

## The Corporation of the Town of Parry Sound

### By-law 2023 – 7331

- c) **“Appeal Committee”** means the Council of the Corporation of the Town of Parry Sound.
- d) **“Business”** includes:
  - i. trades and occupations;
  - ii. exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
  - iii. the sale or hire of goods or services on an intermittent or one-time basis;
  - iv. the display of samples, patterns or specimens of goods for the purpose of sale or hire.

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 sale of goods by wholesale;
- iii. the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.

For the purpose of this by-law, a business shall be deemed to be carried on within the municipality if any part of the business is carried on within the municipality even if the business is being carried on from a location outside the municipality.

- e) **“Business operated on a temporary basis”** shall include:
  - i. any person who goes from place to place, or to a particular place, with goods, wares, merchandise or food for sale or who carries and displays samples, patterns or specimens of any goods, wares or merchandise which may be delivered at the time of sale or afterwards;
  - ii. any corporation which has an employee or agent who goes from place to place, or to a particular place, with goods, wares, merchandise or food for sale, or who carries and displays samples, patterns, or specimens of any goods, wares or merchandise which may be delivered at the time of sale or afterwards.
- f) **“Council”** means the Municipal Council of the Corporation of the Town of Parry Sound
- g) **“Issuer of Licences”** means the Director of Finance of the Town of Parry Sound or the Municipal Law Enforcement Officer and/or his/her designate.
- h) **“Licensee”** means a person who has been issued a licence pursuant to this by-law.
- i) **“Municipal Law Enforcement Officer”** any person who has been designated by Council to administer and enforce this by-law and includes a Peace Officer.
- j) **“Owner – premises”** means the registered owner of the land on which the premises is situated and includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land.
- k) **“Owner - trade, business, occupation”** means the person, company or partnership that carries on the trade, business or occupation and whose name appears on the licence issued by the Issuer of Licences for such trade, business, or occupation pursuant to this by-law.
- l) **“Person”** includes a corporation and its directors and officers, and the heirs, executors, assignees and administrators or other legal representative of an

## The Corporation of the Town of Parry Sound

### By-law 2023 – 7331

individual and their respective successors and assignees.

- m) **“Premise”** means a parcel of real property under registered ownership and includes all buildings or other structures thereon and any vehicle or conveyance used in the operation of the business.
- n) **“Refreshment Vehicle”** means any vehicle from which refreshments are offered for sale, or 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.
- o) **“Taxicab”** means a motor vehicle, other than a limousine, that is kept or used for hire and for the conveyance of passengers, having a manufacturer’s rated seating capacity of not less than five (5) and not more than nine (9) adult persons.
- p) **“Taxicab Plate”** being the licence issued to each vehicle by the Issuer of Licences.
- q) **“Taxi Driver”** means a person licensed and subject to this by-law to drive or act as a driver of any taxicab.
- r) **“Town”** means the Corporation of the Town of Parry Sound.

## PART 2 - GENERAL PROVISIONS AND ADMINISTRATION

### 3. Licences Required

- a) No person shall carry on, conduct, operate, maintain, keep or engage in any business set forth in this by-law, without first having obtained a licence from the Issuer of Licences of the Town to do so.
- b) Licences are required for the following businesses:
  - i. Fireworks - refer to Schedule “D”
  - ii. Businesses that operate on a Temporary Basis - refer to Schedule “E”
  - iii. Refreshment Vehicle - refer to Schedule “F”
  - iv. Taxicab and Taxi Driver- refer to attached Schedule “G”
- c) A person shall carry on business only in the name in which the business is licensed.
- d) No person shall publish or cause to be published any representation that the person is licensed under this By-law if the person is not so licensed.

### 4. Administration

- a) The Issuer of Licences shall:
  - i. Receive and process all applications for licences required under this by-law;
  - ii. Administer the issuance of licences in accordance with the provisions of this by-law;
  - iii. Maintain and keep records of all applications received and licences issued;
  - iv. Generally, perform administrative functions incidental and necessary to the due administration and enforcement of this by-law;
  - v. ensure that all other provisions of this by-law have been complied with by

## **The Corporation of the Town of Parry Sound**

### **By-law 2023 – 7331**

the Applicant prior to the issuance of any such licence.

- b) The Issuer of Licences shall not issue a licence until the appropriate licence fee is paid.
- c) Upon receipt of an application, the Issuer of Licences shall make or cause to be made, any investigation which is deemed advisable relative to the application, and any costs incurred in such inspection shall be at the Applicant's expense.

#### **5. Application for a Licence and for Renewal of a Licence**

- a) An application for a licence and an application for the renewal of a licence shall be completed on the forms provided by the Issuer of Licences, as set out in Schedules "A", "B" and "C".
- b) Each executed application shall be submitted to the Issuer of Licences and be accompanied by:
  - i. The fee in the appropriate amount as set out in the Town of Parry Sound Fees By-law;
  - ii. A Police Record Check (if required);
  - iii. All necessary documents, inspections and approvals as set out in this by-law.
- c) An Applicant must make a separate application for a licence for each of the premises at which the Applicant carries on business, and/or for each class of business as set out in Schedule "E"

#### **6. Grounds for Refusal to Licence or Renew or for Suspension or Revocation**

- a) An Applicant whose application meets all the requirements of this by-law and its Schedules is entitled to a licence or the renewal of a licence except where:
  - i. The Police Record Check, where required, reveals a conviction which is cause for refusal to licence or renew based on the policy in Schedule "H";
  - ii. The Driver's Abstract, where required, reveals a conviction which is cause to suspend or for refusal to licence or renew based on the policy in Schedule "H";
  - iii. There are reasonable grounds to believe that any application or other document provided to the Issuer of Licences by or on behalf of the Applicant contains a false statement or provides false information;
  - iv. The past or present conduct of the Applicant, or of any partner, in the case of an Applicant which is a partnership, or of any director or officer of the corporation, if the Applicant is a corporation, affords reasonable grounds for the belief that the business in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty;
  - v. The financial position of the Applicant affords reasonable grounds to believe that the business will not be carried on in a financially responsible manner;
  - vi. There are reasonable grounds to believe that the Applicant does not meet all the requirements of this by-law or any other municipal by-law, or that the business is carried on or intended to be carried on in an area of the municipality where such business is prohibited by this by-law or by any other municipal by-law from being carried on, or in respect of which the

## The Corporation of the Town of Parry Sound

### By-law 2023 – 7331

issuing of a licence in respect of the business is not permitted by this by-law; or

- vii. The Applicant has failed to pay the fine or fines imposed by a court as sentence arising from convictions for breach of a by-law enacted by the Town; or
- viii. There are reasonable grounds to believe that the building, premise or place or part thereof in which the business is carried on or intended to be carried on does not comply with the provisions of this by-law, or with any other law or by-law, including any applicable zoning and building requirements, or is dangerous or unsafe; or
- ix. There are reasonable grounds to believe that the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of or engaging in the business licensed hereunder is dangerous or unsafe.

- b) The Issuer of Licences may refuse to issue a licence or refuse to renew a licence where the Applicant is not entitled to a licence under section 6 or on such grounds as are in the discretion of Issuer of Licences.
- c) The Issuer of Licences may temporarily suspend a licence until the next meeting of Council and shall notify the Appeal Committee in writing of same.
- d) Before the Issuer of Licences refuses to issue or to renew a licence or suspends a licence, written notice shall be given to the Applicant or licensee advising the Applicant or licensee that a recommendation is to be made to the Appeal Committee with respect to the licence application.
- e) The notice shall inform the Applicant or licensee that the Applicant or licensee is entitled to a hearing by the Appeal Committee if the Applicant or licensee delivers to the Clerk of the municipality, within seven (7) days after the notice has been served, a written request requesting a hearing by the Appeal Committee.

#### 7. Power of the Appeal Committee

- a) Where the Issuer of Licences has referred a licence to the Appeal Committee for a hearing pursuant to Section 6 of this by-law, the Appeal Committee may, after a hearing, or after an opportunity for a hearing has been given to the Applicant:
  - i. grant the licence in whole or in part and direct that the licence be issued, subject to compliance with this by-law;
  - ii. grant the licence subject to such conditions it considers just and equitable in attaining the purposes of this by-law, and direct that the licence be issued subject to such conditions and to compliance with this by-law;
  - iii. refuse, revoke or suspend the licence upon grounds contained in this by-law;
  - iv. issue a licence for any period up to a full licence period, on probation, or without a term of probation, subject to such conditions as the Appeal Committee may impose and are in accordance with law.

#### 8. Appeal Committee Hearing

- a) In accordance with Section 239(2) of the *Municipal Act, S.O. 2001, c. 25*, meetings may be closed to the public where the subject matter under consideration involves personal matters about an identifiable individual,

## The Corporation of the Town of Parry Sound

### By-law 2023 – 7331

including municipal or local board employees. As a hearing of this nature would deal exclusively with the personal information of individuals involved in the hearing, all Committee Hearings shall be held in closed session.

- b) At the hearing, the Appeal Committee:
  - i. Shall afford the affected Applicant or the licensee an opportunity, at the hearing, to present evidence and submit argument in respect of the matter that is subject of the Committee's proceeding and to question any witness adverse in interest to him/her;
  - ii. Shall afford any person, at the discretion of the Committee, an opportunity to make submissions in respect of the matter that is subject of the Committee's proceedings;
  - iii. Shall give due consideration to the submissions made to it;
  - iv. Shall take such action to refuse, suspend or revoke the application or licence, or not to refuse, suspend or revoke the application or licence, as the Committee considers proper in the circumstances;
  - v. Shall give written notice of its decision to the Issuer of Licences, to the Applicant or to the licence holder, and to any person, department, board, commission, authority, or agency in attendance at the hearing, together with the reasons for its decision.
- c) Where a licence has been referred to the Appeal Committee for a hearing and the Applicant does not attend before the Appeal Committee at the time and place of which notice has been served upon such Applicant, the Appeal Committee may hold a hearing in the absence of the Applicant or may decide to take no further action with respect to the licence and no further notice is required to be served upon the Applicant.
- d) At the hearing, the onus shall be upon the Applicant or licensee to show cause why:
  - i. The licence applied for should be granted;
  - ii. The licence should not be suspended or revoked;
  - iii. Conditions should not be imposed on the licence.
- e) The decision of the Appeal Committee is final and takes effect upon the rendering of such decision.

#### 9. Issuance and Terms of Licences

- a) Taxi licences are issued for a period from March 1 to the last day in February of the following year.
- b) Any other licence issued under this by-law may be issued for any period up to one year and shall expire on December 31 of the year in which it is issued.
- c) A licence issued under this by-law is personal to the licensee and cannot be transferred.
- d) No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation, or suspension thereof the value of the licence shall be the property of the Town.
- e) The rights granted by a licence issued under this by-law apply only to the location for which the licence is issued.
- f) Where a completed application form for the renewal of a licence is not submitted to the Issuer of Licences before the expiry date, the Applicant shall

## **The Corporation of the Town of Parry Sound**

### **By-law 2023 – 7331**

be required to submit a new application, together with the application fee.

- g) No person to whom a licence has been issued under this by-law shall alter, erase, modify or permit the alteration, erasure or modification of that licence, or any part thereof, unless approved by the Issuer of Licences.
- h) Every licensee shall notify the Issuer of Licences in writing within seven (7) days after the event of:
  - i. any changes in the licensee's business address;
  - ii. any change in number or composition of officers, or directors, if a corporation, or in partners, of a partnership; or
  - iii. any change in business name.
- i) Where a change of business name or business address has occurred and notification has been made in accordance to this section, every licensee shall attend Town office within seven (7) days and produce the licence for amendment.

#### **10. Display of Licence**

- a) Every licensee shall prominently display the licence at the licensed premise at all times and shall produce the licence upon request by the Issuer of Licences, Municipal Law Enforcement Officer or an inspector.
- b) Where the licensee does not have a licensed premise, the licensee shall carry the licence at all times when the licensee is engaged in the activity for which the licence has been issued and shall produce the licence upon request by the Issuer of Licences, Municipal Law Enforcement Officer or an inspector.

#### **11. Inspection**

- a) On receipt of an application for a licence or for renewal of a licence or as a condition of the continuation of a licence, a Municipal Law Enforcement Officer may, at any reasonable time, enter upon the premises of the Applicant or licensee to make an inspection to ensure that all the provisions of this by-law and the appropriate Schedules have been satisfied.
- b) Upon an inspection under section 11(a), the Municipal Law Enforcement Officer is entitled to inspect all books of account, vouchers, correspondence, and the records of the person being inspected relevant to the inspection.
- c) No person shall obstruct the person inspecting or withhold, destroy, conceal, or refuse to furnish any information or thing required by the Municipal Law Enforcement Officer.

### **PART 3 - ENFORCEMENT AND INTERPRETATION**

#### **12. Enforcement**

This by-law shall be enforced by Town of Parry Sound By-law Enforcement Officers.

#### **13. Continuing Offence**

Each day that a breach of this by-law continues shall constitute a separate offence.

**The Corporation of the Town of Parry Sound**

**By-law 2023 – 7331**

**14. Penalty**

Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to pay a fine, exclusive of costs, as provided for in the *Provincial Offences Act, R.S.O. 1990, c P.33*, as amended.

**15. Schedules**

- a) The Schedules to this by-law shall be deemed to form part of this by-law.
- b) Schedules that constitute application forms may be amended administratively from time to time, as may be deemed necessary, to obtain required information substantially as identified in the relevant Schedules as attached.
- c) Every person applying for or holding a licence under this by-law shall, in such application or in carrying on or engaging in the business in respect of which the licence is issued, observe, comply with, and be governed by the regulations set out in the respective Schedules to this by-law which relate to such person.

**16. Validity**

If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of this Council in enacting this by-law, that each and every other provision of this by-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

**17. Repeal**

By-law numbers 2006-4937, 2006-5021, 2007-5101, 2010-5484, 2011-5565, 2012-6072, 2012-6164, 2014-6441, 2016-6675, 2020-7039 and any By-law or Resolution deemed to be in contravention of this By-law are hereby revoked.

**18. Effective Date**

This by-law comes into force and effect upon passage thereof.

**READ a FIRST** time this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Deputy Mayor Joe Beleskey

\_\_\_\_\_  
Clerk Rebecca Johnson

**READ a SECOND and THIRD** time, **PASSED, SIGNED and SEALED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Deputy Mayor Joe Beleskey

\_\_\_\_\_  
Clerk Rebecca Johnson

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW NO: 2023 - 7331**

**Schedule "A"**



**Town of Parry Sound Application for a Business Licence**

Type of Licence (please check)

- Business Operated on a Temporary Basis, Class ( \_\_\_\_\_ ) \_\_\_\_\_
- Refreshment Stand/Vehicle                       Mobile                       Stationary
- Fireworks Vendor

Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Business Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Location: \_\_\_\_\_

Business / Goods Description: \_\_\_\_\_

Date(s) Proposed for Current Year: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_





**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW NO: 2023 - 7331**

**Schedule "A"**

The above information shall be confirmed by photo identification included with a Police Record Check for: Refreshment Vehicles, Owners/agents of Businesses that operate on a Temporary Basis Class 4.

I, \_\_\_\_\_ hereby agree to  
Applicant (please print)

abide by the Business and Taxi Licensing Regs By-Law and will comply therewith. I understand that any non-compliance will result in the suspension or revocation of this licence.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

---

**For Office Use Only**

Date: \_\_\_\_\_ Approval Given: \_\_\_\_\_

Notes: \_\_\_\_\_

Planning/Zoning Department: \_\_\_\_\_

Building Department: \_\_\_\_\_

Fire Department: \_\_\_\_\_

By-Law Department: \_\_\_\_\_

Licence Amount: \_\_\_\_\_ Receipt #: \_\_\_\_\_

Approved For Issue By: \_\_\_\_\_

Issuer of Licences Town of Parry Sound

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW 2023 - 7331**

**Schedule "B"**



**Application for a Taxicab Owner's Licence**

Initial Application

Renewal

To be completed by person making the application: *(please print)*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Owner Information**

Please check one:

Sole Proprietorship:

Partnership:

Corporation

Name of Company: \_\_\_\_\_

Business Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Location of off-street parking: \_\_\_\_\_

Do you hold a current valid Town of Parry Sound Taxicab Driver's Licence?

Yes

No

If yes, Licence Number: \_\_\_\_\_

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW 2023 - 7331**

**Schedule "B"**

**Vehicle Information**

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_

VIN Number: \_\_\_\_\_ Colour: \_\_\_\_\_

Vehicle Plate Number: \_\_\_\_\_

Parry Sound Taxi Vehicle Licence Number: \_\_\_\_\_

**Insurance Information**

Name of Insurance Company: \_\_\_\_\_

Name of Insurance Broker: \_\_\_\_\_

Policy Number: \_\_\_\_\_ Expiry Date: \_\_\_\_\_

**Undertakings**

Do you undertake to provide notice in writing of any changes to the information filed with the Licensing Officer pertaining to the particulars of the vehicle to be operated as a taxicab and the insurance coverage in effect for the taxicab pursuant to this by-law?

Yes

No

**Application for the Taxicab Owner's Licence**

Do you undertake to submit for inspection and approval of the vehicle for which a Licence is being requested under this application, when requested by the Licensing officer pursuant to this by-law?

Yes

No

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW 2023 - 7331**

**Schedule "B"**

Do you undertake to file with the Licensing Officer such information relevant to this application as the Licensing Officer may request pursuant to this by-law?

Yes

No

Do you acknowledge receipt of a copy of the Business Licensing by-law?

Yes

No

Did you read this by-law?

Yes

No

**The following must be provided (Taxicab Owner):**

1. Business Name Registration
2. Vehicle Registration
3. Valid safety standards certificate(s)
4. Valid certificate of insurance (1,000,000.00 liability)
5. Application Fee

I hereby declare that the information contained herein is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Signature

Personal information collected on this form is collected pursuant to Freedom of Information and protection of privacy legislation and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Freedom of Information and Privacy Co-ordinator.

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW 2023 - 7331**

**Schedule "B"**

---

**For Office Use Only**

Documents Received: \_\_\_\_\_ Inspection on: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Inspection by: \_\_\_\_\_

Comments: \_\_\_\_\_

---

---

---

---

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW 2023 - 7331**

**Schedule "C"**



**Application for a Taxicab Driver's Licence**

*To be completed by applicant only - please print.*

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Apartment #: \_\_\_\_\_ City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Date of Birth (D/M/Y): \_\_\_\_\_ Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

Ontario Driver's Licence Number: \_\_\_\_\_

Class: \_\_\_\_\_

Name of the Taxi Company you will be driving for: \_\_\_\_\_

Are you currently licensed as a taxicab driver in any other Ontario municipality?

Yes                  No

If yes, give particulars: \_\_\_\_\_

Have you previously been licensed as a taxicab driver in Parry Sound or any other Ontario municipalities?                  Yes                  No

If yes, give particulars: \_\_\_\_\_

Have you ever had any licence or registration of any kind refused, suspended, revoked, or cancelled?                  Yes                  No

If yes, give particulars: \_\_\_\_\_

\_\_\_\_\_

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW 2023 - 7331**

**Schedule "C"**

Have you ever been convicted of a Criminal Offence?                      Yes                      No

If yes, give particulars: \_\_\_\_\_  
\_\_\_\_\_

Note: You are not required to disclose any conviction in respect of which a pardon has been granted.

Is your Ontario driver's licence current and valid?                      Yes                      No

Have you been convicted under the Highway Traffic Act in the past 3 years?

Yes                      No

If yes, give particulars: \_\_\_\_\_  
\_\_\_\_\_

**The following must be provided:**

1. Valid Ontario driver's licence (minimum age 18 years old)
2. Another form of ID with birthdate (Passport, Birth Certificate, Health Card, etc.)
3. Copy of police record check
4. Completed applicant letter from Taxi Company
5. Application fee

I am the applicant and am aware that a search will be made to process my application for a licence and I consent to the Town of Parry Sound making inquiries to all appropriate authorities regarding my driving and criminal record. The information given by me in this application is true.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Personal information collected on this form is collected pursuant to the Freedom of Information and Protection of Privacy legislation and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Freedom of Information and Privacy Coordinator.



**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW 2023 - 7331**

**Schedule "D"**

**Relating to the issuance of Licences for the sale of Fireworks on private property other than in a building or structure or part thereof.**

**General Regulations**

1. Every application for a licence made under this By-law and this Schedule shall be accompanied by a description of the Fireworks to be sold.
2. Where the Fireworks Portable Display Unit is a trailer, a current provincial permit for the trailer issued and in good standing from the Ministry of Transportation of Ontario shall be supplied.
3. Every owner or operator licenced under this By-law and this Schedule shall not:
  - a. Store fireworks in amounts exceeding 1,000 kilograms unless the wholesaler or retailer is licensed by the appropriate provincial regulating authority.
  - b. Have in his/her possession within six (6) metres of any fireworks kept or displayed for sale, any lighted: match, lighter, pipe, cigar or cigarette.
  - c. Have in his/her possession within a trailer or within six (6) metres of a trailer in which any fireworks are kept or displayed for sale any lighted: match, lighter, pipe, cigar or cigarette.
  - d. Permit access to fireworks stored within any trailer, unless the trailer has two separate operative doors and signs stating that the items listed in subsection (b) and (c) are prohibited within six (6) metres of the trailer and are posted at every point of access to the trailer;
  - e. Locate any trailer less than twenty (20) metres from any municipal road or municipal parking space and not less than forty (40) metres from occupied buildings, dwellings and gas stations;
  - f. Permit more than fifteen (15) customers in the trailer at any one time;
  - g. Locate any portable electrical power supply and fuel supply less than twelve (12) metres, from the trailer;

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW 2023 - 7331**

**Schedule "D"**

4. Every person shall in any trailer erect pylons or snow fence to form and maintain a twenty (20) metre "No Encroachment Zone" around the trailer by the general public.
5. The seller shall have obtained and filed with the Town a letter of permission from the owner of the lands on which the trailer/roadside stand or vehicle will be parked.
6. A site plan must be provided to the Town prior to the placing of the trailer on a property showing the location of the trailer from public roadways, buildings on the property and parking areas.
7. At least one 2A 10BC fire extinguisher shall be provided for each employee to combat possible fires that are NOT part of the fireworks themselves.
8. There shall be a list of emergency telephone numbers and "No Smoking" signs posted at each operative door to the trailer.

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW 2023 - 7133**

**Schedule "E"**

**Relating to Businesses that Operate on a Temporary Basis.**

**1. The classes of "Business Operated on a Temporary Basis" shall include the following:**

- i. Class 1 "Day Sales" shall include the sale of goods, wares, merchandise, and food for a maximum period of one day in each calendar year from one specific location such as, but not limited to, a parking lot or vacant commercial facility where such use is permitted under the Zoning By-law.
- ii. Class 2 "Craft Show" shall include the exhibiting or offering for sale on a temporary basis at one location by crafts people, goods, wares, food or merchandise which they themselves have produced where such use is permitted under the Zoning By-law.
- iii. Class 3 "Trade Show" shall include the exhibiting or offering for sale on a temporary basis at one location by several manufacturers or distributors, goods, wares, food, or merchandise which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer; but excludes a consumer show or trade show operating as an integral part of a convention or conference, where such use is permitted under the Zoning By-law.
- iv. Class 4 "Antique/Collectible Show" shall include the exhibiting or offering for sale on a temporary basis at one location, antique or collectible goods, wares, or merchandise where such is permitted under the Zoning By-law.
- v. Class 5 "Event Sales" shall include the exhibiting or offering for sale on a temporary basis at one location by several manufacturers or distributors, goods, wares, food, or merchandise which are associated with the event being conducted where such use is permitted under the Zoning By-law.
- vi. Class 6 "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.

## **THE CORPORATION OF THE TOWN OF PARRY SOUND**

### **BY-LAW 2023 - 7133**

#### **Schedule "E"**

- vii. Class 7 "General" shall include the exhibiting or offering for sale, on a temporary basis, at one location by two or more vendors, a variety of goods, wares, food or merchandise, but does not include a sale that consists of one type of goods, wares or merchandise; and also does not include a Flea Market that is in business on a permanent basis and for which property taxes are being paid for the current year.

#### **General Regulation:**

- 2. A business operated on a temporary basis licence shall only be issued under the following conditions:
  - i. The Town of Parry Sound Zoning By-law permits the sale of goods, wares or merchandise from the location;
  - ii. The Applicant provides, as part of the application for such licence;
    - i. A description of the goods, wares, food or merchandise being sold;
    - ii. Identification satisfactory to the Issuer of Licences;
    - iii. Written permission of the property owner from which the vendor intends to sell his goods, wares, food or merchandise;
    - iv. A drawing (site plan) of the property clearly identifying the exact location on which the vendor will set up;
    - v. A Police Record Check for Class 4 "Antique/Collectible Show";
  - iii. The Applicant clearly indicates in the application whether they intend to sell from place to place or from one location only and the licence issued shall clearly reflect same;
  - iv. The Applicant has complied in all respects with any standards or regulations under the jurisdiction of the Town of Parry Sound Fire Department, Building Department, and the North Bay Parry Sound District Health Unit and any other applicable laws or regulations and provides confirmation of same to the Issuer of Licences.
- 3. In the event where sales occur as part of a festival, event, or trade show (Class 3 "Trade Shows" and Class 5 "Event Sales"), it is the responsibility of the event/festival/trade show organizer to obtain the required business licence. The business licence obtained under these conditions licences all vendors participating in the festival, event or trade show provided the vendor has

# **THE CORPORATION OF THE TOWN OF PARRY SOUND**

## **BY-LAW 2023 - 7133**

### **Schedule "E"**

complied with all of the requirements of the event, festival, or trade show organizer.

#### **Location**

4. Every Applicant shall ensure that the proposed locations meet the following criteria:
  - i. No portion of the location shall form part of a highway, unless approval is given by the public authority having jurisdiction over the highway;
  - ii. No portion of the location shall be directly in front of a building entrance or exit;
  - iii. The location provides for adequate parking for customers;
  - iv. No location shall be within the sight triangle of a signalized intersection;
  - v. Every location shall be set back at least one (1) metre from any adjacent public highway.

#### **Prohibition**

5. Businesses Operated on a Temporary Basis shall not sell their goods, wares, food, or merchandise in any public park within the municipality unless written permission from the municipality or its authorized agent has been given.
6. Businesses Operated on a Temporary Basis shall not sell their goods, wares, food, or merchandise within thirty (30) metres of any school grounds unless written acknowledgement from the School has been obtained and a copy of said acknowledgment filed with the Issuer of Licences.

#### **Special Exemptions**

7. The sale of goods, wares, food or merchandise, the proceeds of which are for charitable purposes related to education, or youth activities or that is being done by a registered charity which is registered under the laws of the Province of Ontario or Canada, shall be exempt from the requirements of a business licence under this by-law.

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW 2023 - 7133**

**Schedule "E"**

8. The sale of farmer's produce, when sold from a location adjacent to the farm property shall be exempt from the requirement of obtaining a business licence under this by-law.

**THE CORPORATION OF THE TOWN OF PARRY SOUND**

**BY-LAW 2023 - 7133**

**Schedule "F"**

**Relating to the issuance of Licences for the sale of refreshments from a refreshment vehicle.**

**Licensing Requirements**

1. No licence shall be issued to the owner of a Refreshment Vehicle unless:
  - a. The Town Zoning By-law permits the sale of refreshments from that location;
  - b. The Applicant shall, as part of the application for such licence provide:
    - i. A description of goods, wares, merchandise or food being sold;
    - ii. Identification satisfactory to the Issuer of Licences;
    - iii. Certificate of Insurance in the amount of \$1,000,000 public liability coverage with respect to the Refreshment vehicle operation;
    - iv. Written permission of the property owner from which the vendor intends to sell his goods, wares, merchandise or food;
    - v. A drawing (site plan) of the property clearly identifying the exact location on which the vendor will set up;
    - vi. A police record check.
  - c. The Medical Officer of Health or his/her designate has reported in writing that the refreshment vehicle and equipment is suitable for the purpose of the licence application and is in a sanitary condition;
  - d. The Fire Chief or his designate has reported in writing that, where applicable, the refreshment vehicle and equipment is suitable for the purpose of the licence application and is in a fire safe condition;
  - e. The applicant provides an annual safety certificate of such propane components of the vehicle by a certified and registered gas fitter;
  - f. The Applicant provides an annual safety certificate, when vehicle is equipped with a deep fryer or similar equipment for the automatic fire suppression system, by a certified inspector.
  - g. The Applicant, of a motorized unit, shall provide:
    - i. Annual copy of a Ministry of Transportation Safety Standards Certificate for said vehicle;
    - ii. Copy of a current motor vehicle permit issued pursuant to the Highway Traffic Act that permits it to be driven on any highway;

# **THE CORPORATION OF THE TOWN OF PARRY SOUND**

## **BY-LAW 2023 - 7133**

### **Schedule "F"**

- iii. Copy of driver's of said Refreshment Vehicle valid Provincial driver's licence issued pursuant to the Highway Traffic Act.

#### **Location Regulations**

2. No person shall operate or maintain a Refreshment Vehicle on any municipal property, a Town highway or Town park unless Council has granted permission.
3. No person shall operate a Refreshment Vehicle at a distance of twenty-three (23) metres or less from the front entrance of an eating establishment or a place where foodstuffs are offered for sale, if the refreshment vehicle offers for sale similar food products as does the eating establishment or the place where foodstuff are offered for sale.
4. No person shall operate a Refreshment Vehicle with thirty (30) metres of any school grounds unless written acknowledgement from the school has been obtained and a copy of said permission filed with the Issuer of Licences.

#### **General Regulations**

5. No person shall operate a Refreshment Vehicle equipped with a deep fryer or similar equipment unless such refreshment vehicle is equipped with an approved hood and fire suppression system and a Type K portable fire extinguisher.
6. No person shall operate a Refreshment Vehicle without a fully charged alkali base dry chemical portable fire extinguisher having a minimum size rating of six (6) pounds 40 BC and mounted no higher than one and a half (1.5) metres above the floor near the exit door.
7. No person shall operate a Refreshment Vehicle without a fire safety plan approved by the Fire Chief or his designate and posted in the vehicle.
8. Every licensee shall ensure that every Refreshment Vehicle is equipped with a metal refuse container with a self closing lid, and such container shall be kept in a clean and sanitary condition and emptied at least once daily; or a disposable litter container which shall be replaced at least once daily; and such containers shall be used for the disposal of all refuse.