



## BY-LAW 2023-65

### A By-law to amend By-Law No. 2022-20, being a by-law to provide for the Licensing and Regulation of Mobile Businesses in the City of Markham

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**WHEREAS** Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“*Municipal Act*”) provides that a municipality may pass by-laws respecting health, safety and well-being of persons and protection of persons and property, including consumer protection; and,

**WHEREAS** Section 150 of the *Municipal Act* defines a business as any business, activity or undertaking wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality; and,

**WHEREAS** Section 151(1) of the *Municipal Act* provides that a municipality may provide for a system of licences with respect to a business, as defined in section 150 of the *Municipal Act*, and may prohibit the carrying on or engaging in the business without a licence, refuse to grant a license or revoke or suspend a licence, impose conditions as a requirement of obtaining, holding, or renewing a licence, and licence, regulate or govern real and personal property used for a business and the persons carrying it on or engaged in it; and,

**WHEREAS** Section 391(1) of the *Municipal Act* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it; and,

**WHEREAS** Section 434.1 of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the *Municipal Act*; and,

**WHEREAS** Section 434.2(1) of the *Municipal Act* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

**NOW THEREFORE** the Council of The Corporation of the City of Markham enacts as follows:

That the Mobile Licensing By-law #2022-20 be amended as follows:

- (1) That Schedule 5, Section 7.1(a) be repealed.

Read a first, second and third time and passed on April 5, 2023.

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor