

A BY-LAW TO LICENSE LAND DEVELOPMENT SALES IN THE TOWN OF COBOURG

WHEREAS pursuant to section 151 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, a municipality is authorized to license, regulate and govern certain occupations, businesses and callings;

AND WHEREAS a municipality is further authorized to license any person carrying on or engaging in any trade, occupation, or calling and to prohibit the carrying on or engaging in a trade, occupation, business or calling without a licence;

AND WHEREAS it is deemed expedient and necessary to implement such licensing and registration regulations with respect to land development sales within the Town of Cobourg;

NOW THEREFORE the Council of the Corporation of the Town of Cobourg enacts as follows:

INTERPRETATION

1. In this By-Law,
 - a. "Clerk" means the Clerk of the Town or designate as appointed in writing from time to time;
 - b. "Construction Office" means a temporary structure that is constructed without a foundation, excluding concrete piers or sono tubes, and is used for the principal purpose of an on-site office for Development;
 - c. "Council" means the Council of the Corporation of the Town of Cobourg;
 - d. "Development" means new residential subdivision or condominium development;
 - e. "Fee" means a fee as set out in Schedule "A" to this By-Law;
 - f. "Land Development Sales" means the business of selling residential or condominium dwelling units for Development;
 - g. "Land Development Sales Trailer" means a temporary structure that is constructed without a foundation, excluding concrete piers or sono tubes, and is used for the principal purpose of promoting the sale of new residential dwelling units;
 - h. "Licence" means a licence issued under the authority of this By-Law;
 - i. "Licensee" means a Person to whom a Licence has been issued pursuant to this By-Law;
 - j. "Model Dwelling Unit" means a dwelling unit in a Development, with or without service connections, that may be furnished and decorated, for the purpose of selling dwelling units to prospective buyers;
 - k. "Municipal By-Law Enforcement Officer" means a person appointed by Council to enforce the provisions of the by-laws of the Town or a police officer;

- I. "Owner" means any person who is the registered owner of land according to the records at the applicable Land Registry Office or as shown on the last revised assessment roll of the Town and any person who maintains use or control over the land pursuant to a lease with the registered owner;
- m. "Person" includes an individual, firm, corporation, partnership or association;
- n. "Town" means the Corporation of the Town of Cobourg.

LICENCE

2. No Owner shall use or permit the use of a Model Dwelling Unit, Land Development Sales Trailer or Construction Office for Land Development Sales within the Town without a Licence.
3. No Licence shall be issued or renewed until the applicable Fee has been paid.
4. No Licence shall be issued until a complete application is received to the satisfaction of the Clerk, which application shall include but not be limited to:
 - a. a complete application form as provided by the Clerk;
 - b. the address for the Development from which the Land Development Sales will be carried out;
 - c. a full Licence Fee as set out in Schedule "A";
 - d. a list of all Land Development Sales Trailers, Model Dwelling Units and Construction Offices on the Development for which the Licence is being applied; and
 - e. the name and contact information for the applicant.
5. A separate Licence shall be obtained in respect of each Development.
6. No Licence shall be issued with respect to any Development until the Clerk is satisfied that the following requirements are met:
 - a. any applicable zoning provisions have been or will be met;
 - b. any applicable building permits are issued; and
 - c. any applicable subdivision or condominium agreement provisions have been satisfied.
7. The Clerk, upon receipt of an application for a Licence may make, cause to be made, or request, any additional documents, investigations or inspections in respect of such application for a Licence as the Clerk deems appropriate or in the interest of the general public, and any costs incurred for such inspections or documents shall be at the applicant's expense.
8. All Licences shall be for the calendar year in which they are issued unless otherwise provided in this By-Law, and shall expire on the 31st day of December next following the date of issue.
9. The fee for any Licence issued:
 - a. before the 1st day of July in any year shall be the fee for the full year;
 - b. on or subsequent to the 1st day of July in any year shall be one-half of the fee for the full year.

TRANSFER AND RENEWAL

10. A Licensee may apply to renew the Licence and pay the Fee prior to the 31st day of December in any year, and the provisions of this By-Law with respect to the original granting or issuing of the Licence shall apply to the renewal.

11. The Clerk may transfer a Licence from a Licensee to another Person upon payment of the applicable Fee, provided the Clerk is satisfied that the requirements for the original Licence will continue to be met.

INSPECTION AND POSTING

12. All Development, Land Development Trailers, Model Dwelling Units and Construction Offices to which a Licence applies may be inspected at all reasonable times by the Clerk, authorized employee or agent of the Town and a Municipal By-Law Enforcement Officer.

13. Every Licensee shall keep a copy of the Licence posted conspicuously in each Land Development Sales Trailer, Model Dwelling Unit or Construction Office and the Licence shall remain so posted as long as it is in force.

14. No Licensee shall:

- a. fail to have such Licence in their possession at all times when engaged in Land Development Sales;
- b. fail to produce such Licence upon request.

15. No Person shall obstruct, hinder or otherwise interfere with an authorized employee or agent of the Town or Municipal By-Law Enforcement Officer while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this By-Law.

STANDARDS

16. A Licensee shall maintain all Land Development Sales Trailers, Model Dwelling Unit and Construction Offices in accordance with the following standards, as determined by the Clerk and/or Municipal By-Law Enforcement Officer in his or her discretion:

- a. in good repair and free from health, fire and accident hazards so as to prevent an unsafe condition and an unsightly appearance;
- b. free of all noxious insects or rodents;
- c. exteriors shall be kept weather resistant through the use of appropriate weather resistant materials.

17. An Owner shall remove all Land Development Sales Trailers and Construction Offices from property for which there is no active Licence:

- a. within three (3) months from the effective date of this By-Law;
- b. within one (1) month of the revocation or expiry of a Licence.

18. In the event of a conflict between the Property Standards By-Law 18-99, as amended from time to time, and this By-Law, the more stringent standards shall apply.

REVOCAION

19. Subject to the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 as amended from time to time, Council may revoke any Licence granted pursuant to this By-Law, is not bound to give any reasons for doing so and the decision of Council in this regard is not open to question or review by any court.

20. Without restricting the generality of section 19, any Licence may be revoked by reason of:

- a. the failure of the Licensee to comply with any provision of this By-Law;

- b. the failure of the Licensee to maintain a Land Development Sales Trailer, Model Dwelling Unit or Construction Office in accordance with:
- i. the Town's Zoning By-Law 85-2003 as amended from time to time;
 - ii. the Town's Property Standards By-Law 18-99 as amended from time to time.

21. Where a Licence is revoked, any Land Development Sales Trailers on the Development to which the Licence applied shall be removed forthwith.

ENFORCEMENT

22. Where a Municipal By-Law Enforcement Officer is satisfied that a contravention of this By-Law has occurred, the Municipal By-Law Enforcement Officer may make an order requiring the Person who contravened the By-Law or caused or permitted the contravention of the By-Law or the Owner of the land on which the contravention occurred to do work to correct the contravention or to discontinue the contravening activity.

23. Every person who contravenes any provision of this By-Law or an order issued pursuant to this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

24. Pursuant to the authority set out in section 429 of the *Municipal Act*, 2001, S.O. 2001, c. 25, every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction pursuant to Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, shall be liable to a fine of not more than \$10,000 for a first offence and to a fine of not more than \$50,000 for a subsequent offence.

25. Pursuant to the authority set out in section 429 of the *Municipal Act*, 2001, S.O. 2001, c. 25, every person who contravenes an order issued pursuant to this By-Law is guilty of a continuing offence and upon conviction pursuant to Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, in addition to the penalties mentioned in section 25, shall be liable to a fine of not more than \$10,000 for every day the offence continues after the time given for complying with the order has expired.

26. If a person fails to carry out the requirements of an order issued pursuant to this By-Law, the Town may do or cause to be done the action set out in the order and add all costs to the tax roll to be collected in the same manner as property taxes in accordance with section 446 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended from time to time.

GENERAL


27. Schedule "A" attached hereto forms part of this By-Law.

28. If any section, clause or provision of this By-Law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the Town that all remaining sections, clauses or provisions of this By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

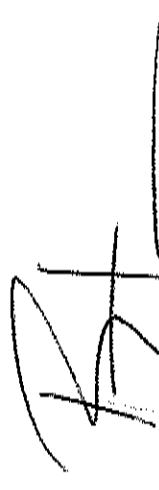
29. The short title of this By-Law is the "Land Development Sales Licensing By-Law".

30. This By-Law comes into force and effect on the date of its passing.

READ a first, second and third time and finally passed in Open Council
this 3rd day of January, 2021.



MAYOR



CLERK

1. Licence Fee.....\$1000.00
2. Renewal Fee.....\$250.00
3. Transfer Fee.....\$500.00