

Under Review



BYLAW NO. 1816/05

**A BYLAW TO PROVIDE FOR THE
ESTABLISHMENT AND MAINTENANCE OF A
BUSINESS REGISTRY
IN THE TOWN OF ESPANOLA**

WHEREAS pursuant to Section 157 (1) of the Municipal Act, 2001 allows a municipality to establish and maintain a registry of businesses and requires a business to which Section 150 applies and to which is being carried on wholly or partly within the municipality, even if the business is being carried on from a location outside the municipality, to register and maintain its registration in the registry.

AND WHEREAS pursuant to Section 157 (2) the municipality shall not require a business that is licensed, regulated or governed by the municipality under section 150 to register in the registry.

AND WHEREAS pursuant to Section 157 (3) proper notice of a public meeting was given and a public meeting was held at which any person who attended had an opportunity to make representation with respect to this bylaw.

AND WHEREAS pursuant to Section 150 (2) of the Municipal Act, 2001 the Council of the Corporation of the Town of Espanola has the authority to require a business to be part of a registry for the following purpose;

- i) nuisance control
- ii) health & safety of citizens
- iii) consumer protection

AND WHEREAS pursuant to Section 150 (2) the following businesses are to be included in the business registry;

- i) A business, trade or occupation
- ii) Any business that is not subject to a business license by the municipality

THEREFORE the Municipal Council of the Corporation of the Town of Espanola enacts as follows:

**PART 1
DEFINITIONS**

1. In this Bylaw:

“Business” includes a business, trade or occupation

“Town” means the Town of Espanola

“Clerk” means the person within the administration of the Town who fulfils the function of Town Clerk as required by the *Municipal Act, 2001*

“Owner” includes a person who alone or with others owns or has the right to possess or operate a business and includes a lessee of a business premises upon which a business is located, and “own”, “ownership”, and words of like import or intent shall be given corresponding meanings

PART 2 GENERAL PROVISIONS

2.1 License registry process

Applications to register a business shall fall under the provisions of this bylaw and applications for the renewal of such licenses;

- a) shall be made to the Clerk's office on form provided
- b) when received by the Clerk's office will be stamped with the date and time of receipt and processed
- c) shall be circulated to such municipal departments or agencies or other authorities as the Clerk Treasurer/Administrator considers may have an interest or as directed by Council, including but not limited to; Police Services, Public Works Dept., Leisure Services, Fire, Regional Hydro, Sudbury & District Health Unit, Building Controls, Administration/Planning.
- d) shall ensure that the business is operating within the appropriate zone
- e) maintain and keep records of all registrations received and shall update and amend such records in accordance with information received

2.2 License registry- application – full information required

Every applicant shall provide in full, at the time the application is submitted, all of the information requested on the application form attached as Schedule "A" and shall include but not be limited to the following information;

- a) name, ownership, contact information including address, telephone number, fax number and contact name
- b) type of business, trade or occupation being operated
- c) location of business
- d) hours of operation
- e) the length of time the Owner has operated the Business at the location specified in the application
- f) such other information as may be required by the Registrar; and
- g) a declaration that the information in the application is true.

2.3 Registration fee

No fees are payable for registration of a business under this Bylaw.

2.4 Prohibit operation of business unless business is registered

1. No person shall operate a business within the territorial jurisdiction of the Town unless such person:
 - a) registers in accordance with this Bylaw
 - b) maintains such registration in accordance with this Bylaw; and
 - c) re-registers from time to time prior to the expiry of the registration.
2. Every Owner who is required to register a Business pursuant to this Bylaw shall register the Business by September 30th, 2005, or within 14 days of becoming an Owner of a Business, or within 14 days of first carrying on business within the geographic limits of the Town, as the case may be, whichever date is later.
3. Every Owner of a Business identified in subsection 2.4 (1) shall file a separate application for registration for each such Business owned by him or her.

2.5 Revoke or suspend a registration

No person shall operate a business in which the carrying on or operation of the business for which the application is being made is in contravention of any bylaw of the Corporation, or any applicable Provincial or Federal legislation. Failure to comply with applicable laws or regulations may result in the suspension or revocation of a business on the registry issued under this bylaw

2.6 Updating of required information

Every person operating a business under this Bylaw upon changing his contact information, shall give written notice thereof to the Municipal Clerk within fourteen (14) days after such change, setting forth his new information.

Every Owner who ceases to own or ceases to operate the business registered pursuant to this Bylaw shall notify the Registrar in writing of such fact within 14 days of ceasing to own or ceasing to operate the business, as the case may be.

2.7 Public Register

The Registrar shall record the information provided in a Public Register maintained by the Registrar in a form determined by him or her, which may be in written or electronic format.

2.8 Expiry of Registration – Re Registration

Every registration under this Bylaw made prior to December 31st, 2006 shall expire on December 31st, 2006 and thereafter registrations made under this Bylaw shall expire on December 31st of every second year after December 31st, 2006.

The Owner of a Business shall re-register in November or December of the year 2006, and in November or December of every second year thereafter, as for a new registration.

Part 3 PENALTIES

2. Any person who contravenes or fails to comply with any of the provisions of this bylaw is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O., 1990 as amended.

- 2.1 Schedule "A" attached hereto shall form part of this by-law.
- 2.2 By-law 1009/93 and all amendments are hereby repealed.
- 2.3 This by-law shall come into force and take effect on July 1st, 2005.
- 2.4 The business registration bylaw is valid for a term of five years from the date of passage.

That this bylaw be read a first, second and third time in open Council this 28th day of June, 2005.


Joel MacKenzie
Clerk Treasurer/Administrator


Bernie Gagnon
Mayor



Application for:

BUSINESS REGISTRY

SCHEDULE "A"
To Bylaw No. 1816/05

The registration of a business is governed by rules, regulations and conditions as set out in Bylaw No. 1816/05 of the Corporation of the Town of Espanola.

Name of Applicant: _____

Address: _____

Town/City: _____ Postal Code: _____

Telephone No: _____ Fax No: _____

Email: _____ Website: _____

Should any of the above information be kept confidential? Indicate below.

Name of Business: _____

Location: _____ Date of Operation: _____

Is the Owner the same as the applicant: Yes ___ No ___

If different than above please indicate name and address below.

Name of Business Owner: _____

Address of Owner: _____

Type of Business: _____

Type of Service or Product (be specific)

I hereby certify that all information contained on this application is correct in every respect.

Date: _____

Signature of Applicant: _____

FOR OFFICE USE ONLY:

Completed Application Received: _____ New business: _____ Renewal: _____

Change of Ownership: _____ Change of Name: _____

Change of Address: _____

Circulated to Depts./Agencies: _____ Complies to zoning regulations: Yes ___ No ___

Circulated to:

- | | | | |
|-------------------------|--------------------------|-------------------------|--------------------------|
| Leisure Services | <input type="checkbox"/> | Fire Dept. | <input type="checkbox"/> |
| Public Works Dept. | <input type="checkbox"/> | Building Controls | <input type="checkbox"/> |
| Espanola Regional Hydro | <input type="checkbox"/> | Administration/Planning | <input type="checkbox"/> |
| Health Unit | <input type="checkbox"/> | Other | <input type="checkbox"/> |

**NOTICE UNDER
THE MUNICIPAL FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY ACT**

Personal information and confidential third-party information are being collected by the Corporation of the Town of Espanola under the authority of the *Municipal Act, 2001* and will be used, maintained and disclosed in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

Information collected on this form and indirectly will be used for the following purposes:

1. To determine the eligibility of the applicant for business registration of licencing.
2. Information submitted by applicants may be shared with officials of the Corporation of the Town of Espanola, OPP and/or the Sudbury and District Health Unit.

The Town Official who can answer questions about the collection and disclosure of information is:

Joseph Burke, Clerk
100 Tudhope Street, Suite #2, Espanola, ON P5E 1S6

Telephone: (705) 869-1540
Fax: (705) 869-0083
Email: town@espanola.ca

ACKNOWLEDGEMENT AND CONSENT

The applicant(s) signed this application on the _____ day of _____, 20_____ and certifies that all information and statements made herein and supporting schedules and documentation are accurate and complete, to the best of my/our knowledge and belief, and true and is a true and complete statement in accordance with law.

I/We have read and understand the above **NOTICE UNDER THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT** and consent to the indirect collection of personal information by the Town of Espanola and consent to the use and disclosure of such personal information as described in the above **NOTICE**.

I/We also acknowledge that employees of the Corporation of the Town of Espanola, the Espanola Police Service and/or the Sudbury and District Health Unit or their authorized representatives may enter the subject business during hours of normal operation in order to conduct inspections and monitor facility operations to verify compliance with the Town's bylaws and regulations.

IF A CORPORATION, PRESIDENT AND ONE DULY AUTHORIZED OFFICER MUST SIGN; IF A LLP, ALL MEMBERS MUST SIGN; IF A PARTNERSHIP, ALL PARTNERS MUST SIGN; IF A SOLE PROPRIETORSHIP, THE OWNER MUST SIGN. ATTACH AN ADDITIONAL SHEET IF NECESSARY.

By: _____ **Title:** _____

By: _____ **Title:** _____

By: _____ **Title:** _____

By: _____ **Title:** _____