

TOWN OF MARKHAM ***ONTARIO***



BY-LAW 2002-297

A BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF PUBLIC GARAGES

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to December 14, 2007)

Amended by:
By-law 2007-282 – December 11, 2007

BY-LAW 2002-297

To Provide For The Licensing and Regulation of Public Garages

WHEREAS the *Municipal Act, 2001* provides that the Council may by by-law license and regulate Public Garages and for revoking any such license;

AND WHEREAS the Town of Markham deems it advisable to enact a by-law to license and regulate Public Garages for consumer protection.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. In this by-law,
 - (a) "owner" means person who has in respect of premises an estate for life, or a greater estate, legal or equitable or a leasehold estate;
 - (b) "premises" means any premises licensed or required to be licensed under this by-law and includes any trade or calling required to be so licensed;
 - (c) "licensing officer" means the person or persons authorized by the council to act on their behalf in all matters relating to this by-law;
2. No person shall conduct any business in or upon any premises or part thereof, or carry on any trade or calling in the Town of Markham for which a license is required under Section 4 hereof unless he holds a license issued therefor by the licensing officer.
3. Every application for a license shall be accompanied by:
 - (a) a statement on the form provided by the municipality giving particulars as to the location of the premises together with such other information as may be required to determine the compliance of the use with all applicable by-laws and regulations;
 - (b) the appropriate fee as specified in By-law No. 2002-284;
4. For the purpose of this Section a public garage includes:
 - a parking station or parking lot where a charge is made for such service or
 - a building or place where motor vehicles are hired or kept or used for hire or
 - a building or place where gasoline or oils are stored or kept for sale or
 - a building or place used as a motor vehicle repair shop or
 - a building or place used for washing or cleaning motor vehicles.

A separate license shall be obtained for each of the foregoing and the issue of each such license shall be subject to the following;

- (a) the licensing officer or other person so authorized may enter any premises at all reasonable times in order to inspect such premises and to enforce the provisions of this by-law.
 - (b) prior to the issue of such license, a certificate from the Medical Officer of Health may be required certifying that the premises to be licensed are in a proper sanitary condition and that adequate sanitary facilities are provided for the use of patrons thereto;
 - (c) each license, when issued, shall be posted in a conspicuous place on the premises so licensed.
 - (d) the license granted for any premises may be revoked whose owner or licensee does not comply with the foregoing or where such license has been issued through error or contrary to the provisions of any by-law or regulation;
 - (e) licenses issued under the provisions of this by-law, unless otherwise expressed to be granted for a shorter period, shall expire on the 31st day of December in the year in which they are issued.
 - (f) every premises licensed under this by-law shall be kept neat and clean and clear of rubbish. Metal (or other non-combustible) containers with self-closing covers shall be conveniently placed for the deposit of waste and rubbish and the contents of such containers shall be emptied and disposed of immediately at the close of each days activities.
 - (g) No person licensed under this by-law shall permit the engine of a motor vehicle in any building to run unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes;
 - (h) no person licensed under this by-law shall permit the drainage of surface processed water across any sidewalk or pedestrian way;
 - (i) no person licensed under this by-law shall permit any vehicle to remain continuously without lawful excuse at or upon the premises for more than 24 hours unless he reports such occurrence forthwith to the nearest police station.
 - (j) no person licensed under this by-law shall use or permit his premises to be used for the purpose of wrecking motor vehicles.
5. No license issued under the provisions of this by-law shall be transferred.
 6. No license shall be issued contrary to the provisions of any applicable zoning by-law.
 7. Where any licensee is convicted of an offence under this by-law the license shall be suspended forthwith and shall not be reinstated until the licensing officer certifies in writing that the conditions resulting in the charge and conviction have been remedied and that the premises and its proposed operation comply with this by-law.

8. Any person who contravenes any provision of this By-law is guilty of an offence pursuant to the Provincial Offences Act, and upon conviction is liable to a fine of not more than five thousand dollars (\$5,000) for each offence committed.
9. By-law No. 2001-28, "A By-law to Provide for the Licensing and Regulation of Public Garages" shall be repealed effective January 1, 2003.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 10TH
DAY OF DECEMBER, 2002.

"Sheila Birrell"

TOWN CLERK

"Don Cousens"

MAYOR