

CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

AMENDED BY:

BY-LAW NO. 2002-0169 (LI-3)

2004-0103 (LI-3)

DATE 2004-10-25

**A BY-LAW RESPECTING THE ISSUE
OF LICENCES IN THE TOWN OF GEORGINA**

WHEREAS the Council of the Town of Georgina may, pursuant to the Municipal Act, as amended, enact by-law for the licensing, regulating and governing of businesses and occupations in the Town of Georgina;

AND WHEREAS the Council of the Town of Georgina deems it desirable to enact a by-law to licence business;

BE IT THEREFORE ENACTED BY THE COUNCIL OF THE TOWN OF GEORGINA:

1. DEFINITIONS

For the purposes of this by-law:

Applicant means a person applying for a licence under this by-law;

Application means an application in the form provided by the Licensing Section and accompanied by the appropriate fee;

Chief-of-Police means the Chief of Police of The Regional Municipality of York;

Committee means the Committee appointed by Council for such purpose of conducting a hearing upon request of an applicant or licensee;

Council means the Council of The Corporation of the Town of Georgina;

File means to submit a document to the Licence Issuer;

Fire Chief means the Fire Chief of the Town of Georgina or his designate;

Health Department means York Regional Health Services Department or any other agency carrying out the responsibilities of the York Regional Health Department;

Licence means the certificate or other similar document issued pursuant to this by-law as proof of licensing under this by-law;

Licensed means to have in one's possession a valid and current licence issued under this by-law and unlicensed has the contrary meaning;

Licensee means a person licensed under this by-law;

Licence Issuer means the head of the Licensing Section of The Corporation of the Town of Georgina and includes his/her designate;

Licensing Inspector means any person appointed by the Corporation of the Town of Georgina as a Municipal Law Enforcement Officer for the purposes of enforcing this by-law;

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DATE 2006-10-06

Medical Officer of Health means a person appointed pursuant to s. 39 of the *Public Health Act*, R.S.O. 1990, as amended;

Person includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

Town means the Corporation of the Town of Georgina in The Regional Municipality of York;

2. LICENCES REQUIRED

- (1) There shall be taken out by:
 - (a) every owner or operator of an adult entertainment facility (see Schedule "1");
 - (b) every owner or operator of an adult entertainment parlour (see Schedule "2");
 - (c) every person who owns or operates a bed and breakfast (see Schedule "3");
 - (d) every person who owns or operates a body rub parlour (see Schedule "4");
 - (e) every person who conducts an exhibition/festival (see Schedule "5");
 - (f) every person who sells or offers for sale any recreational low hazard fireworks (see Schedule "6");
 - (g) every person who acts or carries on business as a salesperson, hawker, pedlar or goes from place to place or to a particular place with goods, wares or merchandise for sale, or, carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards (see Schedule "7");
 - (h) every person who owns a horse riding establishment (see Schedule "8");
 - (i) every person who owns or operates a place of amusement (see Schedule "9");
 - (j) every person who owns or operates a vehicle from which refreshments are sold for consumption by the public (see Schedule "10");
 - (k) every owner or keeper of a salvage shop or salvage yard; and every person who goes from house to house or along any street whether public or private for the purpose of collecting, purchasing or obtaining second-hand goods every owner or keeper of a shop, store or other place for the purchase, sale or exchange of second-hand goods; every person other than those before mentioned who engage in the business of purchasing, selling or exchanging or otherwise dealing in second-hand goods in or from a yard, shop, store or other premises (see Schedule "11");

- (l) every person who conducts a special sale (see Schedule "12");
- (m) every person who owns or operates a limousine, taxicab or limousine or taxicab brokerage and every person who drives a limousine or taxicab (see Schedule "13");

a licence from the Town of Georgina authorizing them to carry on their trades, callings, businesses, and occupations in the Town of Georgina for which licence the person shall pay to the Licence Issuer at the time of filing an application, the fee established by this by-law, or any amending by-law.

- (2) An application for a licence, or the renewal thereof, respecting any of the several trades, callings, businesses and occupations mentioned in this by-law or any amending by-law hereto, the applicant shall complete the prescribed forms.
- (3) The licences for the trades, callings, businesses and occupations set out in Appendix 'B' to this by-law shall, unless they are expressed to be for a shorter or longer time, be for one year, and unless they are sooner forfeited or revoked, shall in each case, expire in each year on the date set out opposite the same.
- (4) The respective sums of money set out in this by-law opposite the respective descriptions of licences in Appendix 'B' hereinafter referred to as the "Fee Schedule" is hereby established as the amounts for such licences.

3. LATE PENALTY

In addition to the fee required to be submitted as set out in Appendix 'B' a late penalty equal to 50% of the fee must also be submitted with a renewal application if the renewal application is being submitted after the expiry date as set out in Appendix 'B'.

4. PROCEDURES AND GENERAL PROVISIONS

The Licence Issuer shall carry out the administrative duties associated with the licensing function for the Town of Georgina;

- (a) No person shall alter, erase or modify a licence or allow the alteration, erasure or modification of a licence without the approval of the Licence Issuer;
- (b) Every application for a licence shall be delivered to the licensing section thirty (30) days in advance of requiring said licence;
- (c) Every application for renewal of a licence shall be delivered to the licensing section thirty (30) days prior to the expiry date of the licence as set out in Appendix 'B';
- (d) Every corporate applicant shall file a copy of its incorporating documents, along with any amending documents, and the most recent annual filing, if any;
- (e) Where two or more persons carry on or engage in partnership in any of the trades, callings, businesses or occupations set out in this by-law the licence may be issued in the name of one partner only, but when the application for licence is made, the name and address of each member of the partnership shall be set out therein;

- (f) Every applicant shall file a business registration under the ***Business Names Act, R.S.O. 1990*** as amended, where the name is other than in name of sole proprietor;
- (g) Every licensee or applicant on request of the Licence Issuer shall file such documentation as is necessary to determine the applicants' compliance with the provisions of this by-law;
- (h) Every person applying for or holding a licence under this by-law shall, in such application or in carrying on or engaging in the trade, calling, business or occupation in respect of which the licence is issued, observe, comply with and be governed by the regulations set out in this by-law, the respective Schedules to this by-law or any amending by-law which relate to such person;
- (i) Every licensee shall, on request of the Police, Licence Issuer or Licensing Inspector, produce his licence and any other documentation requested;
- (j) Every licensee operating propane or natural gas vehicles shall have annual inspections and shall have affixed to the windshield, a valid windshield sticker issued by a qualified propane or natural gas inspector;
- (k) Every licensee shall post in a conspicuous place his licence and if the Licence Issuer does not deem posting appropriate shall carry his licence with him;
- (l) All plates issued pursuant to this by-law shall remain the property of the Town;
- (m) When the applicant is not the owner of the property from where he will be operating such business, trade or occupation he will be required to produce a letter from the owner authorizing the use of the property for such purpose.

5. ONTARIO DRIVER'S LICENCE SUSPENDED

Every driver shall have and maintain in good standing at all times a driver's licence issued by the Province of Ontario, and the driving privileges conferred under this by-law shall, for all purposes of the by-law, be deemed suspended during any period in which such Ontario driver's licence is under suspension.

6. BUSINESS NAME AND CHANGE OF INFORMATION

- (a) A licensee shall carry on business in the Town in the name, which is set out on the licence and shall not carry on business in the Town in any other name unless he has first notified the licensing section;
- (b) A licensee shall notify the licensing section within five (5) days of any change of name, address or any other information related to the licensee;
- (c) Where the licensee is a corporation, the licensee shall notify the licensing section of any change in the names and addresses of officers and directors, the location of the corporate head office, change of ownership of shares within five (5) days of the change, and if necessary, the licence shall be returned immediately to the licensing section for amendment.

7. ADMINISTRATION

The Licence Issuer shall:

- (a) receive and process all applications for licences and for renewal of licences;
- (b) issue all licences, when an application is made in accordance with the provisions of this by-law;
- (c) maintain complete records showing all applications received and licences issued;
- (d) generally perform all the administrative functions conferred upon the Licence Issuer by this by-law.
- (e) upon receipt of an application, make or cause to be made all investigations relative to such application as set out in Appendix 'E'.

8. GROUNDS FOR REFUSAL TO ISSUE OR RENEW A LICENCE

An applicant is entitled to be licensed and a licensee is entitled to have his licence renewed except where:

- (a) having regard to his financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business being licensed;
- (b) the past conduct of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he is to be licensed in accordance with the law, and with integrity and honesty;
- (c) the issuing of the licence or renewal of the licence would be contrary to the public interest;
- (d) the applicant or licensee is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this by-law, or any other municipal by-law or any other applicable law;
- (e) where the applicant or licensee is a corporation, the past conduct of an officer or director affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he is to be licensed in accordance with the law.

9. LICENCE ISSUER'S POWER TO REFUSE A LICENCE

The Licence Issuer shall refuse to issue or renew a licence where the applicant or licensee would not be entitled to a licence for the reasons set out in this by-law.

10. LICENCE ISSUER'S POWER TO REVOKE OR SUSPEND A LICENCE

The Licence Issuer shall revoke or suspend a licence or deny renewal of a licence where the licensee fails to comply with any of the provisions of this by-law;

11. ISSUING A LICENCE ON TERMS AND CONDITIONS

The Licence Issuer may issue or renew a licence subject to such terms and conditions as are necessary to give effect to this by-law.

- (1) When, for any of the grounds set out in the applicable section of this by-law, an applicant or licensee is not entitled to be licensed or to have his licence renewed, or a licence may be subject to revocation, the Licence Issuer shall refuse to issue or refuse to renew the licence, suspend or revoke the licence, or issue a licence subject to terms and conditions.
- (2) The Licence Issuer shall provide written notice to be given to the applicant:
 - (a) setting out the grounds for the revocation, refusal to issue or renew, suspension or the terms and conditions of a licence;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Licence Issuer; and
 - (d) inform the applicant or licensee of his right to a hearing before a Committee appointed by Council if he delivers a written request for such a hearing within seven (7) days following the date of service.
- (3) The written notice given by the Licence Issuer shall be sufficiently served if delivered personally or by registered mail addressed to the person to whom notice is to be given at the last address given by that person to the Licence Issuer. When written notice is given by registered mail, service shall be deemed effective five (5) days from the date of mailing.
- (4) On receipt of a written request for a hearing from an applicant or a licensee, the Licence Issuer shall schedule the hearing and shall give the applicant or licensee reasonable written notice of the date, time and place of the hearing.
- (5) The provisions of Sections 5 to 15 and 21 to 24 of the **Statutory Powers Procedure Act, R.S.O. 1990**, as amended shall apply to all hearings conducted by the Committee under this by-law.
- (6) When an applicant or licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Committee may proceed with the hearing in his absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.
- (7) At the conclusion of a hearing the Committee shall, as soon as practicable, submit a written report of the hearing to Council and the report shall:
 - (a) summarize the relevant evidence and arguments presented by the parties at the hearing;
 - (b) set out the findings of fact and the recommendations made by the Committee;
 - (c) set out the reasons for the recommendations.

- (8) After giving consideration to the report of the Committee, Council may make any decision with respect to the licence and the applicant or licensee shall not be entitled to any further hearing before Council on the matter and the decision of Council shall be final and binding.
- (9) Where a licence has been revoked or suspended pursuant to this by-law, the Licence Issuer shall send by registered mail, addressed to the person whose licence has been revoked or suspended at the last address given by that person to the Licence Issuer, a written notice of revocation or suspension of licence, and upon the mailing of such written notice the licence shall forthwith be revoked or suspended;
- (10) A licensee whose licence has been revoked or suspended shall return the licence and all plates issued by the Licence Issuer with reference to such licence to the Licence Issuer within twenty-four (24) hours of service of the notice of revocation, and the Licence Issuer or Licence Inspector, may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking or removing the said licence and plates;
- (11) No person whose licence has been revoked or suspended shall refuse to deliver the licence or plates to the Licence Issuer or a Licence Inspector or in any way obstruct or prevent the Licence Issuer or Licence Inspector from receiving or taking the same.
- (12) Notwithstanding any decision of or statement by Council respecting the granting of a licence or application therefore, no person shall be deemed to be licensed to carry on or engaged in the trade, calling, business or occupation for which such licence is required until he has paid the required fee and has received the physical licence, plate, or other evidence of the granting of such licence provided for in this by-law.
- (13) The Licence Issuer shall on behalf of Council sign all licences issued by it pursuant to this by-law and the Licence Issuer's signature may be printed or mechanically reproduced upon each licence issued, and such licence shall be in such form as Council may from time to time designate.

12. INSPECTION

The Licence Issuer, Licence Inspector or the Police may at all reasonable times:

- (1) inspect any vehicle, building, place or premise used in the carrying on of any trade, calling, business or occupation required to have a licence under this by-law excluding any portion used as a dwelling unit; and
- (2) inspect any goods, articles, books, records and other documents of or relating to any such trade, calling, business or occupation.

13. NOTICE OF NON-COMPLIANCE BY AN INSPECTOR

Where the Licence Issuer or Licence Inspector find that any provision of this by-law is being contravened, he may give to the person whom he believes to be in contravention of the by-law a notice of non-compliance in writing directing compliance with such provision and may require the notice of non-compliance to be carried out forthwith or within such time as he specifies.

14. GENERAL PROHIBITIONS

- (1) No person shall, within the limits of the Town of Georgina, carry on or engage in any of the said trades, callings, businesses or occupations outlined in this by-law unless he possesses a valid licence.
- (2) No person shall hold himself out to be licensed pursuant to this by-law unless he is so licensed.
- (3) No person who has or is required to have a licence under this by-law shall obstruct or hinder the making of any inspection under this by-law, or cause or permit the same to be obstructed or hindered.
- (4) No person shall obstruct the Licence Issuer or Licence Inspector in the execution of his duties.
- (5) No person licensed pursuant to this by-law shall for reason of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status or handicap, discriminate against any member of the public.
- (6) No person licensed under this by-law shall in respect of any disabled person;
 - (a) refuse to provide service in any manner to such person;
 - (b) refuse to permit such person to enter into or upon any place, premise, vehicle or thing to which the licence relates; or
 - (c) refuse to permit such person to remain in or upon such place, premise, vehicle or thing;

by reason only have the presence of such disability.

- (7) No person shall operate or permit to be operated any vehicle, which is not licensed pursuant to this by-law.
- (8) No person shall operate or permit to be operated any vehicle, which does not have affixed to it in a manner approved by the Licence Issuer or Licence Inspector a current valid plate.
- (9) No person shall withhold, destroy, conceal or refuse to furnish any information, books, papers, documents, or things relevant to the subject matter of an application or an inspection.
- (10) No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of a licence shall be the property of the Town.
- (11) No person licensed to carry on business under this by-law shall advertise or promote or carry on such business under any name other than the name endorsed upon his licence.
- (12) No person shall sell on any property without the written permission of the property owner which written permission clearly identifies the location.

15. PENALTY

Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided in the Provincial Offences Act, R.S.O. 1990, C. P. 33, as amended.

16. INTERPRETATION

- (1) In this by-law, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine.
- (2) All schedules and appendices to this by-law shall form part of the by-law.
- (3) In the event of conflict between any of the general provisions of this by-law and any provisions set out in the Schedules hereto, the provisions of the Schedule shall prevail.

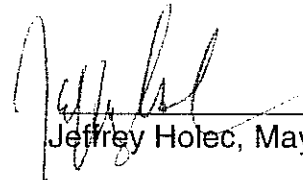
17. SEVERABILITY

Every provision of this by-law is declared to be severable from the remainder of the by-law and if a court of competent jurisdiction shall declare any provision of this by-law invalid such declaration shall not affect the validity of the remainder thereof.

18. REPEAL

That by-law Number 99-032(LI-3) and all amendment thereto are hereby repealed.

Read a first, second and third time this 9 day of December, 2002.


Jeffrey Holec, Mayor


Roland Chénier, Town Clerk