

THE CORPORATION OF THE TOWN OF MIDLAND

By-law 2026-7

A by-law to license and regulate Hawkers and Peddlers, Event Vendors, Buskers, Farmers' Markets and Food Vendors within the Town of Midland and to repeal By-law 2005-95.

WHEREAS Sections 8, 11(2) and 11(3) of the Municipal Act, 2001, S.O. 2001, c. 25, confers the powers for a municipality to pass by-laws to regulate or prohibit, require persons to do things and provide for a system of licenses with respect to business licensing in relation to the health, safety and well-being of persons, the economic and social well-being of the municipality and to protect persons and property, including consumer protection;

AND WHEREAS Section 151(1) of the Municipal Act, 2001, S.O. 2001, c 25, provides that a local municipality may provide for a system of licensing businesses;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c. 25 enables a municipality to pass by-laws imposing fees and/or charges on persons;

AND WHEREAS it is the intent of the Council of the Corporation of the Town of Midland to regulate Hawkers and Peddlers, Farmers' Markets, Food Vendors, Event Vendors and Buskers within the municipality in order to protect and promote the health and safety of its residents by regulating the goods and merchandise sold, the manner in which those items are sold and the locations from which they are sold.

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

SHORT TITLE

This By-law shall be known as the "Business Licensing By-law"

1. DEFINITIONS

For the purposes of this By-law, the following definitions shall apply:

"Applicant" means a **Person** who is required to be **Licensed** pursuant to this By-law or who has made an **Application** for a **License** to the **Licensing Issuer** or designate and shall include a **Licensee**;

"Application" means an official request for a **License** pursuant to this By-law;

"Application Premise" means the location or property in which the **Applicant** wishes to conduct **Business** on.

"Business" means any of the following businesses that are wholly or partly carried on within the municipal boundary of the Town of Midland as described within this By-law: **Food Vendors, Event Vendors, Buskers, Hawkers and Peddlers and Farmers Markets.**

“**Busking or Busker**” means but is not limited to the following activities: acting, singing, playing musical instruments, juggling, magic, dancing, puppetry and reciting. **Busking** does not include face painting or hair wrapping.

“**Event Vendor**” means any **Person** who is **Licensed** under this By-law to participate in any temporary event or **Special Event** by selling any wares, goods, merchandise or offering services in any manner within the geographical boundaries of the **Town**.

“**Farmers Market**” means a seasonal, multi-vendor, community-driven (not private) organization selling agricultural, food, art and craft products including homegrown produce, home-made crafts and value added products where the majority of vendors are primary producers (including preserves, baked goods, meat, dairy products etc.).

“**Fees and Charges By-law**” means the current version of the Town of Midland Fees and Charges By-law.

“**Fire Chief**” means the Fire Chief of the Town of Midland, or their designate.

“**Food Vendor**” means any **Person** who sells, offers for sale or by other means provides confections or food or drink products of any kind from one or both of the following:

- (a) A refreshment vehicle which means any motor vehicle as defined in the Highway Traffic Act, and includes but not limited to food trucks, food wagons, motorized ice cream vehicles and Ministry of Transportation licensed/plated trailers hauled by a motor vehicle; or
- (b) Non-motorized food sales which means the sale of food that is primarily based from a non-motorized, muscular powered or stationary equipment other than food wagons, and shall include but not limited to bicycle refreshment carts, portable barbeques or grills, tables and coolers.

“**Hawker and Peddler**” means any **Person** who, within the boundaries of the **Town**, goes from place to place or to a particular place with goods, wares, merchandise, or produce for sale, or who carries and exposes samples, patterns or specimens of any goods, wares, merchandise or produce that are to be delivered in the municipality afterwards.

“**License**” means an authorization under this By-law to carry on a **Business** or occupation specified herein and the term “**Licensed**” shall have a corresponding meaning;

“**License Issuer**” means the Executive Director, Community and Growth, the Manager of Municipal Law Enforcement, and any other **Officer** or their designate.

“**Licensee**” means a **Person** who has been issued a **License** pursuant to this By-law and shall include an **Applicant**.

“**Midland BIA**” means the Downtown Midland Business Improvement Area.

“Non-Profit Charitable Organization” means organizations, whether incorporated or not, which have objects and purposes that are exclusively and wholly charitable. The organization is recognized by Revenue Canada as being “charitable” and it is complying with the reporting requirements under the *Charities Accounting Act* or is completing a Public Information Return under the *Income Tax Act*.

“Non-Profit Non-Charitable Organization” means organizations, whether incorporated or not, which have objects and purposes that are both charitable and non-charitable and that raise money for the relief of poverty, the advancement of education, the advancement of religion, culture and the arts and/or health and welfare.

“Officer” means any Police Officer, Medical Officer of Health, Simcoe Muskoka District Health Unit Inspector, Municipal Law Enforcement Officer, Fire Prevention Officer, **Fire Chief**, or their designates or any other **Person** appointed under the authority of the Community Safety and Policing Act;

“Order” means an Order to Remedy or Order to Comply issued under this By-law.

“Owner” means the registered owner of any property within the geographical limits of the Town of Midland or the **Person(s)** who is the registered owner of a **Business**.

“Person” along with the common definition, also includes a corporation or a partnership.

“Special Event” means an event organized by the **Town** or a third party in which there is a gathering of people on municipal property that:

- (a) Is a one time, annual, infrequently occurring, or an ongoing series of events;
- (b) Celebrates or displays a specific theme;
- (c) Has pre-determined opening and closing dates/times;
- (d) Is organized by **Town** staff, the general public, a community organization or association, a **Non-Profit Charitable Organization** or a **Non-Profit Non-Charitable Organization**, or a commercial enterprise.

“Town” shall mean the Corporation of the Town of Midland.

2.0 APPLICATION

- 2.1 All parts of this By-law including all Schedules herein shall be considered as part of this By-law.
- 2.2 The provisions set out within this By-law shall apply to all Schedules herein.
- 2.3 Obtaining a **License** pursuant to this By-law from the **License Issuer** shall not relieve any **Person** from the obligation of acquiring any other **License**, permit, approval or authorization required by a public authority.
- 2.4 Except where specified otherwise within this By-law, the provisions herein shall not apply to any public authority.

- 2.5 In the event of a conflict between this By-law and any other **Town** By-law in effect, the provisions within this By-law shall prevail.
- 2.6 Nothing in this By-law shall constitute an exemption from the requirements of any other By-law in effect, applicable legislation or regulations thereto including any Provincial or Federal legislation or regulation.

3.0 GENERAL PROVISIONS

- 3.1 No **Person** shall conduct, carry out or engage in any of the following businesses without holding an appropriate **License** which is current and valid:

(a) **Hawker and Peddler Business**

(b) **Food Vendor Business**

(c) **Farmers Market Business**

(d) **Event Vendor Business**

(e) **Busker Business**

- 3.2 Every **Person** to whom a **License** has been granted shall notify the **License Issuer** within two (2) business days of any changes to the information submitted as part of their application for such **License** and upon request for any reason shall provide any additional documents or information as deemed necessary by the **License Issuer**.
- 3.3 No **Person** shall cause or permit a **License** to be altered, modified or used fraudulently in any way.
- 3.4 Unless otherwise specified, each **Business** required to be **Licensed** under this By-law shall be separately **Licensed**.
- 3.5 Every **Person** who is **Licensed** to operate a **Business** under this By-law shall pay the **License** fees as set out in the **Town's Fees and Charges By-Law**. **License** fees shall be non-refundable and non-transferrable.
- 3.6 Where more than one (1) **Business** is operated at one (1) property, all-applicable **Licenses** are required, and all applicable fees must be paid in full.
- 3.7 Every **Person** who is licensed under this By-law shall comply with the Accessibility for Ontarians with Disabilities Act (AODA).
- 3.8 This By-law shall not apply to any activities carried on by or on behalf of the **Town**.
- 3.9 No **Person** shall fail to produce a **License** after a reasonable request has been made by an **Officer**.

3.10 No **Person** shall operate any **Business** while:

- (a) Under the influence or having consumed or having in their possession any alcohol, drugs (other than drugs prescribed by a duly qualified medical practitioner and which do not and may not impair their ability to operate the **Business**), or other intoxicants;
- (b) Buying or selling or acting as an agent of a **Person** in buying or selling alcohol, drugs or intoxicants or giving information as to where illicit intoxicants or drugs may be obtained.

3.11 Every **License** issued under this By-law shall be non-transferrable.

4.0 LICENSING REQUIREMENTS

4.1 For any **License**, an **Applicant** shall submit the following to the **License Issuer**:

- (a) A complete **Application** in the form prescribed by the **License Issuer**, which shall include:
 - i. The **Applicant's** name;
 - ii. The **Applicant's** residential and mailing address;
 - iii. The address for the **Business**; and
 - iv. The telephone number and email address for the **Business** and the **Applicant**.
 - v. The **Application Premise** where the **Business** is proposed to be operated from.
- (b) The applicable fees as set out in the **Town's Fees and Charges By-law**;
- (c) Unless otherwise specified in this By-law, proof of a minimum of two million dollars (\$2,000,000) comprehensive general liability insurance;
- (d) Where the **Licensee** uses or requires a motor vehicle to carry on their **Business**, the **Licensee** shall obtain and maintain, in full force and effect for the term of their **License**, automobile liability insurance in the amount of \$2,000,000.00 per occurrence covering all motor vehicles owned or leased by the **Licensee**.
- (e) Where the **Applicant** is a corporation, articles of incorporation or a copy of a corporate profile/entity report and a list of the names and addresses of the current directors and officers of the corporation;
- (f) Where the **Applicant** is a partnership, a list of the names and addresses of the partners and, if a registered partnership, a copy of the registered declaration of partnership, and any changes or corrections thereto;
- (g) Where the **Applicant** is an individual, a copy of a piece of government issued photo identification;
- (h) Any other documents as prescribed in the Schedules attached to this By-law;

- (i) Where the **Applicant** would be seeking a **License** to operate on private property, prior written consent of the property owner shall be required;
 - (j) Upon request, any other documentation or information that is deemed necessary by the **License Issuer**.
- 4.1.1 Section 4.1 (e), (f), and (g) shall not apply to any **Application** that is in conjunction with a **Special Event** operated by the **Town**.
- 4.2 For a renewal of a **License**, an **Applicant** shall submit the following to the **License Issuer**:
- (a) An **Application** in the form prescribed by the **License Issuer**;
 - (b) The applicable fees in accordance with the **Town's Fees and Charges By-law**;
 - (c) All documents as the **License Issuer** may require but not limited to the documents as set out in Section 4.1.
- 4.3 Every **Licensee** shall:
- (a) Post the **License** in a conspicuous place at the **Licensed** premise.
 - (b) Carry the **License** on their person when engaged in a **Business** where the **Licensee** travels from place to place to perform their **Business**;
 - (c) Produce the **License** for inspection and otherwise permit any **Officer**, or any persons authorized to enforce this By-law, to enter the **Licensed** premise to conduct an inspection as may be deemed necessary in order to ascertain whether or not the provisions of this By-law, Statute, Regulation or any other By-law are being complied with.
 - (d) Comply with the provisions of this By-law and all applicable laws, including, but not limited to, the Zoning By-law, Ontario Fire Code and Ontario Building Code; and;
 - (e) Comply with any conditions and/or restrictions placed on the **License**.
- 4.4 Any **Person** applying for a **License** under the provisions of this By-law in conjunction with a **Special Event** where the proceeds or funds collected will be provided to a **Non-Profit Charitable Organization** or a **Non-Profit Non-Charitable Organization** are not required to pay the associated license fees as set out in the **Town's Fees and Charges By-law** subject to the following conditions:
- (a) That the **Applicant** provides proof of which **Non-Profit Charitable Organization(s)** or a **Non-Profit Non-Charitable Organization(s)** will be receiving funds by way of a letter from the **Non-Profit Charitable**

Organization(s) or a **Non-Profit Non-Charitable Organization(s)** indicating that they will be receiving funds from the proceeds made through the temporary event or **Special Event**.

5.0 ISSUANCE OF LICENSES AND GROUNDS FOR REFUSAL

5.1 The **License Issuer** shall receive and process all complete applications for **Licenses** and **License** renewals.

5.2 The **License Issuer** shall issue a **License** or renew a **License** to any **Person** who meets the requirements of this By-law except where:

- (a) The past or present conduct of the **Applicant** affords the **License Issuer** reasonable grounds to believe that the **Applicant** has not or will not carry on their **Business** in accordance with the applicable law or with integrity and honesty;
- (b) The **License Issuer** reasonably believes that the carrying on of the **Business** may be adverse to the public interest;
- (c) The **Applicant** or **Application Premise** is subject to an **Order**, or **Orders**, made pursuant to or by:
 - i. The **Town's** Property Standards By-law
 - ii. The Building Code Act, 1992, S.O. 1992, c. 23, or any regulations made thereunder;
 - iii. The Fire Protection and Prevention Act, 1997, or any regulations made thereunder, including the Ontario Fire Code; or,
 - iv. The Medical Officer of Health.
- (d) The **Application Premise** that the **Applicant** wishes to conduct their **Business** is not in compliance with the **Town's** Zoning By-law;
- (e) The **Applicant** or the **Application Premise** for the **Business** is indebted to the **Town** by way of fines, penalties, judgements, outstanding property taxes, or any other amounts owing;
- (f) There are reasonable concerns that false or misleading information, documents or statements were provided to the **License Issuer** or any **Officer** by, or on behalf of, an **Applicant** or **Licensee**;
- (g) Any information that has been provided to the **Town**, whether orally or in writing, as part of an application for a **License** is no longer accurate and the **License Issuer** has not been notified of the change, or where a **Person** fails to provide updated accurate information as required pursuant to Section 3.2 or 4.3 (d);

- (h) The **Applicant** fails to maintain appropriate and valid insurance as required by the By-law;
- (i) All required application criteria for a **License** has not been fulfilled;
- (j) A valid Provincial or Federal license, or other authorization, which is required to operate a **Business** has not been obtained;
- (k) The **Applicant** or **Licensee** has failed to submit a vehicle for an inspection at the request of the **License Issuer** or any other person authorized to enforce this By-law for which a **License** is sought or has been granted;
- (l) The **Applicant** or **Licensee** has failed to comply with any **Order** issued pursuant to this By-law or any other applicable law, regulation or statute;
- (m) The **Applicant** or **Licensee** has failed to comply with any conditions of a **License** imposed pursuant to this By-law;
- (n) Two or more substantiated complaints have been received by the **License Issuer** in a two-year period regarding the **Applicant** or **Licensee**; or
- (o) The **Application** has not been submitted within the required time as described in each Schedule attached to and forming part of this By-law.

6.0 TERM OF LICENSE

- 6.1 Unless renewed or revoked, a **License** issued or renewed under this By-law shall expire in accordance with the expiry as indicated on the issued **License**.
- 6.2 Every **License** shall be renewed no later than its date of expiry. Any **License** which is not renewed shall become null and void.
- 6.3 No **License** renewal shall be granted for a future term more than sixty (60) days in advance of the expiry of the current term of the **License**.
- 6.4 No **License** renewal shall be granted if the **Application** for the renewal is submitted more than thirty (30) days after the **License** has expired. The **Applicant** shall be required to apply for a new **License**.
- 6.5 Every **License** shall cease to be valid if the **Business** ceases to operate.

7.0 REVOCATION AND SUSPENSION OF LICENSE

- 7.1 The **License Issuer** may revoke or suspend a **License** at any time where:
 - (a) the **License Issuer** is of the opinion that the **Business** carried on by the **Licensee** poses a threat to the health and safety of the public;
 - (b) the **Licensee** has violated any of the provisions of this By-law or any other applicable laws;

- (c) The **License** was issued because false or misleading information was provided to the **Town**;
 - (d) a **License** was issued in error; or
 - (e) as otherwise authorized in accordance with this By-law.
- 7.2 If the **License Issuer** is satisfied that the carrying on of the **Business** poses an immediate danger to the health or safety of any **Person** or to any property, the **License Issuer** may, for the time and on such conditions as they consider appropriate, without a hearing, suspend a **License** subject to the following:
- (a) before suspending the **License**, the **License Issuer** shall provide the **Licensee** with the reasons for the suspension either orally or in writing, and an opportunity to respond to them; and
 - (b) The suspension shall not exceed thirty (30) days.
 - (c) If the matter that caused the suspension has not been remedied after thirty (30) days or if an additional contravention under this section has been confirmed, the suspension shall continue to be in effect until the matter has been resolved to the satisfaction of the **License Issuer**.
- 7.3 The **License Issuer** shall provide a notice of intention to revoke or suspend a **License** and shall advise the **Licensee** of their right to appeal along with the final date for giving notice of appeal.
- 8.0 APPEAL**
- 8.1 Any **Person** who has been denied a **License** or the renewal of a **License**, has had their **License** suspended or revoked, or has had terms or conditions imposed on a **License** may appeal the decision of the **License Issuer** to **Council**.
- 8.2 Section 8.1 of this By-law does not apply to **License** suspensions under Section 7.2 of this By-law.
- 8.3 All appeals shall be submitted:
- (a) Within fourteen (14) days of the decision of the **License Issuer** to deny issuing or renewing a **License** or suspending or revoking a **License** or imposing terms or conditions on a **License**;
 - (b) In writing to the **License Issuer**;
 - (c) Setting out in detail, the grounds for the appeal; and
 - (d) Along with the applicable fee as outlined in the **Town's Fees and Charges By-law**.

- 8.4 Where an appeal is not submitted within the time set out within Section 8.3 (a), the decision of the **License Issuer** shall be deemed to be confirmed and no appeal shall be allowed.
- 8.5 Upon receipt of an appeal in accordance with Section 8.3, the **License Issuer** shall endeavour to schedule a hearing within thirty (30) working days of the receipt of the request for an appeal hearing or as soon thereafter as possible. Notice of the hearing shall be issued a minimum of fourteen (14) days prior to the hearing date unless exigent circumstances apply.
- 8.6 **Council** shall hear all appeals.
- 8.7 On an appeal, **Council** has all the powers and functions of the **License Issuer** who made the decision; and **Council** may do any of the following things if, in **Council's** opinion, doing so would maintain the general intent and purpose of the By-law:
- (a) Confirm, modify or rescind the decision of the **License Issuer** to deny issuing or renewing a **License** or suspending or revoking a **License** or to impose terms or conditions on a **License**.

9.0 INSPECTION AND RIGHTS TO ENTRY

- 9.1 An **Officer** or the **License Issuer** may at any reasonable time, enter upon any land and into structures other than a place actually used as a dwelling without notice for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are being contravened or to determine if a notice or **Order** has been complied with or to carry out any remedial action required.
- 9.2 For the purposes of conducting an inspection pursuant to Section 9.1 of this By-law, the **Officer** or **License Issuer** 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 purpose of the inspection.
- 9.3 No person exercising a power of entry on behalf of the **Town** shall enter or remain in any room or place actually being used as a dwelling unless:

- (a) The consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 438 of the Municipal Act, a warrant issued under Section 439 of the Municipal Act, or a warrant issued under Section 386.3 of the Municipal Act;
- (b) An order issued under Section 438 of the Municipal Act is obtained;
- (c) A warrant issued under Section 439 or Section 386.3 of the Municipal Act is obtained;
- (d) The delay necessary to obtain an order under Section 438 of the Municipal Act, to obtain a warrant under Section 439 of the Municipal Act, or to obtain the consent of the occupier would result in immediate danger to the health or safety of any **Person**; or
- (e) The **Town** has first given notice of its intention to enter as required under Subsection 435(2) of the Municipal Act, and the entry is authorized under Sections 79, 80 or 446 of the Municipal Act.

9.4 No **Person** shall hinder or obstruct or attempt to hinder or obstruct an **Officer** who is exercising a power or performing a duty under this By-law. For more certainty:

- (a) A refusal to consent to enter or remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of this Section unless the **Town** is acting under authority as set out in Section 9.3.

10.0 NOTICES AND ORDERS

10.1 If the **License Issuer** is satisfied that a contravention of this By-law has occurred, the **License Issuer** may make a notice or **Order** requiring the **Person** who contravened the By-law or who caused or permitted the contravention or the **Owner** of the land on which the contravention occurred to do work to correct the contravention.

10.2 The notice or **Order** shall include:

- (a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
- (b) The work required to correct the contravention;
- (c) The date by which the work shall be completed.

10.3 A notice or **Order** issued under this By-law may be served personally and/or served by sending it via regular mail, registered mail and/or email to the last known address of:

- (a) The **Licensee** as listed on the application submitted to the **License Issuer**; or
 - (b) The **Owner** of the **Property** at the address shown on the municipal tax roll; or
 - (c) The **Person** identified as contravening this By-law;
 - (d) If sent via email, the notice or **Order** shall be sent to the last known email address of the **Person(s)** or corporation(s) in which the notice or **Order** is addressed to.
- 10.4 Where service of a notice or **Order** is made by regular mail or registered mail, the notice or **Order** shall be deemed served on the fifth (5th) day after the notice or **Order** is mailed.
- 10.5 Where service of a notice or **Order** is made by email, the notice or **Order** shall be deemed served on the same day after the notice or **Order** was emailed.
- 10.6 In addition to service under section 10.4 and 10.5, a notice or **Order** may also be posted on the **Property** in a location visible to the public. If an **Order** is posted on the **Property**, it shall be deemed served on the same day that the notice or **Order** is posted.
- 10.7 No **Person** shall fail to comply with a notice or **Order** issued under the authority of this By-law.

11.0 REMEDIAL ACTION

- 11.1 If a **Person** fails to do a matter or thing, including comply with an **Order** under this By-law, as directed or required by this By-law, the **Town** may, in default of it being done by the **Person** directed or required to do it, do the matter or thing at the **Person's** expense.
- 11.2 The **Town** may recover the costs of doing a matter or thing from the **Person** directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.
- 11.3 The costs outlined in Section 11.2 of this By-law shall include interest calculated at a rate of 15 percent, calculated for the period commencing on the day the **Town** incurs the costs and ending on the day the costs, including interest, are paid in full.
- 11.4 The amount of costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment, the **Town** shall register a discharge of the lien in the proper land registry office.

12.0 ENFORCEMENT

- 12.1 The By-law may be enforced by an **Officer**, Police Officers or the Medical Officer of Health.
- 12.2 Every **Person** shall, upon request by an **Officer**, Police Officer or the Medical Officer of Health for the purpose of commencing a proceeding pursuant to this By-law, provide identification, including their full name and address.

13.0 PENALTY

- 13.1 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33.
- 13.2 Each day on which a person contravenes any provisions of this By-law shall be deemed to constitute a separate offence under this By-law as provided for in section 429(2) of the *Municipal Act, S.O. 2001, c. 25*.
- 13.3 Every person who contravenes the provisions of any section of this By-law, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the maximum fine shall not exceed \$50,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 13.4 Every director or officer of a corporation who contravenes any provisions of the By-law is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 13.5 If there is a contravention of any provision within this By-law, and the contravention has not been complied with or corrected, the contravention of the provisions shall be designated as a continuous offence for each day or part of a day that the contravention remains uncorrected.
- 13.6 For the purposes of this By-law, if there is an offence respecting two or more acts or omissions, each of which separately constitutes an offence and is a contravention of the same provision of this By-law, then the offence is deemed a multiple offence.
- 13.7 For the purpose of continuous offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.

- 13.8 For the purpose of multiple offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per offence, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
- 13.9 Notwithstanding Section 13.7 and 13.8, and in accordance with the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.
- 13.10 Every person or owner who contravenes any section of this By-law shall, upon issuance of a penalty notice in accordance with the **Town's** Administrative Monetary Penalty System By-law, be liable to pay the **Town** an Administrative Monetary Penalty.

14.0 VALIDITY AND SEVERABILITY

- 14.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

15.0 TRANSITION

- 15.1 The repeal of By-laws referred to in Section 16.1 shall not affect any offence committed against the provisions of the By-law or any penalty incurred in respect thereof or any investigative procedure, including but not limited to any prosecution thereunder.

16.0 REPEAL

- 16.1 That By-law 2010-28 and all amendments thereto are hereby repealed and replaced with this By-law.

17.0 EFFECTIVE DATE

This By-law shall come into force and effect on the date of passage.

BY- LAW PASSED AND ENACTED THIS 18th DAY OF MARCH 2026.

THE CORPORATION OF THE TOWN OF MIDLAND

BILL GORDON – MAYOR

SHERRI EDGAR – CLERK

Written approval of this By-law was given by Mayoral Decision MDE-2026-4 dated March 18, 2026

Schedule "A" to By-law 2026-7

Hawkers and Peddlers

- 1.0 In this Schedule, **Hawker and Peddler** means any **Person** who, within the boundaries of the **Town**, goes from place to place or to a particular place with goods, wares, merchandise, or produce for sale, or who carries and exposes samples, patterns or specimens of any goods, wares, merchandise or produce that are to be delivered in the municipality afterwards.
- 2.0 In addition to any **License** requirements as set out in this By-law, all **Hawker and Peddler License** applications shall include the following:
 - (a) A Site Plan, drawn to scale and depicting the location of the proposed **Hawker and Peddler** on the property including setbacks from the adjacent property lines, the proposed location of any parking, signage and garbage/recycling containers as well as entrances and exits where applicable;
 - (b) If going from place to place, a map depicting the route and general area of the municipality in which the **Hawker and Peddler** will operate from during the period in which they are **Licensed**;
 - (c) A written statement fully describing the good or service they intend to hawk or peddle;
 - (d) A list of all employees that will take part or could take part in the **Business** or occupation for the duration of the **License**; and
 - (e) The intended dates and times in which the **Hawker and Peddler Business** will be operating.
- 3.0 **Hawker and Peddler Licenses** shall not be provided to any **Person** or corporation that sells or rents the following:
 - (a) fixed hydro, water or natural gas rates; or
 - (b) water heaters, furnaces, air conditioner units, water treatment devices or air quality treatment devices; or
 - (c) Any other product that is prohibited to be sold or rented pursuant to any other Provincial or Federal statute or law.
- 4.0 No **Person Licensed** under this Schedule shall operate door-to-door before 9:00 a.m. or after 7:00 p.m. each day.
- 5.0 No **Person** under this Schedule shall engage in or carry on a **Hawker and Peddler Business** or occupation on municipal property unless approved as a part of a **Town** organized event.

Schedule “B” to By-law 2026-7

Food Vendors

- 1.0 In this Schedule, a **Food Vendor** means any **Person** who sells, offers for sale or by other means provides confections or food or drink products of any kind from one or both of the following:
- (c) A refreshment vehicle which means any motor vehicle as defined in the Highway Traffic Act, and includes but not limited to food trucks, food wagons, motorized ice cream vehicles and Ministry of Transportation licensed/plated trailers hauled by a motor vehicle; or
 - (d) Non-motorized food sales which means the sale of food that is primarily based from a non-motorized, muscular powered or stationary equipment other than food wagons, and shall include but not limited to bicycle refreshment carts, portable barbeques or grills, tables and coolers.
- 2.0 This Schedule shall not apply to the following:
- (a) Caterers or a catering service not engaged in food sales to the general public.
 - (b) Food services conducted inside a permanent fixed facility and properly zoned for such use.
 - (c) **Food Vendors** operating within any **Licensed Farmers Market** during the operating hours of the **Farmers Market**.
- 3.0 In addition to any other requirement within this By-law, all **Food Vendor License** applications shall include the following:
- (a) A Site Plan, drawn to scale and depicting the location of the proposed **Food Vendor** on the property including setbacks from the adjacent property lines, the proposed location of any parking, signage and garbage/recycling containers as well as entrances and exits where applicable when the **Food Vendor** is placed on private property or **Town** property
 - (b) Simcoe Muskoka District Health Unit (SMDHU) approval issued within last six (6) months from the date of the **Application** or proof that an application has been submitted to the SMDHU and the **Applicant** is awaiting the results;
 - (i) No **Application** shall be deemed complete until the proper SMDHU approval has been submitted to the **License Issuer**.
 - (c) Where the **Food Vendor** will be using any equipment fueled by propane or natural gas, a certificate, issued within six (6) months from the date of the **Application**, by a Provincially certified propane contractor confirming the equipment has been inspected and found to conform to the Propane Storage and Handling Regulations, being Ontario Regulation 211/01, as may be amended or replaced from time to time;

- (d) A Technical Standards and Safety Authority Field Approval (TSSA) for all equipment and appliances that are not approved by the Canadian Standard Association (CSA) or the Underwriter Laboratories of Canada (ULC).
 - (e) Proof of an Annual Fire Inspection;
 - (f) If the **Food Vendor** is operating any motor vehicle, a copy of a valid and maintained driver's license held by the **Person(s)** that own the **Business** or would be operating the motor vehicle associated with the **Business** at any time;
 - (g) If the **Food Vendor** is operating any motor vehicle, proof that the vehicle meets the standards required for approval under an MTO Vehicle Inspection or proof that the motor vehicle meets the standards for a Safety Standards Certificate issued under the Highway Traffic Act;
 - (h) A plan for the containment and disposal of grey water, grease and garbage in a sanitary manner satisfactory to the **Town**; if applicable;
 - (i) At the time of **Application**, and if applicable, the **Licensee** shall provide a copy of the Liquor License as issued by the Alcohol and Gaming Commission of Ontario (AGCO) to the **License Issuer**.
 - (j) For an annual **Food Vendor License Application** only, a document describing the intended operating business hours for each day of the week.
- 4.0 No **Person** shall operate a **Food Vendor Business** which contains cooking, heating or cooling equipment without a minimum of a 5 pound A.B.C. dry chemical fire extinguisher, which is maintained in good operating condition or such other extinguisher as required by the **Fire Chief**. The extinguisher shall be properly mounted and the **Licensee** and all employees of the **Business** shall be knowledgeable in the proper use of such fire extinguisher.
- 5.0 The **Licensee** shall ensure that every **Food Vendor** premise is equipped with:
- (a) a metal refuse container with a self-closing lid, and such container shall be kept in a clean and sanitary condition and emptied at least once daily; and
 - (b) a disposable litter container which shall be replaced at least once daily, and such containers shall be used for the disposal of all refuse.
- 6.0 The **Licensee** shall ensure that every refuse container is located in such a position on the **Food Vendor** premise to be easily accessible by any **Person** making purchases.
- 7.0 No **Licensee** shall carry on a **Food Vendor Business** between the hours of 11:00 p.m. and 7:00 a.m., unless approved by the **Licensing Issuer**.

- 8.0 No **Food Vendor Business** shall operate in a manner that causes a nuisance or interferes with the enjoyment of a neighbouring property.
- 9.0 No **Person** shall operate a **Food Vendor Business** within any motor vehicle or trailer unless such vehicle is road worthy and meets the standards required for approval under an MTO Vehicle Inspection that meets the standards for a Safety Standards Certificate issued under the Highway Traffic Act.
- 10.0 Every **Food Vendor Business** shall deal in a civil and courteous manner with the public.
- 11.0 No **Person** shall sell or handle any refreshments without wearing clean clothes and maintaining clean hands at all times.
- 12.0 No **Person** shall operate a **Food Vendor Business**:
- (a) That interferes with the normal use of a sidewalk by pedestrians;
 - (b) On any highway, unless the highway has been closed for a **Special Event**.
 - (c) In any **Town** park or **Town** owned property except pursuant to a contract or permit issued by the **Town** and subject to any conditions attached thereto;
 - (d) From any vehicle or other apparatus drawn by an animal;
- 13.0 The **Licensee** shall take out a separate **License** for each **Food Vendor Business** owned and operated by them.
- 14.0 If a **Food Vendor License** application is in conjunction with any **Special Event**, the application shall be submitted no later than 30 days prior to the event taking place.
- 15.0 If a **Food Vendor License** application is in conjunction with any **Special Event** and the application is submitted less than 30 days prior to the event the **Applicant** is participating in or organizing, the application will be subject to additional late fees as set out in the current version of the **Town's Fees and Charges By-law** and may not be considered.
- 16.0 If a complete **Application** has not been submitted within seven (7) days prior to a **Special Event** in which the **Food Vendor** is participating in, the **License Issuer** may deny the **License**.
- 17.0 The **Town** reserved the right to restrict the amount of **Food Vendor Licenses** issued each year.

Schedule "C" to By-law 2026-7

Farmers Markets

- 1.0 For the purposes of this Schedule, a **Farmers Market** shall mean a seasonal, multi-vendor, community-driven (not private) organization selling agricultural, food, art and craft products including homegrown produce, home-made crafts and value added products where the majority of vendors are primary producers (including preserves, baked goods, meat, dairy products etc.).
- 2.0 In addition to any other requirement within this By-law, all **Farmers Market License** applications shall include the following:
 - (a) A Site Plan, drawn to scale and depicting the location of the proposed **Farmers Market** on the property including setbacks from the adjacent property lines, the proposed location of any parking, signage and garbage/recycling containers as well as entrances and exits where applicable.
 - (b) If located on **Town** property, the **Applicant** must enter into a Farmers' Market Agreement with the **Town** and provide all necessary documentation.
 - (c) A list of all vendors that will be participating in the **Farmers Market** at any time of the year.
 - (d) A detailed document describing the intended operating hours for each day of the week.
- 4.0 The number of **Licensed Farmers' Markets** located on municipal property is limited to one per season (ie: indoor/outdoor).
- 5.0 The **Applicant** shall ensure that all **Farmers' Market** vendors are restricted to Simcoe County with the majority of producers of farm products primarily selling or offering for sale their own products. No vendors shall resell food products produced by others.
- 6.0 The **Applicant** shall ensure that all certificates of approval that may be required from various agencies including the Simcoe Muskoka District Health Unit have been obtained from its vendors.
- 7.0 The **Applicant** shall ensure that the **Farmers' Market** is operated under the terms of the Farmers Markets of Ontario Rules and Regulations.

Schedule "D" to By-law 2026-7

Event Vendors

- 1.0 For the purposes of this Schedule, an **Event Vendor** means any **Person** who is **Licensed** under this By-law to participate in any temporary event or **Special Event** by selling any wares, goods, merchandise or otherwise within the geographical boundaries of the **Town**. Examples of **Event Vendors** include but are not limited to Artisans and Crafters.
- 2.0 In addition to any other requirement in this By-law, all **Event Vendor** applications shall include the following:
 - (a) If an event will be held outdoors, a Site Plan, drawn to scale and depicting the location of the proposed **Event Vendor(s)** with the **Event Vendor Business** names listed on the Site Plan. The Site Plan shall also include setbacks from all property lines, the proposed location of any parking, signage and garbage/recycling containers as well as entrances and exits where applicable.
 - (i) Where a **Special Event** is operated or organized by the **Town** and the placement of vendors is completed by **Town** staff, this requirement shall not apply.
 - (b) If an event will be held indoors such as within a **Town** owned building or facility, a floor plan, drawn to scale and depicting the location of the **Event Vendor(s)** in the space where the event will be taking place, including entrances and exits, the name of the **Event Vendor(s)** and the width of all paths or areas in which the public will be viewing any product in accordance with the Accessibility for Ontarians with Disabilities Act (AODA) requirement of 1.8m.
 - (c) If the **Applicant** is submitting an **Application** for multiple **Event Vendors** for one event, the **Applicant** shall supply a list of all **Event Vendors** that will be participating in the event with the **Business** owners name, phone number and email address.
 - (d) Each **Event Vendor** shall provide the necessary insurance documentation in accordance with the provisions of this By-law.
- 3.0 All **Event Vendor Applications** shall be submitted no later than 30 days prior to the specific event in which the **Applicant** is participating or conducting.
- 4.0 Any **Event Vendor License Application** that is submitted less than 30 days prior to the event shall be subject to additional fees as set out within the current version of the **Town's Fees and Charges By-law** and upon review, may not be considered for the event.
- 5.0 If a complete **Application** has not been submitted within seven (7) days prior to a **Special Event** in which the **Event Vendor** is participating in, the **License Issuer** may deny the **License**.

- 6.0 Any **Event Vendor** who is accepted through a **Special Event** operated by the **Town** is exempt from paying the **Licensing** fee under this Schedule.

Schedule "E" to By-law 2026-7

Buskers

- 1.0 For the purposes of this Schedule, **Busking** or **Busker** means but is not limited to the following activities: acting, singing, playing musical instruments, juggling, magic, dancing, puppetry and reciting. **Busking** does not include face painting or hair wrapping.
- 2.0 The following are exempt from this By-law:
 - (a) The Town Crier
- 2.1 The **Midland BIA** is exempt from the licensing fee under this Schedule, however, shall be subject to all licensing requirements of this By-law and this Schedule.
- 3.0 The following are exempt from the licensing requirements from this By-law, however, shall provide their own insurance as necessary within this By-law in order to perform at any event:
 - (a) Any **Busker** who is hired by the **Town** to perform at any **Town** event.
- 4.0 In addition to any other requirement in this By-law, all **Busker Applications** shall include:
 - (a) A social media account name, website or other platform that promotes their performance or act to review;
- 5.0 If a **License Application** is in conjunction or associated with any event within the **Town** limits, the **Application** shall be submitted no later than 30 days prior to the event taking place. Late **Applications** will not be considered.
- 6.0 **Buskers** may accept voluntary donations but shall not request, suggest, or post a specific amount.
- 7.0 Amplification of sound is permitted with the following conditions:
 - (a) The sound level shall be reasonable, within the provisions of the **Town's** Noise By-law and intended for an audience with 25 feet.
 - (b) Equipment, cables and cords must meet current safety standards. Cords or other equipment must not cross roadways, or pedestrian pathways or in any way interfere with the safe and convenient movement of pedestrians.
 - (c) The **Town** reserves the right to disconnect any equipment that is likely to cause injury or damage to any **Person** or property.
 - (d) Failure to comply with these conditions will result in the **License** being revoked.

- 8.0 Sidewalks, paths, bicycle routes or any recreational trail shall not be blocked or partially blocked by performers or their audiences.
- 9.0 All performances must be suitable for a general family audience rating. Appropriate clothing shall be worn at all times.
- 10.0 The comfort or safety of others shall not be jeopardized.
- 10.0 Subject to all licensing requirements, **Busking** is permitted year round and shall not be conducted between 10:00 p.m. of one day to 8:00 a.m. of the next day.

THE CORPORATION OF THE TOWN OF MIDLAND
PART I Provincial Offences Act
By-law 2026-7: Business Licensing By-law
Set Fines

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Conduct, carry out or engage in Hawker and Peddler business without a license	3.1 (a)	\$400.00
2	Conduct, carry out or engage in Food Vendor business without a license	3.1 (b)	\$400.00
3	Conduct, carry out or engage in Farmers Market business without a license	3.1 (c)	\$1000.00
4	Conduct, carry out or engage in Event Vendor business without a license	3.1 (d)	\$250.00
5	Conduct, carry out or engage in Busker business without a license	3.1 (e)	\$250.00
6	Fail to notify license issuer of changes to information	3.2	\$200.00
7	Alter, modify or fraudulently use license	3.3	\$400.00
8	Fail to produce license after request	3.9	\$300.00
9	Operate business under influence of alcohol or drugs	3.10 (a)	\$500.00
10	Buy, sell or act as agent to buy or sell alcohol or drugs	3.10 (b)	\$500.00
11	Fail to post license	4.3 (a)	\$200.00
12	Hinder or obstruct officer	9.4	\$500.00
13	Fail to comply with an Order or notice	10.7	\$300.00
14	Operate Hawker and Peddler business outside of prescribed times	Schedule "A" Section 4.0	\$300.00
15	Operate Hawker and Peddler business on municipal property without authorization	Schedule "A" Section 5.0	\$400.00
16	Operate food vendor business	Schedule "B" Section 4.0	\$400.00

	without proper fire extinguisher		
17	Operate food vendor business without proper refuse containers	Schedule "B" Section 5.0 (a)	\$200.00
18	Fail to ensure refuse containers are accessible	Schedule "B" Section 6.0	\$200.00
19	Operate food vendor business outside permitted hours	Schedule "B" Section 7.0	\$300.00
20	Operate food vendor business that causes a nuisance	Schedule "B" Section 8.0	\$300.00
21	Operate food vendor business with unauthorized motor vehicle	Schedule "B" Section 9.0	\$300.00
22	Fail to operate food vendor business in civil and courteous manner	Schedule "B" Section 10.0	\$300.00
23	Operate food vendor business that interfere with normal use of sidewalk	Schedule "B" Section 12.0 (a)	\$300.00
24	Operate food vendor business on highway	Schedule "B" Section 12.0 (b)	\$300.00
25	Operate food vendor business in Town park or Town property without permission	Schedule "B" Section 12.0 (c)	\$300.00
26	Operate food vendor business from vehicle or apparatus drawn by animal	Schedule "B" Section 12.0 (d)	\$300.00
27	Busk- outside of permitted hours	Schedule "E" Section 10.0	\$300.00

Note: The penalty provision(s) for the offences indicated above is Section 13.1 of By-law 2026-7, a certified copy of which has been filed.