

# The Corporation of the Township of Huron-Kinloss



## BY-LAW

### 2017-52

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Being a by-law to regulate seasonal mobile watersport equipment rental businesses within the Township of Huron-Kinloss

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**WHEREAS** pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, Sections 8 (1) and 9 provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** pursuant to the provisions of the said Municipal Act, Section 150 provides that a local municipality may Licence, regulate and govern any business wholly or partly carried on within the municipality [even if the business is being carried on from a location outside the municipality];

**AND WHEREAS** the Council of The Corporation of the Township of Huron-Kinloss deems it advisable to Licence, regulate and govern seasonal mobile watersport equipment rental businesses within the Township of Huron-Kinloss;

**NOW THEREFORE** the Council of The Corporation of the Township of Huron-Kinloss enacts as follows:

#### 1.0 Definitions:

- 1.1 "Business Hours" – means the hours in a day in which business is commonly conducted, for the purposes of seasonal mobile watersport equipment rental activities these hours are 9:00 am to 9:00 pm Sunday to Saturday.
- 1.2 "Clerk" – means the Clerk for the Township of Huron-Kinloss.
- 1.3 "Council" – means the Council of The Corporation of the Township of Huron-Kinloss.
- 1.4 "Director" - means the Director of Community Services for the Township of Huron-Kinloss
- 1.5 "Licence" – means a Licence issued under the provisions of this by-law.
- 1.6 "Licensee" – means a person licensed under the provisions of this by-law.

- 1.7 "Public Property" - means any real property, or interest therein, owned, leased, operated, or otherwise controlled by the Township of Huron-Kinloss
- 1.8 "Municipal Law Enforcement Officer" means a person appointed by the Township under s. 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;
- 1.9 "Seasonal Mobile Watersport Rental Business" – means a person carrying on the business of operating a seasonal rental business for human powered watersport equipment including paddleboards, kiteboards, surf boards, kayaks, canoes and the like.
- 1.10 "Seasonal Mobile Rental Area" – means the area delineated on Schedule "A" of this By-Law where a Seasonal Mobile Watersport Rental Business may be located.
- 1.11 "Seasonal Mobile Rental Site" – means a designated site for the purposes of a mobile watersport rental business approved by the Director of Community Services.
- 1.12 "Season Duration" – means from April 1<sup>st</sup> to November 1<sup>st</sup> in a given calendar year.
- 1.13 "Township" – means The Corporation of the Township of Huron-Kinloss.

## **2.0 Prohibitions:**

- 2.1 No person shall operate a Seasonal Mobile Watersport Rental Business within the Township without having obtained a Licence pursuant to this By-law.
- 2.2 No person shall fail to affix a Seasonal Mobile Watersport Rental Business Licence issued under the provisions of this by-law in a visible place for which it is issued.
- 2.3 No person shall operate a Seasonal Mobile Watersport Rental Business in a location other than the Seasonal Mobile Rental Site approved by the Township.
- 2.4 No Seasonal Mobile Watersport Rental Business shall be located in such a manner that it unreasonably confines, impedes or presents a hazard to pedestrians or other users of the beach, parks, travelled highway, or emergency response vehicles.
- 2.5 No person shall transfer a Licence except with consent in writing of the Township and the Township shall not be bound to give such consent.
- 2.6 No person shall operate a Seasonal Mobile Watersport Rental Business except during Business Hours during the Season Duration.
- 2.7 No person shall fail to remove their Seasonal Mobile Watersport Rental Business from Public Property during non-Business Hours. Overnight parking of a Seasonal Mobile Watersport Rental Business on a Seasonal Mobile Rental Site is prohibited
- 2.8 No person shall equip a Seasonal Mobile Watersport Rental Business with any sounding device, loud speakers, amplifiers or other hailing devices for attracting attention.
- 2.9 No person shall equip a Seasonal Mobile Watersport Rental Business with a generator or other such device that are powered by gas, diesel, propane, or any other fuel.

- 2.10 No person shall use the electrical outlets located on Public Property for use by the Seasonal Mobile Watersport Rental Business.
- 2.11 No person shall equip a Seasonal Mobile Watersport Rental Business with any solid structure, portable shelter or dwelling that you are unable to see through, does not include a sun canopy or tent that does not contain sides.
- 2.12 No person shall cut, damage or remove dune grass or plants or trees from the beach for the purpose of a Seasonal Mobile Rental Site.
- 2.13 No person shall offer for rent any item on the beach not described in section 1.9 of this by-law

### **3.0 Regulations:**

- 3.1 A Licensee shall be responsible for the removal and disposal of any and all refuse or trash that is created by the Licensee or their customers in accordance with the Township's Waste Management By-laws.
- 3.2 A Licensee shall comply with all applicable regulations of the Ontario Fire Code and all requirements of the Ripley Huron Fire Department.
- 3.3 A Licensee shall at its own expense, promptly observe, perform, execute and comply with all applicable laws, rules, requirements, orders, directions, ordinance and regulations of every Federal, Provincial, or Municipal authority in the operation of their individual Seasonal Mobile Watersport Rental Business.
- 3.4 A Licensee is permitted to use a sandwich board sign for advertising, not to be bigger than 30" wide and 4' in height at the Seasonal Mobile Rental Site during Business Hours only.

### **4.0 Administration:**

- 4.1 Every application for a Licence shall be in the form as shown in the attached Schedule "B" which forms part of this by-law.
- 4.2 Every application for a Licence shall be accompanied by:
  - a. The full and true name under which the business is to be conducted;
  - b. Acceptable written proof that the applicant is at least eighteen years of age;
  - c. A description of proposed Seasonal Mobile Watersport Rental Business;
  - d. A photo of the applicants proposed Seasonal Mobile Watersport Rental Business including the logo, colour scheme, insignia, and any other distinguishing characteristics;
  - e. When any change occurs regarding the written information required, prior to the issuance of the Licence, the applicant shall give written notification of such changes to the Clerk within two (2) weeks after such change.
- 4.3 Licence fees pursuant to this By-law shall be established through the Township's Consolidated Fees By-law.
- 4.4 The Licensee must provide the Township with a valid insurance certificate of a minimum of two million dollars (\$2,000,000.00) liability insurance and name the Township as an additional insured. The Licensee must provide proof of insurance prior to commencing the business.

- 4.5 The Licensee agrees to name The Corporation of the Township of Huron-Kinloss in the Licensee's Release of Liability, Waiver of claims Assumption of Risks and Indemnity Agreement signed by each customer.
- 4.6 The Licensee shall indemnify and hold harmless the Township of Huron-Kinloss, its officers, members of Township Council and employees from and against any liabilities, claims, expenses, demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, directly or indirectly arising out of the agreement attributable to bodily injury, sickness, disease or death or to damage to or destruction of tangible property including loss of revenue or incurred expense resulting from disruption of service and caused by any acts of omissions of the Licensee, its officers, agents, servants, employees, customers, invitees or Licensees, or occurring in or on the premises or any part thereof and, as a result of activities under this agreement.
- 4.7 Applications will be processed and approved by the Clerk's Department in consultation with the Director of Community Services.
- 4.8 Applications will be awarded based on first come first serve application basis; preference will be given to Township of Huron-Kinloss Residents/Businesses.
- 4.9 Applications will be processed with consideration of previous vending agreements, proximity to other direct competition operating from a building and impact on the neighbourhood and visual appearance.
- 4.9 Seasonal Mobile Rental Site location preference will be balanced with the proximity to other businesses and beach activity.
- 4.10 If more applications are received than appropriate sites a bid or lottery process may be used to award the site.
- 4.11 All Licences are valid for the designated Seasonal Mobile Rental Site for the Seasonal Duration and are required to be renewed annually and a separate Licence fee paid yearly.
- 4.12 The Township reserves the right to deny any application and limit the number of licences issued.
- 4.13 Any application that is denied will be outlined for the applicant and the applicant shall be eligible for a new application for the following year.
- 4.13 Any decision of the Clerk's Department to deny, refuse, suspend or revoke a Licence may be appealed to Council by filing, in writing, an appeal with the Clerk within ten (10) days of the notice of decision being provided. All decisions made by Council on these matters are final.

**5.0 Penalties:**

- 5.1 Every person who contravenes any provisions of this by-law is guilty of an offence and is subject to the penalties as prescribed in the Provincial Offences Act, or by suspension or revocation of any Licence issued under this By-law.
- 5.2 The Township reserves the right to refuse, suspend or revoke a Licence.
- 5.3 All provisions of this by-law may be enforced by a Municipal Law Enforcement Officer of the Township.

**6.0 General:**

6.1 This By-law shall come into full force and effect upon its final passage.

6.2 This By-law may be cited as the "Seasonal Mobile Watersport Equipment Rental Business By-Law"

**Read, Enacted, Signed and Sealed this 17<sup>th</sup> day of April, 2017.**

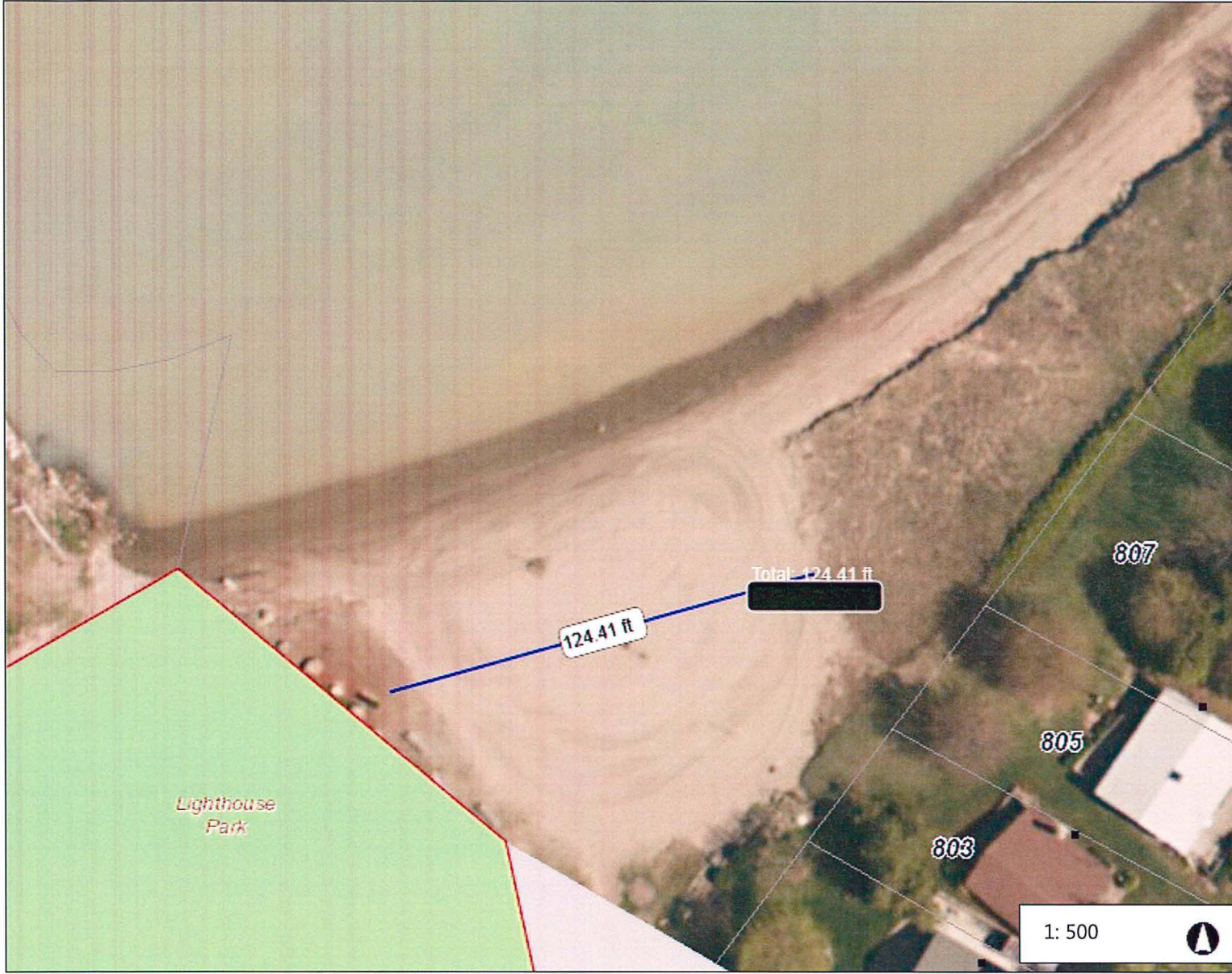
Original Signed by Mitch Twolan

Mitch Twolan, Mayor

Original Signed by Sonya Watson

Sonya Watson, Clerk

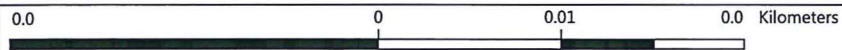




**Legend**

- Ferry
- Provincial Highway
- County Road
- Municipal or Other Road
- OBM Building Location
- OBM Building Footprint
- Building Footprint
- Road Allowance/Right-of-way**
  - Private Road Allowance
  - Right-of-Way
  - Road Allowance or Condo Road
  - Unopened Road Allowance
- Propane Facility Buffer
- Property Parcel**
  - Assessment Parcel
  - Condo Unit or Common Element
  - First Nation Parcel
  - Propane buffer placeholder
- Severance**
  - Severed portion
  - Retained portion
- Subdivision**
  - Draft Approved
  - Final Approved
- Body of Water
- Evaluated Wetland

**Notes**



NAD\_1983\_UTM\_Zone\_17N  
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Schedule 'B'  
Seasonal Mobile Watersport Equipment Rental Business By-Law

BY-LAW NO. 2017 - 52

Application for a Seasonal Mobile Watersport Equipment Rental Business within the  
Township of Huron-Kinloss

**Principal Owner/Licence Information**

Business Name:

Last Name:

First Name:

Business Address:

City:

Province:

Postal:

Business Phone:

Home Phone:

Cell Phone:

Business Owner Address:

Email:

Proof of Liability Insurance of at least \$2,000,000.00

Licence Fee as set out in the Township of Huron-Kinloss Consolidated Fees  
By-Law.

A photograph of proposed Seasonal Mobile Watersport Business including the logo,  
colour scheme, insignia, and any other distinguishing characteristics;

**Description of Business**

Indicate Location Requested by circling an area on the Schedule "A" map.

I,

(first name)

am the person whose name appears on this application and I have authority to make this application on behalf of the named business

have fully and accurately completed this application

As the Licensee shall indemnify and hold harmless the Township of Huron-Kinloss, its officers, members of Township Council and employees from and against any liabilities, claims, expenses, demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, directly or indirectly arising out of the agreement attributable to bodily injury, sickness, disease or death or to damage to or destruction of tangible property including loss of revenue or incurred expense resulting from disruption of service and caused by any acts of omissions of the Licensee, its officers, agents, servants, employees, customers, invitees or Licensees, or occurring in or on the premises or any part thereof and, as a result of activities under this agreement.

Signature:

Date

\*The site permit (if successful) will expire on November 1<sup>st</sup> and you must re-apply each year\*