

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NUMBER 2017-090

A By-Law to provide for the licencing of business in the Township of Muskoka Lakes

WHEREAS sections 8 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended (the “*Act*”) confer upon Councils the power to pass by-laws including broad authority to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS section 151 of the *Act* provides that a municipality may provide for a system of licenses with respect to a business;

AND WHEREAS section 156 of the *Act* provides that a municipality may provide for a system of licenses with respect to the owners and drivers of taxicabs;

AND WHEREAS the Council of the Corporation of the Township of Muskoka Lakes previously enacted By-law 91-06 being a By-law for the licensing and regulating of taxi cabs within the municipality;

AND WHEREAS the Council of the Corporation of the Township of Muskoka Lakes previously enacted By-law 94-36 being a By-law to provide for the licensing, regulating and governing of transient traders in the Township of Muskoka Lakes;

AND WHEREAS the Council of the Corporation of the Township of Muskoka Lakes previously enacted By-law 94-37, as amended by By-law 98-32 and By-law 2000-11, being a By-law to provide for the licensing, regulating and governing of hawkers and peddlers in the Township of Muskoka Lakes;

AND WHEREAS the Council of the Corporation of the Township of Muskoka Lakes previously enacted By-law 94-38, as amended by By-law 2000-12, being a By-law to prohibit the sale of refreshments or confections on Municipal property and to license and regulate vehicles from which refreshments are sold;

AND WHEREAS the Council of Corporation of the Township of Muskoka Lakes wishes to maintain these By-laws by re-enacting them on an interim basis as previously approved with updated references to the *Act* until such time as new by-laws have been developed and enacted pursuant to the *Act*;

AND WHEREAS the Council of the Corporation of the Township of Muskoka Lakes deems it expedient to pass this by-law to ensure continuity in licencing in the Township of Muskoka Lakes pending a review of these bylaws;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES ENACTS AS FOLLOWS:

1. That the content of former By-law 91–06 appended as Schedule ‘1’ to this By-law be adopted as a by-law for the licensing and regulating of taxi cabs within the municipality.
2. That the content of former By-law 94–36 appended as Schedule ‘2’ to this By-law be adopted as a by-law to provide for the licensing, regulating and governing of transient traders in the Township of Muskoka Lakes.
3. That the content of former By-law 94–37, as amended by By-law 98-32 and By-law 2000-11, appended as Schedule ‘3’ to this By-law be adopted as a by-law to provide for the licensing, regulating and governing of hawkers and peddlers in the Township of Muskoka Lakes.
4. That the content of former By-law 94–38, as amended by By-law 2000-12, appended as Schedule ‘4’ to this By-law be adopted as a by-law to prohibit the sale of refreshments or confections on Municipal property and to license and regulate vehicles from which refreshments are sold.

5. That this By-law shall be effective immediately and be deemed to have retroactive effect to apply to all licenses issued for 2017.
6. That By-law 91–06, By-law 94–36, 94–37, 94–38, By-law 98-32, By-law 2000-11, and By-law 2000-12 are hereby repealed.

Read a first, second and third time and finally passed this 14th day of July, 2017

Don Furniss, Mayor

Cheryl Mortimer, Clerk

Schedule "1"

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NUMBER 2017-090

A by-law for the licensing and regulating of taxi cabs within the municipality.

WHEREAS pursuant to the Municipal Act, S.O. 2001, Chapter 25 as amended, section 156, a Municipal Council may pass by-laws for licensing, regulating and governing owners and drivers of taxi cabs and other vehicles used for hire within the municipality;

NOW THEREFORE the Municipal Council of the Corporation of the Township of Muskoka Lakes enacts as follows:

1. No person shall operate, or as owner thereof cause to be operated, a taxi cab or any other vehicle for hire used for transportation of passengers within the municipality or between a point within the municipality and a point not more than five kilometres beyond the limit of the municipality, unless such taxi cab or vehicle has a current license issued pursuant to the terms of this By-law.
2. The provisions of section 1 do not apply to the transportation of persons for education purposes pursuant to a contract with a Board of Education nor to the provision of bus services by a bus licensed to and having the capacity to carry more than eight persons.
3. The maximum number of licenses which may be issued and outstanding at any time pursuant to this by-law is limited to twelve.
4. No person or association of persons may hold more than six of such licenses.
5. Every vehicle licensed under this by-law shall conform with the following:
 - (a) It shall be of at least three door construction.
 - (b) It shall be not more than eight years old.
 - (c) It shall at all time be mechanically fit for a safe operation on a highway.
 - (d) It shall at all times comply with all statutory requirements and regulations applicable to the type of vehicle and its use.
 - (e) It shall be insured in accordance with paragraph 6(c) of this By-law.
6. Written applications on the forms substantially similar to Schedules "1-A" and "1-B", of this By-law for a licence under this by-law shall be made to the Clerk of the municipality and the Clerk shall issue a licence substantially similar to Schedule "1-C" to this By-law only upon receipt of the following:
 - (a) Evidence that the vehicle complies with the requirements of section 5 as set out above.
 - (b) An up to date certificate of mechanical fitness signed by a person authorized to give that certificate in the Province of Ontario.
 - (c) Proof of public liability and property damage insurance in effect for the full term of the licence, with an insurance minimum coverage of not less than \$1,000,000.00.
 - (d) A licence fee of \$50.00 per vehicle; provided that if the same person is applying for more than a licence, the fee shall be \$15.00 per vehicle for each vehicle after the first vehicle.
 - (e) Proof of ownership of vehicle.

7. The licence issued shall be for the period from the date of application to January 30th next following the date of the application at which time the licence shall expire.
8. Any licence issued in accordance with this By-law shall be prominently displayed at all times in the driver's compartment of the vehicle for which the licence is issued, and shall be visible and legible to any member of the public wishing to hire the vehicle.
9. The Chief By-law Enforcement Officer of the municipality or any of his deputies or assistants may at any time inspect any vehicle licensed under this By-law to ensure compliance with the provisions of this By-law.
10. Any vehicle licensed under this By-law shall be at all times kept free of debris and litter and refuse and in a proper and sanitary condition to carry passengers.
11. The Clerk of the municipality or anyone authorized to act in their place may issue a licence for a temporary period, not to exceed 30 days in duration, to permit the operation of a vehicle in accordance with this by-law pending proof of full compliance with the provisions of this By-law.
12. If at any time a vehicle licensed under the terms of this By-law does not comply with the requirements of section 5 and 8 of this By-law, the licence may be revoked:
 - (a) Immediately by delivery to the owner or driver thereof in person of a notice in writing to that effect.
 - (b) By forwarding notice by prepaid registered mail to the owner of the vehicle at his last known address as shown on the most recent licence application, in which case the licence is revoked at 12 noon on the 4th day following the day on which such notice was forwarded by registered mail.
13. Upon the expiry of a licence, that licence may not be renewed, and a new licence is required for the ensuing period, on proof of compliance with the requirements of this By-law and payment of the appropriate fee. An application for a licence for a vehicle already licensed to the following January 30th is deemed to be made on that date and is for the ensuing one-year period.
14. The owner and the driver of any vehicle licensed under this By-law are severally liable for compliance with this By-law and liable to the penalties for contravention of the By-law.
15. Any person who contravenes any provisions of this By-law is guilty of an offence and liable on conviction to payment of a fine not exceeding two thousand dollars.
16. That Schedules "1-A", "1-B" and "1-C" attached form part of this By-law.
17. Every person required to be licensed under this by-law shall, in addition to any other provisions or requirements expressed elsewhere in the by-law or any conditions to a license issued pursuant to this by-law, comply with the Accessibility for Ontarians with Disabilities Act, 2005, as amended, and associated regulations, including Ontario Regulation 191/11, Integrated Accessibility Standards, as amended.
18. The short title of this by-law is "Taxi Cabs By-law".

SCHEDULE "1-A" TO BY-LAW 2017-090

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

APPLICATION FOR TAXI CAB LICENSE

Name of Applicant _____
Name of Firm, if applicable: _____
Address _____
Phone: _____ Fax: _____ Email: _____
Number of licenses applied for _____
Period license required for _____
From dd/mm/yy _____ To dd/mm/yy _____
Owner of Vehicle(s) _____
Operator of Vehicle(s) _____

VEHICLE AND INSURANCE INFORMATION

Year _____ Colour _____ No. of Doors _____
Make _____ Model _____
Mechanical fitness Certificate Number _____
Date of Issuance _____ Issued by _____
Name of Insurance Company _____
Insurance Policy Number _____
Amount of Public Liability & Property Damage Insurance in effect \$ _____
Date of Issuance _____ Date of Expiry _____
dd/mm/yy dd/mm/yy

If more than one vehicle, please attach additional information to this application. Copies of Vehicle Ownership, Mechanical Fitness Certificate and Proof of Insurance for each vehicle are to be attached to application.

I hereby certify that the information contained in this application is true and I further agree that I will abide by all the provisions of the Township of Muskoka Lakes By-law #2017-090 and amendments thereto.

Date Signature of Applicant

NOTE: Licenses issued shall expire on the 31st day of December in the year in which they are issued.

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To be completed by Municipality

Number of Licenses applied for _____
Fee for First License \$ _____
Fee for subsequent _____ Licenses \$ _____
Total \$ _____
Fee of \$ _____ Paid [] Receipt # _____

All required copies of Certificates provided [] Yes [] No

Signature of Licensing Clerk

SCHEDULE "1-B" TO BY-LAW 2017-090

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

APPLICATION FOR TAXI CAB LICENSE

Year _____ Colour _____ No. of Doors _____
Make _____ Model _____
Mechanical fitness Certificate Number _____
Date of Issuance _____ Issued by _____
Name of Insurance Company _____
Insurance Policy Number _____
Amount of Public Liability & Property Damage Insurance in effect _____
Date of Issuance _____ Date of Expiry _____
dd/mm/yy dd/mm/yy

Year _____ Colour _____ No. of Doors _____
Make _____ Model _____
Mechanical fitness Certificate Number _____
Date of Issuance _____ Issued by _____
Name of Insurance Company _____
Insurance Policy Number _____
Amount of Public Liability & Property Damage Insurance in effect _____
Date of Issuance _____ Date of Expiry _____
dd/mm/yy dd/mm/yy

Year _____ Colour _____ No. of Doors _____
Make _____ Model _____
Mechanical fitness Certificate Number _____
Date of Issuance _____ Issued by _____
Name of Insurance Company _____
Insurance Policy Number _____
Amount of Public Liability & Property Damage Insurance in effect _____
Date of Issuance _____ Date of Expiry _____
dd/mm/yy dd/mm/yy

Year _____ Colour _____ No. of Doors _____
Make _____ Model _____
Mechanical fitness Certificate Number _____
Date of Issuance _____ Issued by _____
Name of Insurance Company _____
Insurance Policy Number _____
Amount of Public Liability & Property Damage Insurance in effect _____
Date of Issuance _____ Date of Expiry _____
dd/mm/yy dd/mm/yy

SCHEDULE "1-C" TO BY-LAW 2017-090

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

TAXI CAB LICENSE

TAXI CAB LICENSE

This license is granted to _____ for the operation of a Taxi Cab, as described below, for the transportation of passengers within the Township of Muskoka Lakes or from within the Municipality to a point not more than five kilometres beyond the limit of the Municipality for the period of:

_____ TO _____
dd/mm/yy dd/mm/yy

Year and make of Vehicle _____

Type of Vehicle _____

Colour _____

License Number _____

Date

Clerk

Schedule "2"

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NUMBER 2017-090

A By-law to provide for the licensing, regulating and governing of transient traders in the Township of Muskoka Lakes.

WHEREAS by-laws may be passed by the Councils of Townships for licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of business assessment for the then current year, and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner as provided by Subsection 1 of Section 151 of the Municipal Act, S.O. 2001, Chapter 25.

AND WHEREAS by-laws may be passed by the Councils of Townships for requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time in respect of business assessment, and who so offer goods, wares or merchandise for sale to pay a license fee before commencing to trade as provided by Subsection 1 of Section 151 of the Municipal Act, S.O. 2001, Chapter 25.

AND WHEREAS the Municipal Council of the Corporation of the Township of Muskoka Lakes deems it necessary and in the public interest to better control the practice of transient traders in the Township of Muskoka Lakes.

NOW THEREFORE the Municipal Council of the Corporation of the Township of Muskoka Lakes enacts as follows:

1. In this by-law,
 - a) "transient trader" includes any person commencing business who has not resided continuously in this Municipality for at least three months immediately preceding the time of his commencing such business in the Township of Muskoka Lakes.
 - b) "Municipality" shall mean the Corporation of the Township of Muskoka Lakes.
2. This by-law does not apply to the sale of the stock of a bankrupt or an insolvent, within the meaning of any Bankruptcy or Insolvency Act in force in Ontario, nor to the sale of any stock damaged by reason of fire, which is being sold or disposed of by a business carried on within the Municipality at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock and such sale does not exceed six months in time from the date of the bankruptcy, insolvency or fire.
3. This by-law does not apply to the sale of a business to a bona fide purchaser who continues the business.
4. Subject to Section 5, the fee to be paid for a license in the case of a transient trader shall be \$300.00.
5. The fee to be paid for the annual license by a farmer, resident in Ontario, who offers for sale only the produce of his own farm shall be \$5.00.
6. The sum paid for a license shall be credited to the person paying it, or to any bona fide purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business during the year in which the license was issued and five years thereafter.

7. Every transient trader who carries on business without a license is guilty of an offence.
8. Every transient trader shall cause his license to be prominently and permanently displayed in his place of business during the full term in which he is carrying on business as a transient trader and in default thereof is guilty of an offence.
9. Every applicant for a transient trader's license shall, as part of the application for such license, furnish a statement in writing containing a full description of the goods, wares or merchandise that he proposes to sell or offer for sale under such license.
10. a) Upon receipt of a completed application substantially similar to Schedule "2-A" attached to and forming part of this by-law, including the payment by a transient trader of the fees as prescribed by this by-law, a Transient Trader's License shall be issued over the signature of the Township Clerk and the fees deposited to the credit of the Township subject to Section 6 hereof.

b) The form of the Transient Traders License shall be issued substantially as set out in Schedule "2-B" attached to and forming part of this by-law.

11. Offences and Penalties

Any 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 for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

12. The short title of this by-law is "Transient Traders By-law".

SCHEDULE "2-A" TO BY-LAW 2017-090

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

APPLICATION FOR TRANSIENT TRADERS LICENSE

I hereby make application for a License to carry out a business as a Transient Trader in the Township of Muskoka Lakes as follows:

Name of Applicant: _____

Name of Firm, if applicable: _____

Permanent address of Applicant: _____

Mailing address, if different: _____

Phone: _____ Fax: _____ Email: _____

Business to be located at (address): _____

Name and address of Property Owner _____

Letter of authorization from property owner attached: Yes No NA

Type of goods, merchandise or services to be sold: _____

Description of Vehicle, Booth, Tent, Marquee or Place of Sale _____

Colour _____

A Plot Plan of the property is required showing the location of the building(s), the proposed location of the stand, vehicle, equipment, etc. and whether any required parking spaces will be utilized.

Setbacks: Front _____ Side _____ Side _____ Rear _____

I hereby certify that the information contained in this application is true and I further agree that I will abide by all the provisions of the Township of Muskoka Lakes By-law #2017-090 and amendments thereto.

Date

Signature of Applicant

NOTE: Licenses issued shall expire on the 31st day of December in the year in which they are issued.

To be completed by Municipality

Zoning of Property _____ Frontage _____ Area _____ acres

Compliance with Zoning By-law 2014-14, as amended: Yes No

Approval of Council required: Yes No

Fee Paid \$300.00 { } Receipt # _____ License # _____

Signature of Licensing Clerk

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

TRANSIENT TRADERS LICENSE



TRANSIENT TRADERS LICENSE

Pursuant to By-law Number 2017-090 of The Corporation of the Township of Muskoka Lakes, this license is granted to

Name

Address

To carry on the business of Transient Traders, within the Township of Muskoka Lakes.

This license will expire upon the ___ day of _____, _____

Issued this ___ day of _____, _____

Effective Date: _____

Clerk

License No.

Schedule "3"

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NUMBER 2017-090

A by-law to provide for the licensing, regulating and governing of hawkers and peddlers in the Township of Muskoka Lakes.

WHEREAS by-laws may be passed by the Councils of Townships to provide for the licensing, regulating and governing of persons who go from place to place or to 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, as provided by Section 151(1) of the Municipal Act, S.O. 2001, Chapter 25.

AND WHEREAS the Council of the Corporation of the Township of Muskoka Lakes deems it to be necessary and in the public interest to regulate hawkers or peddlers to better control such sales related activities.

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Muskoka Lakes enacts as follows:

1. In this by-law:
 - a) "Person" shall mean any individual who is engaged in the practice of hawking or peddling, whether or not the person works under a company name. Each and every such person working as a team or otherwise for such hawking or peddling shall be required to be licensed.
 - b) "Hawking" or "Peddling" shall be the term interchangeably used and applied to any individual, person or salesman carrying on any trade, or who goes from place to place, or to a particular place or to other persons houses on foot or with any vehicle carrying or pulling goods, wares or merchandise for sale, or who carry and expose samples, patterns, drawings, descriptions or specimens of any goods, wares or merchandise which may be delivered or provided at the time of sale or afterwards in this Municipality. For convenience, the term hawker or peddler may be used in this by-law when reference is made to the subject.
 - c) "Municipality" shall mean the Corporation of the Township of Muskoka Lakes.
2. No person shall engage in or carry on the practice of hawking or peddling as set out in this by-law, without first having obtained a license from this Municipality.
3. For a license to act as a hawker or peddler, the sum to be paid shall be:
 - a) For residents of this Municipality who have continuously resided therein for a period of not less than one full year immediately prior to the date of application, a license fee of \$50.00.
 - b) For persons not continuously residing in this Municipality for a period of one full year immediately prior to the date of application, a license fee of \$500.00.
4. There shall be no provision for a reduction in the license fee for licenses issued after the 1st day of January in any year. Licenses shall expire on the 31st day of December in the year in which they are issued. Licenses issued shall not be transferable.

5. Such licenses shall be issued in the name of the Municipality and shall be granted and signed by the Clerk upon receipt of a written application, therefore signed by the person so applying with his permanent address, local premises occupied by such person, if applicable, and his business or calling upon a form substantially similar to Schedule "3-A" attached to and forming part of this by-law.
6. Upon the submission of an application for such license, complete with the required fees, the Clerk of the Corporation shall issue a Hawkers or Peddlers License in a form substantially similar to Schedule "3-B" attached to and forming part of this by-law.
7. A hawkers or peddlers license is not required for hawking or peddling, as set out in the following Sections 7a) to 7h). For exemptions under Section b) to e), proof of compliance shall be submitted prior to commencement of business
 - a) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - b) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do, in the Municipality in which the grower, producer or manufacturer resides, or
 - c) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm, or
 - d) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the Municipality or by his employee, or by his agent, or
 - e) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the Municipality in respect of premises used for the sale of such goods, wares or merchandise, or
 - f) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale, or
 - g) by persons who sell or deliver daily newspapers to the consumer or to any person for resale, or
 - h) by persons to whom space has been rented for sales purposes within buildings owned by the Municipality or under lease from or on behalf of the Municipality or on Township owned property at a function approved by the Municipality and when requested to operate therefrom by the organizers of the said function.
8. In a prosecution for a breach of the by-law, the onus of proving that a person does not for any of the reasons mentioned in Section 7 require to be licensed is upon the person charged.
9. Any 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 for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
10. The short title of this by-law is "Hawkers or Peddlers By-law".

SCHEDULE "3-A" TO BY-LAW 2017-090

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

APPLICATION FOR HAWKERS AND PEDDLERS LICENSE

I hereby make application for a Hawkers or Peddlers License for the practice of hawking or peddling in the Township of Muskoka Lakes as follows:

Name of Applicant: _____

Name of Firm, if applicable: _____

Permanent address of Applicant: _____

Mailing address, if different: _____

Phone: _____ Fax: _____ Email: _____

Type of business conducted: _____

Are you accompanied by an assistant for any purpose? [] Yes [] No

Do you use a vehicle for any purpose in connection with the conduct of your business?

[] Yes [] No

If yes, describe vehicle, including license number _____

Have you resided in this Municipality for a period of at least one full year prior to the date of this application? [] Yes [] No

Submitted herewith is the sum of \$ _____ for the required license fee.

I hereby certify that the information contained in this application is true and I further agree that I will abide by all the provisions of the Township of Muskoka Lakes By-law #2017-090 and amendments thereto.

Date

Signature of Applicant

NOTE: Licenses issued shall expire on the 31st day of December in the year in which they are issued.

To be completed by Municipality

Fee Paid \$ _____ Receipt # _____ License # _____

Signature of Licensing Clerk

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

HAWKERS AND PEDDLERS LICENSE



License No. _____

HAWKERS AND PEDDLERS LICENSE

Pursuant to By-law Number 2017-090 of The Corporation of the Township of Muskoka Lakes, this license is granted to

Name _____

Address _____

To carry on the business of Hawkers and Peddlers, within the Township of Muskoka Lakes.

This license will expire upon the ____ day of _____, _____

Issued this ____ day of _____, _____

Effective Date: _____

Clerk

Schedule "4"

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NUMBER 2017-090

A by-law to prohibit the sale of refreshments or confections on Municipal property and to license and regulate vehicles from which refreshments are sold.

WHEREAS pursuant to Section 151(1) of the Municipal Act, S.O. 2001, c. 25, as amended, the Council of the Corporation of the Township of Muskoka Lakes may pass by-laws for prohibiting the sale of refreshments or confections from vehicles upon any highway or in any public park or other public place.

AND WHEREAS it is desirable to prohibit such sales on certain public property.

AND WHEREAS pursuant to Section 151(1) of the Municipal Act, S.O. 2001, c. 25, as amended, the Council of the Corporation of the Township of Muskoka Lakes may pass by-laws for licensing and regulating vehicles from which refreshments are sold for consumption by the public.

NOW THEREFORE the Council of the Corporation of the Township of Muskoka Lakes enacts as follows:

A. Definitions

1. In this By-law;

- a) "highway" means a common and public highway and includes a street and a bridge forming part of a highway or on, over or across which a highway passes and includes the area between the lateral property lines thereof.
- b) "public park" means those lands vested in the Corporation of the Township of Muskoka Lakes and laid out and established as a public park or dedicated as such in accordance with the Municipal Act, S.O. 2001, c. 25, as amended, the Planning Act, R.S.O. 1990. c.P.13, as amended, or a predecessor thereof.
- c) "refreshments or confections" includes, among other things, fruit, candy, peanuts, popcorn, ice cream and french fries.
- d) "vehicle" means any vehicle from which food stuff or refreshments are sold or offered for sale for consumption by the public. Shall include but is not limited to push carts, wheeled vehicles and catering trucks.
- e) "Municipality" means The Corporation of the Township of Muskoka Lakes.

B. Prohibition

- 1. A refreshment vehicle may be located on a highway, or other Township owned property, if such highway is closed to vehicular traffic by an appropriate authority for the purpose of a local organization holding a street fair or like function and where the vehicle is requested to operate therefrom by the said local organization.
- 2. A refreshment vehicle may be located in a Township park if the park is the location of a function being conducted by a community group whose function is approved by the Municipality and where the vehicle is requested to operate therefrom by the said organization.

3. Notwithstanding Section B.1 or B.2 above or any by-law to the contrary. No person shall sell or permit the sale of any refreshments or confections from any vehicle located on a highway or in a public park or other Township owned property.

C. **Licenses**

1. Except as permitted by Section C.11 of this by-law, no person shall sell or permit the sale of refreshments for consumption by the public from a vehicle without first obtaining a license therefore.
2. A license may be obtained by the owner or his authorized agent submitting to the Council of the Township of Muskoka Lakes a request in writing in a form substantially similar to the form attached hereto as Schedule "4-A" together with a license fee in the amount of \$150.00.
3. Where a person desires to license more than one vehicle, an application form and a license fee in the amount of \$150.00 for each vehicle shall be submitted.
4. The Council of the Corporation of the Township of Muskoka Lakes shall consider each application and shall issue a license upon such terms and conditions as it deems appropriate.
5. Any vehicle licensed for the sale of refreshments and confections shall be subject to regular inspections by the By-law Enforcement Officer.
6. Any vehicle licensed under this by-law shall, at all times, be kept free of all debris and litter or other refuse.
7. That the Council of the Corporation of the Township of Muskoka Lakes reserves the right to revoke any license issued under this by-law and may do so by sending notice by registered mail of such revocation to the license holder.
8. Such licenses shall be issued in the name of the Corporation of the Township of Muskoka Lakes in a form similar to the form attached hereto as Schedule "4-B" and shall be signed by the Clerk.
9. Such licenses shall apply only to the vehicle for which they were issued and not be transferable and shall expire on the 31st day of December of the year in which the license was issued.
10. Each such license shall be displayed in or on the vehicle in such a fashion so that it is clearly visible from the outside of the vehicle.
11. If a refreshment vehicle is located in accordance with Section B.2 or B.3, no license is required.

D. **Offences and Penalties**

1. Any 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 for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

E. **Short Title**

1. The short title of this by-law is "Refreshment Vehicles By-law".

SCHEDULE "4-A" TO BY-LAW 2017-090

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

APPLICATION FOR REFRESHMENT VEHICLE LICENSE

I hereby make application for a License for the sale of refreshments or confections in the Township of Muskoka Lakes as follows:

Name of Applicant _____

Name of Firm, if applicable _____

Permanent Address of Applicant _____

Mailing Address, if different _____

Phone: _____ Fax: _____ Email: _____

Vehicle to be located at (address) _____

Name and address of Property Owner _____

Letter of Authorization from property owner attached: : Yes No NA

Type of Refreshments to be sold: _____

Description of Vehicle _____ Colour _____

License Plate No. _____ Insurance Policy No. _____

A Plot Plan of the property is required showing the location of the building(s), the proposed location of the stand, vehicle, equipment etc. and whether any required parking spaces will be utilized.

Setbacks: Front _____ Side _____ Side _____ Rear _____

I hereby certify that the information contained in this application is true and I further agree that I will abide by all the provisions of the Township of Muskoka Lakes By-law #2017-090 and amendments thereto.

Date Signature of Applicant

NOTE: Licenses issued shall expire on the 31st day of December in the year in which they are issued.

To be completed by Municipality

Zoning of Property _____ Frontage _____ Area _____ acres

Compliance with Zoning By-law 2014-14, as amended: Yes No

Approval of Council required: Yes No

Fee Paid \$150.00 { } Receipt # _____ License # _____

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

REFRESHMENT VEHICLE LICENSE



REFRESHMENT VEHICLE LICENSE

License No.

Pursuant to By-law Number 2017-090 of The Corporation of the Township of Muskoka Lakes, this license is granted to

Name
Address

To carry on the business of a Refreshment Vehicle within the Township of Muskoka Lakes.

This license will expire upon the ___ day of ___, ___

Issued this ___ day of ___, ___

Effective Date: _____

Clerk