



CORPORATION OF THE CITY OF SUMMERSIDE

BYLAW NAME: LICENSING BYLAW

BYLAW #: # CS-21

BE IT ENACTED by the Council of the City of Summerside as follows:

1. Title

- 1.1. This Bylaw shall be known and cited as the "Licensing Bylaw".

2. Definitions

2.1. In this Bylaw:

- (a) "Act" means the *Municipal Government Act*, RSPEI 1988, c M-12.1;
- (b) "City" means the City of Summerside;
- (c) "Council" means the Mayor and other members of the Council of the municipality;
- (d) "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer appointed by Council pursuant to the Act;
- (e) "Hand Cart" means a push cart or pedal powered cart where all of the goods offered for sale are contained entirely within the cart and consists primarily of food and beverages;
- (f) "Mobile Sales Establishment" means a business located in a motorized vehicle or moveable structure that is towed or moved by a motorized vehicle and where all of the goods, wares or foodstuffs that are offered for sale are contained entirely within the motorized vehicle or moveable structure, but does not include a lunch truck;
- (g) "Open Air Sales Establishment" means the buying, selling or bartering of goods on a property outside of a building or in a temporary or mobile structure but does not include yard, garage or sidewalk sales of a short duration;
- (h) "Person" means any person, persons, partnership or company; and

- (i) "Lunch Truck" means a motorized vehicle which is used or intended to be used for transporting to and selling prepared food products at various locations;

3. Resolution

- 3.1. Council may by simple resolution establish the following matters for the better administration of this bylaw:
 - (a) Categories of persons who shall be required to obtain a license from the City before carrying out any business, art, trade or employment in the City.
 - (b) Annual fees payable for persons carrying out any business, art, trade or employment in the City.
- 3.2. Matters determined in accordance with subsection 3.1 shall be set out in Schedule "A" of this bylaw.

4. Licensing Year

- 4.1. Annual license fees payable pursuant to section 3 shall be in effect from January 1 in each year to December 31 in the same year and shall be due and payable on April 1 each year except where persons establish any business, art, trade or employment in the City after April 1 in any year, the license fee shall be due and payable immediately.

5. Offence

- 5.1. Any person who violates any provision of this bylaw or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of an offense and liable on summary conviction, in addition to an order to pay the applicable license fee, to a fine not exceeding \$1,000.
- 5.2. Each day a violation under subsection 5.1 continues shall constitute a separate offence.

6. Liability

- 6.1. The agent or manager of any corporation carrying on a business in the City which is the subject of this bylaw shall be personally liable for payment of the license fee in the manner set out herein, and upon default of payment shall be guilty of the offense set out in section 5 of this bylaw.

7. Interest

- 7.1. License fees not paid when due shall bear interest at the rate of ten percent per annum and in addition to the penalty provided in section 5 and 6 of this bylaw, the Chief Administrative Officer may take action by way of civil suit in the name of the City to enforce payment of any outstanding license fee or interest.

8. License Category

- 8.1. Where a person carries on any business, art, trade or employment in the City that falls into more than one licensing category, the category bearing the higher license fee shall apply.

9. Payment

- 9.1. Payment of license fees required under this bylaw shall be made to the City of Summerside.

10. License Forms

- 10.1. The Chief Administrative Officer shall determine the form or forms of the licenses which are the subject of this bylaw, and where no form is established, a receipt from the City for the appropriate license fee shall be evidence that the appropriate license has been granted for the year specified on the receipt.

11. Hand Cart License

- 11.1. Any person or company seeking a license to operate a hand cart in the City shall make application therefor to the council.
- 11.2. Council shall allow or refuse the application based upon considerations of safety, desirability, impact on established businesses in the City, public convenience and such other considerations as it deems appropriate.
- 11.3. Council may attach terms and conditions to the approval of the license if granted including but not limited to:
- (a) hours and days of operation;
 - (b) health code requirements;
 - (c) litter control;
 - (d) approved locations.

- 11.4. If the initial license application has been approved by Council it may be automatically renewed in subsequent years provided that the terms and conditions of the original approval are adhered to and the annual license fee is paid.
- 11.5. No appeal shall lie from a decision of Council respecting a hand cart license.

12. Door to Door Salesperson License

- 12.1. Any person or company seeking a license to operate as a door to door salesperson in the City shall make application therefor to the Council.
- 12.2. Council shall allow or refuse the application based upon considerations of safety, desirability, impact on established businesses in the City, public convenience and such other considerations as it deems appropriate.
- 12.3. Council may attach terms and conditions to the approval of the license if granted including but not limited to:
 - (a) hours and days of operation.
- 12.4. The license for a door to door salesperson shall be valid for the calendar year in which the application is made only. A new application is required to Council for each calendar year.
- 12.5. No appeal shall lie from a decision of Council respecting a door to door salesperson license.

13. Mobile Sales Establishment License

- 13.1. Any person or company seeking a license to operate a mobile sales establishment in the City shall make application therefor to the Council.
- 13.2. Licenses may be granted for a mobile sales establishment to conduct business on a maximum of two locations in the City and each application shall be accompanied by a letter of permission from the owner(s) of the property on which the mobile sales establishment will be located.
- 13.3. Council shall allow or refuse the application based upon considerations of safety, desirability, impact on established businesses in the City, public convenience and such other considerations as it deems appropriate.
- 13.4. Council may attach terms and conditions to the approval of the license if granted including but not limited to:
 - (a) hours and days of operation.
 - (b) health code requirements.

- (c) litter control.
- (d) approved locations.

13.5. The license for a mobile sales establishment shall be valid for the calendar year in which the application is made only. A new application is required to Council for each calendar year.

13.6. No appeal shall lie from a decision of Council respecting a mobile sales establishment license.

14. Open Air Sales Establishment License

14.1. Any person or company seeking a license to operate or continue to carry on the business of an open air sales establishment within the City shall make application therefor to the Council

14.2. Council shall allow or refuse the application based upon considerations of safety, desirability, public convenience, sightlines, parking and such other considerations as it deems appropriate.

14.3. Council may attach terms and conditions to the approval of the license if granted as it deems appropriate.

14.4. The license for an open air sales establishment may be automatically renewed in subsequent years provided that the terms and conditions of the original approval are adhered to and the annual license fee is paid.

14.5. No appeal shall lie from a decision of Council respecting an open air sales establishment license

15. Lunch Truck License

15.1. Any person or company seeking a license to operate a lunch truck in the City shall make application therefor to the Council.

15.2. Council may require a letter of permission from the owner(s) of the property on which the lunch truck will be located.

15.3. Council shall allow or refuse the application based upon considerations of safety, desirability, impact on established businesses in the City, public convenience and such other considerations as it deems appropriate.

15.4. Council may attach terms and conditions to the approval of the license if granted including but not limited to:

- (a) hours and days of operation.

- (b) health code requirements.
- (c) litter control.
- (d) approved locations.

15.5. The license for a lunch truck shall be valid for the calendar year in which the application is made only. A new application is required to Council for each calendar year.

15.6. No appeal shall lie from a decision of Council respecting a lunch truck license.

16. Repeal of Existing Bylaw

16.1. Bylaw Number SS-05, the Summerside Licensing Bylaw which was adopted on March 15, 1999 is hereby repealed.

17. Effective Date

17.1. The effective date of this Bylaw is November 18th, 2019.

First Reading:

This Bylaw, Bylaw# CS-21, was read a first time at the Council meeting held on the 22nd day of October, 2019.

This Bylaw, Bylaw# CS-21, was approved by a majority of Council members present at the Council meeting held on the 22nd day of October, 2019.

Second Reading:

This Bylaw, Bylaw# CS-21, was read a second time at the Council meeting held on the 18th day of November, 2019.

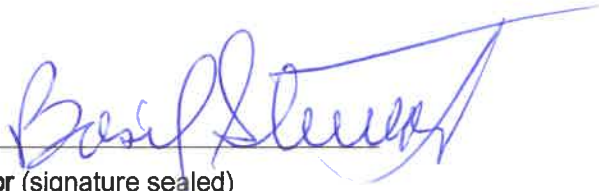
This Bylaw, Bylaw# CS-21, was approved by a majority of Council members present at the Council meeting held on the 18th day of November, 2019.

Approval and Adoption by Council:

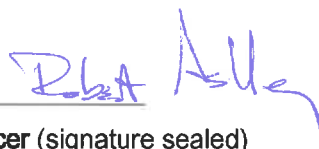
This Bylaw, Bylaw# CS-21, was adopted by a majority of Council members present at the Council meeting held on the 18th day of November, 2019.

This Bylaw is declared to be passed on the 18th day of November, 2019.

Signatures



Mayor (signature sealed)



Chief Administrative Officer (signature sealed)

This Bylaw adopted by the Council of the City of Summerside on the 18th day of November, 2019 is certified to be a true copy.



Chief Administrative Officer Signature



Date



CORPORATION OF THE CITY OF SUMMERSIDE

SCHEDULE: Schedule "A"
BYLAW NAME: LICENSING BYLAW
BYLAW #: # CS-21

1. License Categories

- 1.1. For the purpose of this section, "local" means a person who owns or leases property in the City on which commercial taxes are paid and which property is used to support the business for which the license is granted.
- 1.2. The following categories of persons carrying out business in the City shall obtain a license and pay the prescribed license fees annually in accordance with the Licensing Bylaw:

A.	Banks, Loan or Finance Companies or Associations, Loan or Investment Companies or Associations, Investment or Savings Companies or Associations	\$1,500
b.	Bowling Alley	N/C
c.	Brokerage or Investment Companies or Associations [stocks, bonds, etc. - Local]	N/C
d.	Canteen - other than places where meals and lunches are served [excluding non-profit organizations]	N/C
e.	Contractor - Non-Local - outside the Province, including plumbers, electricians, builders, jobbers, etc.	N/C
f.	Dance Hall [excluding non-profit companies]	N/C
g.	Door-to-Door salesperson	N/C
h.	Hand Cart [pedal powered mobile per cart] [stationary per cart]	N/C N/C
i.	Junk dealer [other than proprietors of junk yards]	N/C
j.	Junk Yard	N/C
k.	Meat Vendor	N/C

	l.	Milk Vendor [Industrial and Company - Local] [Industrial and Company Non-Local]	N/C N/C
	m.	Mobile Sales Establishment [Local] [Non-Local]	\$500 \$1000
	n.	Open Air Sales Establishment [Local] [Non-Local]	N/C N/C
	o.	Public Garbage Collection [each vehicle - Local] [each vehicle - Non-Local]	N/C N/C
	p.	Real Estate Companies or Associations [Head Office outside the Province]	\$500
	q.	Restaurant	N/C
	r.	Theatre, including cinema	N/C
	s.	Lunch Truck [Local] [Non-Local]	N/C N/C
	t.	Insurance Companies	N/C
	u.	Oil Companies Or Associations [Bulk Storage in the City] [Bulk Storage outside the City]	\$500 \$500