

BY-LAW NO. 01-2014

**A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE
TO LICENSE, REGULATE AND GOVERN CERTAIN TRADES, CALLINGS,
BUSINESSES OR OCCUPATIONS**

WHEREAS Section 151(1) of the Ontario Municipal Act, 2001 deems that, a local municipality may provide for a system of licenses with respect to a business;

AND WHEREAS the Council of the Corporation of the Town of Carleton Place deems it desirable and necessary to enact a by-law regarding the licensing, regulating and the governing of certain trades, callings, businesses and occupations;

NOW THEREFORE, the Council of the Corporation of the Town of Carleton Place enacts as follows:

SECTION I - DEFINITIONS

Applicant	means a person applying for a licence under this by-law
Business	means a commercial establishment within the Town of Carleton Place
Clerk	means the Clerk of the Corporation of the Town of Carleton Place
Community Special Event	means an event hosted or sponsored by the Town of Carleton Place or Committee thereof, the Carleton Place Chamber of Commerce, the Carleton Place Business Improvement Association or any other such community like based organization
Corporation	means the corporation of the Town of Carleton Place
Council	means the Council of the Town of Carleton Place
Farmers' Market Association	means an association of farmers whose items for sale are grown or produced on farmland within the Province of Ontario
Flea Market Association	means an association of retailers whose items are sold in an outdoor market atmosphere on specified dates and times as part of the noted association.
Fire Department	means the Ocean Wave Fire Company
Licence	means a licence issued under this by-law
Licensed	means licensed under the provisions of this by-law
Licensee	means a person licensed under this by-law
Municipal By-law Enforcement Officer	means a by-law enforcement officer of the Corporation of the Town of Carleton Place

Person	means an individual human being of the male or female gender
Police Service	means the Carleton Place detachment of the Ontario Provincial Police
Pet Shop Licence	means an owner or operator of a shop where pets are displayed and/or sold to the public
Salesperson	means any and every employed by a firm or company who goes from place to place (or to a particular place) with goods, wares or merchandise for sale or lease. This definition shall also include any person or persons who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that to be delivered in the Town of Carleton Place. Further, every person who offers or promotes the entering into a contract for the provision of goods or a service shall also be included within this definition.

SECTION II - LICENCES

1. a) No person shall carry on within the Town of Carleton Place any trade, calling, business or occupation unless he/she has obtained from the Corporation a licence authorizing him/her to carry on the trade calling, business or occupation in accordance with Schedule A, Schedule B (if applicable) and Schedules 1 and 2 of this by-law.
- b) Each and every person who holds a licence shall, in carrying on or engaging in, the trade, calling, business or occupation for which the licence is issued, comply with this by-law and the provisions of the schedules to this by-law that relate to the person's trade, calling, business or occupation.
- c) No person shall sell or expose for sale any sample, patterns or specimens of goods, wares or merchandise to the public from an automobile or truck or other such motor vehicle.

Further, this restriction does not include a licensed refreshment vehicle in accordance with the refreshment vehicle by-law.

- d) Yard Sales

A yard sale shall not start before 7:00 a.m. and all sales shall terminate by 6:00 p.m. No yard sale shall be permitted before April 1st or after November 1st of each year. No licence shall be required for 2 annual yard sales from a residential property. No person shall be permitted to hold a yard sale of items from the individual's home more than twice each calendar year unless they obtain a valid salesperson licence.

2. **Local Charitable/Non-Profit Organizations**

Notwithstanding the provisions of Section II(1) - LICENCE, charitable/non-profit organizations with a business address within the limits of the Town of Carleton Place shall be permitted to apply for one comprehensive charitable/non-profit organization licence from the Corporation. The fee and time limit for such licence is detailed in Schedule A. Prior to the issue of any licence under this section of the by-law, the applicant/organization shall be required to deposit with the Clerk all applicable documentation regarding the relevant charitable/non-profit organization. Examples of these organizations are service clubs, church groups and sport organizations.

3. **Farmers' Market Association**

Notwithstanding the provisions of Section II(1) - LICENCES, a Farmers' Market Association shall be permitted to apply for one comprehensive licence from the Corporation. The fee and limit of the licence are detailed in Schedule A.

The application for a Farmers' Market licence shall be submitted by the president of the said organization and shall contain a list of the names and address of each farmer, as well as a list of their goods, crops, and produce or crafts offered or exposed for sale. The said application shall also indicate the location of the proposed Farmers' Market, the written approval of the private property owner and the number or weeks or months of proposed operation of the Farmers' Market.

Items exposed for sale shall be limited to those goods, wares, crops and other items crafted or produced from the individual farms and listed on the application for a Farmers' Market Licence. **The cooking and selling of prepared food may be permitted under a Farmers' Market Licence.**

Further only CPFM members who follow the policies clearly outlined in the CPFM Vendor Handbook of Rules and Regulations be allowed to sell prepared food at the Market Square during Farmers' Market hours.

4. **Community Special Events**

Notwithstanding provisions of Section II (1) – Licenses; business or organizations under the jurisdiction of a community special event as defined in Section I shall be exempt from the requirements of a licence.

5. **Flea Market**

Notwithstanding the provisions of Section II (1) Licenses, the Carleton Place Flea Market Association shall be permitted to apply for one comprehensive annual licence from the Corporation.

Further, the application for a Flea Market licence shall be submitted by the President of the said Association and shall contain a list of names and addresses of each retailer as well as list of their goods and merchandise for sale. Attached to the application shall be the written list of their goods and merchandise for sale. Attached to the application shall be the written contract for the use of the property, location and hours of operation of the flea market.

The use of the property and items for sale shall conform to the list of permitted uses in accordance with the Development Permit By-law.

Refreshment vehicles and refreshment carts are not included within this category.

SECTION III - APPLICATIONS

1. Every person who requires a licence under the provisions of this by-law for any trade, calling, business or occupation shall:
 - a) Apply to the clerk upon such form or forms as shall be prescribed by the Corporation;
 - b) Provide any documentation required in accordance with this by-law;
 - c) Pay, by cash or debit, the applicable licence and application fee set out in Schedule A to this by-law
2.
 - a) If a licence is not issued, the application fee referred to in Section III 1. d) shall not be refunded;
 - b) The licence fee referred to in Section III 1. d) shall not be reduced or pro-rated
3. Where a business or an association applies for a licence in accordance with Section II(2) and (3), the names and addresses of each member of the partnership or association shall be set out in the application.

SECTION IV - PROCESSING AND ISSUANCE

1. The Corporation reserves the right to investigate any business or individual who applies for a licence under this by-law. Such investigation shall be conducted by the Police Services and reported to the Clerk. The issuance of any licence may be subject to the written approval of the following:
 - a) Carleton Place detachment of the O.P.P.
 - b) Ocean Wave Fire Company
 - c) Medical Officer of Health
 - d) Planning Department of the Corporation
 - e) Building Department of the Corporation

SECTION V - REFUSAL TO ISSUE

1. The Clerk shall refuse to issue any licence if the applicant does not meet the requirements for application as set out in this by-law, or if he investigations referred to in Section IV disclose a breach of this or any by-law of the Corporation, Provincial Law or Federal Law, or which may be contrary to the public interest, including public safety and/or health.

SECTION VI - EXPIRY

1. An annual licence issued under this by-law shall be valid only from the date of its issue until December 31st of the year of its issue. A monthly licence shall be valid for one month from the date of issue.

SECTION VII - RENEWAL

1. The Clerk may renew an existing licence if the licensee:
 - a) Fulfils the application requirements set out in Section III; and
 - b) Pays by cash or debit the applicable licence fee set out in Schedule A to this by-law
2. An application for renewal made thirty (30) days after the expiry date of the licence set out in Schedule A to this by-law shall be treated as a new application

SECTION VIII - REFUSAL TO RENEW

1. A licence shall not be renewed by the Clerk until it has been determined that the licensee has complied with:
 - a) The regulations under the jurisdiction of the Police Services;
 - b) This or any other by-laws of the Corporation; and
 - c) Any other Federal or Provincial statutes
2. The Clerk may refuse to renew the licence if the licensee does not meet all of the requirements for renewal as set our in Section VII of this by-law
3. If the Clerk refuses to renew the licence, the licensee shall receive notice of refusal in writing, said notice to be served personally upon or sent by prepaid registered mail to the licensee

SECTION IX - TRANSFERS

1. Licenses issued to salespersons are not transferable

SECTION X - GENERAL PROVISIONS

1. Every person obtaining a licence under this by-law:
 - a) Where the licence applies to a premises, shall keep his/her licence posted up in a conspicuous place on the premises in respect to which the licence is issued; and
 - b) Where the same does not apply to a premises, shall keep on his/her person the licence issued
2. Every person applying for or holding a licence under this by-law shall comply with the regulations set out in the respective schedules to this by-law.
3. A licence is issued subject to the condition that the holder of the licence indemnifies in writing and saves harmless the Corporation and the employees, contractors and agents of the Corporation from all loss, damage, legal action, costs and expenses arising from the carrying on of the business, trade, calling or occupation for which the licence was issued.
4. No person shall enjoy vested rights in the continuance of a licence and upon the issue, renewal, cancellation or suspension thereof, the value of the licence shall be the property of the Corporation of the Town of Carleton Place.
5. No person licensed under this by-law shall refuse to permit a guide dog, while serving as a guide or leader for a blind person, to enter and remain upon his/her premises or in his/her vehicle during the carrying on of the trade, calling, business or occupation in respect of which the licence is granted.

SECTION XI - INSPECTIONS

1. A municipal by-law enforcement officer may:
 - a) At all reasonable times, inspect the building, place or premises that is used for a trade, calling, business or occupation for which a person is licensed or is required to be licensed; and
 - b) When deemed necessary by said officer, inspect the books, records or other documents of the trade, calling, business or occupation.
2. No person who is licensed or required to be licensed, shall hinder or obstruct inspections referred to in this section, or cause the inspections to be hindered or obstructed.
3. Every person who obtains a licence under this by-law shall produce the licence when requested to do so by a member of the public, municipal by-law enforcement officer or a police officer of the Ontario Provincial Police.

SECTION XII - REVOCATION AND SUSPENSION

1. a) Council may suspend or revoke any licence issued under this by-law. Before suspending or revoking any such licence, the holder thereof shall be given at least seven (7) days notice by registered letter signed by the Clerk and mailed or hand-delivered to address given by the licensee in his/her application, and shall be permitted either by himself/herself or his/her representative to appear before the Council to show cause why he/she believes such licence should not be revoked.
- b) Upon suspension or revocation of a licence issued under this by-law the licensee shall return to the Corporation all licenses where applicable issued by the Council with reference to such licence, and the person authorized by Council shall have access to any premises, or their property for the purpose of receiving or taking the licence, and no person shall refuse to deliver the licence to such person authorized by the Council or shall, in any way, prevent or hinder such person from receiving or taking the same.

SECTION XIII - PENALTY AND ENFORCEMENT

1. Any person who contravenes any of the provisions of this by-law and the procedures with respect thereto is guilty of an offence and enforcement and the penalty imposed thereunder shall be subject to the provisions of *The Provincial Offences Act*, R.S.O. 1990, chapter P. 53 and any amendments thereto, and the penalty for the commission of any such offence shall be as provided for the said *Provincial Offences Act*.
2. Where a provision of this by-law conflicts with a provision of another by-law in force in the Town of Carleton Place, provisions that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public.
3. This by-law shall be enforced by the Municipal By-Law Enforcement Officer and/or an officer of the Police Services.
4. It is the declared intention of the Council of the Corporation of the Town of Carleton Place that any section or part of a section of this by-law which may subsequently be held to be illegal shall be severable from the remainder of the by-law and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the by-law.
5. Schedules A, B, 1, and 2 shall form part of this by-law.
6. This by-law shall come into force and take effect on the date of final approval of short form wording regarding set fines as approved by the Regional Judge.

SECTION XIV - REPEAL OF BY-LAWS

THAT By-law No. 68-2005 and any subsequent amendments be hereby repealed in their entirety. Licenses issued under By-law 68-2005 shall remain in effect until the date of expiry as stated on each licence.

READ A FIRST TIME, SECOND TIME, THIRD TIME AND FINALLY PASSED THIS
14th DAY OF JANUARY 2014.

Wendy LeBlanc, Mayor

D.H. Rogers, Clerk

SCHEDULE 1

SALESPERSON

Relating to the licensing, regulating and governing of salespersons

1. No person shall carry on the trade or occupation of a salesperson within the Town of Carleton Place without first obtaining a salesperson licence from the Corporation to do so, and paying the licence fee required for a salesperson, as set out in Schedule A to this by-law.
2. No such licence is required for hawking, peddling or selling goods, wares or merchandise:
 - a) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - b) if the goods, wares or merchandise are hawked, peddled or sold by a person who pays **commercial** tax in the Town of Carleton Place, or by his/her employee, or by his/her agent, or
 - c) 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 **commercial** tax in the Town of Carleton Place in respect of premises used for the sale of such goods, wares or merchandise, or
3. Any such servant or employee shall exhibit his/her authority when required to do so by any municipal by-law enforcement officer or police officer.
4. In a prosecution for a breach of the by-law, the onus of proving that he/she does not for any of reasons mentioned in Section 2 require the licence, is upon the person charged.
5. The issuance of a licence to operate as a salesperson within the Town of Carleton Place does not constitute the granting of authority by the Corporation for the operation of salespersons on privately owned property, without the property owner's consent. The liability to obtain such consent rests solely on the licensee.

SCHEDULE 2

PET SHOP LICENCE

1. No person shall carry on the trade or business of a pet shop within the Town of Carleton Place without having first obtained a licence from the Corporation to do so. This licence shall be called a Pet Shop Licence, and paying the licence fee is required for pet shops as set out in Schedule A to this by-law. A separate licence shall be taken out in respect of each shop or place.
2. Every person licensed as a keeper of a shop or place where animals or birds for use as pets are sold or kept for sale shall comply with the following requirements:
 - a) at all times maintain his/her shop or place of business in a sanitary, well ventilated, clean condition and free from offensive odours;
 - b) keep his/her stock of animals or birds in sanitary, well ventilated, well lighted, clean quarters and maintain and keep such quarters at a healthful temperature at all times;
 - c) keep his/her stock of animals or birds in adequately sized cages having removable metal or other impermeable bottoms which shall be cleaned daily; and
 - d) adequately feed and water his/her stock of animals or birds periodically each day and keep same in a clean, healthy condition, free from vermin disease and parasites.
3. No person licensed as a keeper of a shop or place where animals or birds for use as pets are sold or kept for sale or given away shall:
 - a) keep any chicks, ducklings or other poultry, or
 - b) keep any dyed animal
4. No licensee shall:
 - a) keep his/her stock of animals or birds in crowded quarters or cages;
 - b) sell any diseased animals or birds;
 - c) sell any domestic pet under the age of eight weeks; or
 - d) display any animal, bird in any location subject to drafts or the rays of the sun
5. Every licensee shall keep a record of each shipment of animals or birds purchased or otherwise obtained, showing the date of arrival on the licensed premises, a description of the animal or bird, the source of supply, and the full name and address of subsequent purchasers of said animals or birds.
6. Every licensee shall see that the records are not mutilated or destroyed, and they shall be open to inspection by the Municipal By-law Enforcement Officer or any other person designated at all times during business hours, and may be removed at any time for inspection or for use in the courts.

7. Every licensee shall make every reasonable effort to obtain the name, address, and description of anyone offering to him/her any dog which such person has cause or reason to suspect has been stolen or otherwise unlawfully obtained and report the facts promptly to the Police Services.
8. The Medical Officer of Health or any member of his/her staff as he/she may designate, and every other person authorized by the Council of the Corporation, may inspect any shop or place where animals or birds for use as pet are sold and kept for sale.
9. Every applicant for a licence to which this section relates shall, with his/her application, file a certificate of fitness from the Medical Officer of Health.
10. No person shall establish a pet shop within the limits of any zone except in accordance with the Corporation's applicable **Development Permit by-law**.

SCHEDULE "A"

FEEES FOR LICENCES

Application Fee	\$ 30.00
Transfer of Ownership Fee	\$ 30.00
Relocation Fee	\$ 10.00

Description of Licence	Fee 2014	Fee - 2015	Fee - 2016	Fee - 2017	Fee - 2018	Expiry Date
Salesperson (each)	\$ 630.00	\$ 635.00	\$ 640.00	\$645.00	\$ 650.00	December 31 st
Salesperson (each)	\$ 130.00	\$ 135.00	\$ 140.00	\$ 145.00	\$ 150.00	30 days
Local Charitable/Non Profit Organizations	Nil	Nil	Nil	Nil	Nil	Nil
Farmers' Market Assoc. or Flea Market Assoc.	\$ 75.00	\$ 75.00	\$ 75.00	\$ 80.00	\$ 80.00	December 31 st
Pet Shop Licence	\$ 365.00	\$ 370.00	\$375.00	\$ 380.00	\$ 385.00	December 31 st