



Agenda
Council - Public Meeting

Monday, November 20, 2023, 7:00 p.m.
Electronic and In-Person Participation - Council
The Corporation of the Town of Orangeville
(Mayor and Clerk at Town Hall - 87 Broadway)
Orangeville, Ontario

NOTICE

Members of the public who have an interest in a matter listed on the agenda may, up until 10:00 a.m. on the day of a scheduled Council meeting, email councilagenda@orangeville.ca indicating their request to speak to a matter listed on the agenda. There will be an option to provide comments to Council either in person or virtually. Correspondence submitted will be considered public information and entered into the public record.

Members of the public wishing to view the Council meeting or raise a question during the public question period will have the option to attend in-person in Council Chambers, located at Town Hall, 87 Broadway, Orangeville; or by calling 1-289-801-5774 and entering Conference ID: 433 888 200#. The Council meeting will also be livestreamed, for members of the public that wish to view the meeting online, please visit: <https://www.youtube.com/c/OrangevilleCouncil>

Accessibility Accommodations

If you require access to information in an alternate format, please contact the Clerk's division by phone at 519-941-0440 x 2242 or via email at clerksdept@orangeville.ca

Pages

1. **Call To Order**
2. **Approval of Agenda**
Recommendations:
That the agenda for the November 20, 2023 Council - Public Meeting, be approved.
3. **Disclosure of (Direct and Indirect) Pecuniary Interest**
4. **Closed**
None.
5. **Singing of National Anthem**
6. **Land Acknowledgement**
We would like to acknowledge the treaty lands and territory of the Williams Treaty Nations and the Mississaugas of the Credit First Nation. We also recognize that Dufferin County is the traditional territory of the Wendat and the

Haudenosaunee, and is home to many Indigenous people today.

7. Announcements by Chair

This meeting is being aired on public television and/or streamed live and may be taped for later public broadcast or webcast. Your name is part of the public record and will be included in the minutes of this meeting.

Any member of the public connecting via telephone is reminded to press *6 to mute and unmute. Please remain muted until the Chair requests comments or questions from the public.

8. Public Meeting

8.1 Tracy Macdonald, Deputy Clerk, Corporate Services - Restaurant By-law
Report CPS-2023-057 and proposed Restaurant By-law are attached for ease of reference.

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9. By-Laws

Recommendations:

That the by-law listed below be read three times and finally passed:

9.1 A by-law to confirm the proceedings of the Council of The Corporation of the Town of Orangeville at its Council - Public Meeting held on November 20, 2023

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10. Adjournment

Recommendations:

That the meeting be adjourned.

Subject: Restaurant By-law

Department: Corporate Services

Division: Clerks

Report #: CPS-2023-057

Meeting Date: 2023-10-30

Recommendations

That report CPS-2023-057, Restaurant By-law be received;

And that a public meeting be held to obtain input from the public on the proposed Restaurant By-law;

And that staff report back to Council on the comments and feedback received.

Background and Analysis

The Regulatory By-law Review Work Plan Update adopted by Council at its meeting held on January 23, 2023 includes a review of the Town's Restaurant By-law.

The current Restaurant By-law was adopted in 2004 and establishes rules and regulations for licensing of restaurants in the Town. This by-law was amended to reflect a change in the expiry date for restaurant licenses.

The proposed Restaurant By-law has been developed taking into consideration the following:

- an administrative framework that creates regulations to ensure the public safety of persons;
- a consistent approach with the regulations and general licensing provisions set out in the Town's regulatory and general licensing by-laws;
- a comprehensive review of best practices of comparable municipalities' restaurant by-laws; and
- relevant legislation, such as the Municipal Act.

The table below outlines key changes set out in the proposed by-law:

Summary of Proposed By-law Requirements
Definitions
<p>Add:</p> <ul style="list-style-type: none"> Definitions have been added and/or modified to provide clarity and consistency with other Town by-laws
General Prohibitions and Regulations
<p>Add:</p> <ul style="list-style-type: none"> Any charitable or not for profit organization requiring a license will be exempt from the fee
Application for Licence
<p>Add:</p> <ul style="list-style-type: none"> Applicants required to submit a copy of their incorporating documents or business name registration, if applicable Proof of valid insurance of not less than two million dollars naming the Town as an additional insured Licence renewal timeline of 14 days
Delegated Authority
<p>Add:</p> <ul style="list-style-type: none"> Licence Issuer shall not issue or renew a licence to a person if the applicant has two or more related convictions, overdue by-law fines, penalties or other monies owing to the Town, outstanding property taxes and late payment charges owing to the Town.
General Prohibitions and Regulations
<p>Add:</p> <ul style="list-style-type: none"> Further protections for persons with service animals – non refusal of service More clarity and details regarding the process for an applicant's right to a hearing if licence issuance (or renewal) is refused, revoked, or suspended More clarity and details regarding the hearing process as well as enforcement and penalty provisions

Next Steps

A public meeting will be held to obtain feedback regarding the proposed by-law, and staff will report back to Council with recommendations regarding the adoption of the by-law.

Strategic Alignment**Strategic Plan**

Strategic Goal: Community Vitality

Objective: Wellbeing

Sustainable Neighbourhood Action Plan

Theme: N/A

Strategy: N/A

Notice Provisions

The Town's Notice Policy requires that notice be placed on the Town's website and published in a newspaper once per week for two consecutive weeks prior to the meeting at which the matter is to be considered, or prior to the holding of a public meeting.

Financial Impact

The annual fee for a restaurant license has been maintained at \$175.00 per location under the proposed by-law update. These licensing fees are included within the operating revenues budget under the Clerks Division of Corporate Services, and total approximately \$20,000 per year.

Respectfully submitted

Chris Moore
Acting General Manager, Corporate Services

Prepared by

Tracy Macdonald
Deputy Clerk, Corporate Services

Reviewed by

Carolina Khan
Town Clerk, Corporate Services

Attachment(s): 1. Draft Restaurant By-law



The Corporation of the Town of Orangeville

By-law Number 2023-

A by-law to regulate and licence restaurants in the Town of Orangeville

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended hereinafter referred to as the “*Municipal Act*” provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act; and

WHEREAS Section 8 (3) of the *Municipal Act* authorizes a municipality to provide for a system of licences and a licence includes a permit; and

WHEREAS Section 11 of the *Municipal Act* authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons and respecting the protection of persons and property including consumer protection; and

WHEREAS sections 9, 11 and 391 of the *Municipal Act* authorizes a municipality to impose fees and charges on persons; and

WHEREAS section 23.1, 23.2 and 23.3 of the *Municipal Act* authorizes a municipality to delegate its powers and duties under the Act to a person; and

WHEREAS Section 151 of the *Municipal Act*, provides that a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and

WHEREAS Section 425 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of a municipality passed under the *Municipal Act* is guilty of an offence; and

WHEREAS Section 431 of the *Municipal Act* authorizes that where any by-law of a municipality under the *Municipal Act* is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and requiring the person convicted to correct the contravention; and

WHEREAS section 436 of the *Municipal Act* authorizes a municipality to pass a by-law providing that the municipality may enter on land to conduct inspections; and

WHEREAS sections 444 and 445 of the *Municipal Act* authorizes a municipality to make orders to discontinue, or to correct, the contravention of a by-law; and

WHEREAS section 446 of the *Municipal Act* authorizes a municipality to do a matter or thing in default of it being done by the person directed or required to do it; and

WHEREAS the Council for the Town of Orangeville deems it desirable and in the public interest to enact a by-law to regulate and licence restaurants;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ORANGEVILLE HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1 In this By-law:

"Applicant" means a **person** who files an application for a **licence**;

"Appeal Tribunal" means a Committee or a **person** appointed by **Council** to conduct hearings under this By-law;

"Clerk" means the Clerk for the **Town** or any **person** designated by the Clerk;

"Council" means the Council of the **Town**.

"Licence" means a licence issued pursuant to this By-law;

"Licence Issuer" means a **Town** employee responsible for issuing a **licence**;

"Licensee" means a **person** issued a current valid **licence**;

"Public Health Office" means Wellington-Dufferin-Guelph Public Health;

“Not for Profit” for the purposes of this by-law means a charitable or non-profit organization including a club, society or association that is organized and operated exclusively for social welfare, civic improvement, recreation or any other purpose except profit, and any profits or economic advantages which are received by it are used to promote its objectives and not used for the personal gain of any of its members or of any other **person**;

“Officer” means a police officer, municipal law enforcement officer, or any other **person** appointed by by-law to enforce the provisions of this By-law;

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“Premises” means land and structures or either of them and includes any premises licensed or required to be licensed under this by-law;

“Restaurant” means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises, but does not include a refreshment room or any building or part thereof where pre-packed foods or beverages requiring no further preparation before consumption are offered for sale;

“Service animal” means an **animal** that can be readily identified as one that is being used by the **person** for reasons relating to the **person's** disability, as a result of visual indicators such as the vest or harness worn by the **animal** or the **person** provides documentation from one of the following regulated health professionals confirming that the **person** requires the **animal** for reasons relating to the disability:

- (a) a member of the College of Audiologists and Speech-Language Pathologists of Ontario
- (b) a member of the College of Chiropractors of Ontario
- (c) a member of the College of Nurses of Ontario
- (d) a member of the College of Occupational Therapists of Ontario
- (e) a member of the College of Optometrists of Ontario
- (f) a member of the College of Physicians and Surgeons of Ontario
- (g) a member of the College of Physiotherapists of Ontario
- (h) a member of the College of Psychologists of Ontario
- (i) a member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario;

“Town” means the Corporation of the Town of Orangeville or the land within the geographic limits of the Corporation of the Town of Orangeville as the context requires;

“Zoning By-law” means any by-law passed by a municipality pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended.

2. GENERAL ADMINISTRATION AND EXEMPTIONS

2.1 The Short Title of this By-law is the “Restaurant By-law”.

2.2 This By-law applies throughout the whole of the **Town**.

3. GENERAL PROHIBITIONS AND REGULATIONS

3.1 No **person** shall own, operate or permit the operation of a **restaurant** without a valid licence.

3.2 No **licence** issued under the provisions of this by-law shall be transferred.

3.3 Notwithstanding any provision of this by-law, any **not for profit** organization deemed by the Clerk to require a **licence** must obtain a **licence** but is exempt from paying any associated **licence** fee, provided the organization is utilizing the profits from the **restaurant** for charitable and non-profit fundraising purposes.

3.4 No **person** shall carry on business other than in the name that appears on a **licence**.

3.5 No **person** shall alter, erase or modify or permit such alteration, erasure or modification of a **licence**.

3.6 No **person** shall represent to the public that the person is licensed under this By-law if the **person** is not so licensed.

3.7 No **person** shall own, operate or permit the operation of a **restaurant** other than in accordance with the terms and conditions of a **licence** and this By-law.

4. APPLICATION FOR A LICENCE

4.1 A **person** making an application for a **licence** or renewal of a **licence** shall submit to the satisfaction of the **Licence Issuer**:

(a) a complete application in the form provided by the **Town**;

(b) where the **applicant** is a corporation, a copy of the articles of incorporation or other incorporating documents issued by the Province of Ontario or the

Government of Canada, and the business name registration, when applicable;

- (c) where the **applicant**, is a sole proprietor, a copy of the business name registration, when applicable;
- (d) where the **applicant**, is a registered partnership, a copy of the registered declaration of partnership, the names and addresses of each member of the partnership as well as name under which the partnership intends to carry on business and a copy of the business name registration;
- (e) the applicable **licence** fee;
- (f) any documents, and obtain all required approvals and inspections from the appropriate approval authority having jurisdiction as outlined on Schedule A to this By-law;
- (g) any other documents as may be required by the **Licence Issuer**.

4.2 A **person** making application for a **licence** renewal shall submit:

- (a) a complete application (a **licensee** is not required to submit on renewal of a **licence** the items listed in sections 4.1 (b), 4.1 (c) or 4.1 (d) provided no changes have occurred in the information contained in those documents)
- (b) the applicable **licence** fee
- (c) all required documents as outlined in Schedule “A”

at least fourteen (14) days prior to the expiry of the current **licence**. Applications for renewal submitted after fourteen (14) days shall be considered a new **licence** application.

5. FEES

5.1. A fee for a **licence** shall be as prescribed in Schedule B of this By-law.

5.2 Fee payable with an application for a **licence** shall not be pro-rated.

5.3 Every fee paid is non refundable;

5.4 Acceptance of the **licence** fee does not constitute approval of the application or oblige the **Town** to issue a **licence**.

6. DELEGATED AUTHORITY

- 6.1 The **Licence Issuer** is hereby delegated authority to administer this By-law and to issue a **licence** in accordance with the provisions of this By-law and the applicable Schedules to this By-law.
- 6.2 The **Licence Issuer** is hereby delegated authority to impose additional terms and conditions on a **licence** that in the opinion of the **licence issuer** are reasonable and taking into consideration:
- (a) the health, safety and well-being of **persons**;
 - (b) the past conduct of an **applicant** or **licensee**.
- 6.3 The **Licence Issuer** is hereby delegated authority to revoke, suspend, refuse to issue, or refuse to renew a **licence**, where the **applicant** or **licensee** would not be entitled to a **licence**, or to the renewal of a **licence**, on any grounds set out in this By-law.
- 6.4 The **Licence Issuer** may cancel a **licence** at any time upon the written request of the **licensee**.
- 6.5 The **Licence Issuer** shall not issue or renew a **licence** to a **person** if:
- (a) the **Town** is aware that the **applicant** has two or more related convictions within the last year concerning the licensed business or **person**;
 - (b) overdue by-law fines, penalties or other monies owing to the **Town**;
 - (c) outstanding property taxes and late payment charges owing to the **Town** for the **premise** subject to the **licence** application, where applicable.
- 6.6 The **Appeal Tribunal** shall have the same powers as the **Licence Issuer** pursuant to this By-law for the purpose of authorizing the issuing of a **licence**.

7. LICENCE

- 7.1 A **licence** shall be issued by the **Licence Issuer** upon being satisfied that the requirements of this By-law have been met.
- 7.2 A **licence** shall expire on the 30th day of September of each year unless otherwise suspended or revoked in accordance with the provisions of this By-law.
- 7.3 Every **licence** shall remain at all times the property of the **Town** and no **person** shall enjoy a vested right in a **licence** or the continuance of a **licence**.

7.4 The issuing of a **licence** does not relieve a **person** from any responsibility to obtain all other approvals that may be required from any level of government or authority or agencies thereof having jurisdiction.

7.5 A **licence** is not transferable.

8. LICENCE – TERMS AND CONDITIONS - GENERAL

8.1 A **Licensee** shall notify the **Licence Issuer** within seven (7) days:

- (a) of any change of name, address or any other change to the information related to the **Licence**;
- (b) where the **Licensee** is a corporation, of any change in the names and addresses of officers and directors, the location of the corporate head office and change of ownership of shares;
- (c) where the **Licensee** is a registered partnership, of any change in the names and addresses of each member of the partnership;

and if necessary, the **Licence** shall be returned immediately to the **Licence Issuer** for amendment.

8.2 A **Licensee** shall operate in compliance with this By-law, the terms and conditions of a **licence** including the terms and conditions outlined in the applicable Schedule(s) to this By-law and all federal and provincial legislation.

8.3 A **Licensee** in carrying out a business licensed under this By-law shall provide services that are free from discrimination and respect all grounds protected by the Ontario Human Rights Code.

8.4 A **Licensee** in carrying out a business licensed under this By-law shall not, with respect to any **person** being guided or assisted by a **service animal**:

- (a) refuse to provide service to a **person**;
- (b) refuse to permit a **person** to enter with the **service animal** into or upon any place or **premise** to which the **Licence** relates; or
- (c) refuse to permit the **person** and such **service animal** to remain in or upon such place or **premise** by reason only of the presence of such **service animal**.

8.5 A **Licensee** upon the request of the **Licence Issuer** or an **Officer** shall submit:

- (a) documents and records required to be kept in accordance with this By-law.

9. LICENCE – ADMINISTRATIVE SUSPENSIONS

9.1 Where required in accordance with this By-law a **Licensee's**:

- (a) policy of liability insurance expires, is cancelled, or is otherwise terminated;

then the applicable **licence** shall be automatically suspended effective on the date of such expiration, cancellation, revocation or termination and shall remain so until such insurance has been reinstated.

9.2 An administrative suspension of a **licence** without a hearing shall be imposed for fourteen (14) days if the **Licence Issuer** is satisfied that the continuation of the business poses an immediate danger to health and safety of any **person** or to any **premise** or in accordance with Section 10. Before any suspension is imposed, the **Licence Issuer** shall provide the **licensee** with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

9.3 An administrative suspension imposed under Section 9.2 may be imposed on such conditions as the **Licence Issuer** considers appropriate.

10. LICENCES – GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION

10.1 An **applicant** or **licensee** is entitled to a **licence** upon meeting the requirements of this By-law except where:

- (a) the past or present conduct of any **person**, including any partner, the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the **person** will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or
- (b) the **applicant** or **licensee** has past breaches or contraventions of any law or any provision of this By-law or any other municipal by-law or Provincial or Federal Statute associated with the carrying on of such business; or
- (c) the financial position of the **applicant** or **licensee** affords reasonable grounds to believe that the activity for which he is licensed or to continue to be licensed in accordance with law will not be carried on in a financially responsible manner; or
- (d) the **applicant** or **licensee** has failed to pay a fine or fines imposed by a Court for convictions for breach of this or any other municipal by-law; or
- (e) the **applicant** or **licensee** has failed to comply with any term, condition or direction of the **Licence Issuer** or **Officer** or has failed to permit any investigation or inspection by the **Licence Issuer** or **Officer**; or

- (f) the **applicant** or **licensee** has failed to comply with the requirements set out in this By-law or any of the applicable Schedules to this By-law; or
- (g) the issuing of a **licence** would be contrary to the public interest with respect to health and safety or consumer protection; or
- (h) the **applicant** or **licensee** has submitted an application or other documents to the **Town** containing false statements, incorrect, incomplete, or misleading information; or
- (i) the **applicant** or **licensee** is carrying on or engaging in activities on or off the **premise** that are, or will be, if the **applicant** or **licensee** is licensed, in contravention of this By-law, any other applicable law or is unsafe; or
- (j) the **applicant** or **licensee** has exhibited discriminatory behaviour against a **person** on any grounds protected by the Ontario Human Rights Code; or
- (k) the **applicant** or **licensee** has not paid the required **licence** fees; or

10.2 The **Licence Issuer** may revoke, suspend, refuse to issue, or refuse to renew a **licence**, where the **applicant** or **licensee** would not be entitled to a **licence**, or to the renewal of a **licence**, on any grounds set out in this By-law.

10.3 Where the application for a **licence** has been refused, revoked, suspended or cancelled, the fees paid by the **applicant** or **licensee**, in respect of the **licence**, shall not be refunded.

10.4 Where a **licence** has been revoked, suspended, or cancelled the **licensee** shall return the **licence** to the **Licence Issuer** within two (2) days of service of the notice of the decision.

10.5 When a revoked, suspended or cancelled **licence** has not been returned, an **Officer** may enter upon the **premise** for the purpose of receiving, taking or removing the said **licence** and no **person** shall refuse to return the **licence** or in any way obstruct or prevent the **Licence Issuer** or **Officer** from obtaining the **licence**.

10.6 No **person** shall re-apply to obtain or renew a **licence** for a minimum of one (1) year from the later of:

- (a) the date of the **Licence Issuer's** decision to refuse to issue, renew or revoke a **licence**;
- (b) where the decision of the **Licence Issuer** is appealed, the date of the **Appeal Tribunal's** decision if the **Appeal Tribunal** upholds the decision to refuse to issue, renew or revoke the **licence**.

11. LICENCES – GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION – TERMS AND CONDITIONS – RIGHT TO A HEARING

- 11.1 With the exception of Section 9, before a **licence** is refused, revoked, suspended, cancelled or issued with terms or conditions, written notice shall be given by the **Licence Issuer** to the **applicant** or **licensee**.
- 11.2 Notice shall be served to the **applicant's** or **licensee's** last known address or email address filed with the **Town** and shall:
- (a) contain sufficient information to specify the nature of, or reason for, any recommendation;
 - (b) inform the **applicant** or **licensee** of entitlement to a hearing before the **Appeal Tribunal**, if a request in writing for a hearing is returned to the **Clerk** within fourteen (14) days after the date of service of the notice; and
 - (c) inform the **applicant** or **licensee** that if no written request is received, the **Appeal Tribunal** may proceed and make any decision with respect to the **licence**.
- 11.3 On receipt of a written request for a hearing from an **applicant** or **licensee**, the **Clerk** shall:
- (a) schedule a hearing; and
 - (b) give the **applicant** or **licensee** notice of the hearing at least twenty (20) days prior to the hearing date; and
 - (c) post notice of the hearing on the **Town's** website at least twenty (20) days prior to the hearing date.
- 11.4 Service of any notice on the **applicant** or **licensee** under this by-law shall be made by personal delivery, ordinary mail or email transmission. The notice shall be deemed to have been served on the fourth (4th) day after the day of mailing or on the date of personal service or on the date of the email transmission.

12. ESTABLISHMENT OF APPEAL TRIBUNAL

- 12.1 The **Appeal Tribunal** shall hear and render decisions regarding the refusal, revocation or suspension of a **licence**, and the imposing of terms and conditions on a **licence**.
- 12.2 The decision of the **Appeal Tribunal** shall be final and binding.

13. HEARING PROCESS

- 13.1 The provisions of the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22*, as amended, shall apply to all hearings conducted under this By-law.
- 13.2 A hearing shall be held in public, unless determined otherwise in accordance with the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22*, as amended, and the **Appeal Tribunal** shall hear the **applicant** or **licensee** and every other **person** who desires to be heard, and the **Appeal Tribunal** may give its decision orally or adjourn the hearing and reserve its decision but in any case the decision shall be provided in writing.
- 13.3 The decision of the **Appeal Tribunal**, shall be in writing and shall set out the reasons for the decision, and shall be signed.
- 13.4 Any authority or permission granted by the **Appeal Tribunal** may be for such time and subject to such terms and conditions as the **Appeal Tribunal** considers advisable and as are set out in the decision.
- 13.5 When a **person** who has been given written notice of a hearing does not attend at the appointed time and place, the **Appeal Tribunal** may proceed with the hearing in his absence, and the **person** shall not be entitled to any further notice of the proceedings.
- 13.6 The **Clerk** shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:
- (a) the **applicant** or **licensee**;
 - (b) each **person** who appeared in **person** or by Counsel or by Agent at the hearing and who filed with the **Clerk** a written request for notice of the decision.

14. ORDERS

- 14.1 If an **Officer** has reasonable grounds to believe that a contravention of this By-law or the terms and conditions of a **licence** has occurred, the **Officer** may make an Order requiring the **person** who contravened this By-law or the terms and conditions of a **licence** or who caused or permitted the contravention to occur to:
- (a) discontinue the contravening activity; and/or
 - (b) do work or take action to correct the contravention.
- 14.2 An Order under section 14.1 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention;

- (b) the location of the **premise** on which the contravention occurred; and
- (c) either:
 - (i) in the case of an Order under section 14.1 (a), the date by which there must be compliance with the Order; or
 - (ii) in the case of an Order under section 14.1 (b), the action to be done and the date by which the action must be done.

14.3 An Order made under this By-law may be served personally, ordinary mail to the last known address or by email transmission to:

- (a) the **person** the **Officer** believes contravened this By-law; and
- (b) such other **persons** affected by the Order as the **Officer** making the Order determines.

14.4 The Order shall be deemed to have been served on the fourth (4th) day after the date of mailing or on the date of personal service or on the date of email transmission.

14.5 An **Officer** who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the **premise** and the placing of the placard shall be deemed to be sufficient service. The placing of the placard of the Order shall be deemed to be served on the date of placing the placard.

15. ENFORCEMENT AND PENALTY PROVISIONS

15.1 The enforcement of this By-law shall be conducted by an **Officer**.

15.2 An **Officer** may enter on land or a **premise** at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

- (a) the By-law is complied with;
- (b) the **licence**, or the term or condition of a **licence**, or this By-law is complied with;
- (c) a direction or Order made under the *Municipal Act, S.O. 2001, c.25*, as amended, or this By-law is complied with.

15.3 For the purposes of an inspection under this By-law, an **Officer** may:

- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any **person** concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a **person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 15.4 All documents and records shall be kept in a good and business-like manner for review by the **Officer** at their request.
- 15.5 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.
- 15.6 A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the **person** from whom the sample is taken, if the **person** so requests at the time the sample is taken and provides the necessary facilities.
- 15.7 If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the **person** from whom the sample was taken.
- 15.8 Every **person** who contravenes any provision of this By-law, including failing to comply with an Order issued pursuant to this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, and the Municipal Act, 2001, as amended.
- 15.9 Every **person** who is charged with an offence under this By-law or an Order issued pursuant to this By-law or every director or officer of a corporation, who knowingly concurs in the contravention, by the laying of an information under Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended and is found guilty of the offence is liable pursuant to the Municipal Act, 2001, as amended to the following:
- (a) on a first offence, to a fine not more than \$50,000.00; and
 - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00

- 15.10 Every **person** who is issued a Part 1 offence notice or summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 15.11 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law.
- 15.12 Every **person** who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an **Officer** upon request, failure to do so shall be deemed to have hindered or obstructed an **Officer** in the execution of his or her duties.
- 15.13 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 15.14 If a **person** is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

16. SEVERABILITY

- 16.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of **Council** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

17. INTERPRETATION

- 17.1 References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.
- 17.2 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.
- 17.3 The Schedules appended to this By-law are incorporated into and form part of this By-law.

18. TRANSITIONAL RULES

- 18.1 By-law 2004-117, as amended, shall continue to apply to any enforcement proceedings commenced prior to the effective date of this By-law.

19. REPEAL

- 19.1 By-law 2004-117, 2021-001 and 2021-063 are hereby repealed.

19. EFFECTIVE DATE

19.1 This By-law shall come into effect on December 11, 2023.

READ three times and finally passed this 11th day of December, 2023

Lisa Post, Mayor

Tracy Macdonald, Deputy Clerk

SCHEDULE 'A' to BY-LAW 2023-XX

RESTAURANT LICENCE REQUIREMENTS

1. APPLICATION REQUIREMENTS

- 1.1 In addition to the requirements set out in Section 4 of this By-law, every new application will require, prior to issuance of a license:
- (a) written confirmation of authorization to issue **licence** from the **Public Health Office**, the Building Division, By-law Division, the Fire Division, and any other department of the **Town** as the **Licence Issuer** considers necessary;
 - (b) confirmation that the **premises** where the **restaurant** operates is in compliance with any applicable **Zoning By-law** and Site Plan Agreement;
 - (b) proof of valid insurance in an amount not less than two (2) million dollars naming the **Town** as additional insured;
 - (c) any other documents as may be required by the **Licence Issuer**;
- 1.2 a) Every application for renewal of a **licence** under this By-law shall be made in a form satisfactory to the **Licence Issuer** and shall include:
- The fully completed application form
 - The applicable renewal fee as set out in Schedule B of this By-law
 - Proof of valid insurance in an amount not less than two (2) million dollars naming the **Town** as additional insured.
- b) A renewal application must be approved by all of the approval bodies set out in Section 1.1 (a) in the event the conditions of the original application have changed.
- c) Where a **person** fails to renew the **licence** within fourteen (14) days after the expiry of such **licence**, the **person** shall no longer be entitled to renew, but must apply for a new **licence**.

SCHEDULE 'B' to BY-LAW 2023-XX

FEES

1. The table below outlines the fees payable under this By-law:

Licence or Other	Annual Fee
Restaurant (new and renewal)	\$175.00
Not for profit organizations	\$0



The Corporation of the Town of Orangeville

By-law Number 2023-

A by-law to confirm the proceedings of the Council of The Corporation of the Town of Orangeville at its Council – Public Meeting held on November 20, 2023

Whereas Section 5 (1) of the Municipal Act, 2001, as amended, provides that the powers of a municipal corporation shall be exercised by its council;

And whereas Section 5 (3) of the Municipal Act, 2001, as amended, provides that municipal powers shall be exercised by by-law;

Be it therefore enacted by the municipal Council of The Corporation of the Town of Orangeville as follows:

1. That all actions of the Council of The Corporation of the Town of Orangeville at its Council – Public Meeting held on November 20, 2023, with respect to every report, motion, by-law, or other action passed and taken by the Council, including the exercise of natural person powers, are hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this or a separate by-law.
2. That the Mayor and Clerk are authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Orangeville referred to in the preceding section.
3. That the Mayor and the Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the Town of Orangeville.

Read three times and finally passed this 20th day of November, 2023.

Lisa Post, Mayor

Tracy Macdonald, Deputy Clerk