

**THE CORPORATION OF THE
TOWN OF WASAGA BEACH**

BY-LAW NO. 2012-94

**A BY-LAW TO AMEND BY-LAW NO. 2007-38, BEING A BY-LAW TO
LICENSE, REGULATE AND GOVERN BUSINESSES CARRIED ON WITHIN
THE MUNICIPALITY**

WHEREAS Section 8 of the *Municipal Act, 2001*, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, as amended, grants municipalities the capacity, rights, power and privileges of a natural person for the purpose of exercising its authority under the Act; and

AND WHEREAS under Section 11 of the *Municipal Act, 2001*, as amended, a lower tier municipality may pass by-laws respecting matters within the sphere of jurisdiction set out therein;

AND WHEREAS Section 151 and Section 160 of the *Municipal Act, 2001*, provides that a local municipality may provide for a system of licenses with respect to a business and pass by-laws licensing businesses under any section of the *Municipal Act* or any other Act.

AND WHEREAS Council of The Corporation of the Town of Wasaga Beach passed By-Law No. 2007-38, to license, regulate and govern businesses carried on within the Municipality, deems it expedient to amend the said by-law regarding provisions for:

- i) a Pet Groomer Home Occupation, and
- ii) an exemption provision for identified Tourist Accommodation Conversion (T.A.C.) properties to permit licensing, and
- iii) an exemption that delegates authority to the Town Clerk to issue exemptions under section "T" for volunteer fundraising activities and to exempt persons who possess a criminal record.

NOW THEREFORE, the Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

1. THAT By-Law No. 2007-38, is hereby amended, by adding Schedule "A35-2" – Home Occupation – Pet Groomer, hereby attached as Appendix "A" and forming part of this by-law.

2. THAT By-Law No. 2007-38, is further amended, by exempting identified T.A.C. properties from the requirement to conform with the Town of Wasaga Beach Comprehensive Zoning By-Law No. 2003-60 as amended, where such exemption meets the following conditions:
 - a) only where said T.A.C. property does not meet the definition of a Tourist Establishment as set out in Section 26.195 of By-Law No. 2003-60, or
 - b) the Council of the Town of Wasaga Beach has made a final decision on the requirement of such properties pertaining to their permitted use.
3. THAT By-Law No. 2007-38, is further amended, by delegating to the Clerk of the Municipality, the authority to exempt persons from specific requirement(s) of the said by-law, where the Clerk believes it to be reasonable and prudent in administering the Business License By-Law, and where such exemptions are limited to the following:
 - i) the Clerk may exempt for requirement to obtain a Business Licence where the purpose of such activity is volunteer fundraising activities; and
 - ii) the Clerk may exempt a person, who does possess a criminal record where, the date of the most recent conviction is more than ten (10) years prior to the date of application for a taxi driver, tow truck driver or limousine driver's licenses.
4. THAT all previous By-Laws and resolutions and parts of by-laws and resolutions relating to the licensing, regulation and governing of a Home Occupation – Pet Groomer license in the Town of Wasaga Beach inconsistent with the provisions of this by-law, are hereby repealed.
5. THAT this By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF NOVEMBER, 2012.

Original Signed by Mayor

Cal Patterson, Mayor

Original Signed by Clerk

Twyla Nicholson, Clerk

APPENDIX "A"

SCHEDULE "A35-2" TO BY-LAW NO. 2007-38

HOME OCCUPATION- PET GROOMER

A. DEFINITION:

1. "Pet Groomer" means a person who grooms, brushes, trims, manicures or otherwise attends to the cosmetic care of animals.

B. REASONS FOR REQUIRING LICENCE AND/OR IMPOSING CONDITIONS:

1. For the purpose of protecting the health and safety of the customers and the animals and to ensure that the business is not a nuisance to the surrounding properties and neighborhood.

C. REQUIREMENTS AND CONDITIONS OF LICENSE:

1. No person shall operate or maintain the business of a home-based pet groomer within the Town without first obtaining a license to do so.
2. Prior to a business license being issued by the Business Licensing Officer, the applicant must obtain the approvals listed below:
 - a. Zoning Department;
 - b. Fire Department;
 - c. Building Department;
 - d. Property Standards Office.
3. No person shall allow any pet being accommodated in respect of the pet groomer services to be kept in any outdoor run, compound or other area.
4. Every person shall ensure that while such pet is in his possession, the pet is kept in a sanitary, well ventilated and clean location and in a safe and healthy environment.
5. Every person shall ensure that any cage in which a pet is to be kept is appropriate for the safe harboring of such animal and in no case shall such cage be kept at a height greater than five (5) feet from the floor level when a pet is being kept in or harbored in such cage.

6. The licensed pet groomer shall not harbor or possess more than four (4) dogs in relation to the pet grooming business, at any one time. This does not include any dogs licensed to the owner of the business, which also resides at the premises. All dogs at the premise shall be licensed in accordance with the Town of Wasaga Beach Animal Control By-Law No. 2002-63.
7. No person shall permit the business to become a nuisance by virtue of noise, including persistent barking/howling, smells or traffic flow.
8. No person shall permit the custody, care or grooming of any customers dog(s) or non-owned dogs(s), on the business property, between 7pm of one day and 7am of the following day.
9. The entrance to the dwelling that is utilized for the business must open onto a fenced area that is capable of containing any dogs that might inadvertently escape the dwelling unit.
10. The home occupation - pet grooming - shall be clearly secondary to the existing dwelling unit and shall not change the residential character of the property.
11. Upon reasonable notice, a Municipal Law Enforcement Officer or any Peace Officer may, at anytime between the hours of 7am – 7pm, enter and inspect the area used as a pet grooming business, for compliance with this and other Municipal by-Laws. Where such inspections is required by an Officer, no person shall obstruct, hinder or delay and Officer in connection with the inspection.