



THE CORPORATION OF THE TOWNSHIP OF TEHKUMMAH

**BYLAW 2020 – 017
BEING A BY-LAW TO LICENSE MOBILE VENDORS
(Rescinds Bylaw 78-03)**

WHEREAS Section 8 (1) of the *Municipal Act, 2001, S.O. 2001, c. 25* (hereinafter referred to as the "Municipal Act"), provides the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues. 2006, c. 32, Sched. A, s. 8.

AND WHEREAS Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act. 2006, c 32, Sched. A, s. 8.

AND WHEREAS Section 11(3), of the Municipal Act provides that a municipality may pass by-laws, subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction, 11. Business licensing. 2006, c. 32, Sched. A, s. 8.

AND WHEREAS the Corporation of the Township of Tehkummah does hereby deem it advisable to license *Mobile Vendors*.

NOW THEREFORE, the Corporation of the Township of Tehkummah enacts as follows:

Mobile Vendor shall mean; Any Person, non-permanent structure or vehicle used for the purpose of the distributing or selling of a service or product to the public in any one location for a period longer than 24 consecutive hrs. within the Township of Tehkummah, and for the purposes of this By-law a 'Mobile Vendor' shall be considered to be a structure.

1. No person shall operate as a Mobile Vendor within the Township without having first obtained a license to commence such an operation from the Township. Temporary licenses must be obtained by those persons who are operating for a specific time period or on a short term basis. For the purposes of this By-law, operators or groups whose wares, services or merchandise will be sold or distributed at licensed events or locations such as but not limited to Fall Fairs and Farmers Markets shall not be considered to be "Mobile Vendors".

2. Operation as a Mobile Vendor shall occur only on properties where a Commercial use would be in conformity with the Municipal Zoning By-law and shall meet all provisions of the zone in which it is located.

3. No person shall operate as a Mobile Vendor, or obtain a Municipal license to operate as a Mobile Vendor, without first having obtained, and supplied to the Township, a Certificate of approval from the Medical Officer of Health, if applicable.

4. No person shall operate as a Mobile Vendor, without having first obtained, and supplied to the Township, a Compliance Certificate from a licensed propane service depot, if applicable.

5. No person shall operate as a Mobile Vendor, unless the Township license is prominently displayed at the location where the Mobile Vendor is in operation.

6. The Council may at any time after a hearing is held, and on notice to the licensee, revoke any license held by the licensee for cause. Without limiting the generality of the foregoing, Council may suspend a license for:

- a) Breach of the Criminal Code of Canada;
- b) A violation of the provisions of this or any other By-law of the Township

7. The fee payable upon the issue of each license and on any renewal or re-issue shall be \$500.



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8. Every person who applies for a license to operate as a 'Mobile Vendor' under this By-law shall apply in writing to the Township stating the location and proposed use, accompanied by the required fee of \$500.
9. The proposed temporary structure or vehicle to be used shall meet the requirements of all Municipal By-laws, The Ontario Fire Code and all other applicable law pertaining to its intended use.
10. The applicant at the time of making application for license shall furnish the Township with true copies of all documents and approvals as required by applicable law in connection with the operation as a Mobile Vendor, and shall be restricted to one non-permanent structure or vehicle with a maximum floor area of 20 sq. meters, for the operation of said business.
11. A license issued pursuant to this By-law shall be non-transferrable and shall be valid between May 1st and October 31st, of each calendar year only and all items pertinent to the 'Mobile Vendor' shall be removed from the location of operation at the end of each license period.
12. A license issued pursuant to the provisions of this by-law shall not be transferable and shall be issued for a maximum duration of 6 months.
13. Application for license does not guarantee a license will be granted.
14. Every person licensed under this by-law, upon changing his address, shall give written notice thereof to the Municipal Clerk within ten (10) days after such change, setting forth his new address.
15. The provisions of this by-law shall be enforced by the By-law Enforcement Officer.
16. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a minimum fine of \$500 to a maximum of \$2,000 for each day of operation as a "Mobile Vendor" not being in compliance with this By-law.
17. The cost of any action taken by the Township to ensure compliance with this or any other By-law, shall be recoverable to the limits provided by law.
18. Any persons convicted of a breach of any of the provisions of this By-law by a Provincial Court Judge or competent jurisdiction thereafter, shall be issued an order prohibiting the continuation or repetition of the offence or the doing of any act by the person convicted directed towards the continuation or the repetition of the offence. Also, in addition to any other penalty, all recoverable costs shall also be imposed on the person convicted.
19. That this By-law shall come into effect on the first day of passing.

READ a first, second and third time and PASSED in OPEN COUNCIL, this 5th
day of May, 2020.


Reeve – David Jaggard


Clerk / Administrator – T. Silvio Berti