



The Municipal Corporation of the Town of Fort Erie

By-law No. 37-2018

Being a By-law to Amend By-law No. 217-05 (To Licence and Regulate Various Businesses in the Town of Fort Erie) – Bill Distributors

Whereas By-law No. 217-05, as amended, was passed by the Municipal Council of the Town of Fort Erie on the 12th day of December, 2005 to licence and regulate various businesses in the Town of Fort Erie; and

Whereas Report No. CAO-01-1-2018 was considered at the Council-in-Committee Meeting held on February 26, 2018 and subsequently authorized and approved by Council, as amended, to amend Part 8 – Penalties, Schedule “5” – Bill Distributors and Schedule “12” – Set Fine Schedule, to allow for the provision of enforcement action for the incorrect placement of bills (including newspapers); and

Whereas it is deemed desirable to amend By-law No. 217-05, as amended, accordingly;

Now therefore the Municipal Council of The Corporation of theTown of Fort Erie enacts as follows:

1. **That** Section 8.1 of Part 8 – Penalties, to By-law No. 217-05, as amended, is further amended by repealing and replacing it with the following:

“8.1 Every person who contravenes Sections 3.5, 3.10 (a), (b) and (c), 3.11, 3.14, 3.16, and Sections 4.1 and 4.2 of Schedule “5” of this by-law is guilty of an offence and liable to the set fines established under Schedule “A” annexed hereto and shown as Schedule “12”.”


2. **That** Schedule “12” – Set Fines to By-law No. 217-05, as amended, is further amended by repealing and replacing it with Schedule “A” attached to this by-law to allow for the addition of Items 9 and 10 to provide set fines for the incorrect placement of bills.
3. **That** Schedule “5” – Bill Distributors to By-law No. 217-05, as amended, is further amended by repealing and replacing it with Schedule “B” attached to this by-law.
4. **That** the set fines identified as Items 9 and 10 on Schedule “12” shall come into force and effect upon receipt of the Judge’s Order from the Ministry of the Attorney General.

- Read a first, second and third time and finally passed this 19th day of March, 2018.**

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 37-2018 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

SCHEDULE "12" TO BY-LAW. NO. 217-05

	<p>THE CORPORATION OF THE TOWN OF FORT ERIE</p>
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TO REGULATE VARIOUS BUSINESSES IN THE TOWN OF FORT ERIE

PART I PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Carry on business without licence	Section 3.5	\$175.00
2	Fail to display business licence on premises	Section 3.10 (a)	\$ 75.00
3	Fail to display business licence on vehicle	Section 3.10 (b)	\$ 75.00
4	Fail to maintain licence on person	Section 3.10 (c)	\$ 75.00
5	Prohibited transfer of business licence	Section 3.11	\$175.00
6	Hinder or obstruct an officer exercising a power or performing a duty	Section 3.14	\$100.00
7	Attempt to hinder or attempt to obstruct an officer exercising a power or performing a duty	Section 3.14	\$100.00
8	Fail to keep records as required	Section 3.16	\$175.00
9	Fail to place Bill correctly	Section 4.1	\$175.00
10	Place Bill in or on motor vehicle	Section 4.2	\$175.00

Note: The general penalty section for the offence listed above is Section 8.1 of Town of Fort Erie By-law No. 217-05, a certified copy of which has been filed.

**Schedule “5” – By-law No. 217-05
Bill Distributors**

1. Definitions

In this Part:

- a) “Bill” includes unsolicited, gratuitous pamphlets, circulars, newspapers, advertising papers and other forms of printed material;
- b) “Bill Distributors” includes any person who delivers unsolicited, gratuitous pamphlets, circulars, newspapers, advertising papers or other forms of printed material to any place or from door to door within the limits of the Town of Fort Erie;
- c) “Rural Properties” means properties that are located outside of the Regional Municipality of Niagara Urban Area Boundary.

2. Purpose of By-law

The purpose of the licencing of Bill Distributors relates to matters of Nuisance Control.

3. Licence Fee

The annual licencing fee shall be as established in Schedule “CS-A” of By-law No. 40-09 as amended or superseded from time to time.

4. Conditions

- 4.1 Except on rural properties, a Bill may only be placed in a mail box or between the inside and outside doors of a building, or in the case where there are no mailboxes or (open) screen doors, a Bill may be placed on a porch or hung from a door handle.
- 4.2 No person shall place a Bill or Bills in or on any motor vehicles.
- 4.3 No licence shall be required by a person who works only as an employee or subcontractor of the person licenced.
- 4.4 No person distributing bills shall distribute any material that is indecent or tends to corrupt morals.