



By-Law No. 2024-49

Being a By-law to Regulate Transient Trader Business License in the Corporation of the Township of Dubreuilville

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended hereinafter referred to as the “Municipal Act” provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 8 (3) of the Municipal Act, authorizes a municipality to provide for a system of licenses;

AND WHEREAS Section 8 of the Municipal Act, provides for the powers of a municipality under this or any other Act shall be interpreted broadly to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers proper and enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS Section 10 (6) & (11) of the Municipal Act, authorizes a municipality to pass a By-law respecting the economic, social and environmental well-being of the municipality, health, safety, and well-being of person, as well as business licensing;

AND WHEREAS Section 151 of the Municipal Act, provides that a municipality may provide for a system of licenses with respect to a business.

AND WHEREAS Section 434.1 of the Municipal Act, provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to follow a by-law of the municipality passed under the Municipal Act;

AND WHEREAS Section 23.1 of the Municipal Act, authorizes a municipality to delegate its powers and duties;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Dubreuilville enacts as follows:

1. Definitions

In this By-law:

“**Act**” means the *Municipal Act, 2001*, S.O. 2001, c. 25;

“**Administrative Fees or Penalty**” means a monetary penalty that can be issued to a person or corporation found in violation of the provisions of this by-law, established by by-laws passed by the Township of Dubreuilville, the *Provincial Offences Act, R.S.O. 1990*, or the *Municipal Act, 2001*.

“**Agent**” means a person authorized in writing by an owner to act on the owner’s or group of owners’ behalf;

“**Applicant**” means person applying for a *license* or the renewal of a *license* under this By-law;

“**Business**” means any business wholly or partly carried on within the Township even if the business is being carried on from a location outside the Township and includes:

- a) Trades and occupations;
- b) The sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader;
- c) The display of samples, patterns, or specimens of goods for the purpose of sale or hire.

“**By-law**” means this Licensing By-Law;

“**CAO-Clerk**” means the CAO-Clerk of the Corporation of the Township of Dubreuilville or his or her designate;

“**Corporation**” means the Corporation of the Township of Dubreuilville;

“**Council**” means the Council for the Corporation of the Township of Dubreuilville;

“**Fee**” means a fee in addition to the license fee, imposed by the Township on a business at any time during the term of the license for costs incurred by the Township attributable to the activities of the business, which may be included in the User Fees By-Law;

“**Fire Chief**” means the Fire Chief of the Dubreuilville Volunteer Fire Department of the Corporation of the Township of Dubreuilville or designate;

“**Food**” means food or drink for human consumption, and includes but is not limited to, refreshments and confections including pre-packaged, prepared, wholesale, bulk, or catered food;

“**Food premises**” means a food premises as defined in the *Health Protection and Promotion Act, R.S.O. 1990. c. H. 7*, as amended;

“**License**” means a license issued by the Township following this By-law;

“**Licensee**” means a person who holds a valid current license following this By-Law;

“**License Fee**” means a fee imposed by the Township related to the application and issuance of a license under this By-Law;

“**License Issuer**” means a **Township** employee who has delegated authority by Council as the person responsible for issuing a license;

“Municipal By-law Enforcement Officer” means the Municipal By-law Enforcement Officer appointed by the Township of Dubreuilville or their agent, other staff appointed as an Officer for the Township;

“Non-resident” means a person who does not live or have a regular place of business in the Township;

“Officer” means an employee of the Township who is duly appointed by Council as a Municipal Law Enforcement Officer or the Ontario Provincial Police;

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her ability as a trustee, executor, administrator, or other legal representative;

“Place of business” means any place, premises or location, or part thereof, in which a business is carried on and including, but not limited to, a ship, store office, a dwelling unit or vehicle;

“Public Health Inspector” means the Public Health Inspector for the Algoma Health Unit who conducts inspections in the Township of Dubreuilville;

“Professional Business” means a business supplying services to clients and carried on by a person, partnership, or corporation, whereby the said business is licensed by a licensing body establishment by either Provincial or Federal legislation and/or regulation, including, but not limited to, the following professions; lawyers, doctors, accountants, chiropractors, physiotherapists, massage therapists, funeral homes and funeral directors;

“Property Standards By-Law” means the Property Standards By-Law of the Corporation of the Town of Dubreuilville, enacted under section 15.1 of the *Building Code Act, 1992, S.O. 1992, c.23*, that prescribes standards for the maintenance and occupancy of a property;

“Retail Business” means a business that is engaged in the sale or hire of goods in any manner whatsoever, except for the selling of goods by wholesale.

“Service Business” means a business involved in the sale or hire of all services whatsoever and in any manner whatsoever, including, but not limited to, the following: auto and/or mechanical, electrical or plumbing repairs and services, hair styling, funerals, delivery of goods, contracting of any kind.

“Township” means the Corporation of the Township of Dubreuilville or the geographic area of the township as may be applicable in the context;

“Transient Trader” means a person who sells merchandise at a temporary location, who is not a permanent merchant in that place, in any manner other than on a permanent basis in the Township;

“Zoning By-Law” means any by-law administered by the Township passed per Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

2. Administration & Enforcement

2.1 The Municipal By-Law Enforcement Officer, employee appointed by Council as an Officer or their representative, shall handle the administration and enforcement of this by-law.

2.2 Nothing herein should be considered to limit the ability of the Ontario Provincial Police to enforce this by-law at any time.

3. Application and General

3.1 This By-law shall apply throughout the whole of the Township.

3.2 This By-law may be referred to as the “Licensing By-law”.

3.3 No person shall own, operate, or carry on a business or activity found in this By-law as per Schedule A hereto other than per the terms and conditions of a license issued per the terms and conditions of this By-law.

3.4 No person shall alter or modify or permit the alteration or modification of a license.

3.5 No person shall use, or try to use, a license issued to another person or property.

3.6 No person shall own, operate, or carry on any business or activity in any other name other than in the name that appears on the license.

3.7 Every person who knowingly makes a false statement in an application, declaration, sworn statement or paper writing required by this By-law or the Township is guilty of an offense.

3.8 No person who is issued a license following this By-law shall contravene any provision set out in this By-law, any other municipal by-law, federal or provincial Act, statute, or any other legislation applicable to a licensed premise or activity.

3.9 No person shall remove an order or placard posted on a premise under this By-law, except an Officer.

3.10 No person shall own, operate, or carry on a business or activity while a license is under administrative suspension.

3.11 No person shall cause or permit to be caused a nuisance on a premises.

3.12 Transition:

a) This section applies to licenses issued under By-law 2002-01 (“Existing License”)

b) Any existing license continued under this By-law shall expire on the same date it was set to expire.

c) Any business or premises which was not previously subject to an existing license shall have thirty (30) days from the coming into force of this By-law to obtain the required

5.5 Every license shall always remain the property of the Township;

5.6 No person shall enjoy a vested right in any license or the continuance of any license.

5.7 A license shall be issued by the license issuer:

- a) upon the requirements of this By-law being met;
- b) upon submission of the application in writing on forms supplied by the license issuer as required by this By-law as per schedule(s) to this By-Law;
- c) upon obtaining the required approval and inspections required by this By-law and as outlined on the applicable schedule(s) to this By-law.

5.8 A license issued shall include the following:

- a) the municipal address;
- b) effective date and expiry date of the license;
- c) licensee name and contact information;
- d) responsible person name and contact information.

6. License Terms and Conditions

6.1 A license is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable schedule(s) to this By-law.

6.2 A licensee shall notify the Township within fifteen (15) days of any changes to the:

- a) business name;
- b) address of the business;
- c) ownership of the business;
- d) a change in the licensee's policy of liability insurance and such changes shall be subject to submission of the necessary documentation to the Township.

6.3 A licensee shall handle the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the licensee did the act(s) or omission(s).

6.4 Any record required by this By-law shall be produced by the licensee upon the request of an Officer.

license.

d) Any existing license continued under this By-law shall not be subject to the fees and charges under this By-law until a new license is issued under this By-law.

e) The Corporation of the Township of Dubreuilville By-law 2002-01 shall be revoked upon this By-law coming into force.

f) This By-law shall come into force on the day it is passed.

4. Application for a License

4.1 A person making an application for a license or for a renewal of a license shall give:

- a) a complete application in the form provided by the Township;
- b) all required documents, and obtain all required approval and inspections as outlined in the applicable schedule to this By-law;
- c) the required license application fee, approval, and inspection fees.

4.2 Acceptance of a license application does not constitute approval of the application or oblige the Township to issue a license.

4.3 A license fee shall be paid by a person at the time the license is issued by the license issuer.

5. Licenses

5.1 The License Issuer is hereby the delegated authority to issue a License per the provisions of this By-law and the applicable Schedule(s) to this By-law.

5.2 The License Issuer is hereby the delegated authority to impose added conditions on a License that are reasonable and taking into consideration:

- a) the health, safety, and well-being of persons;
- b) the impact on a neighboring property or neighboring property owner;
- c) the past conduct of an applicant or licensee;
- d) the impact to the Township or the need within the town if supported by policy and or by-law, as approved and adopted by the Township Council, if applicable.

A condition imposed under this section may be appealed to the Licensing Committee as outlined in Sections 8, 9, 10 of this By-law.

5.3 A license issued by the Township is not transferable.

5.4 A license granted to a Transient Trader under this By-Law shall expire twelve (12) months from the date issued.

7. Licenses Administrative Suspensions

7.1 Where the licensee's policy of liability insurance expires or is canceled, or is otherwise terminated, then the applicable license shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.

7.2 An administrative suspension of a license without a hearing shall be imposed for:

- a) fourteen (14) days if the Township is satisfied that the continuation of the business poses an immediate danger to health and safety of any person or to any premises.

Before any suspension is imposed, the Township shall provide the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

Any suspension imposed under this section shall be effective upon notification being given to the licensee, and the licensee having been given an opportunity to respond, and such suspension may be lifted at the discretion of the Township, upon receipt of the licensee's response.

7.3 An administrative suspension imposed under Section 7.2 may be imposed on such conditions as the license issuer considers proper.

8. Licenses Grounds for Refusal, Revocation or Suspension

8.1 An applicant or licensee may be granted a license upon meeting the requirements of this By-law except where:

- a) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the person will not carry on or engage in the business in respect of which the application is made per the law or with honesty or integrity; or
- b) the applicant or licensee has past breaches or contraventions of any law or any provision of this By-law or any other municipal by-law or provincial or federal statute associated with the carrying on of such business; or
- c) the applicant or licensee has failed to pay an administrative monetary penalty imposed by the Township or a fine or fines imposed by a Court for convictions for breach of this or any other Township by-law or provincial offense related to the licensed premise; or
- d) the applicant or license has failed to follow any term, condition or direction of the license issuer or officer or has failed to allow any investigation by the license issuer or officer; or
- e) the applicant or licensee has failed to follow the requirements set out in this By-law or any of the applicable schedules to this By-law; or

f) the issuing of a license would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or

g) the applicant or licensee has given an application or other documents to the Township having false statements, incorrect, incomplete, or misleading information; or

h) the applicant or licensee is carrying on or engaging in activities that are, or will be, if the applicant or licensee is licensed, in contravention of this By-law, or any other applicable law; or

i) the applicant or licensee has not paid the required license fees; or

j) the applicant, licensee, or owner has outstanding fines, penalties, legal costs, disbursements, and past due payment charges owing to the Township or other government authority for the subject property.

8.2 The license issuer may revoke, suspend, or refuse to issue a license, where the applicant or licensee would not be entitled to a license on any grounds set out in this By-law.

8.3 Where the application for a license has been revoked, suspended, or canceled, the fees paid by the applicant or licensee, in respect of the license, shall not be refunded.

8.4 Where a license has been revoked, suspended, or canceled, the licensee shall return the license to the license issuer within two (2) days of service of the notice of the decision.

8.5 When a revoked, suspended, or canceled license has not been returned, an officer may enter upon the premise excluding entry into a dwelling unit for the purpose of receiving, taking, or removing the said license.

9. Licenses Grounds for Refusal, Revocation or Suspension – Right to a Hearing

9.1 Except section 7.2, before a license is refused, revoked, suspended, or canceled, written notice shall be given to the applicant or the licensee.

9.2 Notice shall be served to the applicant's or licensee's last known address, or email address filed with the Township and shall:

- a) have sufficient information to specify the nature of, or reason for, any recommendation;
- b) inform the applicant or licensee of entitlement to a hearing before the Licensing Appeal Committee, if a request in writing for a hearing is returned to the CAO-Clerk within fifteen (15) days after the date of service of the notice; and
- c) inform the applicant or licensee that if no written request is received, the Licensing Appeal Committee may go ahead and make any decision with respect to the license.

9.3 On receipt of a written request for a hearing from an applicant or licensee, the CAO-Clerk shall:

- a) schedule a hearing; and
- b) give the applicant or licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
- c) post notice of the hearing on the Township's website at least twenty (20) days prior to the hearing date.

9.4 Service of any notice on the applicant or licensee under this By-law shall be made by personal delivery, ordinary mail, or email transmission. The notice shall be considered to have been served on the seventh (7th) day after the day of mailing or on the date of personal service or on the date the email is sent.

10. Establishment of Licensing Appeal Committee

10.1 Council is hereby established as the Licensing Appeal Committee and shall hear and make decisions on the refusal, revocation or suspension of a license, and the imposing of terms and conditions on a license.

10.2 The decision of the Licensing Appeal Committee shall be final and binding.

11. Hearing Process

11.1 The provisions of the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted under this By-law, and the Licensing Appeal Committee may pass rules for the practice and procedure of the Committee.

11.2 A hearing shall be held in public, unless determined otherwise following the Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22, as amended, and the Licensing Appeal Committee shall hear the applicant or licensee and every other person who wants to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.

11.3 No decision of the Licensing Appeal Committee is valid unless it is concurred in by most of the members of the Licensing Appeal Committee that heard the matter, and the decision of the Licensing Appeal Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

11.4 Any authority or permission granted by the Licensing Appeal Committee may be for such time and subject to such terms and conditions as the Licensing Appeal Committee considers advisable and as are set out in the decision.

11.5 When a Person who has been given written notice of a hearing does not attend at the appointed time and place, the Licensing Appeal Committee may go ahead with the hearing in his absence, and the person shall not be entitled to any further notice of the proceedings.

11.6 The CAO-Clerk shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:

- a) the Applicant or Licensee; and
- b) each person who appeared in person or by council or by agent at the hearing and who filed with the CAO-Clerk a written request for notice of the decision.

12. Expiry of License

12.1 The date of expiry, is otherwise specified on the license. And each renewal of license shall, thereafter, expire on such date in each subsequent year.

13. Late Renewal

13.1 Where a valid license has expired, the holder may renew the license within 30 days of the expiry by paying the prescribed late renewal fee as specified in Schedule "E", Administrative fees, and penalties.

14. Dormant License

14.1 Where a valid license has expired and has not been renewed within the 30-day late renewal period, it shall be a dormant license and not subject to further renewal.

15. Fees

15.1 The fees for any license application, inspections and approvals needed following this By-law shall be as prescribed in the Township's User Fees By-law and is payable upon submission of an application.

15.2 The fees for any license to be issued following this By-law shall be prescribed in the Township's User Fees By-law and are payable upon the issuing of a license.

16. Penalties

- a) Any person who contravenes a designated provision of this By-law is guilty of an offence, and, when given a Penalty Notice, in accordance with the Administrative Monetary Penalty System (herein after, "AMPS (ADMINISTRATIVE MONETARY PENALTY SYSTEM) BY-LAW", be liable to pay to the Township an administrative penalty as set out in the schedules attached to the AMPS By-law (as amended from time to time).

17. Singular and Plural Use

In this By-law, unless the context otherwise requires words importing the singular, shall include the plural and use of the masculine shall include the feminine, where applicable.

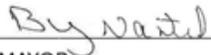
18. Schedules

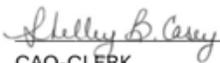
The schedules attached to this By-law form part of this By-law.

19. Repealed

That By-Law No. 2002-01 therefore be and is hereby repealed.

READ a first, second and third time and be finally passed this 9th day of October 2024.


MAYOR


CAO-CLERK



The Corporation of the Township of Dubreuilville

By-Law No. 2024-49

SCHEDULE "A"

TYPE OF LICENSES

Transient Trader

The Corporation of the Township of Dubreuilville

By-Law No. 2024-49

SCHEDULE "B"

FEES

As per By-Law 2021-11 User Fees and Charges

The Corporation of the Township of Dubreuilville

By-Law No. 2024-49

SCHEDULE "C"

TRANSIENT TRADER BUSINESS LICENSE APPLICATION

As per attached



Transient Trader Business Licence Renewal Township of Dubreuilville

Date: _____

Corporate Name:	
Business Description:	
Applicant's Name:	
Address:	Mailing address (if different):
Tel. Business:	Tel. Home:
Fax:	E-mail:

- Type of Business:**
- Transient Traders (Includes Itinerants)
 - Other (please describe):

The undersigned hereby applies for a licence as described above and agrees to comply with by-laws and town regulations and all other government requirements. The applicant further agrees that if a licence is revoked due to irregularity or non-conformance of the said by-law or regulation, that in consideration of the issuing of the licence, all claims against the Corporation of the Township of Dubreuilville are waived.

I _____ of _____ in the district of _____ solemnly declare:

That I am the owner (authorized agent of the owner), named in the application for a licence hereto attached. That the statement herein contained in the said application is true and made with a full knowledge of the circumstances connected with the same. That I know of no reason why the licence should not be granted to me in pursuance of the said application. And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same power and effect as if made under oath by virtue of the "Canada Evidence Act".

Applicant's Signature

Approbation required

Health Unit:	Building Department:
Police:	Owner:

The Corporation of the Township of Dubreuilville

By-Law No. 2024- 49

SCHEDULE “D”

**TRANSIENT TRADER BUSINESS LICENCE BY- LAW
ADMINISTRATIVE AND PENALTY AMOUNT**

ADMINISTRATIVE FEES

- 1. Replacement copy of license or changes to information\$25.00
- 2. Rejected application – incomplete
(Missing information)\$25.00

ADMINISTRATIVE PENALTIES

- 1. Late renewal charge (up to 30 days)\$100.00
- 2. Transient Trader fails to acquire a Business License.....\$150.00
- 3. Hinder or obstruct an Officer/appointed person lawfully
carrying out duties\$300.00
- 4. Failure to properly identify themselves to an Officer/appointed
person while in contravention of this By-law\$200.00
- 5. Owner fails to comply with a notice\$150.00

The Corporation of the Township of Dubreuilville

By-Law No. 2024- 49

SCHEDULE "E"

TRANSIENT TRADER BUSINESS LICENSE

As per attached

2025

Permis d'entreprise / Business licence

Company Name
Transient Trader Name
Address
Second Line Address
Email:
Phone Number

Type de permis / Type of licence

Commerçants de passage / Transient Trader

*Le nom ci-dessus est autorisé à exploiter l'entreprise(s)
indiquée dans le présent document. Ce permis doit être affiché
sur le lieu du local autorisé et est valide qu'à cette adresse.*

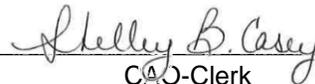
*The above-named is hereby licensed to operate the
business(es) stated herein. This licence must be posted upon
the licensed premise and is valid at this address only.*

Coût du permis / Licence fee

<input type="checkbox"/> Nouveau/ new	\$650.00
<input type="checkbox"/> Renouvellement / Renewal	\$650.00

Coût total / Total fee **\$650.00**

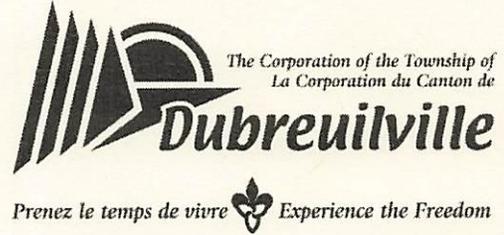
En vigueur / Issued: **February 1, 2025**
Expire / Expires: **January 31, 2026**


CAO-Clerk



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C.P. 367 / P.O. Box 367
Dubreuilville ON P0S 1B0
Tél. / Tel. : (705) 884-2340
Télécopieur / Fax : (705) 884-2626
Courriel / Email : township@dubreuilville.ca
Site Web / Website: www.dubreuilville.ca

COUNCIL RESOLUTION



Moved By: Julila
Seconded By: Krystel

DATE: October 9, 2024
Resolution No. 24-224

Whereas that By-Law No. 2024-49, being a By-law to regulate transient trader business license in the Corporation of the Township of Dubreuilville, be adopted as presented.

✓

<u>Carried</u>	<u>Defeated</u>	<u>Deferred</u>
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RECORDED VOTE:	YES	NO
Councillor Hélène Perth	_____	_____
Councillor Krystel Lévesque	_____	_____
Councillor Julila Hemphill	_____	_____
Councillor	_____	_____
Mayor Beverly Nantel	_____	_____

Declaration of Pecuniary Interest and General Nature Thereof: