

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

BY-LAW NO. 2015-11

**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 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 to impose a moratorium on the issuance of any new Taxicab or Taxicab Business Licences, until a comprehensive review is completed;

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 the following section under Section "G. Applications for Licence":
 - 9.1) Notwithstanding the provisions set out in Sections 1-8 above, concerning the making of an application for a Business Licence, the Town shall not accept any applications or fees for a Taxicab or Taxicab Business licenses, except from those holders-of-record of valid 2014 Town of Wasaga Beach Taxi Cab or Taxi Business Licences.

- 9.2) Where a Taxicab Company is eligible to be issued a Licence under Section 9(1) above and then is subsequently issued a Taxicab Company Licence, that Taxicab Company may then make application and pay prescribed fees for a number of Taxicabs Licenses up to the same number of Taxicabs that were issued Licences in 2014; regardless of whether or not the application is for a different vehicle than was licensed in 2014.
- 9.3) Where an application for a Taxicab or Taxicab Company does not meet the condition(s) set out in Section 9(1) the Town shall not accept or shall return the application, if received, and the applicant shall not have any right of appeal under Section “Q. REFUSALS, APPEALS AND HEARINGS”.
2. That section “Q. REFUSALS, APPEALS AND HEARINGS” Subsection (1) is hereby replaced with the following:

Q. REFUSALS, APPEALS AND HEARINGS

1. Appeal of Business Licensing Officer’s decision to the CAO:

When, for any of the grounds set out in this By-law, except where an application is not permitted under Section G.9, an applicant has been advised, in writing, that a licence is refused or it is appropriate that the licence be suspended or revoked, the applicant may request an appeal of the decision through the CAO. Such request shall be made in writing within seven (7) days of receipt of such notification.

a) The Business Licensing Officer shall provide a report to the CAO as to reasons why the licence was refused, suspended or revoked and the CAO shall determine if the recommendation is to be upheld.

b) Issuance of a Licence on Terms and Conditions:

The CAO may authorize that the licence be issued subject to such terms and conditions as are necessary to give effect to this By-Law. If the CAO refuses the licence or continues with the suspension or revocation of the licence, the applicant may request a hearing before General Government Committee.

3. 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 17th DAY OF FEBRUARY, 2015.

Original Signed by Mayor

Brian Smith, Mayor

Original Signed by Clerk

Twyla Nicholson, Clerk