

The Municipality of Central Manitoulin

By-law No. 2012-11

Being a By-law to License Mobile Vendors

Whereas the Municipal Act, Section 236 (11), Chapter M.45 R.S.O. 1990 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 234 (1), Chapter M.45 R.S.O. 1990 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 shall mean; 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 one location for a period longer than 24 consecutive hrs. within the Municipality of Central Manitoulin, and for the purposes of this By-law a 'Mobile Vendor' shall be considered to be a structure.

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. Operation as a Mobile Vendor 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.

3. 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.

4. No person shall operate as a Mobile Vendor, without having first obtained and, supplied to the Municipality, a Compliance Certificate from a licensed propane service depot, if applicable.

5. 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.

6. 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

7. The fee payable upon the issue of each license and on any renewal or re-issue shall be \$500.

8. Every person who applies for a license to operate as a 'Mobile Vendor' under this By-law shall apply in writing to the Municipality stating the location and proposed use, accompanied by the required fee of \$500.

9. 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.

10. 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 20 sq. meters, for the operation of said business.

11. A license issued pursuant to this By-law shall be non-transferrable and shall be valid between April 1st and October 31st, of each calendar year only and all items pertinent to the 'Mobile Vendor' shall be removed from the location of operation at the end of each license period.

12. A license issued pursuant to the provisions of this by-law shall not be transferable and shall be issued for a maximum duration of 6 months.

13. Application for license does not guarantee a license will be granted.

14. Every person licensed under this by-law, upon changing his address, shall give written notice thereof to the Municipal Clerk within ten (10) days after such change, setting forth his new address.

15. The provisions of this by-law shall be enforced by the By-law Enforcement Officer.

16. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a minimum fine of \$500 to a maximum of \$2,000 for each day of operation as a "Mobile Vendor" not being in compliance with this By-law.

17. 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.

18. 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.

19. 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 22nd DAY OF NOVEMBER 2012.**

Gerald Strong, Reeve

Ruth Frawley, Clerk

I _____, Clerk of the Municipality of Central Manitoulin, hereby certify that the foregoing is a true copy of By-law #2012-11, passed by the Council of the Municipality of Central Manitoulin on the 22nd day of November, 2012.

Clerk