

The Corporation of the Town of Saugeen Shores By-law

##-2025

Being a By-law to Provide for the Licensing and Regulation of Various Businesses

Whereas pursuant to the provisions of Part IV of the Municipal Act, 2001, as amended, the Council of the Corporation of the Town of Saugeen Shores may pass by-laws for licensing, regulating, and governing business; and

Whereas Section 150 of the Municipal Act 2001 allows a municipality to licence, regulate and govern any business wholly or partially carried on within the Municipality, even if the business is being carried on from a location outside the Municipality; and

Whereas Sections 390-400 of the Municipal Act 2001, as amended enable municipalities to pass by-laws for imposing fees or charges for permits and services provided or done by them.

Now Therefore Be it Resolved that the Council of the Corporation of the Town of Saugeen Shores enacts as follows:

Part 1 General Provisions

1.1 Licence

No person shall operate the following classes of businesses in the Town of Saugeen Shores without a business licence issued by the Town and in compliance with this by-law:

- (a) Temporary Sales Hawker and Peddler;
- (b) Refreshment Vehicle; or
- (c) Entertainment.

1.2 Display of Licence

No person holding a licence issued pursuant to this by-law shall fail to:

- (a) with respect to premises, display the licence in a conspicuous place in or on the said premises; or
- (b) with respect to a vehicle, display the licence in a conspicuous place in or on the said vehicle; or
- (c) with respect to an individual, maintain the licence on their person while conducting the activity for which the licence was issued.

1.3 Application

Applications for all licences issued under this by-law and applications for the renewal of such licences:

- (a) shall be submitted to the Town of Saugeen Shores on the forms provided;
- (b) shall provide, in full, all of the information requested;
- (c) when received by the Town, will be stamped with the date and processed in the order in which they are received; and
- (d) shall be submitted with the prescribed licence fee set out in the Fees and Charges By-law for the Town; and
- (e) include any other document, certification or information as may be required in any other part of this by-law

1.4 Application Approval

Every application will be subject to investigation approvals from such municipal or provincial departments or agencies as the Town deems necessary, or as directed by Council, including, but not limited to: Police,

Grey-Bruce Health Unit, Fire Department, Building Department, and/or By-law Enforcement.

1.5 Contravention of Other Laws Prohibited

The issuance or renewal of a licence is not intended and shall not be construed as permission or consent by the Town for the holder of the licence to contravene or to fail to observe or comply with any law of Canada or Ontario or any other by-law of the Town.

1.6 Licence Transfer Prohibited

Licences are issued for the person, premises, and class of business specified on the licence. No licence may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized, or otherwise dealt with.

1.7 Application Open to Inspection

Any application, comment, recommendation, information, document or thing in the possession of the Town pursuant to the provisions of this by-law shall be made available for inspection:

- (a) by any person employed in the administration or the enforcement of this by-law; and
- (b) is subject to the *Municipal Freedom of Information and Protection of Privacy Act*.

1.8 Obstructing Enforcement

No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.

1.9 No Licence Where Prohibited

No licence shall be issued to any person in respect of any premises in which the carrying on or operation of the business for which the application is being made is in contravention of any by-law of the Town, or any applicable Provincial or Federal legislation.

1.10 Licence Term

A licence issued under the provisions of this by-law shall be valid only for the period of time for which it was issued.

1.11 Licence Administrative Fee

All business licence fees are non-refundable if the application is refused for any reason or is withdrawn by the applicant prior to the issuance of a licence.

1.12 Address of Licensee

Every licensee shall notify the Town within 6 days of any change in his business address or home address.

1.13 Issuance and Renewal Conditions

Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold, and renewing a licence, all of which shall be performed and observed by the applicant, holder of the licence or by the operator of the business:

- (a) the applicant or licence holder shall allow, at any reasonable time, the Town to inspect the places and premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying out of the business;
- (b) the applicant or licence holder shall ensure that the places or premises used for the business are not constructed or equipped so as to hinder the enforcement of this by-law;
- (c) the conduct of the applicant or the licence holder affords reasonable cause to believe that the applicant or licence holder will not carry on or engage in the business in accordance with the law or with honest and integrity;
- (d) the applicant or licence holder, or individual who is a member of a

- partnership that is the holder of the licence, shall be a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (e) the premises in which the business is located shall be in accordance with the requirements of the Building Code Act and the Regulations thereunder, the Fire Protection and Prevention Act, 1997 and the Regulations thereunder, and any by-law of the Town of Saugeen Shores prescribing standards for the maintenance and occupancy of property within the Town;
 - (f) the use of the premises for the purpose of the business is permitted or conforms with the uses of the premises permitted under the applicable Zoning By-law or is a legal non-conforming use;
 - (g) the applicant or licence holder shall not carry on activities that are in contravention of this by-law;
 - (h) the applicant or licence holder shall not fail to pay any part of a fine for a contravention of this by-law after the fine becomes due and payable under section 66 of the Provincial Offence Act, R.S.O. 1990, c. P.33, including any extension of time for payment ordered under that section.

1.14 Clerk Licensing Powers

The Clerk, or their designate, may issue or renew a licence where the requirements and conditions of this by-law have been fulfilled.

1.15 Referral to Council by Clerk

- (a) At any time before the Clerk, or their designate either issues or renews a licence, or recommends to refuse to issue or to refuse to renew a licence, they may, or they shall on the request of the applicant, refer the application for such issuance or renewal of a licence to the Council.

1.16 Where there is a referral to the Council pursuant to this section, the Municipal Council shall direct the Clerk to issue or renew the licence, or not to issue or renew the licence, and may require the imposition of conditions specific to the licence regarding compliance by the applicant with any requirements of this by-law.

1.17 Refusal, Suspension, or Revocation

The Municipal Council, Clerk or their designate may suspend, revoke or refuse to issue any licence that may be issued under the provisions of this By-law:

- (a) where the holder of the licence or applicant is in breach of a condition of the licence or of this by-law;
- (b) if a report is filed subsequent to the date of the issuance of the licence or by any department or agency which provided its approval originally to the issuance of the licence which indicates that a licenced premises, or the person, equipment, or vehicle no longer complies with any of the provisions of this by-law;
- (c) upon such grounds as are set out in this by-law;
- (d) if the conduct of the applicant or licensee affords reasonable cause to believe that the applicant or licensee will not carry on or engage in the business in accordance with the law;
- (e) if, in the case of a corporate applicant or licensee, the conduct of its
- (f) officers, directors, employees or agents affords reasonable cause to believe that the business will not be engaged in or carried on in accordance with the law.

A decision of the Clerk or Municipal Council refusing, suspending or revoking an application or licence takes effect upon the rendering of such decision by the Clerk or Municipal Council.

Part 2

Temporary Sales Hawker - Peddler

2.1 Definitions

"Hawker" or "Peddler" shall mean:

- (a) any person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the Town of Saugeen Shores afterwards;
- (b) any retailer which has an employee or agent who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the Town of Saugeen Shore afterwards; and
- (c) a representative, employee or contractor of a business who goes from place to place or to a particular place to promote the sale of a service or membership or sell a service or membership.

2.2 Licence Classes

The following classes of "hawker" or "peddler" are hereby established:

Class 1 - "Day Sales"

- (a) shall include the sale of goods such as, but not limited to, flowers, and fresh produce, for a one to three day period from one specific location such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot where the use is permitted in the Zoning By-law.
- (b) shall include the sale of fireworks for a one to seven day period from one specific location such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot where the use is permitted in the Zoning By-law.

Class 2-"Seasonal Sales"

shall include temporary businesses such as, but not limited to, gardening product sales and Christmas tree sales for one period of up to three months from one specific location such as, but not limited to, a parking lot or a vacant commercial lot and may include the use of a temporary structure such as a greenhouse or sales office where the use is permitted in the Zoning By-law.

Class 3 - "Door-to-Door Sales"

shall include any business, person or organization that has sales conducted on their or its behalf by door-to-door solicitation.

2.3 Prohibitions

No person shall,

- (a) carry on the business of hawker or peddler without a current, valid business licence; or
- (b) be engaged in services to the public in connection with the business of a hawker or peddler without a current, valid Business Licence.

2.4 Exemptions

Notwithstanding section 2.3 of this by-law, no Hawkers and Peddlers Licence shall be required for hawking, peddling or selling goods, wares, merchandise or services:

- (a) to wholesale or retail dealers of similar goods, wares, merchandise or services; or
- (b) if the goods, wares, merchandise or services are hawked, peddled or sold on the property where the goods, wares, or merchandise, are grown, produced, or manufactured or where the service is provided, and the subject property is in the appropriate tax class for carrying on

- that business; or
- (c) existing local retailers are exempt from obtaining a hawker or peddler's licence and paying a licence fee for "day sales" or "seasonal sales" if the temporary selling activity is an extension of the existing business at that location; or
 - (d) local farm growers are exempt from obtaining a hawker or peddler's licence and paying a licence fee for "day sales" or "seasonal sales" if the produce they are selling is being sold from their own property and has been grown and harvested by them; or
 - (e) a consumer show, flea market, craft show, antique show, trade show or collectible show open to the public or a trade shop open by invitation or registration only, the primary purposes of which are the display of goods and products and not the direct sale of them; or
 - (f) a vendor who is providing their goods, wares, merchandise, or services for sale as part of an event on Town of Saugeen Shores property and the event is being held in accordance with a Facility Booking Agreement or Special Event Application.

2.5 Municipal Property

No person shall carry on the business of a hawker or peddler in any public park, municipal property in the Town of Saugeen Shores, except in accordance with a Facility Booking Agreement or Special Event Application.

Part 3 Refreshment Vehicles

3.1 Definitions

“Refreshment vehicle:” shall mean any vehicle from which refreshments are sold for consumption by the public and includes, without limiting the generality of the foregoing, carts, wagons, trailers and trucks, irrespective of the type of motive power employed to move the refreshment vehicle from one point to another.

“Waste:” shall mean food, disposable eating utensils, paper, wood, cardboard, plastic, glass or metal products used in the preparation, serving or consumption of the food or beverages offered for sale from a refreshment vehicle.

3.2 Licence Classes

The following classes of refreshment vehicles are hereby established:

Class 1 - Refreshment Vehicle shall include a hand cart, peddled vehicle, vehicle or trailer from which food products are sold from and where such hand cart, peddled vehicle, vehicle or trailer is located on privately owned property.

Class 2 - Refreshment Vehicle shall include a hand cart, peddled vehicle, vehicle or trailer from which food products are sold and that is moved from one location to another location upon the completion of each sale.

Class 3 - Refreshment Vehicle shall include a hand cart, peddled vehicle, vehicle or trailer from which food products are sold from any one location and such location is owned by the Town of Saugeen Shores.

3.3 Prohibitions

No person shall:

- (a) operate a refreshment vehicle without holding a current valid licence for such premises or business issued under the provisions of this by-law;
- (b) operate a refreshment vehicle on public property other than the location approved by the licence;

- (c) operate a refreshment vehicle without the vehicle having the name of the licensee displayed on each side thereof in letters at least 10 centimetres (4 inches) in height;
- (d) fail to affix a refreshment vehicle licence issued under the provisions of this by-law in a conspicuous place on a refreshment vehicle for which it is issued.
- (e) allow waste to accumulate at the designated site to which that person has been assigned during the hours of operation of the said refreshment vehicle.
- (f) operate a refreshment vehicle which uses propane fuel for the preparation and/or heating of food products without an annual safety certification of such propane components of the vehicle by a certified and registered gas fitter in accordance with the guidelines of the Technical Standards and Safety Authority.
- (g) operate a refreshment vehicles which uses propane fuel, without a minimum five-pound ABC dry chemical fire extinguisher on the vehicle and the operator of the vehicle being knowledgeable on the proper use of such fire extinguisher.

3.4 Exemptions

The provision of refreshment vehicle services are subject to the following relative to events on Town owned property under a Facility Booking Agreement or Special Event Application:

- (a) licensees with a current, valid licence with the Town of Saugeen Shores or other municipality shall not be required to submit an additional application or pay an additional licensing fee to provide refreshment vehicle services at an event if retained by the event organizer; and
- (b) licensees, regardless of Class or designated premises, are not entitled to provide refreshment vehicle services at an event occurring on Town owned property unless retained by the event organizer or otherwise expressly permitted by the event organizer to provide refreshment vehicle services; and
- (c) shall provide proof of their business licence and any other certifications or information requested by Town staff or the event organizer upon request.

3.5 Insurance Requirements

No person shall:

- (a) Operate a Class 1 Refreshment Vehicle prior to obtaining; and maintaining for the duration of the term of the licence; \$1,000,000.00 liability insurance.
- (b) Operate a Class 2 Refreshment Vehicle prior to obtaining; and maintaining for the duration of the term of the licence; \$1,000,000.00 liability insurance coverage and naming the Town of Saugeen Shores as an additional named third party.
- (c) Operate a Class 3 Refreshment Vehicle prior to obtaining; and maintaining for the duration of the term of the licence; \$1,000,000.00 liability insurance coverage and naming the Town of Saugeen Shores as an additional named third party.

3.6 Class 2 and Class 3 Licence Term

Class 2 and Class 3 Refreshment vehicle licences will be issued for one season at a time from May 1st to October 31st. Refreshment vehicle licences will not be automatically renewed.

3.7 Class 3 Licence Locations

In addition to all other provisions of this by-law, a Class 3 Refreshment Vehicle Licence shall only be issued for the pre-approved designated area where public washrooms are accessible. One licence may be issued for the following municipal locations:

- (a) **Coulter Parkette:** anywhere within the limits of the Park.
- (b) **Gobles Grove:** anywhere on the grassed area of the Park.

- (c) **Pioneer Park:** anywhere within the limits of the Park.
- (d) **Chesley Street Dock Area:** anywhere on the grassed area of the Park.
- (e) **Denny's Dam:** anywhere within the Park.
- (f) **Municipal Sports Parks:** anywhere public washrooms are available, no concession booths are under lease agreement, and no Special Occasion Permits are in place.
- (g) **Northshore Park:** anywhere within the limits of the Park.
- (h) **Other locations:** may be considered on a case-by-case basis.

3.8 **Class 3 Licence Application by Tender**

Each year the Town of Saugeen Shores will advertise the municipal locations available for tender. The applicant will submit a bid on the tender form provided. The minimum tender amount shall be \$200.00 per location. The highest tender, or not necessarily any tender, will be accepted based on the applicant meeting the review criteria and all other terms of this by-law.

3.9 **Class 1, 2, and 3 Licences Review Criteria**

All classes of Refreshment Vehicles will be reviewed on the following criteria:

- (a) a refreshment vehicle shall not impede the flow of pedestrian or vehicular traffic and will not be allowed in designated municipal parking areas;
- (b) the Operator must provide garbage containers and all garbage shall be disposed of by the Operator;
- (c) every owner shall apply for a separate licence for each refreshment Vehicle owned or operated by them;
- (d) proximity of existing permanent businesses offering similar products shall be considered;
- (e) the impact of charitable organizations hosting fund raising events;
- (f) Refreshment Vehicles will not be allowed to operate during Pumpkinfest, or any other special event, without the written permission of Pumpkinfest or the special event co-ordinator.
- (g) Provisions of the applicable Zoning By-law will apply for private property.

3.10 **Public Health**

Every person to whom a Refreshment Vehicle Licence is issued under the provisions of this by-law shall, at all times in respect of the premises or the vehicle for which the licence has been issued hereunder:

- (a) shall comply with all requirements of the Medical Officer of Health;
- (b) keep the premises and/or vehicle, together with all utensils and equipment therein, in a clean and sanitary condition to the satisfaction of the Medical Officer of Health.
- (c) when and as often as requested by the Medical Officer of Health to do so, procure and produce to him a certificate of an approved qualified physician, certifying the good health of any person employed in or occupying the said premises or vehicle, including certification that such physician has carried out a physical examination of such persons and has submitted to the Medical Officer of Health such laboratory specimens as the Medical Officer of Health may direct for the purpose of determining that such persons are free from infection or communicable disease; and
- (d) after a request referred to in section (c) above, no person in respect of whom such request has been made shall be employed in, be in or occupy the said premises or vehicle without a certificate of the Medical Officer of Health that all requirements have been met.

3.11 **Core Commercial Zoning - Restrictions**

All refreshment vehicles located on lands zoned with the CC zone, as defined in the Town's Zoning By-law, shall be subject to the following additional regulations:

- (a) In this section, "refreshment vehicle" means a refreshment vehicle as defined elsewhere in this by-law, provided it is no larger than 5 square meters.

- (b) No person shall operate a refreshment vehicle on lands that are vacant, or contain a building that has vacancies for one or more non-residential uses, or contains only residential uses.
- (c) Refreshment vehicles may be permitted for Special Events approved by the Town of Saugeen Shores, for the duration of the event.
- (d) A refreshment vehicle shall be removed from the property, if a valid Business License is not in effect.

Part 4 Entertainment

4.1 Definitions

“Circus” shall mean a performance exhibiting equestrian, animal, acrobatic or other performances and their equipage and shall include any other similar show.

“Menagerie” shall mean a business or premise exhibiting a collection of animals in cages or enclosures.

“Place of Amusement” shall mean a building, room, area or premises which is devoted to the offering of facilities for the play of:

- (a) more than three games of chance
- (b) more than three games of mixed chance and skill
- (c) amusement ride(s) or other devices including but not limited to roller skating, rinks, merry-go-rounds, switchback railways, carousels, animal rides, and other like contrivances
- (d) two or more billiard, pool or bagatelle tables
- (e) two or more arcade machines
- (f) two or more computer games

for the amusement of the public, which is not contrary to the *Criminal Code of Canada* but does not include premises which are licenced under the L.L.C.B.O or where the use of such tables, arcades or computer games are only incidental to the main objectives of the premises.

4.2 Prohibitions

No person shall operate a circus, menagerie, place of amusement, place of billiards/games:

- (a) without holding a current valid licence for such premises or business issued under the provisions of this by-law;
- (b) in contravention of the Town of Saugeen Shores' Zoning By- law;
- (c) without providing sufficient lighting in every part of the premises so as to permit the safe use of the facility by the public;
- (d) without providing an adequate number of waste receptacles accessible to users of the premises; and
- (e) without providing supervision by an adult who shall remain on the premises at all times when the premises are open in accordance with this by-law.

4.3 Insurance

No person shall operate a circus, menagerie or place of amusement prior to obtaining, and maintaining for the duration of the term of the licence; \$2,000,000.00 liability insurance coverage which names the Town of Saugeen Shores as an addition named third party.

4.4 Menagerie General Provisions

In addition to all other sections of this by-law and all other information required on the application form, the following information shall also be provided:

- (a) a current list of all animals which are kept in such menagerie;
- (b) the name of the local veterinarian caring for the animals and a statement from the veterinarian that the animals are in good health and maintained in a healthy condition; and

- (c) every menagerie shall maintain and keep all animals within the menagerie in a clean, well-bedded and healthy manner and shall ensure that the animals are treated in a humane manner at all times.

4.5 Place of Amusement General Provisions

No person shall:

- (a) operate a place of amusement between the hours of 1:00 a.m. and 9:00 a.m.; or
- (b) operate a place of amusement in a disorderly manner to allow loitering to take place in or around the premises.

Part 5 General Provisions

5.1 Any person who contravenes the provisions of this by-law is guilty of an offence and upon conviction is subject to the penalty set out in the Provincial Offences Act, R. S.O. 1990, Chapter P.33, as amended

5.2 All provisions of this by-law are subject to the laws of the Province of Ontario. All references to applicable law are ambulatory and apply as amended from time to time.

5.3 Interpretation

- (a) The headings, article numbers and table of contents appearing in this By-law, or any schedule hereto are inserted for convenience of reference only and shall not in any way affect the construction or interpretation of this By-law.
- (b) Whenever used in this By-law, unless there is something in the subject matter or context inconsistent therewith, the following words and terms shall have the respective meanings ascribed to them in this Definitions section:
- (c) In this By-law, words importing the singular include the plural and vice versa and words importing gender include all genders.
- (d) Unless otherwise specified, all terms used in this By-law shall have the same meaning whether they appear in capitalized or non-capitalized form.

5.4 Parts 2, 3, 4 and 6 of 98-2004, and its schedules are hereby repealed.

5.5 75-2018 of the Corporation of the Town of Saugeen Shores is hereby repealed.

5.6 That this by-law shall come into force and take effect upon third and final reading thereof.

Read, passed, and sealed this _____ day of _____, 2025.

Luke Charbonneau, Mayor

Dawn Mittelholtz, Clerk