

THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST

BY-LAW 2015-04

BEING A BY-LAW respecting the licensing, regulating, and governing of business carried on within the Municipality of Highlands East and to rescind By-law No. 2006-65.

WHEREAS Section 150 of the Municipal Act, 2001, S.O. 2001, C. 25, as amended, authorizes a local Municipality to pass By-laws to license, regulate and govern any businesses carried on within the Municipality;

NOW THEREFORE the Council for the Corporation of the Municipality of Highlands East ENACTS AS FOLLOWS;

1. For the purpose of this By-law:
 - (a) “business” means a trade, business or occupation and includes the sale or hire of goods or services on an intermittent or one time basis, the showing for the purpose of sale or hire of samples, patterns or specimens of any goods and activity or thing a local Municipality may license under Section 150(6) of the Municipal Act, 2001, S.O. 2001, c.25, as amended but does not include,
 - (i) a manufacturing or an industrial business except to the extent that it sells its products or raw material by retail;
 - (ii) the selling of goods by wholesale; or
 - (iii) the generation, exploration, extraction, harvesting, processing, renewal or transportation of natural resources.
 - (b) “Eating Establishment” shall mean a place or land:
 - (i) where the business of preparing food for sale to and consumption by the public is carried on;
 - (ii) the land or place where the food is prepared for sale has been assessed as vacant land pursuant to the provisions of the Assessment Act, R.S.O., 1990, c.A-31, as amended, and the regulations enacted pursuant thereto;
 - (c) “Retail Establishment” shall mean any place or land:
 - (i) where the business of offering any goods, wares or merchandise are offered for sale is assessed as vacant land pursuant to the provisions of the Assessment Act, R.S.O. 1990, cA-31, as amended and the regulations enacted pursuant thereto;
 - (ii) “Municipality” shall mean the Corporation of the Municipality of Highlands East.
2. No person shall establish, operate or maintain an Eating Establishment anywhere within the Municipality without a valid license issued for an Eating Establishment by the Municipality pursuant to the provisions of this By-law.

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3. No person shall establish, operate or maintain a Retail Establishment anywhere within the Municipality without a valid license issued for a Retail Establishment by the Municipality pursuant to the provisions of this By-law.
4. Any person who establishes, operates or maintains or intends to establish, operate or maintain an Eating Establishment within the Municipality may apply to the Clerk of the Municipality for a license for the Eating Establishment which application shall include the following;
 - (a) a completed application in the form provided by the Clerk, which shall include the name, telephone number and address of the Applicant, including any partners of the Applicant and the proposed location of the Eating Establishment.
 - (b) a letter from the Health Unit indicating that the Eating Establishment complies with all applicable legislation concerning the preparing and handling of food including, but not limited to, the **Health Protection and Prevention Act** and any regulations enacted pursuant thereto;
 - (c) a letter from the Fire Chief for the Municipality indicating that the Eating Establishment complies with applicable Legislation concerning the operation of a business for the preparation and sale of food to the public including, but not limited to, the provisions of the **Fire Protection and Prevention Act** and any regulations enacted pursuant there;
 - (d) a letter from the Chief Building Official for the Municipality indicating that the operation of the Eating Establishment complies with applicable Legislation including, but not limited to, the provisions of the **Building Code Act** and **Building Code** and;
 - (e) a letter from the By-law Enforcement Officer for the Municipality indicating that the operation of an Eating Establishment at the location specified by the Applicant in the application will comply with applicable Legislation including the **Planning Act** and any zoning By-law enacted by the Municipality pursuant to the provisions of the **Planning Act**.
5.
 - (1) Upon receipt of the information and documentation set out in Section 4 above, together with a cheque in the amount of \$250.00 made payable to the Municipality of Highlands East, the Clerk shall issue to the Applicant a license for an Eating Establishment which shall be valid up to December 31 of the year it is issued in.
 - (2) The license for an Eating Establishment or any renewal of a license for an

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Eating Establishment expires on December 31. A renewal of the license may be issued for a further one-year period where the Applicant is not disqualified pursuant to Section 6 of this By-law and submits the conditions set out in Section 4 (b) (c) (d) and pays to the Municipality the renewal fee of \$250.00 for the year.

- (3) The license for an Eating Establishment issued pursuant to this By-law is not transferable.
 - (4) It is a condition of an Eating Establishment license that the operation of the Eating Establishment shall be under the charge and control of the person to whom the license is issued. That person shall post the license in a conspicuous place within the establishment and shall allow the Municipality at any reasonable time to inspect the place or lands used in the carrying on the Eating Establishment and any equipment, vehicles or other personal property used or kept for hire in connection with the carrying on of the Eating Establishment.
6. The Municipality may revoke or refuse to renew an Eating Establishment license where:
- (a) any person has made a false statement in the application for the license or renewal thereof or;
 - (b) there is a breach of a condition of the license or;
 - (c) the person to whom the license is issued does not comply with any provision of this By-law.
7. Any person who establishes, operates or maintains or intends to establish, operate or maintain a Retail Establishment anywhere within the Municipality of Highlands East may apply to the Clerk of the Municipality for a license for the Retail Establishment which applications shall include the following;
- a) a completed application in the form provided by the Clerk, which shall include the name, telephone number and address of the proposed location for the Retail Establishment.
 - b) a letter from the Fire Chief from the Municipality indicating that the Retail Establishment complies with all applicable Legislation concerning the operation of a Retail Establishment including but not limited to the **Fire Protection and Prevention Act** and any Regulations enacted pursuant thereto;
 - c) a letter from the Chief Building Official from the Municipality indicating that the operation of the Retail Establishment complies with applicable Legislation

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including but not limited to the provisions of the **Building Cod Act and Building Code** and;

- d) a letter from the By-law Enforcement Officer from the Municipality indicating that the operation of a Retail Establishment at the location specified by the Applicant in the application will comply with applicable Legislation including the Planning Act and any zoning By-law enacted by the Municipality pursuant to the provisions of the **Planning Act**.
8.
 - (1) Upon receipt of the information and documentation set out in Section 6 of this By-law, together with a cheque in the amount of Two Hundred and Fifty Dollars (\$250.00) made payable to the Corporation of the Municipality of Highlands East, the Clerk shall issue to the Applicant a license for a Retail Establishment which shall be valid up to December 31 of the year it is issued in.
 - (2) The license for a Retail Establishment or any renewal of a license for a Retail Establishment expires on December 31 of the year it has been issued in. The renewal may be issued if the Applicant has not been disqualified under Section 9 of this By-law, pays the renewal fee of Two Hundred and Fifty Dollars (\$250.00) for the year and submits to the conditions set out in Section 7 (a) (b) (c).
 - (3) the license for a Retail Establishment issued pursuant to this By-law is not transferable.
 - (4) It is a condition of a Retail Establishment license that the operation of the Retail Establishment shall be under the charge and control of the person to whom the license is issued and that the person to whom the license is issued shall allow the Municipality at any reasonable time to inspect the place or premises used in the carrying on of the Retail Establishment and the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of the Retail Establishment.
 9. The Municipality may revoke or refuse to renew a Retail Establishment where:
 - a. any person has made a false statement in the application for the license or renewal thereof or;
 - b. there is a breach of a condition of the license or;
 - c. the person to whom the license is issued does not comply with this By-law.
 10. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine pursuant to the provisions of the **Provincial Offences Act, R.S.O. 1990, c P -33 as amended**.

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11. If any provisions or requirement of this By-law or the application thereto to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and each provision and requirement of this By-law shall be separately and enforceable to the fullest extent permitted by law.
12. THAT By-law No. 2006-65 is hereby rescinded in its entirety.

READ A FIRST AND SECOND TIME THIS 13TH DAY OF JANUARY, 2015.

READ A THIRD TIME AND PASSED THIS 13TH DAY OF JANUARY, 2015.

Dave Burton, Reeve

Irene S. Cook, Clerk