

**THE CORPORATION OF THE VILLAGE OF CASSELMAN
BY-LAW NUMBER NO. 2012-209**

**BEING A BY-LAW TO PROVIDE FOR THE LICENSING, REGULATING
AND GOVERNING OF TRADES, BUSINESSES OR OCCUPATIONS
CARRIED ON WITHIN THE VILLAGE OF CASSELMAN**

WHEREAS under the provisions of the *Municipal Act, S.O. 2001, Chapter 25, Section 150 (1)*, a local municipality may license, regulate and govern any business wholly and partly carried in within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS without limiting the powers of the *section 150 of the Municipal Act S.O. 2001, Chapter 25*, to license, regulate and govern a business includes the power:

- a. to prohibit the carrying on of or engaging in business without a license;
- b. to fix the expiry date for a license;
- c. to impose conditions as a requirement of obtaining, continuing to hold or renewing a license, including conditions;
- d. requiring the payment of license fees;

AND WHEREAS the Corporation of the Village of Casselman deems it desirable to do so, now therefore, the Council of the Corporation enacts as follows:

DEFINITIONS

1. For the purposes of this By-Law:

- a. **"Applicant"** shall mean the person making an application for a permit under this by-law;
 - b. **"Business"** shall mean any trade, business or occupation carried on or engaged in wholly or partly within the Village of Casselman, and includes any trade, occupation or business earned or: engaged in by a non profit organization;
 - c. **"Building Department"** means the Chief Building Inspector or any of his subordinates appointed by the Council of the Corporation;
 - d. **"Corporation"** shall mean the Corporation of the Village of Casselman;
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- e. **"Entertainment/Amusement Services"** means a business that provides or offers leisure activities in which the customer acts as an observer or in which the customer can rent or temporary use equipment designated for entertainment;
- f. **"Fire Department"** means the Fire Chief or any of his subordinates appointed by the Council of the Corporation;
- g. **"Home occupation"** means a use conducted entirely within a dwelling by the inhabitants, and which use is clearly secondary to the use of the dwelling for dwelling purposes, and does not change the character of the dwelling;
- h. **"Licence"** shall mean a licence issued under the provision of this by-law by the Corporation of the Village of Casselman;
- i. **"Licensee"** means a person or corporation to whom a licence has been issued under this By-Law;
- j. **"Medical Officer of Health"** means the Chief Medical Officer of Health or his/her appointee;
- k. **"Municipal Law Enforcement Officer"** means a Peace Officer for the purpose of enforcing Municipal By-Laws for the Corporation of the Village of Casselman;
- l. **"Non profit organizations"** shall mean a person or an organization operating activities that are non profit, but are based on philanthropic goals;
- m. **"Planning Department"** means the Municipal Planner or any of his subordinates appointed by the Council of the Corporation;
- n. **"Seasonal"** means a business that operates less than 7 consecutive months during a specific time of the year;
- o. **"Trades/Contractors"** means a person who makes an agreement with another to do a piece of work, retaining in himself control of the means, method and manner of producing the result to be accomplished.

INTERPRETATION

2. No person shall operate within the Village of Casselman any business as defined in this By-law without first obtaining a licence from the Corporation authorizing him/her to operate a business. Exclusions are outlined in the section "exception" set out in Schedule "A" of this By-law.

APPLICATIONS PROCESSING AND ISSUANCE

3. The Council of the Corporation of the Village of Casselman appoints and authorizes the Municipal Law Enforcement Officer to:
 - a. administer the permit provisions of this by-law;
 - b. undertake any technical investigation or inspection for the purposes of administering this by-law;
 - c. recommend or refer any issues to the various departments or administrative bodies pursuant to section 6.
4. The licence may, at the discretion of the Municipal Clerk or Municipal Treasurer, designate any further terms or conditions of licence deemed necessary.
5. Every person who requires a licence under the provisions of this By-Law shall:
 - a. file an application in writing by completing a prescribed form available at the Offices of the Corporation;
 - b. provide, as required by the Municipal Law Enforcement Officer any documents, permits or permissions pertaining to the operation of the said business;
 - c. pay the non-refundable application fee, if applicable, as indicated in Schedule "A" of this by-law;
 - d. submit the annual licence fee as indicated in Schedule "A" of this by-law;
 - e. provide, if required, satisfactory evidence of having paid any business tax owing by the applicant.
6. The issuance of the licence under this By-law may, where applicable, be subject to the written approval of all or any of the following:
 - a. the planning Department;
 - b. the Building Department;

- c. the Fire Department;
 - d. the Municipal Law Enforcement Department;
 - e. the Medical Health unit.
7. No person shall be deemed to have been issued a licence until the Municipal Law Enforcement Officer has signed and issued the licence. The application for a licence does not constitute a licence.
8. The Municipal Law Enforcement Officer shall, upon receipt of the application filed in accordance with the section 5, make or cause to be made all investigations considered necessary or which are required by law or by the Corporation relative to the application.

REFUSAL- SUSPENSION- REVOCATION OF LICENCE

9. If the investigation referred to in section 8 of this By-law discloses any reason that the carrying on of the said business or organization may result in the breach of the law or of any provisions of any By-laws of the Corporation, the Municipal Law Enforcement Officer may refuse to issue the licence and shall notify the applicant of his refusal in writing.
10. The Council may, by resolution;
- a. refuse to grant a licence;
 - b. revoke or suspend an account;
 - c. impose special conditions on a business in a class that have not imposed on all business in that class as a requirement of obtaining or continuing to hold or renewing a licence, and;
 - d. impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the licence upon the ground that the conduct of a person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for the belief that the person will not carry on or operate the business in accordance with the law or with honesty and integrity.
11. No person shall enjoy vested right in the continuance of a licence and upon the issue, renewal, cancellation or suspension thereof, the value of the licence shall be the property of the Corporation of the Village of Casselman.

12. The granting of a licence under the provision of this By-law shall depend upon the licensee indemnifying and saving harmless the Corporation and the employees, contractors and agents of the Corporation from all loss, damage, legal action, cost and expanses of every nature and kind arising from or in consequence the carrying on of the said business, for which the licence was issued.

EXPIRY OF LICENCE

13. The licences for every businesses or organizations shall, unless they are expressed to be for a shorter or longer time, be for one year and unless they are sooner forfeited or revoked shall in each case, expire in each year on the date set out in schedule "A" of this By-law.

TRANSFER OF LICENCE

14. No licence shall be transferred except with the consent in writing of the Municipal Law Enforcement Officer.
- a. No licence shall be transferred pursuant to section 14 of this By-law without first paying the transfer of ownership fee as set out in Schedule "A" to this By-law;
 - b. No person owning or operating licensed premises under this By-law shall move from one location to another within the Village of Casselman without first paying the application fee set out in Schedule "A" to this By-law and fulfilling the requirements for a licence application as set out in this By-Law.

RENEWAL OF LICENCE

15. The Municipal Law Enforcement Officer may renew an existing licence if the licensee:
- a. produces his/her licence on or before the expiry date;
 - b. complies with all the required approval as provided for under this By-law;
 - c. pays the applicable licence fees set out in Schedule "A" of this By-law.
16. An application for renewal made thirty (30) days or more after the expiry date shall be treated as a new application and shall fulfill all the requirements as set out in Section 5 of this By-law.

INSPECTIONS

17. A Municipal Law Enforcement Officer may, at all reasonable time, inspect the building, place or premises that is used for a business or organization for which a person is licensed or is required to be licensed.
18. Every person who obtains a licence under this By-law shall produce the licence when requested to do so by a Municipal Law Enforcement Officer or a Police Officer.

ADMINISTRATION

19. Nothing in this By-law shall exempt any person from complying with the requirements of any other law in force within the area affected by this By-law. It is the responsibility of the licensee and the owner to ensure that the business or the organization complies with all the legislation and regulation pertaining to conduct the business.
20. The provisions of this By-law shall be administered and enforced by the Municipal Law Enforcement Office.
21. No person who is licensed or required to be licensed, shall hinder or obstruct the Municipal Law Enforcement Officer during inspections referred by this By-law or cause the inspections to be hindered or obstructed.

PENALTIES

22. Each day that a person operates a business or a non profit organization in contravention of the provisions of this By-law shall constitute a separate offence.
23. Any person who contravenes any of the provision of this By-law is guilty of an offence conviction shall forfeit and pay a penalty as provided for the Provincial Offences Act, 1990, R.S.O., Chapter P. 33 and amendments thereto.
24. When a person has been convicted of an offence under this By-law, any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act by the

person convicted directed towards the continuation or repetition of the offence.

25. The requirements of this By-law are severable. If any requirements of this By-law are held invalid, the application of such requirements to other circumstances and the remainder of this By-law shall not be affected.

BY-LAW IN FORCE

26. This By-law shall come into force and take effect on the 1st of January 2013.

READ AT FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ADOPTED this 23rd day of October 2012.

Claude Levac, Mayor

Marc Chénier, Chief Administrative Officer/Clerk / Treasurer

CORPORATION OF THE VILLAGE OF CASSELMAN SCHEDULE "A" TO BY LAW NO. 2012-209 (All permits listed below will expire on December 31 of the year in which they were issued, unless otherwise noted.) LICENCE FEES		
Licence & Business category	Licence fees	Inspections
Non-refundable application fee (applicable for start-up businesses only)	\$ 15.00 Annually	Not applicable.
Business	\$ 100.00 Annually	Zoning, finance, Fire and Building.
Home occupation	\$ 50.00 Annually	Zoning, Finance, Fire and Building.
Seasonal	\$ 50.00 Annually	Zoning, Finance, Fire, Building and may require Written permitting private land owner.
Entertainment/Amusement services	\$ 300.00 Annually	Zoning, Finance, may require Recreational and Leisure services, Written permitting private land owner, Fire, Building, Health Unit, Liability Insurance \$5,000,000, Certification Ontario Amusement Devices permits.
Trades and Contractors	\$ 100.00 Annually	Zoning, Finance, may require Fire and Building, Liability Insurance \$1,000,000.
Non profit organizations from outside of the Corporation	\$ 100.00 Annually	Official status of the organization and a list of the activities planned for the Corporation.

Transfer fee	\$ 15.00 Annually	Not applicable.
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EXCEPTION TO THIS BY-LAW FOR THE FOLLOWING:		
Any non profit organizations located within the limit of the Corporation or any activities that would be accepted by the Municipal Council.	Shall not be required to obtain a licence	Not applicable.
The booths rented during the Christmas Festival of Casselman.	Shall not be required to obtain a licence	Not applicable.
Farmers operating or renting a booth during the harvest season to sell their products.	Shall not be required to obtain a licence	Not applicable.
Itinerant sellers, persons who operate refreshment vehicles and transient traders.	Refer to By-Law No. 87-239	