CORPORATION OF THE TOWN OF LAKESHORE

BY-LAW NUMBER 86-2002

BEING A BY-LAW PROHIBITING SALES BY RETAIL IN HIGHWAYS OR ON OTHER PUBLIC PROPERTY

WHEREAS the *Municipal Act*, R.S.O. 1990, c. M-45, as amended, authorizes municipalities to pass By-laws prohibiting sales by retail in the highways or on public property;

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

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INTERPRETATION

1.   In this by-law:

"By-law Enforcement Officer" means a person designated as such by Council;

"Corporation" means the Corporation of the Town of Lakeshore;

"Council" means the Council of the Corporation;

"Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place bridge, viaduct or trestle designed and intended for, or used by the general public for the passage of vehicles;

"Permit" means a permit issued by the Corporation under this By-law;

"Person" means any person, firm or corporation, or group or association of persons, unless otherwise noted;

"Police Officer" means a member of the Ontario Provincial Police Service;

"Public Property" means any property owned by the Corporation, including but not limited to, Parks, Walkways and Trails;

"Retail Sales" means the sale of any materials or goods including, but not limited to, any refreshments or other food items;

"Set Fine" means the fine for By-law infractions pursuant to the *Provincial Offences Act* Part I as set by the Regional Senior Justice of the Ontario Court of Justice.

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PROHIBITIONS

2. No person shall sell any materials or goods by retail upon any highway or part of it or on any public property within the Corporation.

EXEMPTIONS

3. This By-law shall not apply to a farmer or market gardener selling or delivering goods, solely produced by that person, at any place of business or residence upon a highway or part thereof.

4. This By-law shall not apply to exhibitions, festivals or other public entertainment sanctioned by the Corporation.

5. This By-law shall not apply to fund-raising, not-for-profit endeavors conducted from time to time by various charitable organizations or businesses that have received prior approval from Council.

6. This By-law shall not apply to any student employed through an ice-cream bar retail vending operation for sales conducted from a pedal-type ice-cream cart.

ENFORCEMENT

7. Officers of the Ontario Provincial Police and By-law Enforcement Officers of the Town of Lakeshore shall have the duty of enforcing the provisions of this By-law.

PENALTY

8. (1) Any person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a penalty as provided in the *Provincial Offences Act* exclusive of costs.

    (2) The defendant may, within twenty days of the service of the By-law Infraction Notice, pay the Set Fine or give notice of intention to appear in Court for the purpose of entering a plea.

    (3) Failure by the defendant to pay the set fine or give notice of intention to appear in Court for the purpose of entering a plea within twenty days of the service of the By-law Infraction Notice shall render the defendant liable to prosecution pursuant to the *Provincial Offences Act*.

SEVERABILITY

9. Should any section, clause or provision of this by-law be declared to be invalid by a court of competent jurisdiction the same shall be deemed to be severable and shall not affect the validity of the remainder of this by-law.

REPEALS

10. Any previous by-laws of the Town of Lakeshore or the former municipalities of the Town of Belle River, or the Townships of Lakeshore, Maidstone, Rochester, Tilbury North and Tilbury West that deal with the same subject matter are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 10th DAY OF SEPTEMBER, 2002.

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PAT HAYES-MAYOR

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ANDREA RIVEST-
CLERK