

THE CORPORATION OF THE TOWN OF ESSEX

BY-LAW #629

BEING A BY-LAW TO PROVIDE FOR THE LICENSING OF BUSINESSES IN THE TOWN OF ESSEX

WHEREAS, Section 150(1) of the Municipal Act 2001 and amendments thereto, provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS Section 150(2) of the Municipal Act 2001 and amendments thereto, provides that a municipality may exercise its licensing powers for purposes of health and safety, nuisance control or public protection;

AND WHEREAS, The Council of The Town of Essex deems it appropriate to pass a By-Law for requiring the licensing of certain businesses within the Town of Essex.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF ESSEX ENACTS AS FOLLOWS:

1. Definitions:

- (a) "Clerk" means the Clerk of the Corporation of the Town of Essex.
- (b) "Council" means the Council of the Corporation of the Town of Essex.
- (c) "Municipality" means the Corporation of the Town of Essex.
- (c) "Taxicab" means a motor vehicle as defined in The Highway Traffic Act, other than a car pool vehicle, having a seating capacity of not more than six (6) persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip.
- (e) "Transient Vendor" means an individual or group of individuals who use any area within the municipality exclusively for the sale of or taking of orders for any merchandise where such sales or order-taking are not part of the operation of an established business or where no permanent physical structures or facilities are used as integral parts of the sales or order-taking operations.
- (f) "Zone" means an area delineated on a Zoning Map Schedule and established and designated for a specific use or group of uses.

2. Trades, Occupations, Callings or Business to be Licensed:

Pursuant to Section 150(1) and 155(1) of the Municipal Act 2001 and amendments thereto, in the interest of public protection the following shall before carrying on their subject trades, occupations, callings or business procure from the Office of the Clerk, the license authorizing them so to do, and shall pay at the time of procuring the said license the appropriate fee as set forth in the "Fees and Charges" By-Law:

- (i) Any transient vendors.
- (ii) Any person who owns or drives a taxicab.

3. Licensing Requirements:

- (a) Transient Vendor:
 - Shall be located in a commercial, industrial or institutional zone.

(b) Taxicab Licensee:

- Shall be located in a commercial zone;
- Shall ensure that the vehicles that are to be used are four (4) years old or newer;
- Shall carry liability insurance in an amount of not less than \$1,000,000.00;
- Shall allow the municipality to conduct a police check on the applicant(s), and all drivers;
- Shall allow the municipality to conduct a police check on the vehicle(s) to be used;
- Shall allow the municipality to photograph all drivers, for the purposes of issuing photo identification;
- Shall maintain a log of each fare, detailing the location of pickup and drop off;
- Shall ensure that either the pickup or drop off is located within the municipal limits.

4. Licensing Conditions and Fees:

(a) Prior to the issuance of a license for a transient vendor, the applicant shall:

- (i) Complete a business license application:
 - detailing the location where the goods and wares are to be sold;
 - types of goods and wares to be sold;
 - dates and time of the sale;
 - name, address and telephone numbers of the contact person or persons.
- (ii) Provide documentation confirming permission has been acquired to use the subject facility or land.
- (iii) Pay a non-refundable license fee in the amount set forth in the Town of Essex "Fees and Charges" By-Law for each event or sale.

(b) Prior to the issuance of a license for a taxicab the applicant shall:

- (i) Complete a business license application:
 - detailing the location of the operation;
 - name, address and telephone number of the contact person or persons.
- (ii) Provide a certificate of insurance in an amount of not less than \$1,000,000.00;
- (iii) Provide a copy of the applicant's driver's license;
- (iv) Provide a copy of the driver's license for all drivers;
- (v) Provide a copy of the ownership of the vehicle(s) to be used;
- (vi) Provide for inspection, the vehicle(s) to be used;
- (vii) Pay a non-refundable fee for each police check required as set forth in the Town of Essex "Fees and Charges" By-Law;
- (viii) Pay an annual non-refundable license fee per vehicle used, and per eligible driver as set forth in the Town of Essex "Fees and Charges" By-Law.

5. Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than five hundred dollars (\$500.00) exclusive of costs and every such fine is recoverable under the Provincial Offences Act, R.S.O. 1990.

6. Any By-Law inconsistent with this By-Law is hereby repealed.

7. This By-Law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS 20th DAY OF DECEMBER, 2004.


Mayer


Clerk

Part 1 Provincial Offences Act
THE CORPORATION OF THE TOWN OF ESSEX
BY-LAW #629

BEING A BY-LAW TO PROVIDE FOR
THE LICENSING OF BUSINESSES
IN THE TOWN OF ESSEX

COLUMN 1		COLUMN 2		COLUMN 3
ITEM	SHORT FORM WORDING	OFFENCE CREATING PROVISION OR DEFINING OFFENCE	SET FINE (includes costs)	
1.	Fail to procure a business license			\$105.00

NOTE: the general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, cP.33.

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 629, of the Town of Essex, attached hereto is the set fine including costs, for those offences. This Order is to take effect January 19, 2005.

Dated at London this 19th day of January, 2005.

A handwritten signature in black ink, appearing to read 'A. M. Graham', with a long horizontal stroke extending to the right.

Alexander M. Graham
Regional Senior Justice
West Region

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

COURT HOUSE
15TH FLOOR, UNIT "G"
80 DUNDAS STREET
LONDON, ONTARIO
N6A 6B3



CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

January 19, 2005

Mr. J. Marion, Clerk
Municipality of the Town of Essex
33 Talbot St. S.
Essex ON N8M 1A8

Dear Mr. Marion:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 629, of the Town of Essex**

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the original of the Order and the schedule of the set fines to the Ontario Court of Justice in Windsor, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in blue ink, appearing to read "A. Graham", with a long horizontal flourish extending to the right.

Alexander M. Graham
Regional Senior Justice
West Region

Enclosures
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