

CORPORATION OF THE TOWN OF PETROLIA

BY-LAW NUMBER 31-2013

BEING A BY-LAW TO AMEND BY-LAW 05-2002, LICENSE BY-LAW
FOR THE TOWN OF PETROLIA

WHEREAS it is deemed expedient to delete and rescind Town of Petrolia By-Law
05-2002 passed on January 14th, 2002

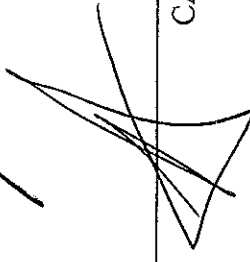
NOW THEREFORE the Council of the Corporation of the Town of Petrolia
hereby enacts as follows:

- 1) THAT Schedules "A", "B" Municipal Business Licence Application, "C" Home
Occupation Application and "D" Set Fines, attached to this by-law shall be
deemed part of this by-law;
- 2) THAT the short form title of this By-Law shall be the Business License By-Law;
- 3) AND THAT By-Law 61-2011 be rescinded and all By-Laws and / or Sections of
By-Laws found to be inconsistent with the provisions contained in this By-Law
shall be and are hereby repealed.
- 4) THAT this By-Law come into full force and effect upon the final passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME, this 27th day of
May, 2013.



Mayor



CAO/Clerk

**BY-LAW 31-2013
SCHEDULE "A"**

A By-Law respecting the issuance of business licenses in the Town of Petrolia.

WHEREAS the municipality is authorized by statute to pass by-laws to license, regulate and govern certain trades, occupations, businesses and callings;

AND WHEREAS it is deemed expedient to license, regulate and govern the trades, home occupations, businesses and callings hereinafter mentioned, in the Town of Petrolia.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Petrolia enacts as follows:

DEFINITIONS

1. In this by-law:
 - a) "Auctioneer" means any persons selling or putting up for sale goods, wares, merchandise, or effects by public auction.
 - b) "Chief of Police" means the Lambton OPP Detachment Commander.
 - c) "Clerk" means the Clerk of the Town of Petrolia.
 - d) "Council" means the municipal council of the Town of Petrolia.
 - e) "License" means a license issued under the authority of this By-Law.
 - f) "Person" includes any individuals, firm or corporation, and the successors or other legal representative thereof, unless the context indicates otherwise.
 - g) "Transient Traders" means all persons whose names are not entered on the assessment roll, and who so offer goods, wares and merchandise for sale.
 - h) "Taxi" means a vehicle that may be hired, along with its fully licensed driver, to carry passengers to any specified destination and is registered with the Ministry of Transportation.
 - i) "Home occupation" means any occupation conducted for gain or profit as an accessory use within a permitted dwelling or a permitted dwelling unit and shall include a bed and breakfast establishment.

GENERAL PROVISIONS

2. No person shall engage in or carry on any of the following occupations or businesses within the Town of Petrolia unless and until the person has obtained from the Clerk's Office a license authorizing the occupation or business, and has paid the fee set out below in respect to such license and no such license shall be issued until the fee has been paid:

a) Municipal Business License	\$200.00
b) Home Occupation Business License	\$150.00
c) Auctioneer – for one year or part thereof	\$300.00
d) Transient Trader – special permission of Council required, possible exemptions may be granted ie: stationary fruit truck – see By-Law 32-2013 (Prohibit Transient Traders in the Town of Petrolia)	TBD
e) Taxi License	\$150.00
f) Yearly Taxi License Renewal	Annual \$150.00 fee
g) Mobile Canteen	\$200.00

3.
 - a) Transient Traders are prohibited through By-Law 32-2013, a special exemption may be granted by Council for stationary transient traders that remain in a single

location ie: Fruit Trucks. A Transient Trader may make application for special permission to the Council of the Town of Petrolia for a temporary license no later than thirty (30) days prior to the event that the Transient Trader intends on holding for the sale of goods, wares or merchandise.

b) If Council approves a temporary business license for transient trader purposes; every person licensed as a Transient Traders shall, at all time, while carrying on transient trader business, have the license with him/her and shall on upon demand, exhibit it to any municipal or peace office and , if failing to do so, is guilty of an offence

4. a) The licenses referred to herein shall be issued in the name of the Corporation of the Town of Petrolia and shall be granted and signed by the Town of Petrolia and all licenses issued shall be subject to the provisions of this by-law and any by-law amending this by-law.

b) No such license shall be granted with respect to the following: mobile canteens, except upon the written approval of the Lambton Health Unit, approving the sanitary conditions of such.

c) All premises or vehicles licensed under this By-Law may be inspected at all reasonable times by the OPP, By-Law Enforcement Officer, Fire Chief (or designate), Health Unit or other person duly authorized in that behalf.

d) Every person obtaining a license under this by-law, which applies to premises or vehicle, shall keep that license posted in public view, in some conspicuous place in such premises or vehicles as shall be determined by the OPP and the said license shall remain so posted in public view during the time it is in force.

e) Subject to the Statutory Powers Procedure Act, the Council may revoke any license where the power to revoke may, pursuant to the Municipal Act, or any other Act in the Province of Ontario, or any Amendments to such acts, be exercised by Council.

f) Without restricting the generality of sub-section (e), where the Council has the statutory power to do so, any license may be revoked by reason of a violation of, or failure by the license holder to comply with any provisions of this By-Law.

SPECIAL PROVISIONS

5. a) Every person who shall exercise the calling or business of an auctioneer shall exhibit in a conspicuous manner at any auction room the name and business of the auctioneer, but if several persons are exercising such calling or business in partnership, the registered business name of the partnership only need to be exhibited as aforesaid.

b) Every auctioneer shall keep good order in their rooms and offices; and

c) Every auctioneer shall keep proper books of accounts of the business transacted by them as an auctioneer, which book shall have the names and addresses of persons depositing goods with them for sale, the description of such goods, the price of which the same may be sold, and the names and addresses of persons purchasing such goods, or any portion thereof, account for the proceeds and pay the same to the person or persons entitled to such proceeds less the proper and legal commissions and charges, and return such goods to the person or persons entitled to receive the same on proper demand being made therefore, provided that nothing in this section contained shall in any way affect or invalidate the claim of any auctioneer for goods warehoused by the, and on which they shall have made advances; and

d) Every auctioneer shall make available at any times during business hours for the inspection of the OPP, By-Law Enforcement Officer, Fire Chief (or designate), Health Unit or any person authorized by the Council, all books kept by such auctioneer pursuant to the immediately preceding clause.

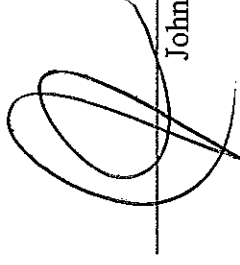
e) No auctioneer shall:

- i) Conduct of permit to be carried on in their premises any mock auctions;
 - ii) Knowingly or willfully make or permit to be made, any misrepresentation as to the quality or value of any goods, wares, or merchandise which may be offered for sale by him;
 - iii) Sell or put up for sale by auction, any goods, wares, or merchandise on a reserve bid basis without first having announced clearly to those in attendance at the auction the fact of such a reserve bid;
 - iv) Conduct any sale on the streets of the Corporation of the Town of Petrolia;
 - v) Use any sound equipment, loud speaker or similar device, emitting sound to a highway or adjacent land
6. Any servant or employee of a license holder shall exhibit his or her authority when required to do so by any municipal By-Law Enforcement Officer, Fire Chief (or designate), Health Unit or Police Officer.

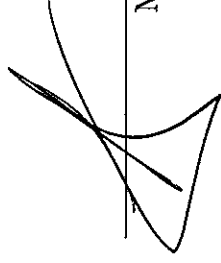
PENALTY PROVISIONS

7. Any person who contravenes any portion of this By-Law is guilty of an offence, and upon conviction for such contravention, shall forfeit and be liable to pay a fine or penalty of not more than Five Thousand (\$5,000.00) dollars, exclusive of costs, for each offence so committed, and all such penalties and costs associated therewith may be recovered under the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter p-33, as amended.
8. The provisions of the Provincial Offences Act, R.S.O. 1990, Chapter p-33, apply to the enforcement of this By-Law.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
this 27th day of May, 2013.



John McCharles
Mayor



Manny Baron
CAO/Clerk

**By-Law 31-2013
Schedule "B"**



THE CORPORATION OF THE TOWN OF PETROLIA

411 Greenfield Street, P.O. Box 1270, Petrolia, Ontario N0N 1R0
Phone: (519) 882-2350 Fax: (519) 882-3373

MUNICIPAL BUSINESS LICENCE APPLICATION

New Application or Transfer in Ownership (revised May 2013)

Date of Application:	License applied for:
Type of Application: <input type="checkbox"/> New Application	<input type="checkbox"/> Transfer of Ownership
Name of Applicant(s):	
Phone:	
Applicant Address:	
Email Address:	
Fax:	
Name of Business:	
Business Address:	
Business Phone:	Business Fax:
Type of Business:	
Proposed Hours of Operation (including seasonal):	
Please include a description of the goods, wares, merchandise, or services that you propose to sell or offer for sale under this license:	

CHECKLIST (please provide copies of inspections prior to Council approval):

1. Have you attached your Health Inspection? (see reverse for list of business types) <small>Contact County of Lambton Community Health Services at 519-383-8331</small>	Yes	No
2. Have you attached your Fire Inspection? <small>Contact the Petrolia and North Enniskillen Fire Department at 519-882-2020</small>	Yes	No
3. Have you attached your Building Inspection? <small>Contact County of Lambton Building Services at 519-845-0801</small>	Yes	No
4. Have you attached your MTO Inspection? (taxi only required annually)	Yes	No

BUSINESS LICENCE FEES:
Municipal Business License: \$200 new application/ownership transfer
Home Occupation Business License: \$150.00
Taxi: \$150.00 initial / annual renewal fee \$150.00
Mobile Canteen: \$200 Auctioneer: \$300
Transient Trader by special permission of Council, please speak with Clerk's Office

Businesses requiring a Health Inspection:

Hair & Nail Salon	Body Waxing	Electrolysis	Acupuncture
Tattoo Salon	Tanning Salon	Pools/Spas	Food Services
Day Care	Long Term Care	Group Homes	Funeral Homes
Health Services			

Contact 519-383-8331 to arrange for your inspection

Will you be having a Grand Opening?	Yes	No	Date:
If yes, would you like to Mayor to attend your opening?	Yes	No	Time:
Would you like to be placed on the Town of Petrolia Website listing of business?	Yes	No	Website form complete: _____
Would you like to receive information via email about Town events or promotion opportunities?	Yes	No	

Date _____ Applicant(s) Signature _____

Personal information on this form is collected under the authority of section 28 (2) of the Municipal Freedom of Information and Protection of Privacy Act, 1989, and will be used for licensing purposes including enforcement of the Town's Licensing By-Law. Any questions about the collection of this information may be addressed to the Licensing Clerk, Victoria Hall, 411 Greenfield Street, ON 519-882-2350.

OFFICE USE ONLY

License # Issued:	Date Issued:			
Expiry Date:	Fee Paid:			
Notification Letter Sent to Applicant:	Date:			
Roll Number:	Issuer:			
Yearly Inspections Required	Fire	Health	Building	MTO

BY-LAW 31-2013
SCHEDULE "C"



THE CORPORATION OF THE TOWN OF
PETROLIA Planning Department
411 Greenfield Street, P.O. Box 1270, Petrolia, Ontario
NON IRO

Phone: (519) 882-2350 Fax: (519)
882-3373

Application for a Permit for a Residential Home Occupation

Applicant:	
Address:	
Day Phone:	E-mail:

1. Type of Home Occupation

Please provide a brief description of proposed home occupation:

2. Building Information

a) Type of Dwelling;

- Single Detached
 Semi Detached/Duplex
 Townhouse
 Apartment
 Other (specify) _____

b) Location of proposed Home Occupation (sq ft to be used):

Basement: _____

1st Floor: _____

2nd Floor: _____

Accessory Building: _____

Other (specify): _____

c) Total Floor Area of Dwelling and Accessory Buildings _____

- d) Total Floor Area to be Occupied by Proposed Home Occupation _____
- e) Proposed Hours of Operation _____

3. Ownership of Residence

a) Do you own the dwelling in which the Home Occupation will be conducted?

Yes _____ No _____

If the answer to a) is NO, please have the owner or manager sign below.

I have no objection to the operation of a Home Occupation, as described in Item 1, by

Name of Tenant

Owner/Manager of Property

4. Nature of Home Occupation

Please answer all of the following questions:

a) Will this home occupation be conducted only by an occupant or occupants of the dwelling unit plus a maximum of non-premises employee or volunteer?

Yes _____ No _____

If NO, specify

b) Will there be any external alteration to the dwelling which will change the character of the dwelling unit as a private residence?

Yes _____ No _____

If YES, specify

c) Will there be any exterior advertising of the home occupation of display of goods or merchandise visible from the outside which provides evidence of the use conducted therein other than a sign erected in conformity with the Zoning By-law regulations? If yes, please reference the Town of Petrolia Signage By-Law. An application for a sign permit will need to be made and approved by Council

Yes _____ No _____

If YES, specify

d) Will there be any retail sale of goods on the premises that are not produced on the premises or not accessory to or related to the home occupation use?

Yes _____ No _____

If YES, specify

e) Will such home occupation emit any noise, electrical interference, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse or other objectionable emission?

Yes _____ No _____

If YES, specify

f) Will the home occupation result in the parking or storage of vehicles with a curb weight in excess of one tonne (1000 kgs.) on the premises?

Yes _____ No _____

If YES, specify

g) Will such home occupation result in an increase in the pedestrian or vehicular traffic in the area?

Yes _____ No _____

If YES, specify

h) Will such home occupation create a safety hazard for the existing residential activities on the site or in the area?

Yes _____ No _____

If YES, specify

i) Will any outdoor storage of materials, containers or finished products in support of such home occupation occur?

Yes _____ No _____

If YES, specify

License Fee: \$150.00 (Cheques payable to the Town of Petrolia)

Note: This one-time charge pays the cost of a Home Occupation License; if the application is approved, and must accompany this application. The License Fee will be returned if declined.

Signature of Applicant: _____
Date: _____

FOR OFFICE USE:

- a) Does the proposal conform to Home Occupation performance criteria?
Yes _____ No _____
- b) Is Committee of Adjustment approval required? Yes _____ No _____

Application Checked By: _____

THE CORPORATION OF TOWN OF PETROLIA

BY-LAW 31-2013

Business License By-Law

SCHEDULE "D"

SHORT FORM WORDING AND SET FINES

PART I PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	Failure to Obtain a License	Sect 2	\$ 200.00
2.	Transient Trader – Failure to produce a temporary business license, and seek special exemption from Council of By-Law 32-2013	Sect 3	\$ 500.00
3.	Failure to post license	Sect 4(d)	\$ 200.00
4.	Auctioneer – Failure to post business particulars	Sect 5 (a)	\$ 500.00
5.	Auctioneer – Failure to maintain proper record keeping	Sect 5 (c)	\$ 200.00
6.	Auctioneer – Failure to provide records	Sect 5 (d)	\$ 200.00
7.	Auctioneer – Failure to announce reserve bids	Sect 5 (e) iii)	\$ 100.00
8.	Failure to Exhibit his/her Authority as a Servant or employee of a License Holder when Required to do so.	Sect 6	\$ 200.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section 7 of By-law Number 31-2013, a certified copy of which by-law has been filed.

**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. 31-2013, of the Town of Petrolia, attached hereto are the set fines for those offences. This Order is to take effect October 7, 2013.

Dated at London this 7th day of October 2013.



Kathleen E. McGowan
Regional Senior Justice
West Region

THE CORPORATION OF TOWN OF PETROLIA

BY-LAW 31-2013

Business License By-Law

SCHEDULE "D"

SHORT FORM WORDING AND SET FINES

PART I PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	Failure to Obtain a License	Sect 2	\$ 200.00
2.	Transient Trader – Failure to produce a temporary business license, and seek special exemption from Council of By-Law 32-2013	Sect 3	\$ 500.00 \$ 1000.00
3.	Failure to post license	Sect 4(d)	\$ 200.00
4.	Auctioneer – Failure to post business particulars	Sect 5 (a)	\$ 500.00
5.	Auctioneer – Failure to maintain proper record keeping	Sect 5 (c)	\$ 200.00
6.	Auctioneer – Failure to provide records	Sect 5 (d)	\$ 200.00
7.	Auctioneer – Failure to announce reserve bids	Sect 5 (e) iii)	\$ 100.00
8.	Failure to Exhibit his/her Authority as a Servant or employee of a License Holder when Required to do so.	Sect 6	\$ 200.00

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