

**THE CORPORATION OF THE TOWNSHIP OF SCHREIBER**

**BY-LAW 03-2004**

***BEING A BY-LAW FOR LICENSING, REGULATING AND  
GOVERNING TRANSIENT TRADERS AND HOME-BASED BUSINESSES  
AND TO RESCIND BY-LAW 25-2001***

**WHEREAS** the Council of the Corporation of the Township of Schreiber deems it advisable to regulate transient traders and home-based businesses within the Township of Schreiber;

**AND WHEREAS** pursuant to the Municipal Act, Chapter 25, Section 150, Subsection (6)(d), R.S.O. 2001, Council may pass By-laws for the licensing, regulating and governing of transient traders;

**AND WHEREAS** pursuant to the Municipal Act, Chapter 25, Section 150, Subsection (1), R.S.O. 2001, Council may pass By-laws licensing, regulating and governing any business wholly or partly carried on within the municipality;

**AND WHEREAS** the Council deems it advisable to provide for the inspection of goods and premises and impose conditions on such businesses in the interest of public health and safety, consumer protection and nuisance control;

**NOW THEREFORE** the Council of the Corporation of the Township of Schreiber hereby enacts as follows:

1. DEFINITIONS.

In this By-law,

- (a) "Transient Trader" means persons whose names have not been entered on the assessment roll in respect of commercial assessment for the current year, and who are not residents of the Township of Schreiber, and who offer goods, wares, merchandise or services for sale by auction or otherwise, or who offer them for sale in any other manner.
- (b) "Home-Based Business" means persons whose names have not been entered on the assessment roll in respect of commercial assessment for the current year, and who are residents of the Township of Schreiber, and who offer goods, wares, merchandise or services for sale by auction or otherwise, or who offer them for sale in any other manner, subject to the following conditions:
  - i. Only residents of the dwelling unit are employed by the occupation;
  - ii. The use is restricted to the dwelling unit or accessory building and occupies no more than 25% of the gross floor area of the dwelling unit;
  - iii. There is no outside storage of material or equipment;
  - iv. The peace, quiet and dignity of the neighborhood shall not be disturbed by dust, noise, smell, smoke or traffic generated by the use;
  - v. There shall be no mechanical equipment used except that which is ordinarily used for housekeeping purposes, or for medical, dental or other professional purposes, or for any purpose normal to our reasonably consistent with the use of a dwelling;
  - vi. Articles offered for sale shall be limited to those produced within the dwelling

- unit or the accessory building or catalogue-ordered, ready-made items, and may be only offered for sale from the dwelling unit;
- vii. No more than one business vehicle shall be parked on the premises.
- (c) "Person" shall include any corporation, company or partnership and the heirs, executors, administrator or their legal representatives of a person to whom the context can apply according to the law.
- (d) "TOWNSHIP" means the Corporation of the Township of Schreiber.
2. No person shall carry on, operate, keep, maintain, exercise or engage in, as the case may be, any of the trades, callings, businesses, occupations, places or things set out in Schedule "A" to this By-law annexed, without a license therefore from this Council and every person so licensed shall be subject to the provisions of this By-law.
  3. Every application for a license required under the provisions of Section (2) of this By-law shall be in the form of a declaration, form for which shall be furnished by the Clerk on application at the Clerk's office, but no such declaration shall be required where a licensee desires renewal of this license and the facts and conditions relating thereto are the same as when his original license was granted.
  4. Every such license shall be made out in duplicate. The original copy shall be delivered to the person licensed, who shall produce such whenever it may be demanded by any person who is duly authorized to demand its production; the duplicate shall be retained and kept on file by the Clerk.
  5. The amount set out in Schedule "A" attached hereto and forming part of this By-law is hereby fixed as the amount of the annual license fee for the period January 1 to December 31 of each year.
  6. The amounts set out in Schedule "A", Section 3, Home Based Businesses, attached hereto and forming part of this By-law, shall be prorated at the time of issue of a new license should the license be obtained after January 31 of the licensing year. Such licenses originally issued under repealed By-law 25-2001 and renewed under this By-law, shall be pro-rated for the year 2004 only.
  7. No license issued hereunder shall be transferable.
  8. Every house and place and all premises, the owner, occupant or keeper of which is licensed under this By-law shall be open for inspection at all times by any police officer or other person duly authorized to make such inspection on behalf of the Township of Schreiber and any person who refuses admission to such police officer or other person, after demand is made, shall be subject to the penalties of this By-law.
  9. Every person who carries on business without a license is guilty of an offence and on summary conviction is liable to a fine of not more than Five Thousand Dollars (\$5,000.00), exclusive of costs, and all such penalties shall be recoverable under the Provincial offences Act.
  10. By-law 25-2001 is hereby rescinded.
  11. This By-law shall come into force and take effect on January 1, 2004.

Read a first and second time this 17th day of February, 2004.

Read a third time and finally enacted this 17th day of February, 2004.

(seal)

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Mayor

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Clerk

THE CORPORATION OF THE TOWNSHIP OF SCHREIBER

SCHEDULE "A" TO BY-LAW 03-2004

ANNUAL LICENSE FEE

1. TRANSIENT TRADER (Resident in Ontario  
who offers for sale, only the produce of his own farm) .....  
\$5.00
  
2. TRANSIENT TRADER (Goods, Wares, and  
Merchandise and Services not listed above)  
.....\$300.00
  
3. HOME-BASED BUSINESSES  
.....\$100.00

RATIONALE OF FEES CHARGED

1.	Issuance by BLEO and quick inspection		$\$25 \times 1.30\% / 60 \times 10$		= 5.40
2.	BLEO Visit and inspection (non compliance usually)	30 minutes	$\$25 \times 1.30\% / 60 \times 30$	= 16.25	
	BLEO revisit	30 minutes	$\$25 \times 1.30\% / 60 \times 30$	= 16.25	
	Clerk II issuance time	60 minutes			
	(Declarations, explanations, certifications)		$\$25 \times 1.30\%$	= 32.50	
	Clerk/Deputy Treasurer (by law, Discussions, Council etc)	3hrs	$\$33 \times 1.30\% \times 3$	=128.70	
	Prosecution if necessary	10 hours		=429.00	
					=622.70
3.	BLEO inspection	30 minutes	$\$25 \times 1.30\% / 60 \times 30$	= 16.25	
	Clerk II issuance time	60 minutes			
	(Declarations, explanations, certifications)		$\$25 \times 1.30\%$	= 32.50	
	Clerk/Deputy Treasurer (by law, Discussions, Council etc)	1.5 hrs	$\$33 \times 1.30\% \times 1.5$	= 64.35	
					=113.10