

**THE CORPORATION OF THE
TOWNSHIP OF MICHIPICOTEN**

BY-LAW NO. 1042-96

BEING A BY-LAW to licence, regulate and govern all trades and businesses within the Township of Michipicoten.

WHEREAS the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, provides that the council of a local municipality may pass by-laws for the licensing, regulating and governing of all trades and businesses;

AND WHEREAS the Council of The Corporation of the Township of Michipicoten desires to enact a by-law to licence, regulate and govern all trades and businesses within the Township of Michipicoten;

NOWHEREFORE BE IT RESOLVED that the Council of The Corporation of the Township of Michipicoten enacts the following as a By-Law:

1. In this By-Law:

- (a) "Chief Building Official" means the Chief Building Official of The Corporation of the Township of Michipicoten or his designate;
- (b) "Chief of Police" means the Chief of Police of the Michipicoten Police Service of The Corporation of the Township of Michipicoten;
- (c) "Council" means the Council of The Corporation of the Township of Michipicoten;
- (d) "Fire Chief" means the Fire Chief of the Michipicoten Volunteer Fire Department of The Corporation of the Township of Michipicoten or his designate;
- (e) "Municipal Clerk" means the Clerk for the Corporation of the Township of Michipicoten or his designate;
- (f) "municipality" means The Corporation of the Township of Michipicoten;
- (g) "the Municipal Act" means the Municipal Act, R.S.O. 1990, Chapter M.45, as amended and regulations thereto;
- (h) "the Provincial Offences Act" means the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, and regulations thereto;

- (i) "Public Health Inspector" means the Public Health Inspector for the Algoma Health Unit in the Township of Michipicoten;
- (j) "Zoning Administrator" means the Director of Planning and Development for The Corporation of the Township of Michipicoten or his designate;

GENERAL

2. Any person wishing to carry on the business of dry-cleaning, dry dyeing, cleaning and pressing and spotting or stain removing, using any land in the municipality for the purposes of any such business including land used for the purpose of receiving articles or goods to be subjected to any such process and for the distribution of articles or goods that have been subjected to any such process must first obtain a licence from the Township of Michipicoten.
3. Any person wishing to carry on the business of owning or operating a lodging house must first obtain a licence from the Township of Michipicoten.
 - (a) In this section "lodging house" means a nursing home and any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, nursing home for the young or aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act.
4. Any person wishing to own, operate or carry on the business of installation, erection, construction, reconstruction, alteration or repair of structures used to carry television antennae must first obtain a licence from the Township of Michipicoten.
5. Any person wishing to carry on the business of owning or operating a public garage must first obtain a licence from the Township of Michipicoten.
 - (a) In this section, "public garage" includes an automotive service station as defined in paragraph (b), a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or

kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles.

- (b) In this section "automotive service station" means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.
6. Any person wishing to carry on the business of owning or operating a car wash must first obtain a licence from the Township of Michipicoten.
- (a) In this section "car wash" means a building or place where motor vehicles are washed, cleaned or polished for a fee or charge.
 - (b) This section does not apply to an owner or operator licensed under Section 5 of this By-law.
7. Any person wishing to carry on the business of owning or operating laundretorias and washing machines, dryers and dry cleaning machines for use by the public, including coin operated washing machines, dryers and dry cleaning machines, and any person wishing to carry on the business of making available to the public the use of any such services or machines must first obtain a licence from the Township of Michipicoten.
8. Any person wishing to carry on the business of owning or operating a laundry must first obtain a licence from the Township of Michipicoten.
- (a) This section shall not apply to or include individuals carrying on a laundry business in private dwelling houses.
9. Any person wishing to carry on the business of keeping a livery stable and horses used for hire must first obtain a licence from the Township of Michipicoten.
- (a) In this section "livery stable" means a stable where horses and vehicles are kept for hire and where stabling is provided.

10. Any person wishing to carry on the business of selling, repairing, storing, or otherwise operating a marina business within the Township of Michipicoten must first obtain a licence to do so.
 - (a) In this section, "marina" means a location where canoes, rowboats, sailboats, power boats, outboard motors, inboard motors, inboard/outboard motors, boat trailers, and parts, accessories, or options of all the above are offered for sale.
 - (b) In this section, "marina" means a location where all items, as identified in 10 (a) above, are taken in for repair, or are repaired on the premises, or where the premises are used as depot for repair work which is shipped or delivered in on behalf of a customer or on behalf of the owner.

11. Any person wishing to carry on the business of owning or operating a salvage shop, salvage yard, second-hand goods shop and dealers in second-hand goods must first obtain a licence from the Township of Michipicoten.
 - (a) In this section, "dealers in second-hand goods" includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods.
 - (b) In this section, "salvage yard" includes an automobile wrecking yard or premises.
 - (c) In this section, "second-hand goods" includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal, and other scrap material and salvage.
 - (d) This section shall not apply to persons engaged in any of the objects mentioned in this section for patriotic or charitable purposes.

12. Any person wishing to carry on the business of owning or operating victualling houses, inns and houses where fruit, fish, oysters, clams or victuals are sold to be eaten therein, and places for the lodging, reception, refreshment or entertainment of the public must first obtain a licence from the Township of Michipicoten.

- (a) In this section, "victualling house" includes a restaurant, cafe, cafeteria, tea room, dining room, grill, lunch counter, ice cream parlour or counter, hamburger stand, eating house or other similar place and shall include any premises or place whether operating permanently or temporarily in which food is prepared for or served to the public for consumption therein.
- (b) In this section, the operation of a portable or mobile vehicles for the purposes of preparing food for sale to the public, whether on a permanent, temporary, or seasonal basis, and notwithstanding if the vehicle has a vehicle permit or is licensed under the Ministry of Transportation or the Highway Traffic Act of Ontario, shall first obtain a licence to do so.
13. Any person wishing to carry on the business of owning or operating places where food stuffs intended for human consumption are made for sale, offered for sale, stored or sold must first obtain a licence from the Township of Michipicoten.
14. Any person wishing to carry on the business of owning or operating the storage, handling and sale of fresh meats and of fresh fish must first obtain a licence from the Township of Michipicoten.
15. Any person who for hire or gain, and proprietary clubs, that directly or indirectly keep, or have in their possession, or on their premises, any billiard, pool or bagatelle table, or keep or have any such table, whether used or not, in a house or place of public entertainment or resort must first obtain a licence from the Township of Michipicoten.
- (a) In this section, "proprietary club" means all clubs other than those in which the use of any such table is only incidental to the main objects of the club.
16. Any person wishing to carry on the business of owning or operating a barber shop and hairdressing establishment must first obtain a licence from the Township of Michipicoten.
17. Any person wishing to own or operate or carry on the business of teaching persons to operate motor vehicles and driving instructors employed in such business must first obtain a licence from the Township of Michipicoten.

- (a) In this section, “master electrician” means a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in Ontario and who, alone, or by journeyman electricians in the person’s employ, performs electrical work.
 - (b) In this section, “journeyman electrician” means a person who has been issued a certificate of qualification in the trade of electrician under the Trades Qualifications Act.
 - (c) This section does not apply to the employees of a public service commission or corporation.
19. Any person wishing to carry on the business of owning or operating exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving picture shows, public halls and all places of amusement must first obtain a licence from the Township of Michipicoten.
- (a) In this section, “place of amusement” means a place where five (5) or more coin-operated machines, devices, contrivances or games are provided for public amusement, excluding a coin-operated machine which provides musical entertainment, rides, food or drink, but does not include premises licensed under the Liquor Licence Act.
20. Any person wishing to own or operate or carry on the business of dealing in coal, coke, oil or other fuel and delivering coal or other fuel must first obtain a licence from the Township of Michipicoten.
- (a) This section shall include dealers in coal, coke, oil or other fuel who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver fuel within the municipality.
21. Any person wishing to own or operate or carry on the business of plumbing contractor, master plumber, and journeyman plumber must first obtain a licence from the Township of Michipicoten.
- (a) In this section, “journeyman plumber” means a person who has been issued a certificate of qualification in the trade of plumber under the Trades Qualification Act.

- (b) In this section, "master plumber" means a person who is skilled in the planning, superintending and installing of plumbing, is familiar with the laws, rules and regulations governing the same, has a regular place of business in Ontario and who alone or by journeyman plumbers under his or her supervision performs plumbing work.
 - (c) A certificate of qualification in the trade of plumber under the Trades Qualifications Act shall be accepted as sufficient qualification for a licence as a journeyman plumber without further examination.
- 22. Any person wishing to carry on the business of owning or operating a shoe repair or shoe shine shop must first obtain a licence from the Township of Michipicoten.
- 23. Any person wishing to carry on the business of owning or operating a tourist camp, trailer camp and motel must first obtain a licence from the Township of Michipicoten.
 - (a) In this section, "tourist camp" includes auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof.
 - (b) In this section, "trailer camp" means land in or upon which any vehicle, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, even if the vehicle is jacked-up or its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.
- 24. Any person wishing to own or operate or carry on the business of offering for sale or maintaining wood burning products, including stoves, furnaces, ovens or other appendices, used for the purposes of heating a dwelling must first obtain a licence from the Township of Michipicoten.

- (a) This includes the sale of firewood, whether in the form of saw logs, or cut and split firewood, which is sold for profit.
- (b) This includes the sale of wood chips, wood pellets, sawdust logs, or other products made from wood or wood by-products and sold for profit.

**ALL OTHER TRADES, CALLINGS, BUSINESSES OR
OCCUPATIONS TO BE LICENSED**

25. Under the Municipal Act, R.S.O. 1990, Section 109, the council of a municipality has the power to licence any trade, calling, business or occupation or the person carrying on or engaged in it and includes the power to prohibit the carrying on of or the engaging in it without a licence. All businesses operating within the Township of Michipicoten are required to obtain a business licence from the Township of Michipicoten before engaging in such activity. The Schedule of Fees for these licenses is found in Schedule "A", the original of which is attached hereto.

APPLICATION

26. Every person desiring a licence under this By-Law shall first make application to the Municipal Clerk and to obtain a licence under this By-Law the applicant shall:
- (a) file with the Municipal Clerk an application in writing on forms supplied by the Municipal Clerk for that purpose;
 - (b) pay to the Municipal Clerk all applicable fees as set out in Schedule "A" attached hereto and forming part of this by-law;
 - (c) furnish a statement in writing containing a full description of the trade or business to be performed;
 - (d) provide any information as may be deemed necessary by the Chief of Police, the Fire Chief, the Chief Building Official, the Zoning Administrator, and the Public Health Inspector for the municipality in order to protect and serve the best interests of the public.
27. When the provisions of Section 24 have been satisfied, the Municipal Clerk may issue a temporary licence pending Council's approval of the application and that such temporary licence shall expire thirty (30) days from the date of issuance.

28. Every person issued a licence under this By-Law shall cause the licence to be prominently and permanently displayed in the place of business at all times during the full term in which the business is carrying on.

APPEAL TO COUNCIL

29. In the event that an application for a licence is refused, the applicant may appeal to Council which, after due consideration of the application and such reports from the Municipal Clerk as may be required by Council, and after hearing such representation as the applicant may desire to make, may direct or refuse the issuance of a licence to the applicant notwithstanding any non-conformity with this By-Law.

REVOCACTION OF LICENCE

30. Council may revoke any licence issued under this By-Law where such power to revoke may, pursuant to the Municipal Act or any other Act be exercised by a by-law of Council and Council may revoke any licence in contravention of any of the provisions of this By-Law or any other relevant By-Law of the municipality.
31. Notice of the revocation of any licence may be given by Council in writing by registered mail, mailed to the address given on the licence application, or by communication to the licensee in any manner whatsoever, and upon such notice, the licence revoked shall cease and terminate and be of no further effect.
32. Upon the revocation of a licence issued under this By-Law, the licensee shall return to the Municipal Clerk all licences issued by the municipality with reference to such licence and the Municipal Clerk shall have access to any premises, vehicles or other property of the licensee for the purpose of receiving or taking the licence and no person shall refuse to deliver the licence to such person or shall in any way prevent or hinder such person from receiving or taking the same.

REFUND OF LICENCE FEE

33. (a) Where a licence granted is revoked or cancelled, and where a fee has been paid for the granting of the licence, the Municipal Clerk may refund that part of the licence fee that is proportionate to the portion

of the term remaining from the date upon which the licence was revoked or cancelled.

- (b) Where a business in respect of which a licence has been granted, ceases to operate and where a fee has been paid for the granting of the licence, the Municipal Clerk may, upon the application of the licensee, refund that part of the licence fee that is proportionate to the portion of the term remaining from the date upon which the business ceased to operate.
- (c) Where a licence is cancelled under Paragraph (b) of this Section, no refund of less than ten dollars (\$10.00) shall be granted.

LOST LICENCES

- 34. Upon his being satisfied that a licence has been lost, and that the applicant for a new licence has made a diligent search therefore and is making application for a new licence form in good faith, and if such applicant undertakes in writing to the Municipal Clerk to surrender the lost licence form to him if found, the Municipal Clerk may issue a duplicate licence to such applicant which shall consist of a true copy of the original licence upon which the word "duplicate" is endorsed over the signature of the Municipal Clerk.

TRANSFER OF LICENCE

- 35. No licence shall be transferred except where the licensee moves his business from one location to another.

EXPIRATION OF LICENCE

- 36. All licences granted under this By-Law shall be for the year current at the time of issuing thereof and shall expire on the thirty-first day of December next following the date of issuance.

ABATEMENT OF NUISANCES

- 37. Every person licensed under this By-Law, in addition to any other requirements expressed elsewhere in this By-Law shall:
 - (a) at all times maintain and keep clean and safe and in good condition and repair any vehicle, place or premises for which a licence has been issued under this By-Law.

- (b) not cause, suffer or permit any nuisance to arise in, on or in connection with the vehicle, place or premise for which the licence was issued.
- (c) not cause, suffer or permit any shouting, noise or other disturbance on, in or in connection with the vehicle, place or premises for which the licence was issued which is unnecessary, unreasonable or contrary to any By-Law prohibiting same, and if any such shouting, noise or other disturbance shall occur, the licensee shall at once take steps to cause the same to be abated.
- (d) not cause, suffer or permit any obstruction on any highway, lane or public place in front of or adjoining the place or premises for which the licence was issued.
- (e) not cause, suffer or permit any profane, offensive or abusive language or disorderly conduct in, on or in connection with any vehicle, place or premises for which the licence was issued.

PENALTY

38. Every person who contravenes any provision of this By-Law is guilty of an offence and shall be liable upon conviction to a fine that is consistent with the general penalty provision found under the Provincial Offences Act.

REPEAL

39. THAT Township of Michipicoten By-Law No. 866-93 be and is hereby repealed.

READ a first, second and third time and finally passed this 6th day of February, 1996.





REEVE



CLERK

LICENCE FEES

<u>BUSINESS/TRADE</u>	<u>FEE</u>
Amusement	15.00
Barber/Hairdresser	15.00
Billiard, Pool, Bagatelle	25.00
Car Wash	15.00
Driving School	50.00
Dry Cleaning	15.00
Electrician	25.00
Food Shop	15.00
Fuel Dealer/Delivery	25.00
Laundry	50.00
Livery Stable	15.00
Lodging House	25.00
Meat Sales	25.00
Plumber	20.00
Public Garage	15.00
Salvage Shop	25.00
Self-Service Laundry	50.00
Shoe Repair	15.00
Television Installation	15.00
Tourist/Trailer Camp	25.00
Victual House	25.00
All Other Trades, Callings, Businesses, or Occupations to be Licensed (not listed above)	10.00