____

Contact person (if other than owner) _____ Tel.# _____

Address: _____

Those authorized to sign on behalf of the business:

Name: _____ Title: _____

Name: _____ Title: _____

Date: _____

Municipal Contact: Economic Development Officer

E-mail: centralecdev@amtelecom.net

*** INFORMATION COLLECTED AND DISTRIBUTED UNDER THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT**