



The Corporation of the Township of Tiny

By-law 06-102

Being a By-Law to Consolidate the Licensing Regulations Within the
Township of Tiny

Passed: October 10, 2006

As Amended / Repealed by By-law Number:

Repealed By / Amended By	By-law No.	Passed on:
Amended by	By-law 21-101	November 24, 2021

**THE CORPORATION OF THE
TOWNSHIP OF TINY**

BY-LAW NUMBER 06-102

**BEING A BY-LAW TO CONSOLIDATE THE LICENSING REGULATIONS
WITHIN THE TOWNSHIP OF TINY**

WHEREAS Section 150 of the Municipal Act, S.O. 2001, c. 25, as amended, authorizes the Council of a local municipality to licence, regulate and govern any business 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 150(2) of the Municipal Act, S.O. 2001, c.25, as amended, sets out that except as otherwise provided, a municipality may only exercise its licensing powers under Section 150, including imposing conditions, for one or more of the following purposes: Health and Safety, Nuisance Control and Consumer Protection;

AND WHEREAS Section 155 of the Municipal Act, S.O. 2001, c.25, as amended, sets out that a Municipality under Section 150 may pass by-laws for licensing, regulating and governing the owners and drivers of taxicabs and their fares;

AND WHEREAS Section 169 of the Municipal Act, S.O. 2001, c.25, as amended, authorizes a local municipality to pass by-laws to licence, regulate and govern tourist camps and trailer camps;

NOW THEREFORE the Council of the Corporation of the Township of Tiny enacts as follows:

TITLE

1. This by-law shall be known and may be cited as the "Business Licensing By-law."
In the text of the by-law, it is referred to as "this by-law."

DEFINITIONS

2. For the purposes of this by-law:

"Applicant" means a person applying for a licence or a renewal of a licence under this by-law and in the case of a corporation shall include all present directors;

"Application" means an application in the form provided by the Licensing Officer and accompanied by the appropriate fee;

"Charitable or religious organization"

(1) **"Organization"**- means an organization that exists to benefit the public at large, not a private group. Therefore, an eligible organization is considered to be charitable only if no part of its income is paid to or otherwise made available for the personal benefit of any of its proprietor(s), members or shareholders, and if one of the main aims and normal activities includes projects and undertakings having a charitable object or purpose.

(2) **"Charitable object or purpose"** is defined as any object or purpose that meets the requirements of at least one of the following criteria:

- a. The Relief of Poverty - to include but is not limited to assistance to the disadvantaged such as directly providing funds or goods, providing social services or programs or facilities aimed at the disadvantaged.
- b. Education - to include but not limited to the provision of opportunity, supplies or facilities. Any purpose that advances education and makes it available to a sufficient section of the public such that it is not restricted by any means would be considered charitable.
- c. The Advancement of Religion - to include but is not limited to the provision and maintenance of places of public worship as well as other religious objectives. A religious body is considered charitable when its activities serve religious purposes for the public good.
- d. Any Purpose Beneficial to the Community - to include but is not limited to the community as a whole without discrimination so that the purposes have a truly public character; this may also include but is not limited to certain cultural, ethnic, native, historic or heritage pursuits and their physical facilities; community projects undertaken by service organizations; improvement of quality of health, medical research, treatment programs, preventative programs, and their physical facilities; sporting and recreational public facilities; amateur sporting leagues or associations administering activities solely for children or youth development under controlled conditions.

“Committee” means the Committee appointed by Council for such purpose of conducting a hearing upon request of an applicant or licensee;

“Council” means the Council of the Corporation of the Township of Tiny;

“Driver” means any person licensed to drive a vehicle pursuant to this by-law;

“Driver’s Licence” means the licence issued to a driver pursuant to this by-law;

“File” means to submit a document to the Licensing Officer;

“Fire Chief” means the Manager of Emergency Services/Fire Chief of the Township of Tiny or his designate;

“Health Department” means the Simcoe Muskoka District Health Unit or any other agency carrying out the responsibilities of the Simcoe Muskoka District Health Unit;

“Licence” means the certificate or other similar document issued pursuant to this by-law as proof of licensing under this by-law;

“Licensed” means to have in one’s possession a valid and current licence issued under this by-law and includes a licensee;

“Licensee” means a person licensed under this by-law;

“Licensing Officer” means the Clerk of the Township of Tiny and includes his/her designate;

“Licensing Inspector” means any person appointed by the Corporation of the Township of Tiny as a Municipal Law Enforcement Officer for the purposes of enforcing this by-law;

“Medical Officer of Health” means the Medical Officer of Health for the Simcoe Muskoka District Health Unit;

“Motor Vehicle” includes an automobile or any other vehicle propelled or driven otherwise than by muscular power, but does not the cars of electric or steam railways or other motor vehicles running only upon rails, or motorized snow vehicles, traction engines, farm tractors, self propelled implements of husbandry or road building machines within the means of the Highway Traffic Act, R.S.O 1990, c. H.8, as amended;

“Passenger” means any person in a vehicle or taxicab other than the driver;

“Plate” means a number plate or any other form of identification device issued to a person licensed pursuant to this by-law;

“Township” means the Corporation of The Township of Tiny;

“Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or drive by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

LICENCES REQUIRED

3. There shall be taken out by:

- (1) Every person who operates or maintains a Campground (Schedule “A”);
- (2) Every person who operates or maintains an Exhibition/Festival (Schedule “B”);
- (3) Every person who operates or conducts business as a Hawker or Peddler (Schedule “C”);
- (4) Every person who operates or maintains a Public Hall (Schedule “D”);
- (5) Every person who operates or maintains a Recreational Establishment (Schedule “E”);
- (6) Every person who operates or maintains a Refreshment Vehicle (Schedule “F”);
- (7) Every person who operates or maintains a Restaurant (Schedule “G”);
- (8) Every person who owns or operates a taxicab brokerage and every person who drives a taxicab (Schedule “H”);

a licence from the Township authorizing them to carry on their trades, callings, businesses, and occupations in the Township.

4. Any applicant required to obtain a licence pursuant to this by-law shall apply in writing on the appropriate form as provided by the Licensing Officer and shall deposit, at the time of application, with the Licensing Officer, all required Business Licence Fees as set out in Township’s Fee Schedule By-law, or any amending by-law for each business category as well as any required approvals, inspections or documentation required by the provisions of this by-law or as deemed necessary by the Licensing Officer.

5. The licences for the several trades, callings, businesses and occupations set out in this by-law shall, unless they are expressed to be for a shorter or longer time, be for one year, and unless they are sooner forfeited or revoked, shall in each case, expire on December 31 of the year in which it was issued.

PROCEDURES AND GENERAL PROVISIONS

- 6.
- (1) No person shall alter, erase or modify a licence or allow the alteration, erasure or modification of a licence without the approval of the Licensing Officer;
 - (2) Unless otherwise stated, every application for a licence shall be delivered to the Licensing Officer at least seven (7) days in advance of requiring said licence;
 - (3) Every application for renewal of a licence shall be delivered to the Licensing Officer seven (7) days prior to the expiry date of the licence;
 - (4) Every corporate applicant shall file a copy of its incorporating documents, along with any amending documents, and the most recent annual filing, if any;
 - (5) Where two or more persons carry on or engage in partnership in any of the trades, callings, businesses or occupations set out in this by-law the licence may be issued in the name of one partner only, but when the application for licence is made, the name and address of each member of the partnership shall be set out therein;
 - (6) Every applicant shall file a business registration under the Business Names Act, R.S.O. 1990, c. B.17, as amended, where the name is other than in name of sole proprietor;
 - (7) Every licensee or applicant on request of the Licensing Officer, shall file such information and material as the Licensing Officer may deem necessary;
 - (8) Every person applying for or holding a licence under this by-law shall, in such application or in carrying on or engaging in the trade, calling, business or occupation in respect to which the licence is issued, observe, comply with and be governed by the regulations set out in this by-law, the respective Schedules to this by-law or any amending by-law which relates to such person;
 - (9) Every licensee shall, on request of a Police Officer, Licensing Officer or Licensing Inspector, produce his/her licence and any other documentation requested;
 - (10) Every licensee shall post in a conspicuous place his licence and if posting is not deemed appropriate by the Licensing Officer shall carry his licence with him;
 - (11) All plates issued pursuant to this by-law shall remain the property of the Township;
 - (12) When the applicant is not the owner of the property from where he will be operating such business, trade or occupation he may be required to produce a letter from the owner authorizing the use of the property for such purpose;

7. Notwithstanding any decision of, or statement by Council respecting the granting of a licence or application therefore, no person shall be deemed to be licensed to carry on or engaged in the trade, calling, business or occupation for which such licence is required until he/she has paid the required fee and has received the physical licence, plate, or other evidence of the granting of such licence provided for in this by-law.

ONTARIO DRIVER'S LICENCE SUSPENDED

8. Every driver shall have and maintain in good standing at all times a driver's licence issued by the Province of Ontario, and the privileges conferred under this by-law shall, for all purposes of the by-law, be deemed suspended during any period in which such Ontario driver's licence is under suspension.

BUSINESS NAME AND CHANGE OF INFORMATION

9. (1) A licensee shall carry on business in the Township in the name which is set out on the licence and shall not carry on business in the Township in any other name unless he has first notified the Licensing Officer;
- (2) A licensee shall notify the Licensing Officer within five (5) days of any change of name, address or any other information related to the licensee;
- (3) Where the licensee is a corporation, the licensee shall notify the Licensing Officer of any change in the names and addresses of officers and directors, the location of the corporate head office, change of ownership of shares within five(5) days of the change, and if necessary, the licence shall be returned immediately to the Licensing Officer for amendment.

CHANGE OF OWNERSHIP

10. Every licensee shall, upon change of ownership of the licensed business return and surrender his/her current licence to the Licensing Officer. The new owner shall make application for a new licence as set out in this by-law.

ADMINISTRATION

11. Administration of this by-law shall be carried out by the Licensing Officer or his/her designate.
12. The Licensing Officer shall perform all the administrative functions conferred upon him/her by Council.
13. The Licensing Officer may, upon receipt of an application, cause to be made investigations relative to such application as set out in this by-law as he/she deems appropriate.

ADMINISTRATIVE SUSPENSIONS

14. The Licensing Officer may suspend a licence where the licensee fails to meet the administrative requirements upon which the licence is issued.
15. Notwithstanding that a licence has been issued, where the Licensing Officer has reasonable grounds to believe that a licensee may no longer satisfy the requirements of this by-law, the licensee may be required to file further documents with the Licensing Officer.

REINSTATEMENT

16. The Licensing Officer shall reinstate a licence, which has been suspended upon satisfactory proof that the administrative requirements have been met.

GROUNDS FOR REFUSAL TO ISSUE OR RENEW A LICENCE

17. An applicant is entitled to be licensed and a licensee is entitled to have his licence renewed except where:
- (1) The applicant or licensee has past breaches of this by-law and the Licensing Officer determines that the issuing of the licence or renewal of the licence would be contrary to the public interest;
 - (2) Has failed to comply with the requirements of this by-law or other applicable municipal by-law of the Township or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity;
 - (3) The applicant or licensee has any outstanding fines imposed under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended for the contravention of any provision of this by-law or any other municipal by-law or Provincial Statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business;
 - (4) The applicant or licensee has outstanding taxes owing to the Township;
 - (5) The applicant or licensee has a tenant with outstanding taxes owing to the Township.

COUNCIL'S POWER TO REFUSE OR RENEW A LICENCE

18. Council may refuse to issue or renew a licence where the applicant or licensee would not be entitled to a licence for the reasons set out in this by-law.

COUNCIL'S POWER TO REVOKE OR SUSPEND A LICENCE

19. (1) Council may revoke or suspend a licence where the licensee fails to comply with any of the provisions of this by-law, including any of the grounds for refusal to issue or renew a licence as set out in this by-law;
- (2) The Licensing Officer shall have the authority to suspend a licence for public safety reasons until such a time as a decision is made by Council.

COUNCIL'S POWER TO ISSUE A LICENCE ON TERMS AND CONDITIONS

20. Council may issue or renew a licence subject to such terms and conditions as are necessary to give effect to this by-law.

NOTICE AND HEARING

21. (1) When, for any of the grounds set out in the applicable section of this by-law, an applicant or licensee is not entitled to be licensed or to have his licence renewed, or a licence may be subject to revocation, the Licensing Officer shall recommend to Council that Council refuse to issue or refuse to renew the licence or that Council suspend or revoke the licence, or that Council issue a licence subject to terms and conditions.
- (2) Upon receipt of a recommendation by the Licensing Officer, Council shall either:

- a. Reject the recommendation of the Licensing Officer; or
 - b. Direct the Licensing Officer to issue a written notice to the applicant or licensee advising the applicant or licensee of the Licensing Officer's recommendation.
- (3) The written notice to be given under subsection (2) shall:
- a. set out the grounds for the recommendation;
 - b. give reasonable particulars of the grounds;
 - c. be signed by the Licensing Officer; and
 - d. inform the applicant or licensee of his right to a hearing before a Committee appointed by Council if he delivers a written request for such a hearing within seven (7) days following the date of service.
- (4) On receipt of a written request for a hearing from an applicant or a licensee, the Clerk shall schedule the hearing and shall give the applicant or licensee reasonable written notice of the date, time and place of the hearing, and, shall also notify the Licensing Officer.
22. (1) The provisions of the Statutory Powers Procedure Act, R.S.O 1990, c. S.22, as amended shall apply to all hearings conducted by the Committee under this by-law.
- (2) When an applicant or licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Committee may proceed with the hearing in his/her absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.
- (3) At the conclusion of a hearing the Committee shall, as soon as practicable, submit a written report of the hearing to Council and the report shall:
- a. summarize the relevant evidence and arguments presented by the parties at the hearing;
 - b. set out the findings of fact and the recommendations made by the Committee;
 - c. set out the reasons for the recommendations.
23. After giving consideration to the report of the Committee, Council may make any decision with respect to the licence and the applicant or licensee shall not be entitled to any further hearing before Council on the matter and the decision of Council shall be final and binding.
24. Where the Licensing Officer has issued a written notice pursuant to this by-law and no written request for a hearing has been received by the Clerk within the time required by this by-law, the Clerk shall notify Council in writing that no hearing has been requested, and Council may then proceed to consider the Licensing Officer's report and may make any decision with respect to the licence.
25. Notice to revoke or suspend a licence may be given by Council by letter signed by the Clerk and upon the service of such notice being given, the licence shall then be revoked and terminated, or suspended, as the case may be. Where an application for a licence or for renewal of a licence is refused, the fee shall be refunded, minus the \$25.00 application fee. The fees shall not be refunded in the case where a licence has been revoked or suspended.

SERVICE

26. For the purposes of Section 21 and 25, a notice shall be deemed sufficiently served as follows:

- (1) Service on an individual – if delivered personally or sent by prepaid registered mail to the last known address of the individual. Where service is made by prepaid registered mail, the service shall be deemed to be made on the seventh (7) day after the date of mailing.
- (2) Service on a corporation – Where service is made by prepaid registered mail, the service shall be deemed to be made on the seventh (7) day after the date of mailing, to an address held out by the corporation to be its address.

RETURN OF A LICENCE

27. (1) A licensee whose licence has been revoked or suspended shall return the licence and all plates issued by the Licensing Officer with reference to such licence to the Licensing Officer within twenty-four (24) hours of service of the notice of revocation, and the Licensing Officer or Licence Inspector, may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking or removing the said licence and plates.

ENTRY AND INSPECTION

28. (1) The Licensing Officer, Licence Inspector, Fire Chief or a Police Officer may at all reasonable times:
 - a. inspect any vehicle, building, place or premise used in the carrying on of any trade, calling, business or occupation required to have a licence under this by-law excluding any portion used as a dwelling unit; and
 - b. inspect any goods, articles, books, records and other documents of or relating to any such trade, calling, business or occupation.
- (2) Notwithstanding any provision of this by-law, a Licensing Officer or Licensing Inspector, shall not enter or remain in any room or place actually being used as a dwelling, unless:
 - a. the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O. 1990, as amended.
 - b. a warrant issued under the Provincial Offences Act, R.S.O. 1990, as amended is obtained.

OBSTRUCTION

29. (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.
- (2) Any person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the Licensing Officer or Licensing Inspector upon request, failure to do so shall be deemed to have obstructed or hindered the Licensing Officer or Licensing Inspector in the execution of his duties.

NOTICE OF NON-COMPLIANCE

30. Where the Licensing Officer or Licence Inspector find that any provision of this by-law is being contravened, he may give to the person whom he believes to be in contravention of the by-law a notice of non-compliance in writing directing

compliance with such provision and may require the notice of non-compliance to be carried out forthwith or within such time as he specifies.

GENERAL PROHIBITIONS

31. No person shall, within the limits of the Township, carry on or engage in any of the said trades, callings, businesses or occupations outlined in this by-law unless he/she possesses a valid licence.
32. No person shall hold himself out to be licensed pursuant to this by-law unless he/she is so licensed.
33. No person licensed pursuant to this by-law shall for reason of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status or handicap, discriminate against any member of the public.
34. No person licensed under this by-law shall in respect to any person with a disability:
 - (1) refuse to provide service in any manner to such person;
 - (2) refuse to permit such person to enter into or upon any place, premise, vehicle or thing to which the licence relates; or
 - (3) refuse to permit such person to remain in or upon such place, premise, vehicle or thing;

by reason only of the presence of such disability.
35. No person shall operate or permit to be operated any vehicle which is not licensed pursuant to this by-law.
36. No person shall operate or permit to be operated any vehicle which does not have affixed to it in a manner approved by the Licensing Officer or Licence Inspector a current valid plate.
37. No person shall withhold, destroy, conceal or refuse to furnish any information, books, papers, documents, or things relevant to the subject matter of an application or an inspection.
38. No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of a licence shall be the property of the Township.
39. No person shall sell on any property without the written permission of the property owner which written permission clearly identifies the location and the zoning of the property.

PENALTY

40. Every person who contravenes any of the provisions of this by-law and every director or officer of a corporation who concurs in the contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00.
41. Where a corporation is convicted of an offence under the provisions of this by-law, the maximum penalty that may be imposed on the corporation is \$50,000.00.

INTERPRETATION

42. If what is known as "Daylight Saving Time" has been generally adopted in the

Township Area for any period of the year under any Statute, Order in Council, By-law, Resolution or Proclamation, whether the same is effective in law or not, such time shall be held to be the time referred to during such period in any reference to time in this by-law.

- 43. In this by-law, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine.
- 44. All Schedules to this by-law shall form part of this by-law.
- 45. In the event of conflict between any of the general provisions of this by-law and any provisions set out in the Schedules hereto, the provisions of the Schedule shall prevail.

VALIDITY AND SEVERABILITY

- 46. Every provision of this by-law is declared to be severable from the remainder of the by-law and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction such declaration shall not effect the validity of the remainder thereof.
- 47. By-law No. 8-91, 1180, 1190, 1297, 1378, 14-74, 14-81, 1556, 1670, 1706, 36-81, 44-82, 45-87, 94-103, 100-90 are hereby repealed in their entirety.

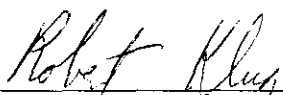
EFFECTIVE DATE

- 48. This by-law shall come into force and take effect on the date of passing thereof.

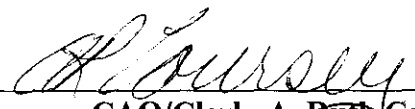
BY-LAW READ A FIRST AND SECOND TIME THIS 10th DAY OF October, 2006.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 10th DAY OF October, 2006.

THE CORPORATION OF THE TOWNSHIP OF TINY



 Mayor, Robert Klug



 CAO/Clerk, A. Ruth Coursey

SCHEDULE "A" TO BY-LAW 06-102

Relating to Campgrounds

EXPLANATION OF LICENSING POWER

Public Health and Safety, Nuisance Control and Consumer Protection to ensure that premises used by visiting members of the public are safe and clean and that any food premises therein has been inspected due to health risks associated with the handling and storage of food and that sanitary facilities are inspected and provided due to health risks and to minimize nuisances such as noise to neighbouring properties.

DEFINITIONS

1. For the purpose of this Schedule:

"Campground" shall mean the land zoned by the Township for the parking of one or more than one recreational vehicle or tent on individual lots;

"Group Camping" shall mean an area of land within a Campground that is designated and used as a communal camping area, where no more than 75 campers at any one time congregate and partake in group activities in an outdoor setting.

"Lot" shall mean the land within the Campground to be made available by the Licensee for the occupancy of one Recreational Vehicle or Tent;

"Mobile Home" shall mean a factory built dwelling designed for year-round use, which is constructed complete with the necessary plumbing, heating and electrical systems and designed to be transported on its own under carriage or by other means to a prepared site."

"Recreational Vehicle" shall mean any vehicle intended for recreational purposes and which is self propelled or so constructed as to be suited for attachment to a motor vehicle for the purpose of being drawn or propelled by a motor vehicle and used only for temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or its running gear is removed. This definition shall not include a mobile home;

"Service Buildings" shall mean those building(s) in the Campground housing the sanitary toilet, laundry and cooking facilities. Also such buildings as maintenance, pumping and electrical sheds, tuck shops, accessory retail stores, etc and may include one dwelling or mobile home to accommodate the owner, caretaker or watchman;

"Tent" shall mean any structure composed of parts joined together which is capable of being disassembled, folded, packaged or otherwise collapsed in order to be transported or capable of being transported. For the purpose of this by-law, any tent which is equipped with its own independent running gear shall be considered to be a Recreational Vehicle as defined herein.

LICENCE REQUIREMENTS

2. No person shall operate or maintain the business of a Campground within the Township without first having obtained a licence to do so.

3. Every applicant in respect of a Campground licence shall file with the Licensing Officer:

- (1) an application form as provided by the Licensing Officer, accompanied by four copies of a site plan of the proposed Campground, showing the location and dimensions of all the lots, buildings, roadways, footpaths, hydro supply, sewage disposal facilities, propane or gas supply, drainage culverts and ditches. All lots shall be numbered on the plan as posted in the Campground.
- (2) The Licensing Officer shall place all applications before Council, together with his/her recommendations, and where in the opinion of the Council the proposed Campground meets with the provisions of this by-law, and the Township's Zoning By-law, the Municipal Campground Licence may be granted.
- (3) Every application shall also be referred to the Fire Chief and the Health Department who shall report thereon forthwith.

4. No Municipal Campground Licence shall be issued or transferred unless and until there is recorded upon the application or attached to it:

- (1) A report of the Licensing Officer or Licensing Inspector showing that the Campground and facilities or the plans for same are in accordance with the requirements of this by-law and the Township's Zoning By-law;
- (2) A report of the Health Department showing that the Campground and all buildings and facilities or the plans for same are in accordance with the provisions of the Health Department and this by-law;
- (3) A report of the Fire Chief that the Campground and all buildings and facilities or the plans for same are in accordance with regulations related to fire safety and this by-law;
- (4) A report from the Electrical Safety Authority that all wiring of the electrical installations are approved.

5. Every Licensee who operates a Campground shall:

- (1) ensure compliance with the applicable provisions of the Township's Zoning By-law and Noise By-law;
- (2) ensure that no trailer or motor vehicle that is assessed by the Municipal Property Assessment Corporation is located within the Campground, save and except a trailer or motor vehicle that is:
 - (a) Assessed based on width alone.
- (3) ensure that no mobile home is located within the Campground, save and except one as set out in Section 9.
- (4) provide flush toilets, urinals and wash basins, in the required numbers as stipulated under the regulations of the Health Protection and Promotion Act, R.S.O. 1990, c. H.7. Outdoor privies shall not be permitted.
- (5) in addition to any showers required for any swimming pools connected with the campground, provide not less than one shower for each washbasin as required by the regulations made under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7.

- (6) rule that every lot shall have a minimum frontage of 12 metres with a minimum lot area of 185 square metres;
- (7) ensure waste from showers, toilets, sinks and laundry facilities are discharged either into a Municipal sewer system or into a system approved by the Septic Approval Agent for the Township and/or the Ministry of the Environment;
- (8) provide a central sewage disposal system approved by the Health Department for the purpose of allowing vehicles to discharge waste products carried in their holding tanks into the said sewage disposal system.
- (9) provide each recreational park with a swimming pool(s) and ensure each pool is not less than 6 metres by 12 metres and is properly chlorinated and maintained to satisfactory standards.
- (10) provide that each pool(s) be conducted and maintained as required by the regulations made under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 and each pool(s) is fenced according to the applicable regulations. (Municipal/Provincial).
- (11) ensure that Campground staff have received instruction in the use of the fire fighting equipment provided in the Campground.
- (12) prepare a fire safety plan for the Campground which shall include the procedures for notifying the Fire Department, the evacuation of the occupants and confining, controlling and extinguishing the fire.
- (13) provide instruction to the staff outlining their responsibilities under the fire safety plan as established according to Section 5(12).

SERVICE BUILDINGS

6. Every licensee who operates a Campground shall provide service buildings as hereinafter set out:

- (1) Service buildings shall be provided at all times with an adequate supply of hot and cold water for bathing, washing and laundry facilities and shall comply with the Health Department regulations.
- (2) All service buildings in the Campground shall be maintained in a clean and sanitary condition and shall be kept free of any condition that would be a menace to the health of any occupant or the public or constitute a nuisance.

GARBAGE

7. Every Licensee who operates a Campground shall:

- (1) provide garbage collection for the Campground on a daily basis during the period of operation and is responsible for the removal to an approved County Waste Disposal Site/Facility;
- (2) Ensure no refuse or litter remains in or about the Campground except in a proper receptacle.

GROUP CAMPING

8. Every Licensee who operates a Campground shall:

- (1) Ensure that no more than 75 people occupy an area in the Campground designated for group camping.
- (2) Ensure that no more than one area in the Campground is designated for group camping.

MANAGEMENT OFFICE

9. Every Licensee who operates a Campground shall:

- (1) provide a Mobile Home unit or other permanent dwelling as a residence for the owner, caretaker or watchman. If the annual licence is not renewed, the mobile home (if applicable) shall be removed within six (6) months of the lapse of the licence.
- (2) ensure that a responsible adult, who is familiar with the camp, is on duty at all times when the camp is open for business.
- (3) ensure that an occupancy register is maintained and that such register contains a record of all owners and occupants of the camp vehicles/trailers located within the Campground.
- (4) record on the occupancy register:
 - (a) the name and address of each occupant;
 - (b) the make, model, year and licence number including Province or State, of every vehicle;
 - (c) the arrival and departure date of each camping vehicle/trailer;
 - (d) the identification number of the campsite(s) occupied by each registered guest.

LENGTH OF OCCUPANCY

10. The Licensee of a Campground shall be permitted to keep the said Campground open for business continuous for the whole calendar year.
11. No lot in a Campground shall be occupied by any person or persons for a period of more than 14 days in any calendar month between the first day of November and the thirteenth day of April of the following year,
12. The Licensee of a Campground shall not allow a lot to be used for any purposes requiring the services of any Board of Education/School Board or Commission Scolaire;
13. The Licensee of a Campground may provide an area within the boundaries of the Campground for the purpose of storing unoccupied "Recreational Vehicles" and said area shall not be located within 100 metres of any public road and/or street or any adjacent residential zone. The storage area shall be suitably screened by a natural buffer area.

SCHEDULE "B" TO BY-LAW 06-102

Relating to Certain Exhibitions/Festivals

EXPLANATION OF LICENSING POWER

Public Health and Safety, Nuisance Control due to such premises being open to the public and the potential hazards associated with public assembly and temporary amusements and the potential impacts of traffic, noise and lighting on adjacent properties.

DEFINITIONS

1. **For the purpose of this Schedule:**

"Exhibition/Festival" means a craft exhibition, concert, a musical exhibition, a festival or other similar gathering where it is estimated two hundred and fifty (250) or more persons will attend, and which is held for hire or for gain where any of the following requirements are met:

- (1) entertainment or instruction is provided to a person who attends; or
- (2) a fee for admission is charged; or
- (3) the persons who attend are accommodated outdoors or within a temporary structure.

LICENCE REQUIREMENTS

2. No person shall operate or maintain an exhibition/festival within the Township without first having obtained a licence to do so.
3. Every applicant in respect of an Exhibition/Festivals licence shall file with the Licensing Officer:
 - (1) A letter from the Ontario Provincial Police advising they have been made aware of the exhibition and are satisfied with security precautions being taken by the applicant.
 - (2) A letter or certificate from the Health Department advising they have no objection and satisfactory arrangements have been made to ensure compliance with all health legislation and regulations;
 - (3) A site/fire plan for the exhibition/festival which shall include the procedures for sounding the fire alarm, notifying the Fire Department, the evacuation of the occupants and confining, controlling and extinguishing the fire, outlining the area to be used, the entry and exit points, the parking and internal roadways, the areas upon which any permanent or temporary building or structure are to be set up, and the areas where lavatory and washing facilities are to be set up, and such plan will be circulated to the Manager of Public Works and Fire Chief for approval;
 - (4) For each place or premise for which he has applied for a licence, a policy or a certificate of insurance against occupiers liability and endorsed to the effect that the Licensing Officer shall be given at least five (5) days notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring in at least the following amounts:
 - a. In the case of bodily injury or death, to a limit of at least \$1,000,000.00 (exclusive of interest and costs) against all claims for personal injury, including injury resulting in death and property damage, with an inclusive limit of not less than \$1,000,000.00.

- b. The policy or certificate of insurance shall be endorsed to the effect that the Township is named as an additional insured if the exhibition/festival is to take place on Township property.
- (5) In the case where alcohol is being served, a policy or a certificate of insurance against alcohol liability and insuring in at least the following amounts:
 - a. In the case of bodily injury or death, to a limit of at least \$1,000,000.00 (exclusive of interest and costs) against all claims for personal injury, including injury resulting in death, and property damage, with an inclusive limit of not less than \$1,000,000.00.
 - b. The policy or certificate of insurance shall be endorsed to the effect that the Township is named as an additional insured if the exhibition/festival is to take place on Township property.
 - c. In the case where alcohol is being served and a liquor licence is not present, the applicant and/or owner/lessee of the property shall acquire a Special Occasion Permit issued by the Liquor Control Board of Ontario and provide a copy of same to the Licensing Officer.
- (6) In the case where alcohol is being served that all requirements of the Township's Alcohol Policy (By-law No. 97-85, as amended) is adhered to;
- (7) A report of the Hydro Inspection from the Electrical Safety Authority that light fixtures and all wiring of the electrical installations are approved (if applicable).
- 4. No licence shall be granted under this by-law until the applicant and the owner and lessee of the property upon which such exhibition/festival is to be held, have deposited with the Township treasurer a deposit in an adequate amount, such amount to be fixed by the Township, sufficient to repair minor damages, cleaning of buildings and grounds after such exhibition/festival has terminated so that the grounds may be restored to its previous state without cost to the Township or Board or body responsible for the administration of such public buildings or grounds.
- 5. No person shall operate an exhibition/festival under this section in any Township park or on any Township property without permission from the Township.
- 6. No person shall operate an exhibition/festival under this section on private property without having proper zoning.
- 7. Every licensee shall, if deemed required by the Township, hire at his own expense, independent security personnel to monitor the attendees to ensure orderly conduct and compliance with the provisions of this by-law.
- 8. Every licensee shall:
 - (1) be responsible for supervising, overseeing and maintaining orderly conduct;
 - (2) not permit any person to create a disturbance or cause undue noise while on the premises;
 - (3) keep the premises in a clean, neat and sanitary condition, free from fire hazards or any other hazards.

- (4) ensure that staff have received instruction in the use of the fire fighting equipment provided at the exhibition/festival;
 - (5) provide instruction to the staff outlining their responsibilities under the plan as established according to Section 3(3).
9. This by-law shall not apply to any exhibition which is sponsored or hosted by the Township.

SCHEDULE "C" TO BY-LAW 06-102

Relating to hawkers, peddlers and other persons going from place to place with goods, wares or merchandise for sale

EXPLANATION OF LICENSING POWER

Public Safety, Nuisance Control and Consumer Protection to ensure the safety of the public and to ensure that fair business practices are employed.

DEFINITIONS

1. For the purpose of this Schedule:

"Goods wares and merchandise" shall include any article, merchandise, service or privilege obtained for consideration or anything that has economic utility or want, or an intangible item (as a service or membership) that is a marketable commodity.

"Hawker or Peddler" shall mean any person who goes from place to place or to a particular place with goods, wares or merchandise for sale within the Township or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the Township afterward, and shall include any persons or company who assembles groups of vendors to participate in a sale in a particular place, and shall include the person under whose Provincial vendor's permit the seller operates, but shall not include any such person who is hawking, peddling or selling goods wares or merchandise:

- (1) to wholesale or retail dealers in similar goods, wares or merchandise;
- (2) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of the farmer's own farm;

LICENCE REQUIREMENTS

2. No person shall operate or conduct business as a hawker or peddler without first obtaining a licence to do so.
3. Every applicant for a hawkers and peddler's licence shall as part of the application for such licence:
 - (1) furnish a statement in writing containing a full description of the goods, wares or merchandise to be sold or offered for sale under such licence.
 - (2) provide a Criminal Record check obtained from a Police Enforcement Agency and dated within 30 days of the date of receipt of the application.
 - (3) provide two (2) prints of a passport size photograph of applicant;
4.
 - (1) There will be no licence fee charged for a charitable or religious organization.
 - (2) In the case where the Licensing Officer does not consider the organization to be charitable or religious, the Licensing Officer shall recommend to Council that Council refuse to exempt the organization from paying the licence fee and that the procedures be followed as set out in Section 21 to 25 of this by-law.
5. Every person licensed under this Schedule shall be in possession of his licence at all times while carrying on his business.

SCHEDULE "D" TO BY-LAW 06-102

Relating to public halls

EXPLANATION OF LICENSING POWER

Public Health and Safety, Nuisance Control due to such premises being open to the public and the potential hazards associated with public assembly and temporary amusements and the potential impacts of traffic, noise and lighting on adjacent properties.

DEFINITIONS

1. For the purpose of this Schedule:

"Entertainment" shall mean any dance, exhibition, concert, show, variety program, motion picture showing, public luncheon or dinner, game or sporting contest;

"Public Hall" shall mean any place of public assembly where members of the public gather together for the purpose of any meeting or entertainment, where an admission fee is charged, or where after admission, a charge is made or a fee collected, or where the public hall is rented or leased by any person or organization for any such function, and shall include cloak rooms, washrooms, kitchens and other service rooms used in connection therewith, but shall not include a theatre within the meaning of the Theatres Act, a school when used for educational purposes only, a lodge when used for lodge purposes only, a church or any building when used by religious organization for religious purposes only;

LICENCE REQUIREMENTS

2. No person shall operate or maintain a public hall or allow any building or part thereof to be used as a public hall without first having obtained a licence to do so.
3. Every applicant for a public hall licence shall file with the Licensing Officer:
 - (1) a statement on the form provided by the Licensing Officer giving such particulars as to the location, size and construction of the hall, as may be required;
 - (2) a policy or a certificate of insurance against occupier's liability and endorsed to the effect that the Licensing Officer shall be given at least five (5) days notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring in at least the following amounts:
 - a. In the case of bodily injury or death, to a limit of at least \$1,000,000.00 (exclusive of interest and costs) against all claims for personal injury, including injury resulting in death, and property damage, with an inclusive limit of not less than \$1,000,000.00.
 - (3) an inspection report from the Fire Chief approving the premises;
 - (4) a certificate or letter from the Health Department approving the premises;
 - (5) a copy of the Liquor Licence as issued by the Liquor Control Board of Ontario, if applicable;
 - (6) a report of the Hydro Inspection from the Electrical Safety Authority that light fixtures and all wiring of the electrical installations are approved.

4. (1) The licensee shall not allow a greater number of persons to enter and be in the hall at any one time than is stated to be the maximum capacity of the hall on the licence, which maximum capacity shall be determined by the Fire Chief as per the Ontario Fire Code, 1997.
5. (1) All exit doors including the main entrance door shall be equipped with panic-type hardware that enables a door to be opened easily upon the application of pressure from the inside. Panic hardware shall not be required on free-swinging doors which are not equipped with any locking latching devices.
- (2) No revolving type of door or turnstile shall be used as an exit from a public hall except that a revolving type of door or turnstile may be used from the first or ground floor provided that there is an exit door or doors of the swing type adjacent to and within at least fifteen feet of the revolving door or turnstile.
- (3) Hooks, padlocks, chains and draw bolts, other than the panic hardware type, shall not be permitted on doors.
- (4) The licensee shall ensure that whenever a public hall is to be used, that all necessary steps are taken to ensure that the doors open freely.
6. (1) The licensee shall ensure the public hall is kept clean and clear of rubbish.
7. (1) The licensee shall ensure that appropriate No Smoking signs are posted in the public hall as set out in the Township's No Smoking By-law.
- (2) The licensee shall ensure that smoking, matches, open flames, fire-crackers or any device producing an exposed spark or flame are not used on any platform or stage in any public hall, unless in conjunction with a performance and authorized by the Fire Chief to do so.
8. (1) The licensee shall ensure compliance with the Township's Noise By-law and that the public hall is closed and entertainment ceased punctually at 2:00 A.M. and shall remain closed and no entertainment shall be provided or permitted therein until nine o'clock in the forenoon of the day. The licensee shall ensure that all patrons and other persons attending such public hall vacate within thirty minutes of the required time of closing. All times stated are local time.
9. The licensee shall:
 - (1) ensure that ushers and other staff have received instruction in the use of the fire fighting equipment provided in the public hall;
 - (2) prepare a fire safety plan as per the Ontario Fire Code, 1997 for the public hall which shall include the procedures for sounding the fire alarm, notifying the Fire Department, the evacuation of the occupants and confining, controlling and extinguishing the fire;
 - (3) provide instruction to the staff outlining their responsibilities under the fire safety plan as established according to 9(b).

SCHEDULE "E" TO BYLAW 06-102

Relating to Owners or Operators of Recreational Establishments

EXPLANATION OF LICENSING POWER

Public Health and Safety, Nuisance Control due to such premises being open to the public and the potential hazards associated with public assembly and temporary amusements and the potential impacts of traffic, noise and lighting on adjacent properties.

DEFINITIONS

1. For the purposes of this Schedule:

"Amusement Device" shall include but is not limited to arcade, pinball or video games, table top hockey games, table top soccer games, electronic games and other similar devices, pool, billiard or snooker tables;

"Place of Amusement" shall include any shop, building, or place or part thereof, which is open to the public in which three (3) or more amusement devices are installed, placed or operated;

"Recreational Establishment" means a premise, land, building or structure that has been designed and equipped for the consumer or customer to actively participate in sports or leisure activities such as but not limited to a bowling alley, roller-skating/skateboard/rollerblading park, rink or facility, automatic batting cages, indoor or outdoor miniature golf course, place of amusement, use entailing the operation of motorized vehicles, but does not include a dance hall, commercial fitness centre, adult entertainment parlour, use entailing the outdoor operation or racing of animals or any establishment involving gambling or gaming activities.

LICENCE REQUIREMENTS

2. No person shall operate or maintain a Recreational Establishment within the Township without first having obtained a licence to do so.

3. Every applicant for a recreational establishment licence shall file with the Licensing Officer:

- (1) a policy or a certificate of insurance against occupier's liability and endorsed to the effect that the Licensing Officer shall be given at least five (5) days notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring in at least the following amounts:

In the case of bodily injury or death, to a limit of at least \$1,000,000.00 (exclusive of interest and costs) against all claims for personal injury, including injury resulting in death, and property damage, with an inclusive limit of not less than \$1,000,000.00.

- (2) an inspection report from the Fire Chief approving the premises;

4. Every person issued a licence pursuant to this Schedule shall:

- (1) not permit any more amusement devices than the number for which the licence was issued on the licensed premises;
- (2) not permit any person to loiter, create a disturbance or cause undue noise while on the licensed premises;
- (3) keep the licensed premises in a clean, neat and sanitary condition, free from fire hazards or any other hazards;

(4) not permit the licensed premises to operate outside the following hours:

<u>DAYS</u>	<u>FROM</u>	<u>TO</u>
Monday to Sunday inclusive	9:00 A.M.	2:00 A.M.
Holidays (other than those excluded and including all recognized school vacation periods)	9:00 A.M.	2:00 A.M.

(5) operate the establishment free of health hazards as defined under the Health Protection and Promotion Act, R.S.O. 1990 c.H.7.

SCHEDULE "F" TO BY-LAW 06-102

Relating to Owners or Operators of Vehicles or Stands from which Refreshments are Sold for Consumption by the Public

EXPLANATION OF LICENSING POWER

Public Health and Safety due to the health risks associated with the handling and storage of food.

1. For the purposes of this Schedule:

"Public Place" shall mean a place to which the general public is invited or permitted access, whether or not for a fee.

"Refreshment" means any food and drink.

"Refreshment Vehicle" means any vehicle of any type, with or without wheels, from which refreshments are sold to the public and shall include a refreshment stand or portable barbecue.

LICENCE REQUIREMENTS

2. No person shall operate or maintain a refreshment vehicle within the Township without first having obtained a licence to do so.

3. Every applicant in respect of a refreshment vehicle licence or renewal shall file with the Licensing Officer:

- (1) an inspection report from the Fire Chief approving the vehicle for operation as a refreshment vehicle, where applicable;
- (2) a certificate or letter from the Health Department indicating approval for the refreshment vehicle, where applicable;
- (3) a letter from the County of Simcoe for County Roads, where applicable;
- (4) a policy for each vehicle or certificate of insurance endorsed to the effect that the
 - a. Licensing Officer will be given at least five (5) days notice in writing of any cancellation, expiry or variation in the amount of the policy, insuring to a limit of at least \$1,000,000.00 (exclusive of interest and costs) against loss or damage resulting in bodily injury to or death of any one person including property damage;
 - b. The policy or certificate of insurance shall be endorsed to the effect that the Township is named as an additional insured if the refreshment vehicle is operated on Township property.
- (5) If operating propane or natural gas, a certificate stating that the vehicle has been inspected and certified at the time of application and on an annual basis by an authorized inspector and such certification shall be filed with the municipality annually, and at the time of application or as may be required;
- (6) A letter of authorization from the private property owner where the vehicle is to be located;
- (7) A site diagram, showing the location of the proposed refreshment vehicle on the property including setbacks from the adjacent property lines and the proposed location of all signage.

- (8) A detailed description in writing containing a full description of refreshments to be sold or offered for sale.

NUMBER OF LICENCES

4. No more than ten (10) refreshment vehicles licences shall be issued.
5. Every licensee shall in respect of a refreshment vehicle ensure that:
- (1) the vehicle is of sound construction to provide reasonable protection against dust, dirt, flies, and other injurious matter or things;
 - (2) the vehicle is equipped with a metal refuse container with a self closing lid and such container shall be kept in a clean and sanitary condition and emptied at least once daily; or a disposable litter container which shall be replaced at least once daily and;

such containers shall be used for the disposal of all refuse;
 - (3) ensure that every refuse container is located in such a position on the vehicle so as to be easily accessible by persons making purchases while the vehicle is stopped;
 - (4) ensure that the vehicle and all parts and equipment for use in the dispensing of refreshments are maintained in a clean and sanitary condition and at all times in good repair;
 - (5) ensure that each operator or employee is made familiar with the contents of this Schedule and shall not permit any operator or employee under his control, management, supervision or direction to breach any of the provisions of this Schedule.
6. No licensee shall permit any individual other than a bona fide employee to operate the refreshment vehicle.
7. Every licensee shall ensure that every refreshment vehicle displays in a contrasting colour and in clearly visible letters, on both side panels, the operating name of the business as it appears on their business licence.
8. Every licensee shall, whenever required to do so by the Licensing Officer bring such vehicle to any person designated by the Licensing Officer to inspect the same, at the place and time indicated by such person.
9. Every owner shall take out a separate licence for each refreshment vehicle owned or operated by him.
10. Every person selling or handling refreshments shall wear clean clothes, be clean and neat in appearance, and have clean hands.
11. No person shall operate or maintain a refreshment vehicle on private property without having proper zoning.
12. No person shall stop a refreshment vehicle to sell refreshments within one hundred (100) metres of the entrance or exit to any school grounds or public park.
13. No owner or operator of a refreshment vehicle shall stop to sell refreshments within two hundred (200) metres of a business that sells the same type of product.
14. No person shall sell refreshments from a vehicle drawn by an animal.

15. No person shall operate or maintain a refreshment vehicle on any public property, street or road allowance within the municipality unless it is during and in conjunction with a Township endorsed special event or permission from Council has been obtained to do so.
- 16.
- a. That the sale of refreshments from refreshment vehicles on any public property, street or road allowance within the municipality may be permitted during Council authorized special events, by a charitable or religious organization on the approval of the Licensing Officer at no charge to the organization. The Licensing Officer in giving his approval shall have regard to the organizing committee's efforts to provide refreshment vehicles themselves for the special event.
 - b. In the case where the Licensing Officer refuses to exempt an organization as a charitable or religious organization for the purpose of the sale of refreshments from refreshment vehicles on any public property, street or road allowance within the Municipality during special events, the Licensing Officer shall recommend to Council that Council refuse to exempt the organization and that the procedures be followed as set out in Sections 21 to 25 of this by-law.
 - c. During any Township endorsed special events any existing business within the Township that pays taxes directly to the Township and wishes to operate a refreshment stand or vehicle during and in conjunction with an authorized special event shall make application for a licence but shall be exempt from paying a licence fee as prescribed in the Township's Fee Schedule By-law.

SCHEDULE "G" TO BY-LAW 06-102

Relating to restaurant owners

EXPLANATION OF LICENSING POWER

Public Health and Safety due to the health risks associated with the handling and storage of food.

DEFINITIONS

1. For the purposes of this Schedule:

"Restaurant" means an establishment which is primarily used for the preparation, service, sale or offering for sale of foodstuffs and alcoholic and/or non-alcoholic beverages to the public for immediate consumption within the premises. Shall include but is not limited to restaurants, snack bars, concessions and taverns.

LICENCE REQUIREMENTS

2. No person shall operate or maintain a restaurant within the Township without first having obtained a licence to do so.

3. Every applicant for a restaurant licence shall file with the Licensing Officer:

(1) a policy or a certificate of insurance against occupier's liability and endorsed to the effect that the Licensing Officer shall be given at least five (5) days notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring in at least the following amounts:

a. In the case of bodily injury or death, to a limit of at least \$1,000,000.00 (exclusive of interest and costs) against all claims for personal injury, including injury resulting in death, and property damage, with an inclusive limit of not less than \$1,000,000.00.

(2) an inspection report from the Fire Chief approving the premises;

(3) a certificate or letter from the Health Department approving the premises;

(4) a copy of the Liquor Licence as issued by the Liquor Control Board of Ontario, if applicable.

4. Every person issued a licence pursuant to this Schedule shall:

(1) ensure that all premises are sufficiently and suitably lighted and ventilated.

(2) ensure that no room directly associated with the restaurant use is used for sleeping.

(3) ensure that garbage and waste are removed from the premise at least twice weekly or as often as is necessary to maintain the premise in a sanitary condition.

(4) adhere to the requirements of the Health Protection and Promotion Act, R.S.O. 1990, c.H.7 and operate the premises in compliance with the Ontario Food Premises Regulations.

(5) ensure that the premises are closed from 2:00 A.M. and 6:00 A.M.

5. Every person who engages in the handling of food shall, while so engaged, take all reasonable steps as may be necessary to protect the foodstuffs from dust, dirt, mud, filth, dirty water, animals, birds, rodents, flies, insects and other sources of contamination and shall cause such foodstuffs to be so placed as to prevent the risk of contamination.
6. Every person employed in such premise shall keep himself and his wearing apparel in a clean and sanitary condition.

SCHEDULE "H" TO BY-LAW 06-102

Relating to taxicabs and taxicab brokers, owners and drivers

EXPLANATION OF LICENSING POWER

Public Safety and Consumer Protection to ensure Motor Vehicles are in a safe condition for use by the public and that fair business practices are being employed.

DEFINITIONS

1. For the purposes of this Schedule:

"Broker" means any person who carries on the business of accepting calls in any manner and of dispatching taxicabs in any manner;

"Broker's licence" means the licence issued to a broker pursuant to this by-law;

"Dispatch" means the communication of an order or information in any manner between a taxicab broker and a taxicab driver;

"Dues" means any amount charged by a taxicab broker to a taxicab plate owner or to the lessee of a taxicab to receive orders from the taxicab broker;

"Fare" means the amount displayed on the taxicab meter at the conclusion of a trip, or the flat rate allowed pursuant to this by-law for the trip, together with any additional charges allowed pursuant to this by-law;

"Plate owner" means a person who owns a plate pursuant to this by-law, either through issue or renewal;

"Plate owner's licence" means the licence issued to a plate owner pursuant to this by-law;

"Priority list" means a list of applicants for a plate owner's licence which is maintained by the Licensing Officer, recording in chronological order by date of application;

"Taxicab" means a motor vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, other than a car pool vehicle, having a seating capacity of not less than four (4) persons or not more than six (6) persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip;

"Taxicab Driver's Licence" means a licence issued under this by-law to a driver of a taxicab;

"Taxicab stand" means any area designated to be used by a taxicab while waiting for or picking up passengers;

"Tire" includes the rubber and rim;

"Transfer" means an arrangement between a plate owner and another, whereby the plate owner permanently assigns all interest in the plate to the other;

"Trip" means the distance and time traveled or the distance and time to be traveled, measured from the time and point at which the passenger first enters the taxicab to the point at which the passenger finally leaves the taxicab;

"Trip Record" means a daily written record of the details of each trip;

“Vehicle owner” means a person who is registered with the Registrar of Motor Vehicles for the Province of Ontario as the owner of a motor vehicle.

DRIVER’S LICENCE REQUIREMENTS

2. No person may be licensed as a driver pursuant to this by-law unless he/she is either a Canadian citizen, a permanent resident, or has a valid employment authorization issued by the Government of Canada to work as a driver, and has a working knowledge of English.
3. No person shall be licensed as a driver pursuant to this by-law unless he/she holds a current, valid driver’s licence issued under the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.
4. No person shall be licensed under this by-law, who is under the age of eighteen (18) years of age and possess a minimum of a G2 driver’s licence as issued by the Ministry of Transportation (Ontario).
5. No corporation may be licensed as a driver pursuant to this by-law.
6. Every applicant in respect of a taxicab driver’s licence shall file with the Licensing Officer:
 - (1) two (2) prints of a passport size photograph of applicant;
 - (2) a Criminal Record Check obtained from a Police Enforcement Agency and dated within 30 days of the date of receipt of the application;
 - (3) an Ontario Driver’s Licence Abstract obtained from the Ministry of Transportation (Ontario) and dated within 30 days of the date of receipt of the application;
 - (4) an Original Ontario Driver’s Licence;
 - (5) provide a letter of promise of employment from the plate owner, broker or lessee for whom he/she proposes to drive;
 - (6) submit, if requested, a certificate from a doctor stating that the driver is fit and able to operate a motor vehicle.
7. Every applicant shall satisfy the Licensing Officer that:
 - (1) the applicant has not been found guilty of an Indictable Offence under the Criminal Code of Canada, or an offence under the Controlled Drugs and Substances Act within the preceding three years;
 - (2) the applicant has not been found guilty of an offence under the Liquor Licence Act, R.S.O. 1990, c. L.19, as amended, to the illegal sale or purchase of liquor within the preceding three years;
 - (3) the applicant has not been found guilty of a criminal offence pertaining to the operation of a motor vehicle within the preceding three years;
 - (4) the applicant has not been found guilty of any sexual offence under the Criminal Code;
 - (5) the applicant’s record of past conduct shall be such that it would not be contrary to the public interest for a licence to be granted or renewed.
 - (6) the applicant is of good character;

- (7) the applicant is able to understand and comprehend the regulations of this by-law in order to ensure the Licensing Officer of his/her compliance.
8. Notwithstanding Section 6 of this schedule, the Licensing Officer may issue a taxicab driver's licence under the following circumstances;
- (1) an applicant who has been found guilty of a criminal offence and received an absolute discharge may be granted a licence;
 - (2) an applicant who has been found guilty of a criminal offence and received a conditional discharge and/or suspended sentence may be granted a licence on the condition that it be reviewed after a period of six months;
 - (3) an applicant who has been found guilty of a summary conviction offence under the Criminal Code may be granted a licence on condition that it be reviewed after a period of six months.

PLATE OWNER'S LICENCE REQUIREMENTS

9. Every applicant for a plate owner's licence shall file with the Licensing Officer:
- (1) a current valid driver's licence issued pursuant to this by-law, or in the case of a Corporate applicant a current valid driver's licence issued pursuant to this by-law for the shareholder which controls fifty-one percent (51%) of the voting rights;
 - (2) a current passenger motor vehicle permit, which is in good standing, issued in the name of the applicant by the Ministry of Transportation (Ontario), for the vehicle of which he is the owner;
 - (3) for each vehicle, a policy or certificate of insurance endorsed to the effect that the Licence Officer will be given at least five (5) days notice in writing of any cancellation, expiry or variation in the amount of the policy, insuring to a limit of at least \$1,000,000.00 (exclusive of interest and costs) the applicant and all drivers against loss or damage resulting in bodily injury to or death of any one person including property damage;
 - (4) current valid Safety Standards Certificate in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, c.H. 8, as amended.
10. Every applicant for a plate owner's licence shall submit the request for a licence by September 30 of each year.
11. Every applicant for a plate owner's licence shall submit for inspection and approval by a Licensing Officer the vehicle for which the plate will be issued.
12. Every plate owner shall:
- (1) Employ or use only the services of drivers licensed under this by-law;
 - (2) Give to each of his drivers at the expiry of the driver's work shift, a receipt for the total of all the fares collected and given to him by the driver;
 - (3) Repair immediately any mechanical defect in his vehicle reported to him by a driver.
13. No person shall operate a taxicab for hire unless he/she has a permanent stand from which to operate such vehicle. The building in which such permanent stand is located shall comply with all applicable by-laws of the Township.
14. All owners of taxicabs licensed under this by-law shall be supplied with a numbered plate for each cab so licensed.

15. No plate owner shall operate or allow to be operated, a taxicab without the most up-to-date fares being posted in a conspicuous place.

CORPORATE APPLICANTS AND LICENSEES

16. No corporation may hold a broker's licence or plate owner's licence unless a licensed driver controls at least fifty-one percent (51%) of the voting rights attached to the shares of such corporation.

NUMBER OF PLATES

17. No more than ten (10) plate owner's licences shall be issued.

TRANSFER

18. No plate owner's licence or a taxicab driver's licence shall be transferred.

BROKER'S LICENCE REQUIREMENTS

19. Every applicant for a broker's licence or licensee shall file with the Licensing Officer:

- (1) a list of all current shareholders, officers and directors, where the broker is a corporation;
- (2) a list of all owners to whom the broker dispatches or with whom the broker has entered into any arrangement for services. Such list shall include every motor vehicle to whom the broker dispatches and shall identify each vehicle plate number;
- (3) a copy of the brokers Federal Radio Licence "call" sign and frequency number;

20. Every taxicab broker shall:

- (1) maintain a permanent business office within the Township;
- (2) require all plate owners, lessee's and drivers who have entered into arrangements with the broker for the provisions of brokerage services to use a design of roof sign approved by the Licensing Inspector;
- (3) written notification within five (5) days of any additions to or deletions from the list referred to in Section 19 (2) of this schedule;
- (4) carry on the brokerage business twenty-four (24) hours a day during the term of his licence, unless otherwise directed by Council;
- (5) not accept calls for, or in any way dispatch or direct calls to taxicabs other than those whose owners are licensed under this by-law, unless otherwise approved by Council;
- (6) not accept calls for, or in any way dispatch or direct calls to taxicabs where the activity would be an illegal or an unlawful act;
- (7) serve customers in a "first come, first served" basis;
- (8) inform customers of the approximate time of day where delay is anticipated before accepting the order;
- (9) dispatch only to drivers licensed under this by-law.

21. No broker shall be compelled to accept an order from a person who has not made payment for any previous trip.

CANCELLATION OF A LICENCE

22. A licence issued to a plate owner, or a broker under this by-law may be cancelled by Council at any time, if the plate owner, or broker fail to actively operate the motor vehicle or carry on the brokerage business for which the licence has been issued for a continuous period of sixty (60) days, unless just cause for such failure can be shown to the satisfaction of Council.

DRIVER'S DUTIES

23. Every driver shall:

- (1) each day before commencing the operation of a motor vehicle, examine the motor vehicle for mechanical defects or interior or exterior damage to the vehicle, and report forthwith any defects found, to the owner of the vehicle or the broker;
- (2) each day upon completion of the operation of a motor vehicle, return the vehicle to his employer and examine the motor vehicle and report all defects in the motor vehicle and all accidents to the owner of the vehicle or the broker;
- (3) maintain good grooming and proper hygiene;
- (4) behave courteously;
- (5) provide passengers with a receipt for fares paid on an authorized form, showing the driver's name, licence number and an identifying number for the motor vehicle and mileage traveled, whenever requested or whenever there is a dispute over the fare;
- (6) in an area approved by the Licensing Officer or Licensing Inspector, display a current list of fares card and display in a conspicuous place in a holder his driver's photograph card which includes the identifying number of the vehicle;
- (7) every person licensed under this by-law shall be in possession of his licence at all times while operating a taxicab.
- (8) when a passenger enters a vehicle and gives the driver the destination, the driver shall take the shortest possible route to the destination desired, unless the passenger designates otherwise;
- (9) immediately engage the meter when a passenger first enters the taxicab, which meter shall remain engaged throughout the trip;
- (10) when the trip is prearranged and the driver has notified the passenger that the taxicab is available and the driver has waited a reasonable time after notifying the passenger, the meter may be engaged by the driver and shall remain engaged through the trip until cancellation;
- (11) at the conclusion of a trip, the driver shall bring the passengers attention to the amount of the fare;
- (12) only charge the fare shown on the posted rates and where there is no posted rates there shall be no charge for the trip;

- (13) ensure the rates set out in the posted rates shall be calculated from the time and place the passenger first enters the taxicab to the time and place the passenger finally discharges the taxicab;
- (14) when a dispute arises between a passenger and a taxicab driver about the fare, the driver may refer the dispute to the nearest police officer for arbitration.

24. No driver licensed under this by-law shall:

- (1) carry in any vehicle licensed under this by-law, a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such vehicle;
- (2) drive a vehicle with luggage or any object placed in, hung on, or attached to the vehicle in such manner as will obstruct the driver's view of the highway;
- (3) drive a vehicle which does not have an owner's plate affixed at a location on the vehicle in an area approved by the Licensing Inspector;
- (4) take, consume or have in his possession any alcohol, drugs or intoxicants while he is in charge of a vehicle for which he is licensed as a driver under this by-law;
- (5) take on any additional passenger(s) except at the request of the passengers already in the vehicle;
- (6) take on any additional passengers when operating a motor vehicle which is being used exclusively for the transportation of children to and from school;
- (7) while carrying passengers, smoke any cigar, cigarette, tobacco or other substance;
- (8) purchase or hold liquor, wine or beer in any taxicab between the hour after the closing of Retail Liquor or Beer Stores and the opening of Retail Liquor or Beer Stores in the forenoon of a following day;
- (9) No taxicab driver licensed under this by-law shall loiter along the streets of the Township in his taxicab.

No driver shall permit the taxicab to stop, stand or park upon a highway in the Township except for the immediate purpose of:
receiving or discharging a passenger who has engaged the taxi cab;
upon the instructions of a passenger by whom the taxicab is already engaged, and in continuance of that engagement; upon conducting personal business; or as authorized by Council.

RE-PHOTOGRAPHING OF DRIVERS

- 25. If at any time the driver's photograph is not a reasonable likeness of the driver because of physical changes, passage of time, or poor quality photography the Licensing Officer may require the driver to have another photograph taken.

RETURNING OF LOST PROPERTY

- 26. Every driver shall take due care of all property, delivered or entrusted to him for conveyance, and immediately upon his termination of any hiring engagement shall carefully search the vehicle for any property lost or left therein; and, all property or money left in the vehicle shall be forthwith delivered over to the person owning the property or money and if the owner of the property or money cannot at once be found, the driver shall deliver the property or money to the

nearest police station with all the information in his possession regarding the property or money, and immediately notify his dispatcher of such property.

DRIVER CONDUCT

27. Every driver shall:

- (1) if he/she wants to enter a taxicab stand with his taxicab, do so by taking his position at the end of any line formed by taxicabs already in the stand;
- (2) if he/she is not the first taxi in line at the stand, he must refuse the fare and direct the passenger to the first taxi in line;
- (3) while waiting in the taxicab at a taxicab stand or at any public place not obstruct or interfere in any way with the normal use of the taxicab stand or the public place or interfere with the surrounding traffic patterns;
- (4) not make any loud noise or disturbance while waiting in a taxicab at a taxicab stand or in a public place;
- (5) while waiting at a taxicab stand or public place be sufficiently close to his taxicab to have it under constant observation;
- (6) while waiting with a taxicab at a taxicab stand or public place, not make repairs to the taxicab unless such repairs are immediately necessary;
- (7) not push or bump any other taxicab at the taxicab stand;
- (8) when a vacancy occurs any driver waiting at the taxicab stand must fill the vacancy by advancing his taxicab;
- (9) not pick up any passenger within two hundred (200) metres of a taxicab stand when there is one or more taxicabs upon the stand, except, where an arrangement has been previously made with the passenger to pick him up at that location;
- (10) serve the first person requiring the service of his taxicab, any place within the Township, at any time provided such person is not disorderly or does not refuse to give his destination;
- (11) punctually keep all of his appointments, and shall not make any appointments if a previous engagement would prevent him from fulfilling it; provided however, that he shall not be compelled to accept any order from a person who owes him for a previous fare or service;
- (12) when using a taxicab for transportation of passengers not for gain or reward:
 - (a) remove the roof light from the taxicab;
 - (b) put the meter in a non-recording mode

TRIP RECORD

28. Every driver shall:

- (1) keep a trip record and this trip record shall include the following:
 - a. the Ontario Motor Vehicle Permit number of the motor vehicle used;
 - b. the name, address and identification number of the driver;
 - c. the date, time and location of the beginning and end of each trip;

- d. the amount of the fare collected for each trip;
- (2) Every driver shall turn over a copy of all trip records pertaining to his work shift and shall turn over all fares collected, less the amount of commission or other payment as was previously agreed upon between the driver and the owner, to the owner, broker or their designate;
 - (3) A driver shall not obstruct traffic while writing up the trip record and each trip shall be completely recorded prior to the commencement of the next following trip;
 - (4) Every plate owner and lessee shall retain for a period of at least 3 years, all trip records for all vehicles owned by him for which he has a licence under this by-law.

VEHICLE MARKINGS

29. Every plate owner, driver or lessee shall:

- (1) not display on any vehicle licensed under this by-law, any metal vehicle number plate or permit issued by any other municipal licensing authority;
- (2) not operate or permit to be operated as a taxicab any vehicle without an owner's plate issued pursuant to this by-law affixed thereto;
- (3) not operate or permit to be operated as a taxicab any vehicle which is not in good mechanical condition;
- (4) not enter into a lease agreement with respect to the plate unless a copy of such lease agreement is filed with the Licensing Officer forthwith;
- (5) securely affix the owner's plate on the right rear of the trunk lid of the taxicab so as to be clearly visible to the public at all times;
- (6) affix in a location approved by the Licensing Officer or Licensing Inspector, an indicator light and roof sign identifying the company name and telephone number;
- (7) ensure no roof sign is used on a taxicab unless approved by the Licensing Officer or Licensing Inspector;
- (8) ensure there is no display of any emblem, decal, advertisement or other markings on or in the taxicab which has not been approved as to form and location by the Licensing Officer or Licensing Inspector;
- (9) if affiliated with a broker, the broker's name and/or phone number shall be on the roof sign; if not affiliated with a broker the roof sign must indicate in a manner approved by the Licensing Inspector that the vehicle is a taxicab;

VEHICLE MAINTENANCE

30. A plate owner, lessee or driver shall operate, or permit to be operated, a vehicle only if the following requirements are met:

- (1) the vehicle is equipped with a spare usable tire and a suitable jack for lifting the taxicab which are ready for use;
- (2) the vehicle meets the standards required for the issue of a Safety Standards Certificate in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, at all times;

- (3) the vehicle is clean, in good repair as to its interior and exterior, free from exterior body damage and with well maintained exterior paint finish, trim and wheel covers;
 - (4) the meter is sealed;
 - (5) the vehicle is equipped with hubcaps and fenders.
31. A plate owner or driver shall:
- (1) if a Licensing Inspector believes a licensed vehicle may be mechanically defective or unsafe, submit the vehicle for inspection by a Licensing Inspector, or for examination by a qualified mechanic. The Licensing Inspector may remove the plate and require the owner or driver to submit his vehicle forthwith for examination by a mechanic;
 - (2) where the Licensing Inspector requires a vehicle to be examined or inspected, not operate the vehicle as a taxicab until it has passed such examination or inspection to the satisfaction of the Licence Inspector;
 - (3) the Licensing Inspector may require any vehicle to be re-examined by a mechanic of the Licensing Inspector's choice;
 - (4) where the Licensing Officer has suspended the use of a plate in accordance with this by-law, not operate or permit to be operated as a taxicab the vehicle for which the plate has been suspended.
32. No person shall fail to submit a vehicle for inspection or examination as required pursuant to this by-law.

FARES

33. Every driver shall, if the destination of a trip is within the boundaries of the Township agree before the trip with the passenger to a flat rate fare.
34. Every driver of a taxicab may, if the destination of a trip extends beyond the boundaries of the Township, agree before the trip with the passenger to a flat rate fare.
35. No plate owner, lessee or driver shall:
- (1) induce any person to engage his taxicab by any misleading or deceiving statement or representation about the location or distance to any destination;
 - (2) publish or use any fare other than the fare which has been authorized by this by-law;
 - (3) recover or receive any fare or charge from any passenger or persons who has demanded their services which is greater or lesser than the fare or charge authorized by this by-law;
 - (4) recover or receive any fare or charge from any person to whom he has refused to show the list of fares;
 - (5) make any charge under this by-law for time lost through defects or inefficiency of the vehicle or the incompetence of the driver;
 - (6) make any charge for the time elapsed due to early arrival of the vehicle in response to a call for a vehicle to arrive at a fixed time.

PLATE OWNER'S PRIORITY LIST**36. PLACEMENT ON THE PRIORITY LIST**

- (1) Where a completed application along with the appropriate fee for a plate owner's licence is received by the Licensing Officer, which meets all the requirements of this by-law, but where a licence cannot be issued because of the limitation on the number of licences set out in this by-law or any amending by-law, the applicant's name shall be placed on the priority list by the Licensing Officer for the issuing of owner's plate provided the following requirements are met:
 - a. the applicant has been licensed as a driver for at least twelve (12) months prior to the date that the application for the plate owner's licence is filed with the Licensing Officer;
 - b. the applicant has been driving a taxicab in the Township for an average of at least thirty-five (35) hours a week for forty-four (44) weeks of the twelve (12) month period immediately preceding the date the application is filed with the Licensing Officer, and has filed supporting documentation to that effect to the satisfaction of the Licensing Officer.

37. STAYING ON THE PRIORITY LIST

- (1) Every person whose name has been placed on the priority list shall, on or before December 31st in every year after his name has been so placed, file with the Licensing Officer;
 - a. a statement in writing signed by every person by whom the applicant was employed or to whom the applicant provided service as a taxicab driver, indicating the period during which he worked for or provided such services to each such person;
 - b. a copy of the applicant's Income Tax Return for the preceding year in the form in which it was submitted to the Federal Government;
 - c. pay the appropriate fee.
- (2) When a name is placed on the priority list pursuant to this by-law, it shall remain on the list so long as the applicant continues to meet the applicable requirements and he files the required documentation.
- (3) Where an applicant whose name has been placed on the priority list, is unable to continue to drive a taxicab on account of illness, injury or other medical reasons, his name may nevertheless remain on the list provided:
 - a. he files a doctor's certificate establishing that throughout the period during which he did not drive a taxicab, he was physically unable for medical reasons to drive a taxicab; and
 - b. such period of time does not exceed two (2) years.
- (4) Where an applicant's name has been on the priority list for five (5) years his name may remain on the list while the applicant attends, on a full time basis, an Ontario Educational Institution which is recognized by Council, provided such attendance does not exceed twenty-four (24) months and provided the applicant files proof of enrolment in such institution.
- (5) The provision of subsections 3 and 4 only apply if the applicant gives written notification to the Licensing Officer of his intention to rely on the subsections.

INSPECTION OF PRIORITY LIST

38. The priority list shall be available for inspection during business hours, at the office of the Licensing Officer.

ISSUING OF A PLATE FROM PRIORITY LIST

39. Whenever a plate is to be issued, it shall be issued to the person whose name appears first chronologically on the priority list.

HEARING

40. Where an applicant fails to continue to meet the requirements of this by-law, the Licensing Officer shall recommend to Council that the applicant's name be removed from the priority list and the applicant shall be notified in writing of the recommendation at his last known address and the applicant may require a hearing on the recommendation before a Committee of Council and the provisions of this by-law respecting hearings shall apply.

LEASE OF PLATE

41. No person shall lease any taxicab plate.

DISPOSAL OF TAXICAB

42. (1) Where the plate owner or lessee ceases to operate a vehicle as a taxicab he shall immediately remove from such vehicle:
- a. the roof light;
 - b. the meter;
 - c. all identifying decals or markings;
 - d. any other markings which would identify the vehicle as a taxicab.
- (2) Where the plate owner ceases to operate a vehicle as a taxicab he shall immediately notify the Licensing Officer.

CHANGE OF TAXICAB

43. At such time as a taxicab owner licensed under this by-law proposed to change the vehicle that he uses for a taxicab, and proposes to use another vehicle as a taxicab, the owner shall apply to the Licensing Officer by completing an application form and provide:

- (1) a current vehicle permit, which is in good standing, issued in the name of the applicant by the Ministry of Transportation (Ontario), for the vehicle which he is the owner;
- (2) for each vehicle, a policy or certificate of insurance endorsed to the effect that the Licensing Officer will be given at least five (5) days notice in writing of any cancellation, expiry or variation in the amount of the policy, insuring to a limit of at least \$1,000,000.00 (exclusive of interest and costs) against loss or damage resulting in bodily injury to or death of any one person including property damage;
- (3) a current valid Safety Standards Certificate in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, c.H. 8, as amended.

- (4) Pay the applicable fee as set out in the Township's Fee Schedule By-law.

PLATE OWNER TERMINATION WITH BROKER

44. Where a plate owner or lessee ceases to operate through a broker he shall forthwith:

- (1) remove from his vehicle the broker roof light, telephone number, colour scheme and any decals or other broker markings; the radio crystals of the taxicab broker;
- (2) return all business cards and other equipment belonging to the broker.