

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1574

Being a by-law to repeal By-Law No. 1292,
being a by-law to License, regulate and govern
any business carried on within the
Municipality.

WHEREAS Section 8 of the Municipal Act, S.O. 2001, c. 25, as amended, states that the powers of a municipality under this or any other Act shall be interpreted broadly 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 10 (1), of the same Act, conveys broad authority to single-tier municipalities and states a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public and further, Section 10 (2), specifically empowers a single-tier municipality to pass by-laws respecting, among other matters, by-laws concerning the following:

- i) Economic, social and environmental well-being of the municipality, and
- ii) Health, safety and well-being of persons, and
- iii) Protection of persons and property, including consumer protection
- iv) Business licensing,

AND WHEREAS Part IV of the said Act, provides a licensing framework to guide municipalities in implementing a system of business licensing,

AND WHEREAS Council deems it desirable to implement a system of business licensing;

NOW THEREFORE the Council of the Town of Marathon hereby enacts as follows:

1. DEFINITIONS

Terms and expressions shall, for the purposes of this by-law, be interpreted as defined in Appendix “A” to this by-law.

2. LICENCE REQUIREMENT

- (1) Every person carrying on, conducting, operating, maintaining, keeping or engaging in any business as defined by this by-law, as amended from time to time, shall be required to obtain and hold a valid Town of Marathon Business Licence before conducting any business activity from or within the Municipality.
- (2) For the purpose of Subsection 2 (1), a business shall be deemed to be carried on within the municipality where it is wholly or partly carried on within the municipality even if the business is being conducted or carried on from a location outside the municipality.

3. MULTIPLE BUSINESS REQUIREMENTS

- (1) Where a single premises has more than one business, distinguishable by its’ nature, conduct, advertising, name, operation or is generally established or identifiable as a distinct business operation, multiple business licences shall be obtained from the Town of Marathon before conducting any business activity from or within the municipality.

4. LICENCE EXEMPTION

- (1) Notwithstanding the requirements of this by-law to obtain and hold a valid Town of Marathon Business Licence, a specific business operation or class of businesses may be exempt from obtaining a business licence:
 - a) where specifically identified by any Federal or Provincial Statute as being partly or wholly exempt , or
 - b) where Council has expressly exempt a specific business or class of business as set out in Appendix “B”, or
 - c) where the Issuer of Licenses believes on reasonable grounds that a business would enhance the economic, social or environmental well-being of the municipality, he/she may issue an exemption for up to thirty (30) days, or
 - d) where an external business enters the municipality to complete an unsolicited contract and
 - i) the business does not specifically advertise, canvas or solicit in the Municipality and,
 - ii) where the contract for services was signed prior to arrival in the municipality,

the Issuer of Licences may exempt the business from obtaining a business licence for said work to complete such contract(s).
- (2) where an exemption is granted under 4 (1) (b), (c) or (d), the said business may be otherwise regulated by this by-law and is subject to its’ provision just as if a licence had been granted.

5. APPLICATION FORM/FEE DETERMINATION

- (1) Every person, who is not exempt from Section 2, shall apply in writing to the Issuer of Licenses on the appropriate application for the class of business licence as set out in Appendix “C” and shall deposit with the application the appropriate fee specified.
- (2) Every application submitted pursuant to subsection 5(1) shall;
 - a) be fully complete and accurate on its face, and
 - b) dated and signed by a person authorized to sign on behalf of the business, and
 - c) have documents or other required information appended to the application.
- (3) Notwithstanding Subsection 5 (1), where an applicant has applied to have a business classified pursuant to Appendix “C”, the Issuer of Licenses may designate the applicants business as falling within another classification for purposes of Appendix “C” and the applicant shall pay the additional fees or receive an appropriate refund as determined by the established schedule, prior to any licence being issued.
- (4) Notwithstanding the requirement to pay a fee pursuant to section 5 (1) or 5 (3), where the Issuer of Licenses believes on reasonable grounds that a business would enhance the economic, social or environmental well-being of the municipality, he/she may vary the fee(s) required or waive the requirement of a fee.

- (5) For the purpose of “fee” determination pursuant to section 5(1), 5(3) or 5(4), the fee specified in Appendix “C” of this by-law shall be the defined fee until December 31st, 2007 and thereafter the fee shall be as set out in the FEES AND CHARGES SCHEDULE as amended and approved annually for the appropriate licence required.

6. LICENCE REAL AND PERSONAL PROPERTY

- (1) The Issuer of Licenses may license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it.

7. REVIEW

- (1) The Issuer of Licenses, shall review each application received and may require additional information to support the application including:
- a) documents to support the application, and
 - b) proof that the business is in compliance with all by-laws, statutes and regulations
 - c) an inspection of the business to confirm its classification and any other information necessary to confirm the application, and
 - d) calculate/require additional administrative fees where circumstances warrant additional administrative or field work to properly assess the application for the purposes of the by-law, and
 - e) require any outstanding administrative penalties, fines or unpaid taxes related to the business to be brought current.

8. LICENCE NOT ISSUED

- (1) The Issuer of Licenses may refuse to issue a licence where:
- a) the application is incomplete or irregular on its face, or
 - b) the application fee, or additional fees are unpaid, or
 - c) the applicant has failed to provide the required documents or is unable to meet the requests of the Issuer of Licence
 - d) the applicant has provided false or misleading information, or
 - e) upon such other ground as may be set out in writing by the Issuer of Licences.

9. LICENCE SUSPENSION/REVOCAION

- (1) The Issuer of Licenses may revoke or suspend a licence where:
- a) the licence holder is in breech of the business licensing by-law, including any conditions of a licence issued there under, or
 - b) the licence holder fails to comply with any “order to remedy” issued pursuant to the Municipal Act, or
 - c) the licence holder fails to pay any arrears, penalties, fees or taxes, when requested, or
 - d) upon the grounds that the conduct of any person, including 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 accordance with the law or with honesty and integrity.

- e) The licence holder operates the business in a manner that is detrimental to the municipality with respect to its:
 - i) Economic, social or environmental well-being
 - ii) Health, safety and well-being of its persons
 - iii) Protection of person and property, including consumer protection.

10. **IMPOSE CONDITIONS**

- (1) The Issuer of Licenses may impose conditions as a requirement of obtaining, continuing to hold or renewing a licence including, but not limited to;
 - a) the requirement of Section 5 and 7 to be satisfied, or
 - b) the business, not become a nuisance to the municipality.

11. **SPECIAL CONDITIONS**

- (1) The Issuer of Licenses may impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence.
- (2) Special conditions as set out in 11 (1) include, but are not limited to, any condition necessary to prevent the specific business from operating in a manner that is detrimental to the municipality with respect to issues surrounding;
 - a) Economic, Social or environmental well-being;
 - b) Health, Safety and well-being of its persons;
 - c) Protection of persons and property, including consumer protection, or
 - d) Compliance with laws, honesty and integrity.
- (3) The Issuer of Licenses may impose conditions, including special conditions, as set out in 10 (1) and 11 (1), at any time during the term of the licence.

12. **APPEAL**

- (1) Where the Issuer of License refuses to issue, suspends or revokes a licence the issuer of licenses shall notify the applicant or existing licence holder in writing;
- (2) Where a notice pursuant to Subsection 12 (1) is issued, it shall
 - a) set out the grounds for the decision
 - b) notification that the applicant or licensee may appeal such decision by notifying the Municipal Clerk in writing, within ten (10) clear days
 - c) the period of suspension when applicable

13. **TRIBUNAL**

- (1) Where the Issuer of Licenses refuses to grant a licence, suspends or revokes a licence under this by-law, the applicant or licensee may appeal this decision to an Appeal Tribunal, as set out in Appendix "D" by filing an Appeal, in writing within 10 days of being notified, with the Clerk of the Municipality.

- (2) The Appeal Tribunal may call a hearing, review written submission or take other steps necessary to make an informed decision on the appeal request and following the review;
 - a) confirm the decision of the Issuer of Licenses, or
 - b) reject the decision of the Issuer of Licenses and order the licence issued or reinstated or lift the suspension, or
 - c) substitute a decision with appropriate condition as may be specified by the Tribunal.
- (3) The Appeal Tribunal shall begin a review of any written appeal received under section 13 (1) within three (3) days, and render a decision in a timely manner, when all factors are considered.

14. DECISION FINAL

- (1) The decision of the Appeal Tribunal shall be final.

15. NO HEARING REQUIRED

- (1) Notwithstanding, Sections 4, 9, 10 and 11 above, where a municipality is satisfied that the continuation of a business poses an immediate danger to the health or safety of any persons or property or in accordance with Section 151 (2) and 151 (3) of the Municipal Act, the municipality may suspend the licence without a hearing.
- (2) No person shall operate any business or premises contrary to any licence suspension or terms and conditions there to or where such licence has been revoked.

16. ADULT ENTERTAINMENT ESTABLISHMENT

- (1) The Issuer of Licenses, where other conditions are satisfied shall not issue a specific business licence for permanent adult entertainment establishment in areas identified in Appendix "F".
- (2) Notwithstanding Section (16) 1, the Issuer of Licences may issue a temporary licence to operate a Adult Entertainment Establishment that is not to exceed five (5) consecutive days at a given premises and only 2 licences for the same premises may be issued for a calendar year.
- (3) No person who has been issued a licence to operate an Adult Entertainment Establishment under 16 (1) or 16 (2) shall permit or cause to permit any person under the age of 18 years to enter or remain in the Adult Entertainment Establishment or any part which is part of it or adjacent premises that connects thru internal passage way to the Adult Entertainment Establishment.

17. TOW TRUCKS AND LIMOUSINE VEHICLES

- (1) The Issuer of Licences may licence tow trucks, and limousine vehicles, their owners and drivers and associate equipment and such licensing requirement shall be set out in Appendix "G".
- (2) In the absence of an Appendix "G", the tow truck business or limousine business must obtain a licence pursuant to Section 2 of this by-law.

18. EXPIRY OF LICENCE

- (1) The date of expiry, unless otherwise specified on the licence, shall be annually on September 30th. And each renewal of licence shall, there after expire on such date

in each subsequent year.

19. LATE RENEWAL

- (1) Where a valid licence has expired, the holder may renew the licence within 30 days of the expiry by paying the prescribed late renewal fee as specified in Appendix “E”, Administrative fees and penalties.

20. DORMANT LICENCE

- (1) Where a valid licence has expired and has not been renewed within the 30 day late renewal period, it shall be deemed to be a dormant licence and not subject to further renewal.

21. FEE REFUND

- (1) Where the Municipality has revoked a licence issued pursuant to the provisions of this by-law, the licensee shall be entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was originally granted, subject to the administrative fee in Appendix “E”.

22. POST LICENCE

- (1) Every person obtaining a licence pursuant to the provisions of this by-law shall post the licence, visible to the public, in a conspicuous place on the business premises in respect of which the licence is issued.

23. PRODUCE LICENCE

- (1) Every person, who is the holder of a business licence, shall upon request of a police officer, municipal law enforcement officer, issuer of licences or other person duly authorized by the Municipality produce and surrender said licence for inspection.

24. CARRY LICENCE

- (1) Where a business operates on a mobile basis, the holder of a valid licence shall carry a copy of the licence while doing business in a mobile capacity.

25. CHANGE OF PREMISE LOCATION

- (1) Where a currently licensed business changes location or premise, such new location or premise shall not be deemed to be licensed. The applicant must immediately make application for a new licence under the provisions of this by-law and shall surrender to Issuer of Licenses the licence issued in respect of his previous location or premise.

26. LICENSES PERSONAL

- (1) No person shall enjoy a vested interest or property right in any license or the continuance of any license and such license and such rights shall remain the property of the Town of Marathon.

27. TRANSFER

- (1) Notwithstanding section 26 (1) above, where a business is sold or transferred and the trade name and business operations both continue essentially unchanged, the licence may be transferred by submitting a new application and by paying the prescribed transfer fee set out in Appendix “E”, Administrative Fees and Penalties.

28. PERFORMANCE

- (1) Every person who acquires a licence that was issued under this by-law is

responsible for the due performance and observance of all the provision of this by-law by himself and by his employees and all other persons in or upon the premise which is licensed under the provisions of this by-law.

29. OFFENCES

- (1) Any person who contravenes any of the provisions of this by-law is guilty of an offence and is subject to such fines and penalties authorized pursuant to the Municipal Act, S.O., 2001, c.25, as amended.
- (2) For the purpose of establishing a system of fines, as set out in Subsection 429 (2) of the Municipal Act, the following applies;
 - a) Where the offence of operating a business contrary to the provisions of this by-law occurs at a fixed location and is
 - i) a single business, and
 - ii) open continuously for business, and
 - iii) continues for more than one (1) hour,

it shall be deemed to be a continuing offence and the minimum fine for each hour of prohibited business operation shall be \$1,000.00 (one thousand dollars) per hour.

- b) Where the offence of operating a business contrary to the provision of this by-law occurs:
 - i) at more than one location,
 - ii) interrupted or intermittent during the period, or
 - iii) resumes after being instructed by an authorized Town of Marathon employee to cease operation, or
 - iv) occurs on more than one day,

each event, location, day or failure to comply with instructions shall be considered multiple offences and each offence shall have a minimum fine of \$1,000.00 (one thousand dollars) each, per day.
- c) Where a person or business has been previously convicted for the same offence, the minimum fine for each subsequent offence shall be \$10,000.00 for a second conviction. Third and subsequent convictions shall add \$25,000.00 per conviction as minimum fine additions to other penalties available.

30. SPECIAL FINES

- (1) Where any person or business has contravened this by-law and has gained any economic advantage as a result, then, in addition to the regular fines as specified, a special fine may be imposed to eliminate or reduce any economic advantage.

31. TRANSITION

- (1) For the purposes of transition, the following applies on the date this by-law comes into force regarding the fee structure for pre-existing "fixed commercial" business that are required to apply for a new business licence under this by-law;

- i) this section applies to applications received by September 30, 2007, only.
- ii) all fixed commercial businesses must pay, at a minimum, the minimum registration fee as set out in Appendix "C".
- iii) existing businesses that can demonstrate more than seven (7) years operation in the current business in Marathon shall only pay the minimum fee as set out in Appendix "C" for that business.
- iv) existing businesses that produce a valid business licence issued in the last seven (7) years can receive credit for fees paid for that license toward a new license, subject to Section 21 (1) (ii).
- vi) existing businesses that cannot produce a valid business licence issued within the last seven (7) years must pay the fee as set out in Appendix "C" for that business.

- (2) The Issuer of Licenses shall, regardless of the applicants claim, determine the appropriate fee for the business based on the documentation supplied.
- (3) For the purpose of 31 (1) (iv) the applicant shall have to prove the existence of a licence to receive credit under 31 (1) (iv).

32. **APPEAL**

- (1) A person aggrieved by a decision of the Issuer of Licences under 31 (2) shall, for the purpose of transitions, have the same right of appeal as if the license was refused under Subsection 8 (1).

33. This by-law shall come into effect on the final day of its passing.

READ A FIRST AND SECOND TIME THIS 23RD DAY OF JULY, 2007.

.....
Mayor

(SEAL)

.....
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 23RD DAY OF JULY, 2007.

.....
Mayor

(SEAL)

.....
Clerk

Appendix “A”
To By-Law No. 1574

DEFINITIONS

For the purpose of this by-law:

1. “Applicant” means a person who is required to be licensed pursuant to this bylaw or who has made application for a license to the Issuer of Licenses and shall include a Licensee.
2. “Administrative Penalty” a penalty authorized by Section 151 (1) (9) of the Municipal Act for failure to comply with any part of the by-law.
3. “Adult Entertainment Establishment” shall mean any premises or any part of them is an adult entertainment establishment if, in the pursuance of a business,
 - (a) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises; or
 - (b) body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person’s body, are performed, offered or solicited in the premises or part of the premises, excluding premises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are preformed or offered by persons otherwise duly qualified, licensed or registered to do so under a statute of Ontario.
4. “Appeal Tribunal” shall mean the Municipal body authorized to hear and decide appeal matters in relation to the Business Licensing By-Law provisions.
5. “Business” means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality and includes,
 - (a) trades and occupations,
 - (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise,
 - (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader,

but does not include;

 - (a) A manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail.
 - (b) The sale of goods by wholesale.
 - (c) The generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.
6. “By-Law” means any by-law passed by the Council of the Town of Marathon.
7. “Chief Administrative Officer” means the C.A.O. of the Town of Marathon or his/her designate.
8. “Clerk” means the Clerk for the Town of Marathon or his/her designate.
9. “Clear Days” are consecutive regular business days and does not include weekend days or statutory holidays.

10. “Commercial Retail” means any retail business carried on within the Town of Marathon, which is operated either in part or in whole from a location for which commercial use is authorized under provisions of the Towns’ Comprehensive Zoning By-law.
11. “Community” shall mean the Municipality of the Town of Marathon and the adjacent community of Pic-Heron Bay.
12. “Council” means the Council of The Corporation of the Town of Marathon.
13. “Crafters/Artisans Fair License” any organized public event meant to show case, display and sell locally made artisan and crafters work, but does not include a “flee market” event.
14. “Crafters/Artisans Permit (Licence)” is a permit that may be obtained by any crafter or Artisan to sell (retail) items they themselves have crafted or made thru artistic skills to be sold at a fixed commercial location approved by the Issuer of Licenses.

A Crafters/Artisans Permit does not permit door to door solicitation or the re-selling of items not made by the Crafter/Artisan themselves.

A Crafters/Artisans Permit does not relieve the seller of obligations to obtain other Provincial permits regarding sales activities.

A Crafters/Artisans permit may only be issued for 3 days in any 7 day period.

15. “C.A.O.’S Special Circumstance License” – may be issued to any business activity that is required to have a licence but has been given special recognition to the nature of the business and benefits of said business to the community.
16. “Distinguishable” when used to describe a business operation, means that the routine operation, appearance and character which would lead an ordinary and reasonable person to likely define the enterprise as a specific business.
17. “Flea Market” means a business or premise, whether enclosed by a building or structure or not, in which individual stalls are rented to vendors, other than the owner, for the purpose of individually exposing, offering for sale or selling new or used articles, foodstuffs, fruits, vegetables, services or other goods, wares or merchandise or exposing samples, patterns or specimens of any goods, wares or merchandise to be delivered at a later date.
18. “Fixed Commercial Business” includes:
 - a) Fixed Commercial Business – Class A – means any approved business carried on within the Municipality which is:
 - i) operated either in part or in whole from a location which commercial use is authorized under the provisions of the Comprehensive Zoning By-Law of the Municipality, and
 - ii) has operated continuously for more than six (6) months in the same premises or has entered into an irrevocable, written lease contract of at least six (6) months, or has purchased the premises to establish the business, and
 - iii) is not operating an Adult Entertainment Establishment,
 - b) Fixed Commercial Business – Class B – means a business which conforms to subsections 18 (a) (i) and 18 (a) (iii) in the Class A definition, but not subsection 18 (a) (ii), or
 - c) Fixed Commercial Business – Class C – means a business intended as an Adult Entertainment Establishment and may be issued on a permanent or temporary basis.
 - d) But does not include other types of licenses.

19. “Home Occupation Business” is those business activities other than a Mobile Commercial Business or Fixed Commercial Business that are approved by the Issuer of Licenses and conform to the Municipal Comprehensive Zoning By-Law and all other By-Laws and statutes.

Any person who is issued a Home Occupation Business License shall:

- a) not operate more than one Home Occupation business from the same dwelling unit.
- b) not change the character of the dwelling as a private residence or create or become a nuisance;
- c) have only in-house permanent residents of the dwelling unit engaged in the business;
- d) not have any external display or advertisement on the premises;
- e) not have any external storage of materials, containers, finished products, equipment or associated trucks or commercial vehicles;
- f) not have the Home Occupation occupy more than 25.0 square metres of the floor area of the dwelling unit, including in the floor area any basement area used as living quarters and any basement area used for Home Occupation;
- g) have any and all parts of a Home Occupation use on a lot confined to a dwelling unit on the lot;

A Home Occupation Business Licence does permit the vending of products produced in the business, at fixed commercial premises on the 1st weekend of every month, without an additional licence.

20. “Issuer of Licenses” means the Towns’ C.A.O, CBO/Emergency Services Manager, or the Municipal Law Enforcement Officer, or any other person so designated by Town Council.
21. “Licensee” means a person who has been issued a license pursuant to this bylaw either in the current calendar year or in a previous calendar year and shall include an Applicant.
22. “Limousine” which, without limiting the following, means a luxury motor vehicle of special quality and includes stretched limousine, executive limousine, and van limousine, means a motor vehicle which does not bear any identification other than the Provincial motor vehicle license, which does not have a taximeter, roof light, or two-way radio (or similar device) and which is kept or used for hire for the conveyance of passengers pursuant to a written contract or invoice solely on an hourly or fixed fee basis with a minimum fee or charge of not less than twenty-five dollars for a single conveyance, and paid for directly by the people conveyed.
23. “Mobile Commercial Businesses” Includes:
- A) Mobile Commercial Business – class A – means any business carried on within the municipality in which goods or services are provided by means other than from a Fixed Commercial Business location and:
 - i) the business office is situated in the local community, and
 - ii) at least one owner listed on the business licence application, is a resident of the local Community.
 - B) Mobile Commercial Business – Class B – means a business which conforms to “A” above except that it does not conform to item (i) or (ii) or both (i) (ii) above.

- C) Class A or Class B licence activities carried on at a temporary, fixed commercial location for up to one (1) month in any licence year, where approval has been received from the Issuer of Licenses.
24. "Month" means calendar month.
 25. "Municipal Act" when referenced in this by-law shall mean the Municipal Act, S.O. 2001, c.25 as amended.
 26. "Municipal Law Enforcement Officer" means a person appointed by Council for the purpose of enforcing Town by-laws.
 27. "Municipality" shall mean the Corporation of the Town of Marathon, and "Town" shall have the corresponding meaning.
 28. "Nuisance" means any activity or action which disturbs or is likely to disturb any individual.
 29. "Officer" means a Municipal Law Enforcement Officer or other law enforcement officer as appointed by the Council of The Corporation of The Town of Marathon, a Police Officer, or a Provincial Offences Officer.
 30. "Operate" means to manage, work, control, maintain, put or keep in a functional state any business.
 31. "Operated Continuously" for the purposes of this by-law to mean a business that operated at least five (5) days per week with a minimum 120 hours per month.
 32. "Owner" means the registered owner of the lands and premises or the person or his authorized agent in lawful control of the premises, building or occupancy and who permits the operation or maintenance of any business.
 33. "Pawn Broker" means a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon pursuant to the Pawnbrokers Act, R.S.O. 1990, c.P.6.
 34. "Person" includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires. Wherever the word "he" or "him" is used, it shall mean and include the feminine or neuter gender wherever the context so requires.
 35. "Premise" means land, including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business.
 36. "Resident" means an applicant that has continuously resided for at least six (6) months in the communities of Marathon and/or Pic/Heron Bay, immediately preceding the date of application for a license.
 37. "Retail" means to sell goods to the public and not for resale (wholesale) by the purchaser.
 38. "Shall" is mandatory and not directory; words in the singular include the plural; words in the plural include the singular; words in the present tense include future or past tense.
 39. "Special Event License" – any licence issued for a public event including a fair, festival, concert, exhibition or public amusement held for profit or otherwise.
 40. "Tow Truck" means a vehicle designed and used for the conveyance of vehicles either wholly or partially within the municipality or into and/or out of the municipality.

41. "Tow Truck Operator" means the person with care and control of a tow truck while engaged in towing operations including the travel to a call for service.
42. "Tow Truck Owner" means the person who owns and/or operates a tow truck and includes the day-to-day business operations.
43. "Unsolicited Contract" a legal contract entered into when the purchaser seeks out the vender without the incentive of advertising to purchase goods or services.
44. "Weekend" for the purposes of this by-law shall mean the period of time on Friday at 14:00 hours thru to Sunday at 18:00 hours on the same weekend, in any week.
45. "Wholesale" means a business primary engaged in buying and selling merchandise for resale to retailers or to industrial, commercial, institutional or business users, and also the sale of services to the same.

Appendix "B"
To By-Law # 1574

Businesses not required to obtain a business licence:

Business Classes Deemed by Council as being exempt from obtaining a business licence.

1. Medical Practices/Clinics
2. Dental Practices/Clinics
3. Chiropractor Practices/Clinics
4. Veterinary Practices/Clinics
5. Financial Institutions (Banks/Credit Unions)
6. Lawyers Practices
7. Certified Accountant
8. Insurance Companies and Brokers
9. Government Offices/Sponsored Agencies
10. Utility Companies
11. Media Outlets

Appendix “C”
To By-Law No. 1574

Annual Fees – Fixed Commercial Licence.

Class A

- i) Initial Business Licence Fee\$200.00
(Leased or purchased premises)
Single or Multiple Businesses – same premises
- ii) Additional Business on Existing \$25.00 each
- iii) Transition Fee (Minimum Registration Fee).....\$50.00
- iv) Renewal (Prior to Licence Expiry) Class A.....N/C

Class B

- i) Initial Business Licence Fee\$600.00
- ii) Six (6) month operational refund\$300.00

Class C – (Adult Entertainment)

- i) Temporary (Max 5 days) \$300.00 each
Limit 2 per Location/year
- ii) Not Temporary.....\$1,000.00
- iii) Not Temporary – Renewal\$500.00

Annual Fees – Mobile Commercial Licence

- i) Class A.....\$100.00
- ii) Class B.....\$300.00

Fees- Special Crafters/Artisans Permit

- 3 day permit (in any 7 day period).....\$20.00

Annual Fees – Home Based Occupation

- Annual – Home Based\$100.00

Fees – Special Event Licence

- 5 day.....\$300.00

Crafter/Artisan Fair

- Fee – 3 day\$100.00
- Other Special Circumstances.....\$100.00
- CAO Licence.....\$100.00
- Tow Truck Business Licence with 1 vehicle.....\$100.00
- Tow Truck Vehicle Licence (additional).....\$50.00
- Limousine Business Licence (with 2 vehicles included)\$300.00
- Limousine Vehicle Licence (additional)\$50.00

Appendix "D"
To By-Law No. 1574

Appeal Tribunal

Shall be comprised of the following person, who will review the appeal of an Applicant or Licensee:

1. Mayor or Acting Mayor of the Corporation of the Town of Marathon
2. C.A.O. or designate of the Corporation of the Town of Marathon
3. Treasurer or designate of the Corporation of the Town of Marathon.

Appendix “E”
To By-Law No. 1574

ADMINISTRATIVE FEES AND PENALTIES

FEES

1. Replacement copy of licence.....\$25.00
2. Minor amendment to face of licence.....\$25.00
3. Transfer of premises location\$25.00
4. Transfer of business- unchanged.....\$50.00
5. Additional inspection/review in relation to
non-compliance with by-law.....\$50.00/man hour

ADMINISTRATIVE PENALTIES

1. Rejected application – incomplete (missing
information).....\$25.00
2. Suspension/revocation fee.....\$100.00
3. Late renewal charge (up to 30 days).....\$100.00

APPENDIX “F”
TO BY-LAW NO. 1574

AREAS OF THE MUNICIPALITY WHERE ADULT ENTERTAINMENT
ESTABLISHMENTS ARE **NOT** PERMITTED

TEMPORARY FIXED LICENCE LOCATION: (UP TO FIVE DAYS – TWICE A YEAR
AT THE SAME SPECIFIC LOCATION)

- Any residential zone; R-1, R-2, R-3, R-4, R-5
- C-1, neighbourhood commercial zone
- C-2, general commercial zone; within 250 meters of any institutional (i) or residential (R-1 to R-5) zone.
- C-3, highway commercial zone; within 250 meters of any institutional (i) or residential (R-1, to R-5) Zone
- E, enterprise zone; within 250 meters of any institutional (i) or residential (R-1 to R-5) zone.
- M-1 “light” industrial; within 250 meters of institutional (i) zone or any residential (R-1 to R-5) zone

PERMANENT FIXED LICENSE LOCATION: (MORE THAN FIVE (5)
CONSECUTIVE DAYS)

- Any residential zone; R-1, R-2, R-3, R-4, R-5
- C-1, neighbourhood commercial zone
- C-2, general commercial zone; within 250 meters of any institutional (i) or residential (R-1 to R-5) zone.
- C-3, highway commercial zone; within 250 meters of any institutional (i) or residential (R-1, to R-5) zone
- E, enterprise zone; within 250 meters of any institutional (i) or residential (R-1 to R-5) zone.
- M-1 “light” industrial; within 250 meters of institutional (i) zone or any residential (R-1 to R-5) zone

APPENDIX "G"

TO BY-LAW NO. 1574

Conditions of Licensing for Tow Trucks, Owners of Tow Trucks, Tow Truck Operators and the Business of Tow Trucks.

- Require Tow Truck Business licence for the Business
- Require Tow Truck licence for each Tow Vehicle

Conditions of Licensing for Limousine vehicles, Limousine Drivers and Limousine Business.

- Require a Limousine Business Licence for the business
- Require a Limousine Licence for each vehicle