

THE CORPORATION OF THE TOWN OF SAUGEEN SHORES

BY-LAW 98 - 2004

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;

AND WHEREAS in accordance with Section 150(4)(a) and (b), proper notice of a public meeting was given, and a public meeting was held at which any persons who attended had an opportunity to make representation with respect to this By-law;

AND WHEREAS pursuant to Section 150 of the Municipal Act 2001 the Council of the Town of Saugeen Shores is exercising its licensing powers under this Section, including imposing conditions, for the following reasons:

- (i) Health and Safety; and/or
- (ii) Nuisance Control; and/or
- (iii) Consumer Protection

AND WHEREAS pursuant to Section 150(2) of the Municipal Act, 2001, the following categories of businesses are licenced for the following reasons:

TEMPORARY SALES, for the purpose of ensuring the vendor is following all required health regulations to ensure that the consumer does not become ill, to ensure that the business is not a nuisance by hindering vehicles or pedestrian traffic and/or causing a hazard in any way and/or having a negative aesthetic impact on the Municipality, and to protect the consumer who is purchasing the products being sold.

ENTERTAINMENT EVENTS, for the purposes of health and safety of the people who attend entertainment events, and to ensure that the business is not a nuisance to the surrounding landowners, and to ensure the protection of the consumer for goods and/or services purchased.

REFRESHMENT VEHICLES, for the purposes of health and safety and ensuring that the vendor is following all required health regulations, and to ensure that the consumer does not become ill, and to ensure that the vendors are not hindering vehicle or pedestrian traffic and/or causing a hazard in any way and/or having a negative aesthetic impact on the Municipality which would fall under nuisance control.

TAXI/LIMOUSINE, for the purposes of health and safety and ensuring the operator has obtained the necessary MTO licensing and to ensure that the operators have obtained safety standard certificate of Mechanical fitness certificate for each vehicle is issued by a registered motor vehicle inspection station pursuant to the provisions of the Highway Traffic Act, and to ensure that the owner has the appropriate insurance coverage and to ensure that the

operator is operating under all regulating by-laws of the corporation and does hinder vehicle and pedestrian traffic.

VEHICLE SERVICES, for the purposes of health and safety and ensuring that the vendor is following all required health regulations, and to ensure the protection of animal health and wellbeing, and to ensure that the owner has the appropriate insurance coverage and to ensure that the operator is operating under all regulatory by-laws and does not hinder vehicle and pedestrian traffic.

NOW THEREFORE the Council of the Corporation of the Town of Saugeen Shores enacts as follows:

PART 1 GENERAL PROVISIONS

1.1 Licensing - powers

The power to licence, regulate and govern a business includes the power ,

- (a) to prohibit the carrying on of or engaging in the business without a licence.
- (b) to refuse to grant a licence or revoke or suspend a licence;
- (c) to fix the expiry date for a licence;
- (d) to define classes of businesses and to separately licence, regulate and govern each class;
- (e) to impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, including conditions,
 - (i) requiring the payment of licence fees;
 - (ii) restricting the hours of operation of the business, and
 - (iii) allowing at any reasonable time, the municipality to inspect places or premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying on of the business;
 - (iv) prohibiting places or premises used for the business to be constructed or equipped so as to hinder the enforcement of the by-law;
 - (v) requiring the premises of the business, or part of the premises, to be accessible to persons with disabilities
- (f) to impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence.
- (g) to impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (h) to licence, regulate or govern the place or premises used for the business and the persons carrying it on or engaged in it;
- (i) to regulate or govern the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of or engaging in the business;
- (j) to exempt any business or person from all or any part of the by-law; and
- (k) without limiting anything in clauses (a) to (j), to require the payment by a licenced business of additional fees at any time during the term of the licence for costs incurred by the municipality attributable to the activities of the business.

1.2 Licence - display

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 Licence -application

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

- (a) shall be made to the Town of Saugeen Shores on the forms provided;
- (b) when received by the Town, will be stamped with the date and processed in the order in which they are received; and
- (c) shall be subject to the fees set out in Schedule "A" to this by-law and forming a part of this by-law.

1.4 Licence – application – full information - required

Every applicant shall provide in full, at the time the application is submitted, all of the information requested on the application form as well as:

- (a) payment of the prescribed licence fee set out in Schedule "A" of this by-law; and
- (b) any other document or information as may be required in any other part of this by-law.

1.5 Licence – application – subject to 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, By-law Enforcement.

1.6 Contravention – 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 by-law of the Town.

1.7 Licence – transfer – prohibited

Every licence is valid only in respect of the person and the premises or of the person named therein and for the nature of business stated in the licence, and no licence may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized, or otherwise dealt with.

1.8 Information – held by the Town – 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;

subject only to the limitations imposed by the *Municipal Freedom of Information and Protection of Privacy Act*.

1.9 Licence – Obstruct – person who enforces

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.

1.10 No licence – not be issued or renewed – where by-law contravened

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.

1.11 Licence – term of – expiry

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

1.12 Licence – administrative fee – licence refused or withdrawn

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.

1.13 Licence – address – notification of change

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

1.14 Issuance, 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 pay the applicable licence fee;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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;
- (f) 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;
- (g) 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;
- (h) the applicant or licence holder shall not carry on activities that are in contravention of this by-law;
- (i) 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, including any extension of time for payment ordered under that section.

1.15 Licencing powers – Clerk – issue or renew

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

1.16 Referral – Council – by Clerk

- (a) At any time before the Clerk, or his/her designate either issues or renews a licence, or recommends to refuse to issue or to refuse to renew a licence, he may, or he shall on the request of the applicant, refer the application for such issuance or renewal of a licence to the Municipal Council.
- (b) Where there is a referral to the Municipal 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 – revocation

The Municipal Council, Clerk or his/her 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 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 or with honesty and integrity;
- (e) if, in the case of a corporate applicant or licensee, the conduct of its 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 or with honesty and integrity.

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” includes:

- (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; and
- (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;
- (c) but excludes a consumer 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.

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 his/her or its behalf by door-to-door solicitation.

2.3 Operation – without valid licence – prohibited

No person shall,

- (a) carry on the business of hawker or peddler; or
- (b) be engaged in services to the public in connection with the business of a hawker or peddler;

without holding a current valid licence for such business issued under the provisions of this by-law.

2.4 Exemption – from licence – flea market - antique show

Notwithstanding any other section of this by-law, a person who, if it were not for this section, is otherwise required to be licenced under this by-law, and who offers for sale or sells goods, wares, or merchandise to the public at a flea market, craft show or antique show or place which is licenced under this by-law, is not required to be licenced under this Part for the purpose of offering for sale or selling goods, wares or merchandise to the public at such flea market, craft show, antique or collectible show, trade show or place.

2.5 Exemption – from licence – other circumstances

Notwithstanding section 2.3 of this by-law, no Hawkers and Peddlers Licence shall be 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 an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the Town of Saugeen Shores in respect of premises used for the sale of such goods, wares or merchandise; 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.

2.6 Municipal Property – permit – Corporation

No person licenced, or required to be licenced, as a “hawker” or “peddler” shall carry on the business of a hawker or peddler in any public park, municipal property in the Town of Saugeen Shores.

**PART 3
REFRESHMENT VEHICLES**

3.1 Definitions

Refreshment vehicle – defined

“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 – defined

“waste” includes 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 – refreshment vehicles

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 Operation – responsibility - matters – prohibited

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 Part 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 use 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 Operation – Licence -Insurance

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.

3.5 Class 2 & Class 3 Licences – Expiry - Renewal

Class 2 and Class 3 Refreshment vehicle licences will be issued for one season at a time from May 01st to October 31st. Refreshment vehicle licences will not automatically be renewed.

3.6 Class 3 Licence - Locations

In addition to the 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 St 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 and no concession booths are under lease agreement
- (g) Northshore Park - anywhere within the limits of the Park

3.7 Class 3 Licence – Application

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.

3.8 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 a garbage container 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 him.
- (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.

3.9 Health considerations – licensee – responsibility

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) keep the same, together with all utensils and equipment therein, in a clean and sanitary condition to the satisfaction of the Medical Officer of Health.
- (b) 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

after a request referred to in section (b) 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.

PART 4 ENTERTAINMENT

4.1 Definitions

In this part:

Circus – defined

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

Menagerie - defined

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

Place of Amusement - defined

“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 Operation – responsibility - matters – prohibited

No person shall operate a circus, menagerie, place of amusement, place of billard/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.
- (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 Operation – Licence -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.

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 – Restrictions

No person shall:

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

Part 5 TAXI

5.1 Definitions

In this part:

Driver – Defined

“driver” shall mean any person licenced according to this by-law who is the holder of any class A,B,C,D,E,F, or G Ontario Driver’s licence.

Taxi – Defined

“taxi” shall mean any passenger motor vehicle regularly used for hire for the conveyance of persons and having a normal seating capacity of not more than nine persons, but shall not include a public vehicle as defined in the Public Vehicles Act, R.S.O. 1990 P. 54 and amendments thereto.

Limousine - Defined

“limousine” shall mean a motor vehicle which does not bear any identification other than the number plate issued by the Ministry of Transportation for the Province of Ontario which does not have a taximeter and which is kept or used for hire for the conveyance of passengers but shall not include a taxi.

Safety Standard Certificate of Mechanical Fitness – Defined

“Safety Standard Certificate of Mechanical Fitness” shall mean a Safety Standards Certificate of Mechanical Fitness certificate issued by a registered motor vehicle inspection station pursuant to the provisions of the Highway Traffic Act.

5.2 Operation – responsibility - matters – prohibited

No person shall operate a taxi or limousine business:

- (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) with drivers who are not registered with the Town of Saugeen Shores.
- (d) with drivers who do not meet the provisions set out in this by-law

5.3 Driver – qualification

Drivers of a taxi and limousine shall

- (a) be eighteen (18) years of age or older
- (b) be the holder of a Class A,B,C,D,E,F or G driver's licence issued by the Ministry of Transportation for the Province of Ontario
- (c) not have accumulated more than six (6) demerit points on his/her driving record
- (d) not have had a driver's licence under suspension at any time within the preceding twelve (12) months as a result of having been convicted or found guilty of:
 - a) driving under suspension
 - b) speeding over fifty (50) km above the limit
 - c) careless driving
 - d) racing on a highway
 - e) failing to remain at the scene of an accident
 - f) failing to report an accident
 - g) a criminal code of Canada offence: committed by means of a motor vehicle or while driving or having care and control of a motor vehicle
 - h) fail to stop for police
- (e) have been convicted or found guilty within the preceding five (5) years of two or more offences under the Criminal Code of Canada, committed on different dates by means of a motor vehicle, or while driving or having care and control of a motor vehicle.
- (f) not have been convicted or found guilty within the preceding five (5) years of any offence under the Controlled Drugs and Substances Act.
- (g) not have been convicted or found guilty within the preceding five (5) years of certain sexual or moral offences under the Criminal Code of Canada.
- (h) No have been convicted or found guilty of any offence for conduct that affords reasonable grounds for believing that he will not properly perform his duties, or is not a proper person to have custody of children or seniors.

5.4 Licence - Insurance

No person shall operate a taxi or limousine business or be granted a licence until the Town of Saugeen Shores has been provided with a Certificate of Insurance issued by a company authorized to do business in Ontario certifying that the owner and driver of each taxi or limousine for which a taxi or limousine vehicle licence is being applied for, are insured for public liability property damage and passenger hazard, with a minimum \$2,000,000 coverage per incident or occurrence and written confirmation from the insurer that the Town will receive at least thirty (30) days written notice prior to any cancellation, expiration or variation thereof.

5.5 Operation – Vehicle Safety

No person shall operate a taxi or limousine without a valid Safety Standard Certificate of Mechanical Fitness for each taxi or limousine to be licenced

certifying such vehicle is in a safe condition to be operated upon a highway and such certificate must be dated no longer than thirty (30) days before the application for the licence is submitted. A vehicle is exempt from the Safety Standard Certificate of Mechanical Fitness which has traveled less than twenty-thousand (20,000) kilometers or not more than 12 months has elapsed from the date of first registration as a new motor vehicle unless said vehicle has been involved in an accident. The cost of this certificate shall be borne by the applicant. This certificate is to be provided to the Town of Saugeen Shores.

PART 6 VEHICLE SERVICES

6.1 Definitions

In this part:

Horse Drawn Vehicle – Definition

“horse drawn vehicle” shall mean a passenger vehicle pulled by horses and regularly used for hire for the conveyance of persons for sightseeing trips or otherwise.

6.2 Operation – responsibility – matters – prohibited

No person shall:

- (a) operate a horse drawn vehicle without holding a current valid licence for such premises or business issued under the provisions of this by-law
- (b) operate a horse drawn vehicle in contravention of the Town of Saugeen Shores’ Zoning By-law
- (c) permit the operation of horse drawn vehicle unless:
 - a) it is free from any mechanical defects
 - b) its interior and exterior is clean and in good repair, and
 - c) it is properly maintained
- (d) permit the operation of a horse drawn vehicle unless the operator ensures that the horse being used in connection with the horse drawn vehicle is in sound, condition, good health, well fed and watered.
- (e) operate a horse drawn vehicle prior to providing a certificate of a qualified veterinarian as to the condition of any horse being used for the purpose of drawing a vehicle.
- (f) not unnecessarily impede the flow of pedestrians or vehicular traffic or restrict access to designated parking areas.

6.3 Operation - Licence - Insurance

No person shall operate a horse drawn vehicle prior to obtaining; and maintaining for the duration of the term of the licence; \$2,000,000.00 liability insurance coverage for each licence and naming the Town of Saugeen Shores as an additional named third party. And provide written confirmation from the insurer that the Town will receive at least thirty (30) days written notice prior to any cancellation, expiration or variation thereof.

6.4 Licence – Application

In addition to all other provisions of this By-law the applicant shall provide

- (a) a map showing the route of the horse drawn vehicle service.
- (b) a plan for the staging and resting areas
- (c) a plan for the removal of all waste and a method of disposal of all waste

6.5 Licence – Expiry – Renewal

Horse Drawn Vehicle licence will be issued for one season at a time from May 01st to October 31st in the year the licence was granted. The licence will not automatically be renewed annually and every horse drawn vehicle must be licenced separately.

**PART 7
ENFORCEMENT – REPEAL – ENACTMENT**

- 7.1 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
- 7.2 By-law 71-99 of the Corporation of the Town of Saugeen Shores is hereby repealed.
- 7.3 That this by-law shall come into force and take effect upon third and final reading thereof.

READ A FIRST AND SECOND TIME THIS 13TH DAY OF DECEMBER, 2004.

READ A THIRD TIME AND FINALLY PASSED AND SEALED THIS 13TH DAY OF DECEMBER, 2004.



Mark Kraemer, Mayor



Molly McDowall, Clerk

THE CORPORATION OF THE TOWN OF SAUGEEN SHORES

BY-LAW 98 - 2004

SCHEDULE A

SCHEDULE OF FEES

CATEGORY	CLASS	ANNUAL LICENSE FEE
Entertainment Events	Circuses	\$175.00 per day
	Menagerie	\$175.00 per day
	Places of Amusement	\$175.00 per location
Temporary Sales	Sale or hire of goods or services on an Intermittent or one time basis and the Activities of a Transient Trader	\$175.00 per location
	The display of samples, patterns or specimens of goods for the purpose of sale or hire (Hawker/Peddler)	\$175.00 per event or location
Refreshment Vehicles	Canteens	\$175.00 per canteen
	Mobile BBQ's	\$175.00 per unit
	Chip Wagons	\$175.00 per unit
	Hot Dog Carts	\$175.00 per unit
	Ice Cream Trucks/Bikes	\$175.00 per unit
Taxi	Taxi Owner	\$175.00 one time approval
	Taxi Vehicle	\$ 25.00 annual per vehicle
	Limousine Owner	\$175.00 one time approval
	Limousine Vehicle	\$ 25.00 annual per vehicle
Vehicle Services	Horse Drawn Carriages	\$175.00 one time approval
	Annual Renewal Fee	\$ 25.00 one time approval

THE CORPORATION OF THE TOWN OF SAUGEEEN SHORES

SCHEDULE "B" TO BY-LAW 98 -2004

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	DESCRIPTION OF OFFENCE	PROVISIONS CREATING OFFENCE	SET FINES INCLUDING COST
1.	Obstruct – person who enforces	Section 1.9	300.00
2.	Operation – without valid licence	Section 2.3	300.00
3.	Refreshment Vehicle - Operation - prohibited	Section 3.3	300.00
4.	Operating without Insurance	Section 3.4	300.00
5.	Entertainment - operation prohibited	Section 4.2	300.00
6.	Operating without Insurance	Section 4.3	300.00
7.	Failure to Restrict Hours	Section 4.5	300.00
8.	Taxi - Operation prohibited	Section 5.2	300.00
9.	Operating without Insurance	Section 5.4	300.00
10.	Unsafe vehicle	Section 5.5	300.00
11.	Vehicle - Operation prohibited	Section 6.2	300.00
12.	Operating without Insurance	Section 6.3	300.00
<p>The penalty provisions for the offences indicated above is Section 18 of By-law 98-2004.</p>			