



**OFFICE CONSOLIDATION
BUSINESS LICENSING BY-LAW
BY-LAW NUMBER 1887/84**

Passed by Council on July 30, 1984

Amendments:

By-law	Date Passed	Section Amended
By-law 4563/95	February 6, 1995	Section 11
By-law 5567/99	October 18, 1999	Sections 24 & 25

THE CORPORATION OF THE CITY OF PICKERING

BY-LAW NO. 1887/84

Being a by-law to licence and regulate certain classes of businesses in the Town of Pickering

Whereas pursuant to section 228.1 of the Municipal Act, R.S.O. 1980, c. 302, as amended, by-laws may be passed by the councils of towns for licensing, regulating and governing salvage yards and for revoking any such licence; and

Whereas pursuant to section 210.65 of the said Act, by-laws may be passed by the councils of local municipalities for establishing, maintaining and operating markets and for regulating such markets and any other markets located within the municipality; and

Whereas pursuant to section 2.1 of the Public Halls Act, R.S.O. 1980, c. 408, no public hall shall be offered for use or used as a place of public assembly unless the owner thereof holds a licence therefore from the city, town, village or township in which it is located;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PICKERING HEREBY ENACTS AS FOLLOWS:

1 In this by-law:

- a) "access road" shall mean road that leads from a public road to an automobile wrecking yard;

- b) "automobile wrecking yard" shall mean a place at which:
 - (i) used motor vehicle parts from more than three motor vehicles are stored or kept, or
 - (ii) more than three derelict automobiles are kept outside a building;
- c) "Council" shall mean the Council of the Corporation of the Town of Pickering;
- d) "derelict automobile" shall mean a motor vehicle that is inoperable and does not have a current motor vehicle permit attached thereto;
- e) "market" shall mean the area in which ten or more vendors have temporarily congregated for the purpose of individually exposing articles, foodstuffs or fruits and vegetables for sale;
- f) "licence" shall mean a licence issued by the Town under the provisions of this by-law;
- g) "officer" shall mean a Municipal Law Enforcement Officer appointed by Council;
- h) "on site road" shall mean a road for the movement of vehicles and equipment within an automobile wrecking yard;
- i) "public hall" shall mean a building, including a portable building or tent with a seating capacity for over 100 persons that is offered for use or used as a place of public assembly, but does not include a theatre within the meaning of the Theatres Act or a building, except a tent, used solely for religious purposes;
- j) "Town" shall mean the Town of Pickering.

PART I – AUTOMOBILE WRECKING YARD

2. Part I of this by-law does not apply to land which is a waste disposal site which has a certificate of approval for such purposes pursuant to The Environmental Protection Act, R.S.O. 1980, c. 141, as amended, or regulations thereunder.
3. Every person who establishes, operates or maintains an automobile wrecking yard shall, prior to establishing same, obtain a licence to do so from the Town and shall renew such licence annually so long as he continues to operate or maintain the automobile wrecking yard.
4. 1) Upon application on the prescribed form for a licence for an automobile wrecking yard or the renewal thereof, a licence or renewal thereof may be issued:
 - a) on payment of a fee of \$20.00; and
 - b) unless the application is for a renewal licence, on submission of acceptable plans or drawings showing the location and layout of the automobile wrecking yard.
5. No licence or renewal thereof shall be issued unless the automobile wrecking yard complies with the following regulations:

- 1) the applicable restricted area by-law of the Town permits an automobile wrecking yard use on the lands on which the automobile wrecking yard is or shall be located;
 - 2) public access to the automobile wrecking yard shall be limited to such times as an attendant is on duty;
 - 3) the automobile wrecking yard shall not be located on land covered by water or subject to flooding and shall be so located that no direct drainage leads to a watercourse;
 - 4) the automobile wrecking yard shall be so located as to reduce to a minimum inconvenience due to dust, noise and traffic;
 - 5) the automobile wrecking yard shall be so located and operated as to reduce to a minimum the hazards to health or safety of persons or property including hazards from fire and vermin;
 - 6) no open burning shall be permitted;
 - 7) all operations at the automobile wrecking yard shall be conducted in an orderly fashion under the supervision of a competent person as defined in paragraph 2 of section 1 of the Occupational Health and Safety Act, R.S.O. 1980, c. 321 as amended;
 - 8) scavenging of derelict automobile or used automobile parts by persons not under the supervision required in subsection 7 of this section shall not be permitted;
 - 9) the automobile wrecking yard shall be enclosed by a fence, originally constructed and kept repaired and painted and maintained to present a neat and tidy appearance, of sufficient height and construction so that none of the goods stored on the premises shall be visible to a person two meters tall standing on the crown of the nearest roadway and distant thirty metres from the nearest lot line, provided that in no event shall the said fence be less than two metres in height;
 - 10) all fluids shall be drained from derelict automobiles before they are processed and all fluids or other wastes disposed of in accordance with the Environmental Protection Act, if they are not safely stored for purposes of resale; and
 - 11) all specifications of location or operation of the automobile wrecking yard submitted with the application for a licence with such amendments as may be necessary to comply with the other regulations shall be complied with at all times.
6. A licence may be revoked if any of the regulations set forth in section 5 of this by-law are not adhered to at any time.
7. A licence may be refused:
- 1) If a licence for an automobile wrecking yard, at the same location or operated by the same person as the proposed automobile wrecking yard, as previously been revoked under section 6 of this by-law; or
 - 2) If there are reasonable grounds for believing that the automobile wrecking yard will not be established or operated in accordance with any provision of this section or any other applicable law provided the applicant is give written notice of the grounds.

8. Where a person establishes, operates or maintains an unlicensed automobile wrecking yard, that person shall, on receiving written notice to do so, remove, within the time limit specified in the notice, all derelict automobiles and used automobile parts from the site to a place where they may be legally kept or disposed of.

PART II – MARKETS

9. Part II of this by-law does not apply to an occasional market organized for charitable or patriotic purposes provided that the organizers of such an occasional market shall receive the prior approval of an Officer.
10. Every person who establishes, operates or maintains a market shall prior to establishing, operating or maintaining same, obtain licence to do so from the Town.
11. Upon application on the prescribed form for a licence for a market or proposed market, a licence may be issued on payment of a fee of,
- 1) \$200.00 per operating day where the market is comprised of less than 100 stalls,
 - 2) \$1,000.00 per operating day where the market is comprised of 100 or more stalls,
 - 3) For the purpose of this section, the word "stall" shall mean an area within a market from which a person is selling a product or service.
12. No licence shall be issued unless the market complies with the following regulations:
- 1) the applicable restricted area by-law of the Town permits a market use on the lands on which the market is or shall be located;
 - 2) the market is maintained in a sanitary condition;
 - 3) the lands upon which the market is held or is to be held and all lands within 500 metres of the lands upon which the market is held or is to be held, is cleared of all debris before 12 o'clock midnight of the day upon which the market is licensed to operate;
 - 4) the market is maintained in a manner to guarantee the safe and uninterrupted ingress and egress of the public;
 - 5) the market shall be operated from within a building unless the person operating the market has received the prior approval by resolution of the Council to operate the market outdoors.
13. A licence may be revoked if any of the regulations set forth in section 12 of this by-law are not adhered to at any time.
14. A licence may be refused:
- 1) If a licence for a market, at the same location or operated by the same person as the proposed market, has previously been revoked under section 13 of this by-law; and
 - 2) if there are reasonable grounds for believing that the flea market will not be established or operated in accordance with any provision of this section or any other applicable law provided that the applicant is given written notice of the grounds.

15. Where a person establishes, operates or maintains an unlicensed market, the person shall, on receiving written notice to do so, remove, within the time limit specified in the notice, all goods, wares, merchandise or any other articles or foodstuffs and fruits and vegetables put up for sale from the site to a place where they may be legally kept or disposed of.

PART III – PUBLIC HALLS

16. Every person who owns a public hall shall, prior to establishing, operating and maintaining same, obtain a licence to do so from the Town and shall renew such licence annually so long as he continues to operate or maintain the public hall.
17. Upon application on the prescribed form for a licence for a public hall or the renewal thereof, a licence or renewal thereof may be issued on payment of a fee of \$10.00
18. No licence shall be issued unless the applicable restricted area by-law of the Town permits a public hall on the lands on which the public hall is or shall be located.

PART IV - GENERAL

19. The Town Clerk is hereby authorized to issue any licences issuable pursuant to this section of behalf of the Council.
20. 1) A licence issued pursuant to Parts I and III is personal, shall not be transferable and is valid for the calendar year in which it is issued.
- 2) A licence issued pursuant to Part II is personal, shall not be transferable and is valid on the day or days for which it is issued.
21. The holder of a licence shall prominently display the said licence on the lands or premises, as the case may be, for perusal of the public.
22. The holder of a licence shall make his lands or premises, as the case may be, available for inspection at any reasonable time by an Officer.
23. Council may revoke any licence issued pursuant to this by-law, but before revoking any licence, the holder thereof shall be given at least (7) days notice by registered mail or personal service to his address shown on the most recent application for a licence or renewal thereof, and the licence holder shall be permitted either by himself or his representative to appear before Council to show cause why he believes such licence should not be revoked.

PART V – PENALTIES

24. Every person who contravenes any provisions of this By-law is guilty of an offence and liable upon conviction to a penalty provided for under the *Provincial Offences Act*, as amended.

PART VI – REPEAL OF BY-LAWS

25. By-laws 1073/79 and 1492/82 are hereby repealed.

PART VII – EFFECTIVE DATE

26. This by-law shall take effect on January 1, 1985.

By-law read a first, second and third time and finally passed this 30th day of July, 1984.

(signed) John E. Anderson _____
Mayor

(signed) Bruce Taylor _____
Clerk