



OAKVILLE

**DRAFT**

**Appendix A**

**THE CORPORATION OF THE TOWN OF OAKVILLE**

**BY-LAW NUMBER 2XXX-XXX**

Appendix A Draft Licensing By-law.docx

**WHEREAS** pursuant to the provisions of Part IV of the *Municipal Act*, 2001, S.O. 2001, c. 25 (“Municipal Act”) the Council of the Corporation of the Town of Oakville may provide for a system of licences with respect to businesses;

**WHEREAS** pursuant to Section 11 of the Municipal Act, Council is exercising its authority with respect to business licensing in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

**WHEREAS** Section 436 of the Municipal Act authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence;

**WHEREAS** Sections 390 to 400 of the Municipal Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it;

**WHEREAS** pursuant to Section 434.1 of the Municipal Act, Council considers it desirable to provide for a system of administrative penalties and fees as an additional means of encouraging compliance with this By-law;

**WHEREAS** Council has determined that additional flexibility under this By-law is warranted to better enable the Town to maintain services, meet legal requirements and assist local businesses in the event that the Province, Halton Region or the Town of Oakville declares an emergency pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9.

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**COUNCIL ENACTS AS FOLLOWS:**

**1. Definitions**

(1) In this By-law:

“**Accessible Washroom Facility**” means a fully equipped accessible washroom with a hand wash station, located within a building, onsite or on an abutting property with written consent from the property owner.

“**Administrative Penalties for Non-Parking Violations and Orders By-law**” means the Town’s Administrative Penalties for Non-Parking Violations and Orders By-law 2021-038 or successor by-laws.

“**Agent**” means a person duly appointed by the owner to act on their behalf.

“**Animal**” means all species of fauna excluding humans, fish and aquatic invertebrates.

“**Animal Control By-law**” means the Town’s Animal Control By-law 2018-006 or successor by-laws.

“**Animal Control Inspection**” means an inspection by an Officer who is responsible to see that the lands and premises within Oakville upon which an animal(s) is kept is maintained in a sanitary condition and in accordance with relevant legislation.

“**Appeals Committee**” means a Committee or Tribunal duly appointed by by-law to conduct hearings under this By-law.

“**Applicant**” means the person applying for a licence or renewal of a licence under this By-law and “application” has a corresponding meaning.

**“Article of Incorporation”** means documents related to an incorporated business pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B.16, or the *Corporation Acts*, 1990 c. C.38.

**“Building Code”** means Ontario Regulation 332/12 under the Building Code Act, or successor regulations.

**“Building Code Act”** means the *Building Code Act, 1992*, S.O. 1992, c. 23, or successor legislation.

**“Business”** means as defined in the *Municipal Act*.

**“Business Improvement Area”** means defined areas within Oakville where businesses contribute to enhancements within the area boundaries.

**“Business Partner Information”** means the full name, date of birth, email, telephone number and municipal address of each person identified as a business partner and having an interest in the business.

**“Chief Building Official”** means the Chief Building Official of the Town or designate.

**“Chief of Police”** means the Police Chief for the Halton Regional Police Service or designate.

**“Corporation”** means a body corporate incorporated pursuant to the *Business Corporations Act*, R.S.O.1990 c. B. 16, or the *Corporations Act*, R.S.O 1990, c. C. 38.

**“Council”** means the Council for The Corporation of the Town of Oakville.

**“Criminal Code”** means the *Criminal Code of Canada*, R.S.C. 1985, c. C-46 or successor legislation.

**“Criminal Record Check”** means a Canadian Criminal Record Check issued through an accredited Canadian Police Service.

**“Criminal Record and Judicial Matters Check”** means a Canadian Criminal Record and Judicial Matters Check issued through an accredited Canadian Police Service.

**“Deemed to be Served”** means service according to the *Administrative Penalties for Non-Parking Violations and Orders By-law*.

**“Demerit Points”** are gained by a person who has been convicted of breaking certain traffic laws.

**“Description of Business”** means the activities undertaken by the business including the making, buying, or selling of goods or the provision of services for money or other compensation.

**“Disability”** means as defined in the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, Chapter. 11 or successor legislation and “person with a disability” and “persons with disabilities” has a similar meaning.

**“Disturbance”** means an event where an action has commenced with respect to nuisance, noise or other disturbance.

**“DOLA”** means the *Dog Owners’ Liability Act*, R.S.O. 1990, c. D.16 or successor legislation.

**“Driver Record”** means a three (3) year driving history issued by the Ministry of Transportation, no more than thirty (30) days old at the time of licence application or renewal.

**“Dwelling Unit”** means a place of residence with one or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit.

**“E-substance”** means a substance that is manufactured or sold to be used in an electronic cigarette.

**“Electronic Cigarette”** means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine.

**“Employee List”** means a list of persons under the company’s employ who will be tasked with carrying out the business of the company, which includes full name, and home address.

**“Enclosure”** means the area where an animal is kept or housed and includes, but is not limited to, cages, tanks or containers.

**“Endorsement”** means the additional consent provided to a licensee under this By-law to carry on a related business activity which would otherwise require a licence under this By-law.

“**Fee**” means as set out in the Town’s rates and fees schedule, which is not pro-rated and is non-refundable **and non-transferable**.

“**Fence**” means a protective, enclosing or visual barrier of posts, wire, boards, rails, pickets, pilings, wood, metal, fibreglass, plastics, masonry, or similar materials or any combination thereof, and includes a wall or partition that is not an integral part of a building, but does not include a trellis or arbour.

“**Fire Chief**” means the Fire Chief of the Town or designate.

“**Fire Code**” means Ontario Regulation 213/07 under the Fire Protection and Prevention Act or successor regulations.

“**Fire Inspection**” means an inspection conducted by a person qualified to inspect premises for compliance with the Fire Protection and Prevention Act and employed by the Town of Oakville Fire Department and may include a checklist completed by an applicant regarding fire safety, which is reviewed by the Town’s Fire Prevention staff.

“**Fire Protection and Prevention Act**” means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4 or successor legislation.

“**Governmental Authority**” means the Government of Canada or the Province of Ontario or any public board or commission established by either one, or Halton Region or the Town and includes a hospital as defined in the *Public Hospitals Act*, R.S.O. 1990, c. P.40, or successor legislation.

“**Guide Dog**” means as defined in the *Blind Persons’ Rights Act*, R.S.O. 1990, c. B.7 or successor legislation.

“**Halton Region**” means the Regional Municipality of Halton.

“**Health Department**” means the Halton Region Health Department.

“**Health Department Approval**” means **the most recent** written confirmation from the Medical Officer of Health that the business and activities within the business comply with the standards established, and includes, **but is not limited to**, a Check List Inspection Report, a **Personal Services Setting Inspection Report**, a **Food Premise Summary Report (Short Form)** and a **Food Premise Inspection Report (Long Form)**, as may be required by the Licensing Commissioner or an Officer.

“**Health Protection and Promotion Act**” means the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7 or successor legislation.

**“Hearing Officer”** means a Hearing Officer appointed pursuant to Screening and Hearing Officer By-law 2015-091, as amended, or successor by-laws.

**“Highway”** means as defined in the Highway Traffic Act and includes a roadway.

**“Highway Traffic Act”** means the *Highway Traffic Act*, R.S.O. 1990, c. H.8 or successor legislation.

**“Holidays”** means as defined in the *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F or successor legislation.

**“HVAC Inspection Certificate”** means documentary proof that an HVAC contractor licensed by the Town has conducted a comprehensive review of all aspects of heating, ventilating and air conditioning units, that is no more than ninety (90) days old at the time of licence application or renewal.

**“Illuminated Sign”** means any sign illuminated by incandescent lighting, fluorescent lighting or the like.

**“Licence”** means the document issued under this By-law as proof of licensing under this By-law and includes any applicable endorsements issued under the Schedules to this By-law.

**“Licence Sticker”** means the stamp or seal issued to a licensee under this By-law.

**“Licensed”** means licensed under this By-law.

**“Licensee”** means a person who has been issued a valid licence and maintains the licence pursuant to the terms of this By-law.

**“Licensing Commissioner”** means the Director of Municipal Enforcement Services for the Town or designate.

**“Licensing Thresholds”** means thresholds for licensing, established by the Licensing Commissioner, based on health and safety and consumer protection, that are intended to identify those applicants and licensees who have been convicted of offences set out in the Schedules to this By-law that are incompatible with their type of business.

**“Litter”** means as defined in the Town’s Litter By-law 2011-045 or successor by-laws.



**“Lot Maintenance By-law”** means the Town’s Lot Maintenance By-law 2023-075 or successor by-laws.

**“Medical Officer of Health”** means the Medical Officer of Health for Halton Region or designate.

**“Motor Vehicle”** means as defined in the Highway Traffic Act, unless otherwise indicated in this By-law and “vehicle” has a similar meaning.

**“Municipal Plate”** means the number plate issued by the Town to a licensee.

**“Municipal Right-of-Way”** means as defined in the Town’s Municipal Right-of-Way By-law 2009-072 or successor legislation.

**“Non-Profit Organization”** means associations, clubs or societies that are not charities and are organized and operated exclusively for social welfare, civic improvement or any other purpose except profit.

**“Noise By-law”** means the Town’s Noise By-law 2008-098 or successor by-laws.

**“Nuisance”** means any unreasonable sound, activity or action, whether intentional or negligent in origin which is likely to disturb any person.

**“Officer”** means any person authorized by the Town to enforce by-laws and includes Municipal Law Enforcement Officers, Provincial Offences Officers, Fire Prevention Officers, Animal Control Officers and Halton Regional Police Service Officers.

**“Ontario Driver’s Licence”** means the driver’s licence issued to a person under the Highway Traffic Act.

**“Operator”** includes a proprietor, or any other person who alone or with others, operates, manages, supervises, runs or controls a business, and “operate”, “operation” and other words of like import or intent shall be given a corresponding meaning.

**“Outbreak”** means the occurrence of disease cases in excess of normal expectancy.

**“Owner”** with respect to a business means a person who alone or with others owns, has the ultimate control over or directs the operation of a business.

**“Parking Enforcement”** means the activity of enforcing Town parking by-laws and regulations.

**“Parking Management Plan”** means a clear and legible drawing depicting the size and location of all parking spaces intended to be used for parking on the premises.

**“Partnership”** means an association of two (2) or more persons to carry on a business or other activity as co-owners.

**“PAWS”** means the *Provincial Animal Welfare Services Act 2019, S.O. 2019, c. 13* or successor legislation.

**“Penalty Notice”** means a notice issued pursuant to the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.

**“Person”** means an individual, firm, corporation, company, sole proprietorship, association or partnership.

**“Premises”** means any place, premises or location, or part thereof, in which a trade, business or occupation is carried on and “premise” has a similar meaning.

**“Prohibited Animal”** means an animal that is prohibited to be kept, either on a temporary or permanent basis, in accordance with the Animal Control By-law.

**“Proof of Qualifications”** means documentation indicating that a person who undertakes or is engaged in the pursuance of a business is duly qualified, licensed, certified or registered so to do under the laws of the Province of Ontario and/or *Skilled Trades Ontario*. This also includes a valid Ontario driver’s licence that is in good standing, and an Ontario driver record.

**“Propane Inspection”** means an inspection conducted by a qualified person on the safe handling of propane and propane-powered equipment and who satisfies federal and provincial training requirements attesting to the satisfactory and legal operating condition of all components of a propane system contained within the premise or vehicle being licensed.

**“Property Standards By-law”** means the Town’s Property Standards By-law 2023-074 or successor by-laws.

**“Rates and Fees Schedule”** means the Town’s current rates and fees schedule approved by Council as part of the annual budget approval process.

**“Registered Charity”** means:

- (a) a charitable organization, private foundation or public foundation, within the meanings assigned by subsection 149.1(1) of the *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp), that is resident in Canada and was either created or established in Canada; or,
- (b) a branch, section, parish, congregation or other division of an organization or foundation described in paragraph (a), that is resident in Canada and was either created or established in Canada and that receives donations on its own behalf; that is at that time registered as a charitable organization, private foundation or public foundation.

**“Regulated Health Professionals Act”** means the *Regulated Health Professionals Act, 1991*, S.O. 1991, c. 18 or successor legislation.

**“Religious Institution”** means an association of persons that is registered as a charity under the *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp.), or successor legislation, and is organized for the advancement of religion and for the conduct of religious worship, services or rites.

**“Safety Standards Certificate”** means a Safety Standards Certificate, issued by an inspection station licensed by the Ontario Ministry of Transportation, confirming that a motor vehicle meets the Province’s inspection standards. The Safety Standards Certificate must be valid at the time of application for a licence or at licence renewal.

**“Self-Declaration of Animal Offences”** means a document that lists any convictions registered against the applicant or licensee or the applicant or licensee’s company for animal abuse or neglect.

**“Service Animal”** means as defined in PAWS.

**“Sign”** means as defined in the Sign By-law.

**“Sign By-law”** means the Town’s Sign By-law 2018-153 or successor by-laws.

**“Smoke Free Ontario Act”** means the *Smoke Free Ontario Act, 2017*, S.O. 2017, c. 26, Sched. 3 or successor legislation;

**“Sole Proprietorship”** means a form of business in which only one person has the sole control, and/or power over the business, and/or sole ownership over the assets of the business, and the only person to receive the profits of the business.

**“Special Event”** includes, but is not limited to, a community event such as an outdoor festival, exhibition, or tournament or a private function where food and/or beverages are provided for sale for no longer than three (3) consecutive days.

**“Specialty Tobacco Products”** includes tobacco products and tobacco product accessories, but does not include cigarettes within the meaning of the *Tobacco Tax Act*, R.S.O. 1990, c. T.10 or successor legislation.

**“Tobacco Product”** means any product that contains tobacco, and includes the package in which tobacco is sold.

**“Tobacco Product Accessories”** means a product that may be used in the consumption of a tobacco product, including, but not limited to, a humidor, pipe, cigarette holder, cigar clip, lighter and matches.

**“Town”** means The Corporation of the Town of Oakville or the geographic area of the Town of Oakville, as the context requires.

**“Vapour Products”** means an electronic cigarette, an e-substance, or any component of an electronic cigarette and includes the package in which the electronic cigarette, e-substance or component is sold.

**“Vehicle Ownership”** means the Motor Vehicle Owner’s Certificate, issued pursuant to the Highway Traffic Act.

**“Veterinarian”** means a person registered and entitled to practice veterinary science under the *Veterinarians Act*, R.S.O. 1990, c. V.3 or successor legislation.

**“Veterinary Clinic”** means a premise used by a veterinarian or group of veterinarians for the diagnosis, examination, and treatment of animals and includes the overnight care of animals supervised by a veterinarian.

**“Zoning By-law”** means the Town’s Zoning By-law 2014-014 or 2009-189 or successor by-laws, as the context requires.

**“Zoning Occupancy Certificate”** means a Zoning Occupancy Certificate issued by the Town’s Building Services Department demonstrating compliance with all permissions and regulations of the applicable Zoning By-law.

## **2. Business Licence Required**

- (1) The following businesses require a valid licence issued by the Licensing Commissioner under this By-law in order to operate in Oakville:

Type of Business	Licence Renewal Date	Schedule #
Adult Entertainment Establishment - Owner / Operator / Attendant	31-July	2
Adult Entertainment Video <b>Store</b> - Class A, B	31-July	3
Animals for Entertainment	31-January	4
Arborist Consulting Company, Arboriculture Company, Tree Company	30-April	5
<b>Attractions</b>	<b>Per event Multi-event</b>	<b>6</b>
Auctioneer, <b>Auction House</b>	31-January	7
Billiard Hall	31-January	8
Body-Rub Establishment - Owner/Operator/Attendant	31-July	9
Commercial Parking Lot	31-July	10
<b>Contractors</b> (Building Renovator, <b>Servicing &amp; Road Cut Contractor</b> , HVAC Contractor, Landscaping Contractor, Lawn Care Contractor, Plumbing Contractor, Pool Installation Contractor)	<b>30-April</b>	11
Donation Box Operator	31-October	12
<b>Driving Instructor/Driving Instruction Vehicle Owner</b>	<b>31-December</b>	<b>13</b>
Dry Cleaner/ <b>Laundromat</b>	31-August	14
Fireworks Vendor	<b>31-March</b>	15
Food Shop/Restaurant & Food Shop/ <b>Convenience</b> Special Event Food Shop	31-January Per event	16
Kennel	30-April	17
Limousine - Owner/Driver	31-August	18
Lodging House <b>Keeper</b>	31-August	19
Mobile Sign Lessor	30-November	20
Motor Vehicle Facility & <b>Mobile Motor Vehicle Service</b>	31-August	21
Nightclub	31-January	22
<b>Payday Loan Establishment</b>	<b>31 October</b>	<b>23</b>
Personal Services Establishment & <b>Mobile Personal Service</b>	31-August	24
<b>Pet Shop</b>	30-April	25
<b>Private Parking Enforcement Company &amp; Private Parking Enforcement Officer</b>	<b>31-March</b>	<b>26</b>
Public Hall	31-January	27
<b>Refreshment Vehicle – Owner – Class A, B, C</b> Special Event Refreshment Vehicle	<b>31-May</b> Per event	28
Salvage Yard	31-January	29
Second Hand Goods Shop	31-January	30
Taxicab - Owner / Broker / Driver	31-July	31

Type of Business	Licence Renewal Date	Schedule #
Temporary Vendor (Day Sales, Special Sale, Transient Merchant)	Per event	32
Tobacco Retailer	31-January	33
Transportation Network Company	1-February	34
Vape Shop	31-January	35

- (2) For the purpose of this By-law a business shall be deemed to be carried on within the Town if any part of the business is carried on in Oakville, even if the business is being run from a location outside of the Town.
- (3) Unless otherwise provided for in this By-law:
  - (a) every person who operates more than one (1) business or other activity requiring a licence shall obtain a separate licence for each such business or other activity, or shall obtain an endorsement in accordance with Section 11 of this By-law, if available; and
  - (b) every person who engages in or operates a business or other activity at more than one (1) location, place of business, branch, store, or other premises requiring a license under this By-law shall obtain a separate licence for each location, place, branch, store or other premises.
- (4) Business licences, endorsements and fees are not transferrable if a business changes ownership. For clarity, the new owner must apply for and obtain any necessary business licence or endorsement and pay any fees as set out in the rates and fees schedule.

**3. Interpretation**

- (1) This By-law is a designated by-law under the Administrative Penalties for Non-Parking Violations and Orders By-law.
- (2) The table of contents and section headings used in this By-law and its Schedules are for convenient reference only and do not form part of this By-law.
- (3) All Schedules and Appendices attached to this By-law shall form part of this By-law.
- (4) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are

intended to be representative examples and not intended to be an exhaustive list.

- (5) In the event of a conflict between any of the general provisions of this By-law and any provisions of its Schedules, the provisions of the Schedules shall prevail.

#### 4. Prohibitions

- (1) No person shall carry on a business, permit a person to carry on a business, or hold themselves out as being licensed to carry on a business set out in subsection 2(1) of this By-law:
- (a) without a licence to do so;
  - (b) at a location other than for which a licence is issued under this By-law;
  - (c) under any name other than the name on the licence issued under this By-law;
  - (d) except in accordance with the regulations set out in this By-law, including any applicable Schedules and Appendices; or
  - (e) while their licence issued under this By-law is under suspension or has been revoked by the Licensing Commissioner.
- (2) No person shall:
- (a) provide false, mistaken, misleading or incorrect information or documents when applying for a licence or licence renewal, or when required to provide any information or documents under this By-law;
  - (b) hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection;
  - (c) enjoy a vested right in the continuance of a licence issued under this By-law and upon the issue, renewal, transfer, cancellation or suspension thereof, the licence shall be the property of the Town;
  - (d) alter, erase or modify or permit such alteration, erasure or modification of a licence issued under this By-law or part thereof unless approved by the Licensing Commissioner;

- (e) transfer or assign a licence issued under this By-law to any other person or to any other location than the licensed premises except as specifically provided for within the Schedules to this By-law;
- (f) fail to comply with relevant Town by-laws, Provincial and/or Federal legislation; or
- (g) fail to provide an updated public liability insurance certificate and/or an updated vehicle insurance certificate upon the lapsing of the certificate provided to the Licensing Commissioner.

## 5. Administration

- (1) The Licensing Commissioner is authorized to generally perform all of the administrative functions conferred upon them by this By-law, and without limitation may:
  - (a) receive and process all complete applications for all licences and licence renewals under this By-law;
  - (b) request that the licensee or applicant produce the original of any documents that may be required under this By-law or its Schedules;
  - (c) issue licences and licence renewals to persons who meet the requirements of this By-law;
  - (d) impose terms and conditions in accordance with Section 9 of this By-law;
  - (e) refuse to issue or renew a licence or revoke or suspend a licence in accordance with Section 12 or 13 of this By-law or with its Schedules; and
  - (f) impose additional fees as set out in the rates and fees schedule as provided for in this By-law or its Schedules.

## 6. Application for a Licence and Licence Renewal

- (1) A complete application for a licence or for renewal of a licence shall be submitted to the Licensing Commissioner a minimum of ten (10) business days from the date the licence is required, unless otherwise specified by the Licensing Commissioner, and shall be accompanied by:



- (a) the requirements prescribed in the Schedules to this By-law or included on the licence application or renewal;
  - (b) any other information that the Licensing Commissioner may request from time-to-time; and
  - (c) the licensing fee and any endorsement fee, if applicable, set out in the rates and fees schedule.
- (2) The Licensing Commissioner will not issue a licence or renew a licence unless they are satisfied that the applicant is of the full age of eighteen (18) years. Applicants may be required to confirm that they are eighteen (18) years of age, in a form provided by the Licensing Commissioner.
- (3) The Licensing Commissioner will not accept an application for a licence or renewal of a licence unless it has been filled out in total, contains correct information, is accompanied by the fee(s) as set out in the rates and fees schedule and all documents required by this By-law, its Schedules or by the Licensing Commissioner.
- (4) The Licensing Commissioner may, for initial applications for licences and for renewal applications, on a case-by-case basis, waive any documentary requirements not related to public safety or consumer protection.
- (5) The Licensing Commissioner may accept a variation or alternative to one or more of the licensing application requirements where the Licensing Commissioner is of the opinion that such variation or alternative provides substantially the same information and is necessary for purposes of administering this By-law.
- (6) Every application may be subject to investigations by and comments or recommendations from municipal or provincial departments or agencies as the Licensing Commissioner deems necessary, including but not limited to:
- (a) the Chief Building Official;
  - (b) the Fire Chief;
  - (c) the Chief of Police;
  - (d) the Medical Officer of Health; or
  - (e) the Oakville & Milton Humane Society.

- (7) If a person fails to renew their licence within six (6) months of the renewal date, the person shall no longer be entitled to renew the licence and shall be required to apply for a new licence under this By-law.
- (8) Receipt of the licence application, request for renewal or submission of the licensing or renewal fee shall not constitute approval of the application for or renewal of a licence, nor shall it obligate the Town to issue or renew any such licence.

## **7. Public Liability Insurance**

- (1) Where required by the Schedules to this By-law, every applicant or licensee shall carry current and valid public liability insurance throughout the term of their licence in an amount not less than five million dollars (\$5,000,000).
- (2) At the time of licence application or renewal, the applicant shall submit a copy of a certificate of public liability insurance in accordance with subsection 7(1) of this By-law to the Licensing Commissioner, where required by the Schedules to this By-law.
- (3) The Town and its address must appear on the certificate referred to in subsection 7(2) of this By-law as an “Additional Insured” in order to provide the Town at least thirty (30) days’ notice in writing prior to cancellation, expiration or change of policy.
- (4) If an insurance policy is renewed during the licensing period, the licensee shall immediately provide the Licensing Commissioner with a copy of the new insurance certificate. If the licensee fails to provide the Licensing Commissioner with a copy of the updated insurance certificate, a late fee as set out in the rates and fees schedule may be applied by the Licensing Commissioner.
- (5) Despite subsection 7(2) of this By-law, a licensee shall provide proof of current and valid insurance at any time when requested to do so by the Licensing Commissioner or an Officer.

## **8. Issuance of a Licence or Licence Renewal**

- (1) When an application for a licence or renewal of a licence is made in accordance with the provisions of this By-law and the applicant meets all of the requirements of this By-law, including any requirements that may be requested by the Licensing Commissioner, the Licensing Commissioner shall issue the licence or renew the licence.

- (2) Licences issued or **renewed** under this By-law are conditional on the licensee's compliance with:
- (a) this By-law;
  - (b) other Town by-laws, including, but not limited to, the applicable Zoning By-law, the Property Standards By-law, **the Lot Maintenance By-law, the Sign By-law and the Noise By-law;** and
  - (c) **any relevant** Provincial and/or Federal legislation.

## **9. Licence Terms and Conditions**

- (1) **Despite any other provisions of this By-law, the Licensing Commissioner may:**
- (a) **impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;**
  - (b) **impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;**
  - (c) **impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; or**
  - (d) **license, regulate or govern real and personal property used for the business and the persons carrying on or engaged in the business.**

## **10. Term of Licence**

- (1) A licence issued under the provisions of this By-law shall expire on the renewal date set out in the Schedules to this By-law unless it is renewed or revoked in accordance with the provisions of this By-law.
- (2) **Despite subsection 10(1) of this By-law, a licence that is issued per event is valid for the time period stated on the licence, unless it is extended or revoked in accordance with the provisions of this By-law.**
- (3) **If a person fails to renew their licence by the expiry date, a late fee as set out in the rates and fees schedule may be applied by the Licensing Commissioner.**

**11. Endorsements**

- (1) The following licensees may apply for an endorsement to perform the following additional business activities by providing the Licensing Commissioner with notice, in a form provided by the Licensing Commissioner, of the licensee’s intent to perform such additional business activities:

Licensee - Primary Business		Endorsement - Additional Business Activity	
Schedule 5	Arboriculture Company	Schedule 11 Schedule 11	Landscaping Contractor Lawn Care Contractor
Schedule 5	Tree Company	Schedule 11 Schedule 11	Landscaping Contractor Lawn Care Contractor
Schedule 6	Attractions	Schedule 4	Animals for Entertainment
Schedule 8	Billiard Hall	Schedule 16	Food Shop/Restaurant
Schedule 11	Building Renovator	Schedule 11 Schedule 11 Schedule 11 Schedule 11	Servicing and Road Cut Contractor HVAC Contractor Landscaping Contractor Plumbing Contractor
Schedule 11	HVAC Contractor	Schedule 11	Plumbing Contractor
Schedule 11	Landscaping Contractor	Schedule 5 Schedule 5 Schedule 11 Schedule 11	Arboriculture Company Tree Company Servicing and Road Cut Contractor Pool Installation Contractor
Schedule 11	Pool Installation Contractor	Schedule 5 Schedule 5 Schedule 11 Schedule 11	Arboriculture Company Tree Company Servicing and Road Cut Contractor Landscaping Contractor
Schedule 11	Plumbing Contractor	Schedule 11 Schedule 11	HVAC Contractor Servicing and Road Cut Contractor
Schedule 16	Food Shop/Restaurant	Schedule 8 Schedule 22 Schedule 28 Schedule 28 Schedule 28	Billiard Hall Nightclub Refreshment Vehicle – Class A Refreshment Vehicle – Class B Refreshment Vehicle – Class C
Schedule 16	Food Shop/Convenience	Schedule 15 Schedule 33 Schedule 35	Fireworks Vendor Tobacco Retailer Vape Shop
	Motor Vehicle	Schedule 16	Food Shop/Convenience

Licensee - Primary Business		Endorsement - Additional Business Activity	
Schedule 21	Facility - Motor Vehicle Service Station	Schedule 16 Schedule 33 Schedule 35	Food Shop/Restaurant Tobacco Retailer Vape Shop
Schedule 23	Nightclub	Schedule 16	Food Shop/Restaurant
Schedule 27	Public Hall	Schedule 16	Food Shop/Restaurant
Schedule 33	Tobacco Retailer	Schedule 35	Vape Shop
Schedule 35	Vape Shop	Schedule 33	Tobacco Retailer

- (2) Any licensee who intends to begin an additional business activity pursuant to subsection 11(1) of this By-law during the term of the licence for their primary business shall:
  - (a) apply for and obtain an endorsement in accordance with subsection 11(1) of this By-law prior to commencing such additional business activity;
  - (b) provide the Licensing Commissioner with all information required by the relevant Schedule for the additional business activity at the time of application for an endorsement;
  - (c) comply with all pertinent provisions of this By-law and its Schedules with respect to the additional business activity; and
  - (d) pay the endorsement fee as set out in the rates and fees schedule.
- (3) Despite subsection 11(2)(b) and 11(7) of this By-law, an applicant for an endorsement or renewal of an endorsement is not required to provide an additional Zoning Occupancy Certificate or an additional public liability insurance certificate if said certificates have been provided to the Licensing Commissioner at the time of licensing of the primary business, unless directed to do so by the Licensing Commissioner.
- (4) An endorsement for an additional business activity obtained in accordance with Section 11 of this By-law shall expire on the renewal date of the primary business licence as set out in subsection 2(1) of this By-law and the Schedules to this By-law.
- (5) A licensee must renew their endorsement for each additional business activity annually, on the renewal date of the primary business licence.
- (6) In order to renew an endorsement, the licensee shall provide the Licensing Commissioner with all information required by the relevant Schedule for the

additional business activity, subject to subsection 11(3) of this By-law, and any endorsement fee set out in the rates and fees schedule.

- (7) Should a licence for a primary business fail to be renewed by the licensee or fail to be renewed by the Licensing Commissioner pursuant to Section 12 of this By-law or its Schedules, any additional business activities endorsed on that licence shall cease until such time as the licence for the primary business and the additional business activities have been renewed.
- (8) Should a licence for a primary business be revoked or suspended pursuant to Section 13 of this By-law or its Schedules, any additional business activities endorsed on that licence may continue to operate for the remainder of the licensing term for the primary business, unless otherwise directed by the Licensing Commissioner.
- (9) Should an endorsement for an additional business activity be revoked or suspended pursuant to Section 13 of this By-law or its Schedules, the primary business activity or any additional endorsements may continue to operate for the remainder of the licensing term for the primary business, unless otherwise directed by the Licensing Commissioner.
- (10) Sub-contractors retained by a primary business licensee are prohibited from obtaining endorsements and must obtain their own licence under this By-law.
- (11) Despite subsection 19(2)(f) of this By-law, a licensee who ceases operation of an additional business activity for which they have received an endorsement shall inform the Licensing Commissioner in writing by email or by registered mail within five (5) business days of the said cease of operations.
- (12) Where a licensee ceases operation of an additional business activity during the term of the endorsement, the licensee is not entitled to any refund of the endorsement fee or any other fee.
- (13) Receipt of an application for an endorsement, request for renewal of an endorsement or submission of the endorsement or renewal fee shall not constitute approval of the application for or renewal of an endorsement, nor shall it obligate the Town to issue or renew any such endorsement.

## **12. Grounds for Refusal to Issue or Renew a Licence**

- (1) Despite Section 8 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence if they have reasonable grounds to believe any one (1) or more of the following:

- (a) the conduct of an applicant affords reasonable grounds for belief that the applicant has not carried on, or will not carry on the business in accordance with the law or with integrity and honesty;
- (b) the applicant does not meet or ceases to meet the licensing criteria specified in this By-law or its Schedules;
- (c) the licensee has failed to provide an updated public liability insurance certificate to the Licensing Commissioner in accordance with subsection 7(4) of this By-law;
- (d) the licensee has failed to provide an updated certificate of vehicle insurance to the Licensing Commissioner in accordance with this By-law or its Schedules;
- (e) the applicant has failed to comply with this By-law, other Town by-laws, including, but not limited to, the applicable Zoning By-law, the Property Standards By-law, the Lot Maintenance By-law, the Sign By-law and the Noise By-law or with any relevant Provincial and/or Federal legislation;
- (f) the applicant does not provide the information required for a licence or renewal of a licence under this By-law or its Schedules;
- (g) there are reasonable grounds to believe that the information provided on the application or other documents provided to the Licensing Commissioner contain a false statement or false, mistaken, misleading or incorrect information;
- (h) there are reasonable grounds for belief that the carrying on of the business is or may be adverse to the public interest;
- (i) the applicant is carrying on activities that are or will be, if the applicant is licensed, in contravention of this By-law;
- (j) the applicant has been found to have discriminated against a member of the public contrary to The Human Rights Code;
- (k) the applicant has overdue fines, fees, penalties, judgments, outstanding property taxes, by-law fines, or any other amounts owing, including an administrative penalty or order fees, unless the applicant provides proof that such fines or amounts owing have been subsequently paid;

- (l) the applicant's premises or place of business is the subject of an outstanding order made pursuant to the Property Standards By-law, Lot Maintenance By-law, Building Code Act, Fire Protection and Prevention Act, or by the Medical Officer of Health, or where the place of business is not in compliance with the Zoning By-law;
- (m) the applicant fails to successfully complete any testing, training, educational or awareness program required by the Licensing Commissioner;
- (n) the applicant has not complied with a prohibition or other Court Order made upon conviction; or
- (o) any additional grounds for refusal to issue or renew a licence set out in the Schedules to this By-law.

### **13. Grounds for Suspension or Revocation of a Licence**

- (1) The Licensing Commissioner may revoke a licence if the licence was issued in error.
- (2) The Licensing Commissioner may revoke or suspend a licence:
  - (a) for any one (1) or more of the grounds listed in subsections 12(1)(a) through 12(1)(o) of this By-law; or
  - (b) for any of the additional grounds for licence revocation or suspension set out in the Schedules to this By-law.
- (3) If the Licensing Commissioner is satisfied that the continuation of the licence poses an immediate danger to the health or safety of any person, property or animal, the Licensing Commissioner may, for the time and such conditions as are considered appropriate and without a hearing, suspend a licence for not more than fourteen (14) days and, prior to suspending the licence, shall provide the licensee with the reasons for the suspension, either orally or in writing, with an opportunity to respond to them.
- (4) Where a licence is revoked or suspended under this By-law or any of its Schedules, the licensee is not entitled to any refund of the licensing fee or any other fee.



**14. Notice of Refusal to Issue or Renew a Licence or of Licence Suspension or Revocation**

- (1) After a decision is made by the Licensing Commissioner to refuse to issue or renew a licence, **to impose terms or conditions** on a licence or to revoke or suspend a licence, the Licensing Commissioner shall provide written notice to the applicant or licensee, which notice shall:
  - (a) set out the grounds for the decision with reasonable particulars; and
  - (b) if subsection 17(5) of this By-law does not apply; **advise that the applicant or licensee is entitled to appeal the Licensing Commissioner's decision to the Appeals Committee; or**
  - (c) **if subsection 17(5) of the By-law does apply; advise that the applicant or licensee is not entitled to appeal the Licensing Commissioner's decision to the Appeals Committee.**

**15. Cease Operation of Business**

- (1) **Should the Licensing Commissioner fail to renew a licence or suspend or revoke a licence for any of the grounds provided for in section 12 or section 13 of this By-law and subsection 17(5) of this By-law does not apply, the licensee may appeal the Licensing Commissioner's decision to the Appeals Committee. The suspension or revocation of the licence shall be deferred until the decision of the Appeals Committee is rendered, and the licence shall not be renewed, if required, until the decision of the Appeals Committee is rendered.**
- (2) **Should a licensee not appeal the Licensing Commissioner's decision to not renew their licence or to suspend or revoke their licence, the licensee shall cease operation of their business once the deadline for requesting an appeal set out in subsection 17(3) of this By-law has expired.**
- (3) **If subsection 17(5) of this By-law applies and the licensee is not permitted to appeal the Licensing Commissioner's decision to not renew the licence or to suspend or revoke the licence, the licensee shall cease operation of their business:**
  - (a) **upon the expiration of their current licence if the Licensing Commissioner fails to renew the licence; or**
  - (b) **immediately upon the revocation or suspension of their licence by the Licensing Commissioner.**

## 16. Return of Licence

- (1) Where a licence has been revoked or suspended or has not been renewed, the licensee shall return the municipal plate and attached sticker to the Licensing Commissioner **within five (5) business days of the date the written notice required by subsection 14(1) of this By-law is deemed to be served.**
- (2) **Despite subsection 16(1) of this By-law, where a licensee has appealed the Licensing Commissioner's decision to revoke, suspend or not renew a licence, the licensee shall return the municipal plate and attached sticker to the Licensing Commissioner within five (5) business days of the decision of the Appeals Committee, if required.**
- (3) Where a licence has been revoked or suspended or has not been renewed, **or where the Appeals Committee revokes, suspends or fails to renew a licence,** the Licensing Commissioner or an Officer may enter upon the business premises or a licensee's motor vehicle for the purpose of receiving, taking or removing the municipal plate **and attached sticker.**
- (4) The licensee shall in no way obstruct or prevent the Licensing Commissioner or an Officer from receiving or taking the municipal plate and attached sticker.

## 17. Appeal to the Appeals Committee

- (1) **Licensees,** applicants or persons may appeal the Licensing Commissioner's decision to refuse to issue or renew a licence, **to impose terms or conditions** on a licence, or to revoke or suspend a licence to the Appeals Committee.
- (2) **In order to appeal the Licensing Commissioner's decision to not renew a licence, the licensee must submit an application to renew their licence.**
- (3) A request for an appeal shall be made in writing to the **Town Clerk** setting out the reasons for the appeal within seven (7) **business** days of the date the written notice required by subsection 14(1) of this By-law is deemed to be served. **The request for an appeal shall also include the appeal fee as set out in the rates and fees schedule.**
- (4) Where no request for an appeal is received in accordance with subsection 17(3) of this By-law, the decision of the Licensing Commissioner shall be **final and binding.**
- (5) **Despite subsection 17(1) of this By-law, appeals are not permitted for:**
  - (a) **any matters that have already been heard by the Appeals Committee;**

- (b) any matters that are pending before a Hearing Officer;
- (c) the refusal of the Licensing Commissioner to receive an incomplete application for a licence or for renewal of a licence;
- (d) the automatic suspension of a licence issued under Schedule 13 – Driving Instructor and Driving Instruction Vehicle Owner of this By-law upon:
  - (i) the cancellation, suspension or revocation of a driving instructor’s Ontario driver’s licence or where such driver’s licence has expired or becomes invalid for any reason;
  - (ii) the cancellation, suspension or revocation of the driving instructor’s Provincial driving instructor licence or where such licence has expired or becomes invalid for any reason; or
  - (iii) the driving instructor vehicle owner’s failure to have a current and valid Ontario standard vehicle insurance certificate;
- (e) the automatic suspension of a licence issued under Schedule 18 – Limousine Owner/Driver of this By-law upon:
  - (i) the cancellation, suspension or revocation of a limousine driver’s Ontario driver’s licence or where such driver’s licence has expired or becomes invalid for any reason; or
  - (ii) the limousine owner’s failure to have a current and valid Ontario standard vehicle insurance certificate;
- (f) the suspension or revocation of a licence issued under Schedule 23 - Payday Loan Establishment of this By-law upon the suspension or revocation of the licence(s) issued under the Payday Loans Act, or if said licence(s) under the Payday Loans Act cease to be valid or expires;
- (g) the automatic suspension of a licence issued under Schedule 28 – Refreshment Vehicle/Special Event Refreshment Vehicle upon:
  - (i) the Refreshment Vehicle Class A or Special Event Refreshment Vehicle licensee’s failure to have a current and valid Ontario standard vehicle insurance certificate; or

- (ii) the Refreshment Vehicle Class A, Refreshment Vehicle Class B or, where applicable, a Special Event Refreshment Vehicle licensee's failure to provide a valid exhaust/suppression system inspection report to the Fire Chief when requested to do so.
  - (h) the automatic suspension of a licence issued under Schedule 31 – Taxicab Owner/Broker/Driver of this By-law upon:
    - (i) the cancellation, suspension or revocation of a taxicab driver's Ontario driver's licence or where such driver's licence expires or becomes invalid for any reason; or
    - (ii) the taxicab owner's failure to have a current and valid Ontario standard vehicle insurance certificate;
  - (i) the suspension of a licence issued under Schedule 33 – Tobacco Retailer of this By-law upon the issuance of an Automatic Prohibition against the premises as set out in Schedule 33.
- (6) Where a request for an appeal is received, a hearing of the Appeals Committee shall be convened and the applicant, licensee or person shall be provided reasonable written notice thereof.
- (7) After such opportunity to be heard is afforded to the applicant, licensee or person, the Appeals Committee may decide in respect of which the hearing was held or the opportunity to be heard was afforded.
- (8) The Appeals Committee may consider:
  - (a) any matter pertaining to the requirements of:
    - (i) Sections 2, 6, 7, 8, 9, 11, 12, 13, 18, 21 or 26 of this By-law;
    - (ii) the Schedules to this By-law; or
  - (b) any other matter that relates to the general welfare, health or safety of the public.
- (9) The Appeals Committee may refuse to issue or renew a licence, revoke, suspend, or impose any conditions upon a licence.
- (10) The Appeals Committee's decision is final and not subject to review.

- (11) Where the Appeals Committee conducts a hearing, the rules set out in the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 shall apply.

**18. Criminal Record Checks and Criminal Record and Judicial Matters Checks**

- (1) Criminal record checks or criminal record and judicial matters checks required by the Schedules to this By-law shall be no more than ninety (90) days old at the time of licence application or renewal.
- (2) Despite subsection 18(1) of this By-law, a licensee shall provide the Licensing Commissioner with a criminal record check, or a criminal record and judicial matters check at any time during the term of the licence, upon request.
- (3) At the time of licence application or renewal, the applicant shall provide the Licensing Commissioner with a copy of a criminal record check, or a criminal record and judicial matters check for an officer or director of the corporation or for each partner of the partnership, upon request.
- (4) Should the applicant or any officer or director of the corporation or any partner of the partnership not reside in Ontario, the Licensing Commissioner shall determine if any convictions listed on a criminal record check or criminal record and judicial matters check from a jurisdiction outside of Ontario are equivalent to those offences contained in Schedule 1 to this By-law.

**19. General Regulations**

- (1) Every licensee or person shall be responsible for:
- (a) the due performance and observance of all the provisions of this By-law by the licensee or person and by their employees while engaged in the business, including any endorsements as set out in Section 11 of this By-law; and
  - (b) the conduct of patrons and all other persons in or upon the premises where the business is carried out.
- (2) Every licensee or person shall:
- (a) comply with any and all conditions, including special conditions, placed on the licence;

- (b) with respect to premises, display the valid licence in a conspicuous place in or on the said premise;
  - (c) with respect to a motor vehicle, firmly affix the valid municipal plate and attached sticker to the exterior rear of the vehicle in a conspicuous place;
  - (d) immediately produce their valid licence for inspection by the Licensing Commissioner, an Officer, or other person(s) authorized to enforce this By-law;
  - (e) comply with the regulations contained in any applicable Schedule or Appendices; and
  - (f) notify the Licensing Commissioner of any change in any of the particulars required to be filed with the Licensing Commissioner within seven (7) business days after such change.
- (3) If a municipal plate is defaced, lost or destroyed, the licensee shall apply to the Licensing Commissioner for a replacement and shall pay the appropriate fee as described in the rates and fees schedule, and the Licensing Commissioner shall issue a replacement. The licensee shall return their damaged municipal plate, if not lost, to the Licensing Commissioner or Officer before a replacement will be issued.
- (4) Despite subsection 19(3) of this By-law, a replacement fee will not be charged if the municipal plate is required to be replaced due to its worn or faded condition.

## 20. Record Keeping

- (1) Every licensee or person shall keep any records, registers or books of account required to be kept by them under the Schedules to this By-law. Such records, registers or books of account shall be clear and legible, in the English language and shall be written or electronic in nature.
- (2) No licensee or person shall:
  - (a) enter inaccurate or false information in the records, registers or books of account;
  - (b) alter any entry made in the said records, registers or books of account so as to make the original entry illegible;

- (c) delete any entry made in the record, register or books of account once the entry has been completed; or
  - (d) fail to protect the records, registers or books of account from loss or destruction.
- (3) Every licensee or person shall produce any records, registers or books of account required by the Schedules to this By-law to the Licensing Commissioner or to an Officer upon request, within fourteen (14) calendar days of the request, including records required as part of random audits or investigations conducted by the Licensing Commissioner or an Officer to evaluate compliance with this By-law. Where any records referenced therein are for law enforcement purposes, the licensee or person shall make the requested records available to the requesting agency as soon as possible, and in any event within seven (7) calendar days of the request.

## **21. Nuisance Abatement**

- (1) Every person, in addition to any other provisions or requirements expressed elsewhere in this By-law, shall:
- (a) at all times maintain and keep safe and clean and in good condition and repair any object, vehicle, place or premise for which a licence is issued; and
  - (b) not cause, create, suffer or permit:
    - (i) any public health or public safety concerns;
    - (ii) any activity to present or cause a fire hazard;
    - (iii) any activity that causes a hazard to pedestrian or vehicular traffic;
    - (iv) any nuisance to arise in, on, or in connection with the object, vehicle, place or premise for which the licence was issued;
    - (v) any shouting, noise, fighting or other disturbance on, in or in connection with the object, vehicle, place or premise for which the licence was issued, which is unnecessary, unreasonable or contrary to any Town by-law prohibiting the same; and if any such shouting, noise or other disturbance occurs, the person shall immediately take steps to stop the same;

- (vi) any activity that negatively impacts the use and function of a municipal right-of-way or that obstructs any municipal right-of-way, lane or public place in front of or adjoining the place or premise;
- (vii) the depositing of sod, stone, material, snow or ice in such a manner as to obstruct access to any fire hydrant or as to interfere with the safe passage of motor vehicles or pedestrians;
- (viii) snow and ice to accumulate at the premises;
- (ix) vermin, insects or other pests at the premises;
- (x) non-compliance with the Noise By-law;
- (xi) the emission of material, dust or airborne particulate matter to substantially reduce the enjoyment of another property;
- (xii) persons to loiter within a premise or around the immediate area outside of the premise for which the licence was issued;
- (xiii) any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any motor vehicle, place or premises for which the licence was issued; or
- (xiv) any expectorating, defecating, urinating or intoxication around the immediate area outside of the premises for which the licence was issued.

## **22. Inspection of Premises, Motor Vehicles**

- (1) The Licensing Commissioner, Medical Officer of Health, Fire Chief, Chief of Police or an Officer may enter on any land and building or structure thereon, at any reasonable time for the purpose of carrying out an inspection to determine whether any one (1) or more of the following are being complied with:
  - (a) the provisions of this By-law;
  - (b) an order made under this By-law;
  - (c) a condition of a licence issued under this By-law; or
  - (d) an order made under section 431 of the Municipal Act.



- (2) For the purposes of an inspection under subsection 22(1) of this By-law, the Licensing Commissioner, Medical Officer of Health, Fire Chief, Chief of Police or Officer may do any one (1) or more of the following:
  - (a) require the production for inspection of any goods, articles, books, records and other documents of or relating to any trade, business or occupation licensed under this By-law;
  - (b) inspect and remove documents or things relevant to the inspection, including anything listed in subsection 22(2)(a) of this By-law, for the purpose of making copies or extracts;
  - (c) require information from any person concerning a matter related to the inspection; or
  - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (3) The Licensing Commissioner or an Officer may conduct random inspections of motor vehicles requiring a licence sticker and a municipal plate in accordance with the Schedules to this By-law at any reasonable time.
- (4) The Licensing Commissioner or an Officer may schedule a mandatory inspection of a motor vehicle requiring a municipal plate and attached sticker and give notice to the licensee of such inspection either verbally or in writing.
- (5) Upon receipt of notice of a mandatory inspection under subsection 22(4) of this By-law, each licensee or their agent shall attend with the motor vehicle at the requested time and place and, if required by the Licensing Commissioner or Officer, bring a Safety Standards Certificate issued within thirty-six (36) days of the date of attendance.
- (6) If the licensee fails to attend an inspection scheduled under subsection 22(3) or 22(4) of this By-law, the licensee shall pay both a no show fee and a re-inspection fee as set out in the rates and fees schedule.
- (7) If the inspection referred to in subsection 22(3) or 22(4) of this By-law results in the removal of the motor vehicle from service due to a significant mechanical failure which could affect public safety, a re-inspection fee will apply as set out in the rates and fees schedule.

- (8) Any person who obstructs or permits the obstruction of an inspection is guilty of an offence.

**23. Order**

- (1) Where the Licensing Commissioner or an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Licensing Commissioner or Officer may issue an order to the person contravening this By-law **in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.**
- (2) Any person who **fails to comply with** an order is guilty of an offence.

**24. Administrative Penalties**

- (1) An Officer who finds or has reasonable cause to believe that a person has contravened any provision of this By-law, **or its Schedules** may issue a penalty notice to the person **in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.**
- (2) Each person who has been issued a penalty notice shall, upon issuance of the penalty notice, be liable to pay an administrative penalty to the Town in the amount of \$300 or as revised in the Town's rates and fees schedule.
- (3) If an Officer has issued a penalty notice under subsection 24(1) of this By-law and has reasonable cause to believe that the same person has contravened the same provisions of this By-law **or its Schedules** for a second time within twenty-four (24) months of the date the first penalty notice is deemed to be served, the Officer may issue a second penalty notice to the person.
- (4) Upon issuance of the second penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$400 or as revised in the Town's rates and fees schedule.
- (5) If an Officer has issued a penalty notice under subsection 24(3) of this By-law and has reasonable cause to believe that the same person has contravened the same provision of this By-law **or its Schedules** for a third or subsequent time within twenty-four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the person.
- (6) Upon issuance of a third or subsequent penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$500 or as revised in the Town's rates and fees schedule.

- (7) A person who has been issued a penalty notice under this By-law may request a review of the penalty notice in accordance with the Administrative Penalties for Non-Parking Violations and Orders By-law.

**25. Service and Notice**

- (1) Service of any penalty notice, order, or any other notice issued under this By-law may be given in accordance with the Administrative Penalties for Non-Parking Violations and Orders By-law.

**26. Discrimination**

- (1) No person, in carrying out a business licensed under this By-law, shall discriminate against any person on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- (2) No person, in carrying out a business licensed under this By-law shall, with respect to any person being accompanied by a guide dog or service animal, by reason only of the presence of the said guide dog or service animal:
- (a) refuse to serve such person;
  - (b) refuse to permit such person to enter with the guide dog or service animal into or upon any place, premises, vehicle or thing to which the licence relates; or
  - (c) refuse to permit such person and such guide dog or service animal to remain in or upon such place, premises vehicle or thing.

**27. Delegation**

- (1) Pursuant to Section 23.2 of the Municipal Act, Council hereby delegates:
- (a) to the Appeals Committee, the power to make the final decision in respect of which a hearing was held;
  - (b) to the Licensing Commissioner, the authority to extend or suspend the model year restriction for taxicabs as set out in Schedule 33 of this By-law; and

- (c) to the Licensing Commissioner, the authority to extend licences during a declaration of emergency by the Town as set out in section 31 of this By-law.

- (2) It is the opinion of Council that the delegations set out in subsection 27(1) of this By-law are of a minor nature. These delegations may be revoked by Council at any time.

## **28. Fees and Charges**

- (1) Council may, from time to time, impose fees and charges to recover costs in relation to the administration and enforcement of this By-law.

## **29. Offences**

- (1) Every person who contravenes any of the provisions of this By-law, including those contained in any of the Schedules and every director of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.
- (2) Where a corporation is convicted of an offence under this By-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.
- (3) Pursuant to Section 447 of the Municipal Act, where an owner is convicted of knowingly carrying on or engaging in a business in respect of any premises or any part of any premises without a licence required by this By-law, or a person is convicted of any other contravention of this By-law and the court determines that the owner or occupant of the premises or part of the premises in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the premises or part of the premises be closed to any use for a period not exceeding two (2) years.

## **30. Collection of Unpaid Fines**

- (1) Pursuant to Section 441 of the Municipal Act, if any part of a fine for a contravention of a business licensing by-law remains unpaid after the fine becomes due and payable under Section 66 of the Provincial Offences Act, R.S.O. 1990, c. P.33, including any extension of time for payment ordered under that Section, the Licensing Commissioner may give the person against whom the fine was imposed a written notice specifying the amount of the fine

payable and the final date on which it is payable, which shall be not less than twenty-one (21) days after the date of the notice. If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the Municipal Act and may be added to the person's tax roll and collected in the same manner as property taxes.

**31. Extension of Licences in the Event of an Emergency**

- (1) Where the Town is subject to a declaration of emergency, pursuant to Section 4 or Section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 as amended, Council delegates authority to the Licensing Commissioner to grant extensions of licences of up to thirty (30) days if, in the opinion of the Licensing Commissioner, ongoing factors related to the emergency prevent compliance with licensing requirements other than the payment of fees.
- (2) The delegated authority pursuant to subsection 31(1) of this By-law permits the Licensing Commissioner to grant extensions of licences in thirty (30) day increments following the initial thirty (30) extension, if required.
- (3) The extension of licences under this By-law may be revoked by Council, on thirty (30) days' notice to the licensee, if in the opinion of Council, the reasons for the continuation of the emergency by the Province of Ontario, Halton Region or the Town do not impact the ability of the licensee to comply with this By-law. Notice under this section may be delivered by email or regular mail prior to Council making its decision.

**32. Repeal**

- (1) By-law 2015-075, By-law 2016-025, By-law 2016-083, By-law 2017-053, By-law 2018-005, By-law 2018-051, By-law 2019-061, By-law 2020-025, By-law 2020-128, and By-law 2021-028 are repealed on the day this By-law comes into force and effect.
- (2) Any reference to By-law 2015-075 or By-law 2016-083 in any document shall be deemed to be a reference to this By-law.

**33. Transition**

- (1) Despite the repeal of By-law 2015-075 and By-law 2016-083, licences issued under those By-laws shall be deemed to be licences issued under this By-law.

- (2) The repeal of By-law 2015-075 and By-law 2016-083 does not affect any charges laid or orders issued under those By-laws prior to their repeal.

**34. References**

- (1) References in this By-law to any legislation or by-law means as may be amended or **successor by-laws or legislation**, and includes any regulations thereunder.

**35. Severability**

- (1) In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

**36. Title**

- (1) This By-law may be known as the “Licensing By-law.”

**37. Effective Date**

- (1) This By-law comes into force and effect on XXXX, 2025.

PASSED this <Insert day (19th)> day of <Insert Month(May)>, 2000

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MAYOR

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CLERK

**Schedule 1: Licensing Thresholds**

**1. The Licensing Thresholds**

- (1) Table 1 of Schedule 1 of this By-law lists the business classes where licensing thresholds apply.
- (2) Offence types and licensing thresholds are contained in Tables 2, 3 and 4 of Schedule 1 of this By-law for the following legislation:
  - (a) Table 2 – Criminal Code;
  - (b) Table 3 – Highway Traffic Act; and
  - (c) Table 4 - Controlled Drugs and Substances Act, S.C. 1996, c. 19 (CDSA)
- (3) The licensing thresholds set out in Tables 2, 3 and 4 are intended to identify those applicants and licensees who have been convicted of offences which demonstrate behaviours that are incompatible with the type of business activity licensed and regulated under this By-law.
- (4) Tables 2, 3 and 4 provide maximum thresholds for various types of offences, based on the severity of the offences and how long ago they occurred. Offences are classed into categories, referred to as codes.
- (5) Table 1 of this Schedule outlines the codes that apply to various business classes.
- (6) Upon receipt of an applicant or licensee's criminal record check, criminal record and judicial matters check and/or driver record (if required for licensing), the Licensing Commissioner will review Table 1 to determine if the business class is included and the codes that apply to the business class.
- (7) If the business class is included in Table 1, the Licensing Commissioner will compare any convictions listed on the criminal record check, criminal record and judicial matters check and/or driver record with the offences and licensing thresholds contained in Tables 2, 3 and 4.
- (8) If an applicant or licensee exceeds a threshold, the Licensing Commissioner may place conditions on a licence, refuse to issue a licence, refuse to renew a licence, or may suspend or revoke a licence.
- (9) The licensing thresholds set out in Tables 2, 3 and 4 do not apply to an offence for which a person has been granted a criminal record suspension (ie. a pardon) by the Parole Board of Canada.
- (10) All references to section numbers in Tables 2, 3 and 4 are current as of the date of this By-law and shall be interpreted to include all amendments, replacements and successor sections thereto.

## 2. Definitions

(1) For the purposes of this Schedule

“Conviction” means a formal declaration that a person has been found guilty of a summary conviction offence or an indictable offence.

**Table 1 – Codes that Apply to the Following Business Classes**

<b>Business Class</b>	<b>Criminal Code</b>	<b>Highway Traffic Act</b>	<b>Controlled Drugs and Substances Act</b>
	<b>Code #</b>	<b>Code #</b>	<b>Code #</b>
Adult Entertainment Establishment - Owner	1 to 4		9, 10
Adult Entertainment Establishment - Operator	1 to 4		9, 10
Adult Entertainment Establishment - Attendant	1 to 4		9, 10
Adult Entertainment Video Store - Class A, B	1 to 4		9, 10
Animals for Entertainment	1 to 4, 6		9, 10
Arboriculture Company	1 to 4		9, 10
Tree Company	1 to 4		9, 10
Auctioneer, Auction House	1 to 4		9, 10
Body-Rub Establishment - Owner	1 to 4		9, 10
Body-Rub Establishment - Operator	1 to 4		9, 10
Body-Rub Establishment - Attendant	1 to 4		9, 10
Contractors:			
• Building Renovator	1 to 4		9, 10
• Servicing and Road Cut Contractor	1 to 4		9, 10
• HVAC Contractor	1 to 4		9, 10
• Landscaping Contractor	1 to 4		9, 10
• Lawn Care Contractor	1 to 4		9, 10
• Plumbing Contractor	1 to 4		9, 10
• Pool Installation Contractor	1 to 4		9, 10
Building Renovator, Servicing and Road Cut Contractor, HVAC Contractor & Plumbing Contractor Employees	1 to 4		9, 10
Driving Instructor	1 to 5	7, 8	9, 10
Kennel	1 to 4, 6		9, 10



<b>Business Class</b>	<b>Criminal Code</b>	<b>Highway Traffic Act</b>	<b>Controlled Drugs and Substances Act</b>
	<b>Code #</b>	<b>Code #</b>	<b>Code #</b>
Limousine - Owner	1 to 4		9, 10
Limousine - Driver	1 to 5	7, 8	9, 10
Lodging House Keeper	1 to 4		9, 10
Nightclub	1 to 4		9, 10
Payday Loan Establishment	1 to 4		9, 10
Mobile Personal Services	1 to 4		9, 10
Mobile Personal Services Employees	1 to 4		9, 10
Pet Shop	1 to 4, 6		9, 10
Private Parking Enforcement Company	1 to 4		9, 10
Private Parking Enforcement Officer	1 to 4		9, 10
Refreshment Vehicle Owner – Class A	1 to 5		9, 10
Refreshment Vehicle Owner – Class B	1 to 4		9, 10
Refreshment Vehicle Owner – Class C	1 to 4		9, 10
Refreshment Vehicle – Special Event	1 to 4 or 5		9, 10
Salvage Yard	1 to 4		9, 10
Second Hand Goods Shop	1 to 4		9, 10
Taxicab - Owner	1 to 4		9, 10
Taxicab - Driver	1 to 5	7, 8	9, 10
Transportation Network Company Driver	1 to 5	7, 8	9, 10

**Table 2 – Criminal Code Licensing Thresholds**

Code	Conviction Threshold	Criminal Code Offences	Description
1	Conviction at any time against a minor or a person with a disability	Sexual offences, public morals	Sexual interference, invitation to sexual touching, sexual exploitation, sexual exploitation of a person with a disability, trafficking of a person under the age of 18 Sections 151 – 153.1(1), 279.001(1)
2	Conviction at any time	Terrorism  Major offences against the person  Major assaults or major sexual assaults	Financing of terrorism, property, participating, facilitating, instructing, harbouring, hoax regarding terrorist activity Sections 83.02 – 83.04, 83.18, 83.19, 83.22, 83.23, 83.231  Criminal negligence, homicide, murder, manslaughter, infanticide, attempted murder, neglect in childbirth, concealing a dead body, discharging firearm with intent, administering noxious thing, commodification of sexual activity, hate propaganda Sections 219, 222, 229, 239, 242, 244, 245, 286.1, 318, 319  Assault with a weapon or causing bodily harm, aggravated assault, assaulting a peace officer with a weapon, aggravated assault of a peace officer, sexual assault with a weapon, threats to a third party or causing bodily harm, aggravated sexual assault Sections 267, 268(1), 270.01(1), 270.02, 272(1), 273(1)
3	Conviction in the preceding ten (10) years	Offences against the person	any sexual offence, save and except the Code 02 major sexual assaults and the Code 01 offences  Trafficking in persons, exploitation Sections 279.01(1), 279.04(1)
4	Conviction in the preceding five (5) years	Firearms and other weapons  Offences against the person	Use, possession, weapons trafficking, weapons assembling, export and import, lost, destroyed or defaced weapons Sections 85(1), 86(1), 87(1), 88(1) – 96(1), 99(1), 102(1) – 108(1)  Bodily harm and acts and omissions causing danger to the person, criminal harassment, uttering threats, assault, unlawfully causing bodily harm, assault a peace officer, kidnapping, hostage taking, abduction

Code	Conviction Threshold	Criminal Code Offences	Description
			Sections 247(2), 264(1), 264.1(1), 265(1), 269, 270(1), 279(1), 279.1(1), 283(1)
<b>4</b>	Conviction in the preceding five (5) years	<p>Offences against the rights of property</p> <p>Fraudulent transaction relating to contracts and trade</p> <p>Wilful and forbidden acts in respect of certain property</p> <p>Offences relating to currency</p> <p>Proceeds of crime</p>	<p>Theft, theft of motor vehicle, theft/forgery of credit card, robbery and extortion, breaking and entering, possession of property obtained by crime/trafficking, false pretenses, forgery</p> <p>Sections 322(1), 333.1(1), 342(1), 343, 346(1), 348(1), 354(1), 355.4, 361(1), 366(1)</p> <p>Fraud, falsification of books and documents, identity theft and identity fraud, forgery of trademarks and trade descriptions, wreck, public stores, breach of contract, intimidation, secret commissions</p> <p>Sections 380(1), 397, 402.2(1), 406, 415, 416, 422(1), 423(1), 426(1)</p> <p>Mischief, arson, other interference with property</p> <p>Sections 430, 433, 437-443</p> <p>Making, possession of counterfeit money, uttering counterfeit money, defacing or impairing, instruments or materials, advertising and dealing in counterfeit money</p> <p>Sections 449, 450, 453 – 458, 460(1)</p> <p>Laundering proceeds of crime</p> <p>Section 462.31(1)</p>
<b>5</b>	Conviction in the preceding five (5) years	Driving offences	<p>Dangerous operation, operation causing bodily harm, operation causing death, operation while impaired, failure or refusal to comply with demand, failure to stop after accident, flight from peace officer, operation while prohibited</p> <p>Sections 320.13(1), 320.14 - 320.18(1)</p>
<b>6</b>	Conviction in the preceding five (5) years	Animals	<p>Injuring or endangering other animals, killing or injuring certain animals, cruelty to animals, arena for animal fighting</p> <p>Sections 445(1) - 447(1)</p>

**Table 3 - Highway Traffic Act Licensing Thresholds**

Code	Conviction Threshold	Description
7		accumulate ten (10) or more demerit points on the driver record at the time the application for a licence or renewal is made
8	Conviction in the preceding two (2) years	<ul style="list-style-type: none"> <li>• careless driving;</li> <li>• racing or stunt driving;</li> <li>• exceeding the speed limit by 40 km/h or more on roads with a speed limit of less than 80 km/h;</li> <li>• exceeding the speed limit by 50 km/hour or more;</li> <li>• failing to stop for a school bus;</li> <li>• failing to stop when signaled or requested to stop by a police officer;</li> <li>• failing to remain at the scene of an accident;</li> <li>• driving while licence suspended;</li> <li>• driving while holding or using a hand-held wireless communications or entertainment device;</li> <li>• driving while viewing a display screen unrelated to the driving task.</li> </ul>

**Table 4 - Controlled Drugs and Substances Act Licensing Thresholds**

Code	Conviction Threshold	CDSA Offences	Description
9	Conviction in the preceding five (5) years	Possession or obtaining	Possession of substance, obtaining substance Section 4
10	Conviction in the preceding ten (10) years	Trafficking in substance	Possession for purpose of trafficking Section 5
		Importing and exporting	Importing and exporting, possession for the purpose of exporting Section 6
		Production of substance	Production of substance Section 7
		Possession, sale, etc. for use in production of or trafficking in substance	Possession, sale, etc. for use in production of or trafficking in substance Section 7.1

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## Schedule 2: Adult Entertainment Establishment – Owner/Operator/Attendant

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Adult Entertainment Establishment” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations;
  - (b) “Attendant” for the purposes of Schedule 2 of this By-law means any person other than an adult entertainment establishment owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment establishment, and “adult entertainment establishment attendant” has a similar meaning;
  - (c) “Operator” for the purposes of Schedule 2 of this By-law means the person who operates the adult entertainment establishment, and “adult entertainment establishment operator” has a similar meaning;
  - (d) “Owner” for the purposes of Schedule 2 of this By-law means the person who owns the adult entertainment establishment, and “adult entertainment establishment owner” has a similar meaning;
  - (e) “Provide” when used in reference to services respecting an adult entertainment establishment includes to furnish, perform, solicit or give such services and “providing” and “provision” have corresponding meanings; and
  - (f) “Services designed to appeal to erotic or sexual appetites or inclinations” includes, but is not limited to:
    - (i) services of which a principal feature or characteristic is the nudity or partial nudity of any person, including the customer;
    - (ii) services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy”, or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement; and
    - (iii) for the purposes of this clause, “partial nudity” shall mean less than completely and opaquely covered human genitals or human pubic region, human buttocks or human breast below a point immediately above the top of the areola.

## 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Adult Entertainment - Owner Operating/Not Operating	Adult Entertainment Establishment - Operator	Adult Entertainment Establishment - Attendant
<b>Licence Renewal Date</b>	31-Jul	31-Jul	31-Jul
Applicant's information	✓	✓	✓
Business address	✓	✓	✓
Insurance certificate	✓		
Licence fee	✓	✓	✓
Article of Incorporation	✓	✓	
Business partner information	✓	✓	
Zoning Occupancy Certificate	⚠		
Criminal record check	✓	✓	✓
Fire inspection	⚠		
Documentation demonstrating owner's right to possess or occupy premises to be licensed	⚠		
Floor plan	⚠		
List of operators	✓		
List of attendants	✓		
1 current photograph			✓
List of services and associated costs, including admission fees and any applicable hourly rates.	✓		
List of hours of operation	✓		
Letter from owner/operator confirming employment			✓
Additional documentation set out below			

✓ Required for initial and renewal application

⚠ Required for initial application only

- (2) An operator or an attendant who is employed at more than one (1) adult entertainment establishment shall take out a separate licence for each adult entertainment establishment they are employed at in the Town.

- (3) An attendant shall produce two (2) pieces of valid and current identification, including but not limited to a birth certificate, Ontario driver's licence, or a passport, for inspection by the Licensing Commissioner or an Officer, upon request.
- (4) In addition to the requirements prescribed in subsection 2(1) to this Schedule, a completed application for a licence or for renewal of a licence shall be accompanied by:
  - (a) if the applicant is a partnership applying for an owner or operator's licence, a declaration in writing signed by all members of the partnership which states the date of birth of every partner, the name or names under which they carry on or intend to carry on business, and the mailing address for the partnership;
  - (b) if the applicant is an owner or operator, a copy of every contract for service(s), or other document constituting or pertaining to the relationship between the owner and operator, or between the owner or operator and an attendant providing services at an adult entertainment establishment and a list of all fees to be paid by the owner and the operator to the attendant, upon request by the Licensing Commissioner; and
  - (c) the floor plan required by subsection 2(1) of this Schedule shall be a detailed floor plan, drawn to scale and approved by the Licensing Commissioner, depicting the location of one (1) main stage and seating areas, offices, cloak rooms, disc jockey areas, kitchen facilities, bar areas, dressing rooms, washrooms, storage areas and entrances/exits.
- (5) The list of operators and attendants required by subsection 2(1) of this Schedule shall show the first and last name, address and telephone number of all operators and attendants employed by, or performing services in the adult entertainment establishment and all such persons intended to be employed or to perform services in the adult entertainment establishment. The list must be updated by the owner upon the hiring of operators and attendants within the term of the owner's licence. The owner shall provide the updated employee list to the Licensing Commissioner or an Officer upon request.
- (6) The owner shall ensure that all operators and attendants hired during the term of the owner's licence are licensed by the Town. The owner shall provide proof of licensing to an Officer upon request.

- (7) The Licensing Commissioner shall not issue a licence to operators or attendants unless the adult entertainment establishment owner has a current and valid licence under this By-law.
- (8) The photograph of the applicant for an attendant licence required by subsection 2(1) of this Schedule must:
  - (a) be clear, sharp and in focus;
  - (b) show how the applicant looks at the time of application for the licence; the applicant's full face must be clearly visible; and
  - (c) show the applicant's face and shoulders straight on and squared to the camera.

### **3. Limitation on Number of Licences**

- (1) Despite any other provision of this By-law, a maximum of two (2) owner's licences for adult entertainment establishments **may** be issued under this By-law.

### **4. Defined Areas**

- (1) An owner's licence may be issued only for establishments that are located in accordance with subsection 4(2) of this Schedule.
- (2) Adult entertainment establishments shall only be permitted to operate within the areas described in Appendix "1" (Map A1/A2) to this Schedule and no person shall own or operate an adult entertainment establishment or provide services in an adult entertainment establishment outside of these areas.

### **5. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.



## 6. Prohibitions

- (1) No licensed owner or person shall:
  - (a) permit any person other than a licensed operator to operate an adult entertainment establishment;
  - (b) permit any person, other than an employee of such owner or a person with whom the owner has contracted, to operate the adult entertainment establishment or to provide services in the adult entertainment establishment; or
  - (c) **permit a person to work as an operator or an attendant if the person is not licensed under this Schedule.**
- (2) No licensed owner or operator or person shall:
  - (a) permit the provision of services at an adult entertainment establishment by any person other than a licensed attendant or other person licensed or authorized by or under this By-law to do so;
  - (b) permit any premises or part thereof used as an adult entertainment establishment to be used as a dwelling or for sleeping purposes;
  - (c) permit the door to any room or cubicle where services are or may be provided to be equipped or constructed with a locking device of any kind, or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such a room or cubicle;
  - (d) permit a washroom, toilet, sink or basin used for domestic purposes to be used in connection with an adult entertainment establishment;
  - (e) permit any services to be given, performed, provided or received in any adult entertainment establishment in breach of any of the regulations contained in this By-law;
  - (f) advertise or permit or suffer any person to advertise an adult entertainment establishment, or publish anything or erect, post or maintain any sign, notice or any other publication or device, relating to or drawing attention to such adult entertainment establishment by any means or in any form whatsoever, except as specifically permitted in this By-law **or in the Sign By-law;**

- (g) permit any trade, calling or business or occupation for which a licence is required under this By-law to be carried on in an adult entertainment establishment unless it is endorsed on the owner's licence and the owner, and every other person required to be so licensed has paid the licence fee;
- (h) permit any person under the age of eighteen (18) to enter or remain in any adult entertainment establishment **when services are being provided;**
- (i) open an adult entertainment establishment for business or permit the same to be or to remain open for business or permit any services of any kind to be provided at any time between the hours of 2:00 a.m. of any day **and 9:00 a.m.** of the same day;
- (j) permit an adult entertainment establishment to be open for business at any time other than the times set forth in a schedule filed with the Licensing Commissioner;
- (k) fail to provide to the Licensing Commissioner a copy of every contract of/for service(s), or other document constituting or pertaining to the relationship between owner and operator of an adult entertainment establishment, or between owner or operator and an attendant providing services at an adult entertainment establishment and a list of all fees to be paid by the owner and the operator to the attendant;
- (l) fail to make available for inspection the original of any such document noted in subsection 6(2)(k) of this Schedule upon request by the Licensing Commissioner, an Officer, the Chief of Police or any person duly authorized by either, or fail to retain such documents for a period of six (6) months after its termination;
- (m) **fail to ensure that:**
  - (i) the premises are provided with adequate light and ventilation;
  - (ii) the premises and all fixtures and equipment therein are regularly washed and kept in sanitary condition;
  - (iii) the premises are equipped with an effective utility sink;
  - (iv) adequate toilet and washroom accommodation are provided, and there are separate such rooms for males and females;

- (v) washrooms are equipped with;
  - 1. an adequate supply of hot and cold water;
  - 2. an adequate supply of liquid soap in a suitable container or dispenser;
  - 3. hot air dryers or individual clean towels for the use of each person using the washing facilities; and
  - 4. a suitable receptacle for used towels and waste material;
  
- (vi) in all shower-bath rooms, if any, and in all sauna-bath rooms, if any:
  - 1. the floors are disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
  - 2. all surfaces and attached accessories of the bath or shower enclosure are self-draining;
  - 3. all showers have removable cleanable drain covers; and
  - 4. floor surfaces both within and without the enclosures are of a non-slip type;
  
- (vii) common foot baths are not provided on the premises;
  
- (viii) duckboards or cocoa matting are not used in the shower, bath or steam room, or anything other than liquid or powdered soap in the shower room;
  
- (n) fail to provide a service by which any customer may deposit valuables or other property for safekeeping where services which involve or may involve the undressing of or changing of clothes by the customer, and any customer who presents their property for safekeeping shall be given a receipt specifying the nature of the property so entrusted. A copy of every receipt shall be retained for at least one (1) year by the owner or operator together with all other copies of receipts required by this By-law to be retained;
  
- (o) fail to post and maintain in a conspicuous place in every room and cubicle a notice drawing attention to the safekeeping service provided in accordance with subsection 6(2)(n) of this Schedule;
  
- (p) fail to take due care of all property delivered or entrusted for safekeeping and return it to the property's owner upon demand. Every attendant immediately upon the termination of services shall carefully

search the premises for any property lost or left therein, and all property or money left in the adult entertainment establishment shall be forthwith delivered over to the person owning the same, or if the said owner cannot at once be found, then to the nearest police station, with all information regarding the same;

- (q) use or permit any sign, notice, placard, printing, picture or any other advertising or identifying device or thing whatsoever relating to any adult entertainment establishment or services offered therein, other than the signs permitted under this section, to be placed on or near any adult entertainment establishment, or in an adult entertainment establishment in such a position or place as to be capable of being seen by a person outside the said adult entertainment establishment;
- (r) fail to file with the Licensing Commissioner a copy of a list of all services provided at the adult entertainment establishment and of the respective fees charged for services including admission fees and any other payment charged in respect of entry to the adult entertainment establishment, and, if any charge be based on a computation of time, the hourly rate shall be shown on such lists;
- (s) fail to post a copy of the list of services and fees referred to in subsection 6(2)(r) of this Schedule in a conspicuous place in the interior of the adult entertainment establishment plainly visible to any person upon entering the said premises;
- (t) fail to file with the Licensing Commissioner a schedule showing the hours of business to be observed in the carrying on of, or the operation of the adult entertainment establishment which schedule shall state specifically the opening and closing times of the adult entertainment establishment for each day of the week;
- (u) fail to ensure that the door or doors or other principal means of access into the adult entertainment establishment by the public are kept unlocked and available so that anyone coming into the adult entertainment establishment from the street or other public place may enter therein without hindrance or delay during the hours of business of an adult entertainment establishment set forth in the schedule filed with the Licensing Commissioner in accordance with subsection 6(2)(t) of this Schedule, or at any time at which an attendant is in attendance at an adult entertainment establishment;

- (v) permit an adult entertainment establishment to open for business, or remain open for business, or any attendant to enter or remain therein, or any service to be provided at the adult entertainment establishment unless either the owner or an operator licensed in respect of such owner's adult entertainment establishment is in attendance at all of the times; or
  - (w) fail to provide and maintain at all times at the adult entertainment establishment a first-aid kit equipped in a manner satisfactory to the Medical Officer of Health.
- (3) No licensed owner, operator or attendant or person shall:
- (a) charge, demand, ask for or require, or permit to be charged, demanded, asked for or required for any services provided an amount other than set out on a list filed with the Licensing Commissioner, or amendments thereto also filed;
  - (b) provide services at or in respect of an adult entertainment establishment other than described on a list filed with the Licensing Commissioner or amendments thereto also filed;
  - (c) take, consume or have liquor or a drug, in their possession in an adult entertainment establishment, nor shall the use of liquor or a drug be apparent while in an adult entertainment establishment. For the purpose of this subsection the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes;
  - (d) use or permit to be used any camera or other photographic or recording device in, upon or at an adult entertainment establishment by any person other than the Licensing Commissioner, an Officer, a Peace Officer, Medical Officer of Health or a Public Health Inspector acting under their direction;
  - (e) fail to, upon request by the Licensing Commissioner, any Officer, or Public Health Inspector acting under the direction of the Medical Officer of Health, provide their name and residential address, and if licensed under this By-law, produce their licence; or
  - (f) fail to be neat and clean in appearance, and civil and well behaved to members of the public while engaged in their respective trade, calling, business or occupation in an adult entertainment establishment.

- (4) No licensed attendant or person shall provide services in any adult entertainment establishment unless the owner and the operator is duly licensed as owner or operator respectively under this By-law.
- (5) No person shall:
  - (a) provide any service in a room, cubicle or other enclosure with a door or other means of access which is equipped or constructed with a locking device of any kind or which is equipped or constructed in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto;
  - (b) provide services in an adult entertainment establishment to a person under the age of eighteen (18) years.

## 7. Signage

- (1) In addition to the sign referred to in subsection 6(2)(q) of this Schedule, there shall be displayed, flat against the exterior portion of the primary door or within 2 metres of the primary door leading into the adult entertainment establishment, one non-illuminated sign of which the facade shall not exceed 0.19 square metres in size, and which sign shall be no more than eight centimeters in depth, which sign shall bear the following:
  - (a) the owner's legal name as shown on the licence;
  - (b) the name, if any, under which the owner carries on business as endorsed on the licence;
  - (c) the address of the adult entertainment establishment, and
  - (d) the telephone number of the adult entertainment establishment;but other than the foregoing there shall be no other letters, marks, paintings, contrasting colours, symbol, logo or any other mark whatsoever on the sign.
- (2) Signage shall be installed as required by subsection 7(1) of this Schedule between 1.5 meters and 1.8 meters from grade.

## 8. Record Keeping

- (1) Every licensed owner, operator or person shall keep proper records and books of account of all business transacted in, by, or in respect of the adult entertainment establishment in accordance with section 20 of this By-law, which books shall:

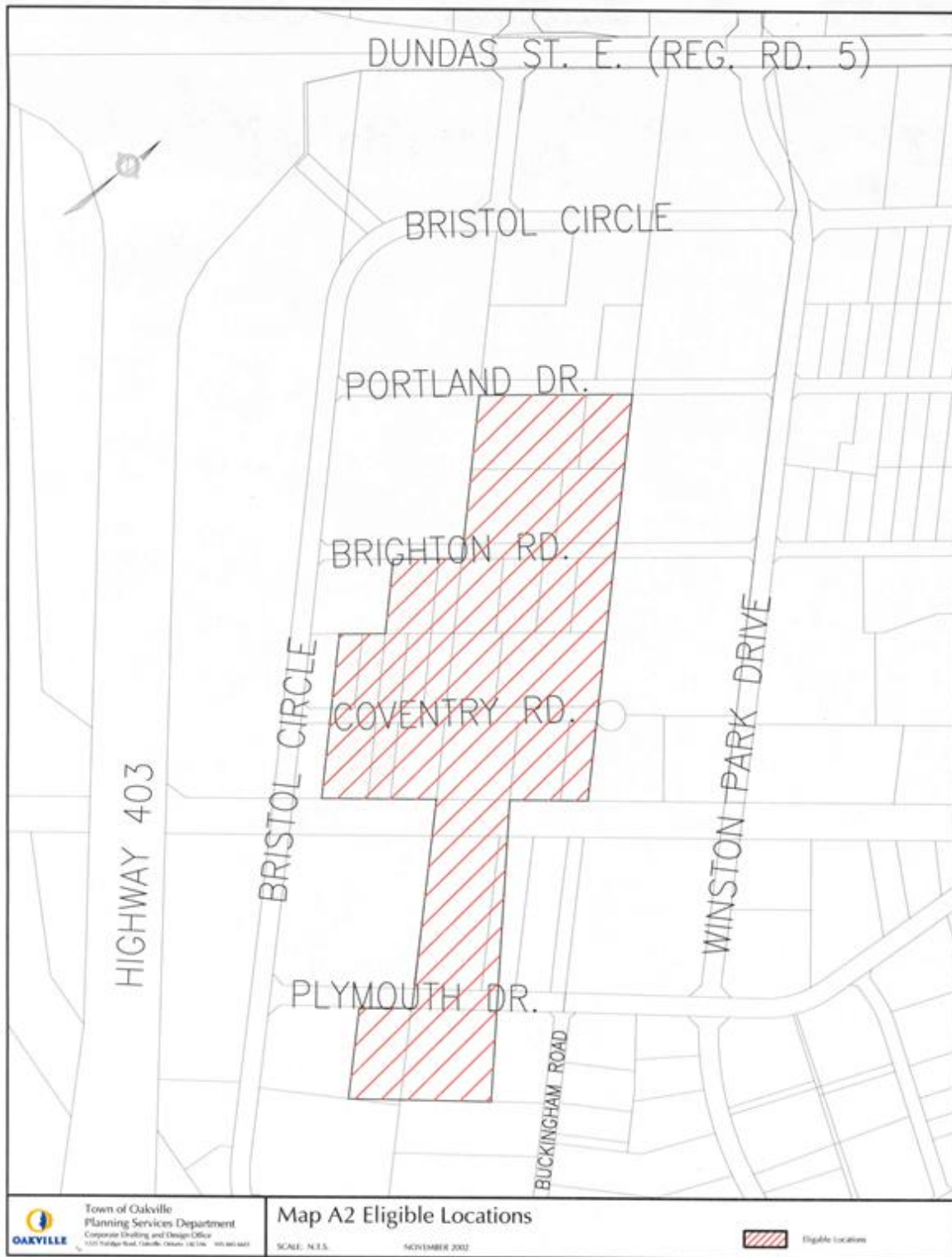
- (a) give the amount of gross receipts for all services provided, including all receipts for admission fees and other charges and receipts in respect of entry to or services provided;
  - (b) the name and licence number of every attendant providing services in the said adult entertainment establishment including the date of commencement and the date of termination of such services;
  - (c) the amount of salary or commission paid to each attendant;
  - (d) all amounts paid by the owner to the operator, if any, or by the operator to the owner, in respect of such adult entertainment establishment; and
  - (e) all bills and receipts for the full amount paid for services.
- (2) The records required by subsection 8(1) of this Schedule shall be kept for the previous and current year.
- (3) Despite subsection 20(3) of this By-law, the Licensing Commissioner, an Officer, the Chief of Police or any person duly authorized by either, shall at all times have access to such records.

**Appendix "1" (Map A1/A2) to SCHEDULE 2**

Adult entertainment establishments may only be located and operated within the areas shown as the shaded area on the attached maps A-1 and A-2, subject to compliance with all applicable law.







**Schedule 3: Adult Entertainment Video Store – Class A, B**



**1. Definitions**


- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
  - (a) “Adult Entertainment Video Store Class A” means a video store which provides adult videos to the public where the proportion of adult videos to all videos provided exceeds the ratio of 1:10 (adult videos to non-adult videos);
  - (b) “Adult Entertainment Video Store Class B” means a video store which provides adult videos to the public where the proportion of adult videos to all videos provided does not exceed the ratio of 1:10 (adult videos to non-adult videos);
  - (c) **“Adult Video” means an adult sex film as defined in the *Film Content Information Act, 2020, S.O. 2020, c. 36, Sched. 12, or successor legislation;***
  - (d) “Specified Body Areas” means in the case of a female person, the nipples and areolae, and in the case of all persons the genitals and the anus.

**2. Licence Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Adult Entertainment Video Store – Class A, B
<b>Licence Renewal Date</b>	<b>31-Jul</b>
Applicant’s information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓

	Adult Entertainment Video Store – Class A, B
Zoning Occupancy Certificate	
Criminal record check	

 Required for initial and renewal application

 Required for initial application only

### 3. Limitation on Number of Licences – Adult Entertainment Video Store Class A

- (1) A maximum of two (2) licences for Adult Entertainment Video Stores Class A may be issued under this By-law.

### 4. Defined Areas

- (1) No Adult Entertainment Video Store Class A licence may be issued except as permitted in subsection 4(2) of this Schedule.
- (2) Adult Entertainment Video Stores Class A shall only be permitted to operate within the areas described in Appendix 1 (Map A1/A2) to this Schedule and no person shall own or operate an Adult Entertainment Video Store Class A outside of these areas.
- (3) Appendix 1 (Map A1/A2) does not apply to Adult Entertainment Video Stores Class B which are permitted to operate in those areas of the Town consistent with the Zoning By-law and other applicable law.
- (4) **Despite subsection 4(2) of this Schedule**, that part of the premises of the following municipal address in actual use for the purpose of a video store which provides adult videos to the public as of the date this By-law **comes into force** is hereby defined as an area in which a Class A Adult Entertainment Video Store is, if in compliance with all other applicable law, permitted to locate and operate. **This premises is eligible to be licensed as an Adult Entertainment Video Store Class A by the Licensing Commissioner only for so long as such part of the premises continues to be used for such purpose, the adult entertainment video store owner maintains their Class A licence issued under this Schedule for that location and the Adult**

Entertainment Video Store Class A business carried on therein complies with this By-law:

- (a) 2544 Speers Road, Oakville

**5. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

**6. Prohibitions**

- (1) No person shall carry on or engage in the business of an Adult Entertainment Video Store **Class A or Class B** except in compliance with the provisions of the *Film Content Information Act, 2020, S.O. 2020, c. 36, Sched. 12, or successor legislation*;
- (2) No licensee, operator or person shall:
  - (a) fail to maintain on the premises and available for inspection by the Licensing Commissioner or an Officer during all business hours, a current and complete list of the names and number of all videos and all adult videos provided on the premises;
  - (b) permit any person to work in an Adult Entertainment Video Store **Class A or Class B** unless such person is eighteen (18) years of age or older;
  - (c) sell, rent, trade or exchange or permit the sale, rental, trade or exchange of any adult video to any person who is not at least eighteen (18) years of age;
  - (d) use or display or permit the use or display of any exterior signs or advertisements relating to the premises or to the provision of adult videos that:
    - (i) **contain any words or phrases other than** "adult videos" or "adult video sales, rentals or exchange";

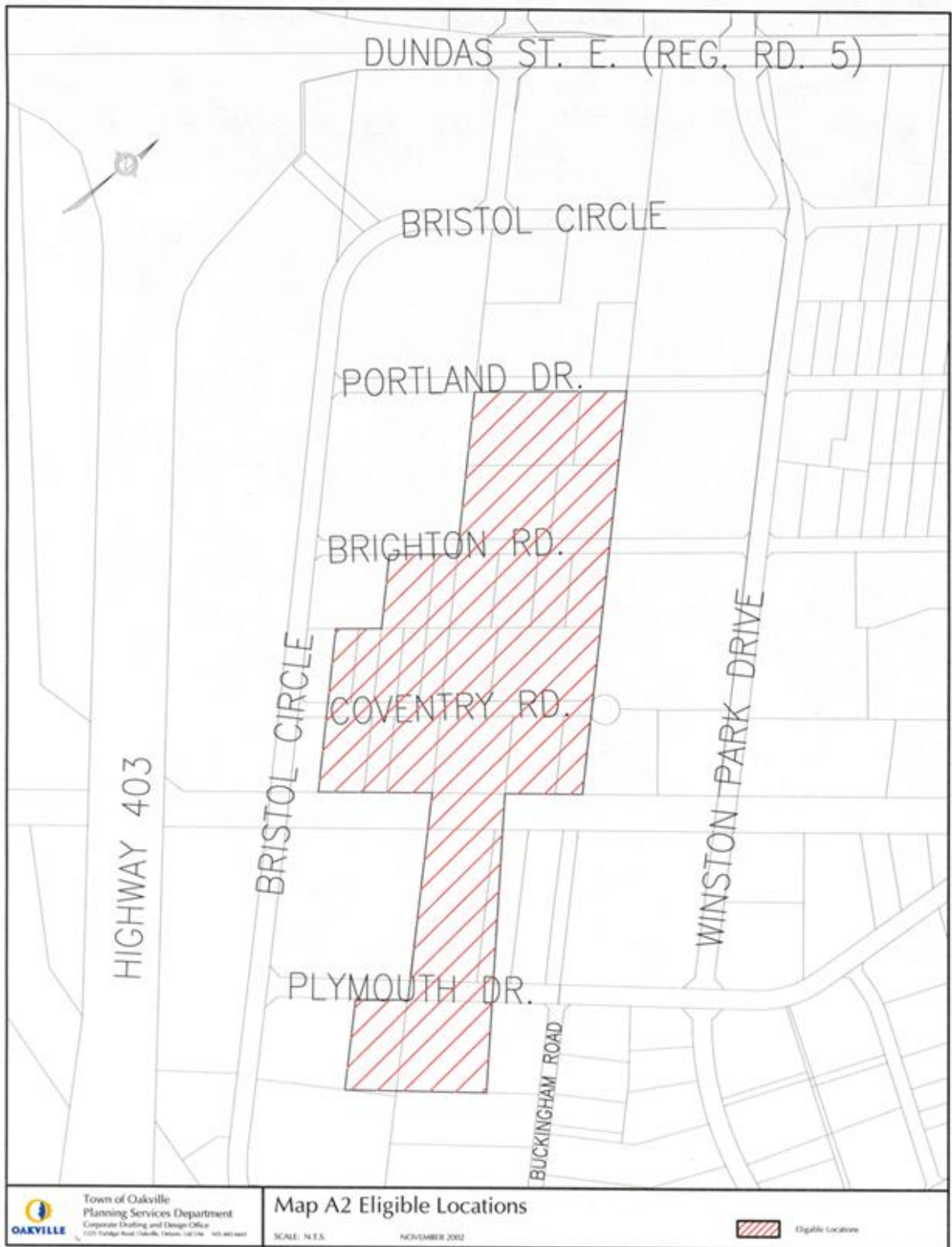
- (ii) contain or display a description or pictorial representation of any specified body areas or any sexual activities, or which contain or refer to the titles of any adult videos; or
    - (iii) **do not comply with the Sign By-law.**
  - (e) use or display or permit the use or display of any adult video or cover, jacket or container for an adult video, or any portion thereof, or any other adult video printed or promotional material or visual images in any manner so as to be visible outside of the premises; or
  - (f) permit the viewing of adult videos on the premises or play or preview for public view on the premises any adult video or any audio or video portion thereof.
- (3) No licensee or operator of an Adult Entertainment Video Store Class A or person shall:
- (a) fail to post and keep posted at every entrance, and in a prominent location inside such premises, signs sufficient to indicate clearly to any person approaching or entering the premises, and to every person in the premises, that no person under the age of eighteen (18) years is permitted to enter or remain in such premises;
  - (b) **fail to ensure that every person working in an Adult Entertainment Video Store Class A complies with all requirements of this By-law relating to the provision of adult videos; or**
  - (c) permit any person under the age of eighteen (18) years to enter or remain in such premises.
- (4) No licensee or operator of an Adult Entertainment Video Store Class B or person shall:
- (a) fail to store all adult videos or covers, jackets or containers for an adult video, or any portion thereof behind a counter or similar barrier that is attended by an employee;
  - (b) display any printed or promotional material or visual images in any manner so as to be visible from within the premises;
  - (c) fail to ensure that every person working in an Adult Entertainment Video Store **Class B** complies with all requirements of this By-law relating to the provision of adult videos;

- (d) permit the use of the binder or container referred to in subsection 5(5) of this Schedule:
  - (i) by any person who is not at least eighteen (18) years of age;
  - (ii) in any manner such that its contents are visible to any person other than the person who requested the binder or container; or
  - (iii) to be left open, displayed or exposed in any manner so as to constitute a violation of any other provision of this By-law.
  
- (5) Despite subsection 6(2)(e) of this Schedule, the licensee or operator of an Adult Entertainment Video Store Class B may store covers, jackets or containers for adult videos together with a current listing of the titles, in a binder with opaque covers or similar opaque container stored behind a counter or similar barrier attended by an employee, and which binder or container may be provided for review within the premises upon request to any person who is at least eighteen (18) years of age. **The current listing of titles may also be kept electronically.**

### Appendix "1" (Map A1/A2) to Schedule 3

Adult Entertainment Video Stores Class A may only be located and operated within the areas shown as the shaded area on the attached maps A-1 and A-2, subject to compliance with all applicable law.







## Schedule 4: Animals for Entertainment

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Animals for Entertainment” means the use of animals in any special event as defined in this Schedule, travelling presentation or private function;
  - (b) “Restrained” means keeping an animal securely confined in a humane manner;
  - (c) “Special Event” with respect to animals for entertainment includes, but is not limited to, a public show, circus, carnival, parade, community event such as an outdoor festival, exhibition or tournament;
  - (d) “Tethered” means using a rope or chain or similar restraining device to prevent an animal from moving beyond a localized area; and
  - (e) “Topper” means an enclosed compartment when coupled with a cargo bed of a motor vehicle.

### 2. Licence Application/Renewal Requirements

- (1) An animals for entertainment licence is required for businesses that:
- (a) have a premises located in Oakville where animals used for entertainment are kept or housed;
  - (b) provide animals to special events as defined in this Schedule;
  - (c) use animals in travelling presentations at, including but not limited to, schools, daycares, camps, workshops; or
  - (d) provide animals to private functions that are not open to the public including, but not limited to, birthdays, weddings and corporate events.
- (2) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Animals for Entertainment
<b>Licence Renewal Date</b>	<b>31-Jan</b>
Applicant's information	✔
Business address	✔
Insurance certificate	✔
Licence fee	✔
Article of Incorporation	✔
Business partner information	✔
Zoning Occupancy Certificate, if applicable	⚠
Criminal record check	✔
Description of business	✔
List of all animals, including any prohibited animals, intended to be used for entertainment. The list to include the number and type of each animal intended to be used and their proposed uses	✔
List of each event, location(s), date(s) and time(s), if applicable	✔
Self-declaration of animal offences	✔
Property owner consent	✔
Animal Control inspection, if applicable	✔
Additional documentation set out below	

✔ Required for initial and renewal application

⚠ Required for initial application only

- (3) The animal control inspection required by subsection 2(1) of this Schedule must confirm that the applicant or licensee has complied with all requirements for a premises where animals for entertainment are kept in the Town under this Schedule.

### 3. Exemptions

- (1) Despite subsection 2(2) of this Schedule, an animals for entertainment licence is not required for the following:
- (a) a veterinary hospital or veterinary clinic;
  - (b) a public pound;

- (c) the Ontario Society for the Prevention of Cruelty to Animals or an affiliate branch;
  - (d) a Humane Society;
  - (e) the Town;
  - (f) the Lions Foundation of Canada Dog Guides;
  - (g) educational facilities where animals are being kept for study, research or teaching purposes in conjunction with and under the direct sponsorship of a school board or the Ministry of Education; or
  - (h) a conservation authority established by the Conservation Authorities Act, 1946 or a predecessor of that Act.
- (2) Any business, organization, or person identified in subsection 3(1) of this Schedule shall receive any benefit or exemption ordinarily provided to a business, organization, or person that is licensed pursuant to this Schedule as if they were licensed.

#### **4. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the requirements set out in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if:
- (a) an animal is, or is likely to be taunted, goaded, baited, provoked, injured or distressed;
  - (b) spectators or other members of the public are likely to be injured through being trampled, gored, crushed, bitten or otherwise harmed;
  - (c) the animal is at risk of escaping or otherwise being at large;
  - (d) the applicant or licensee's self-declaration provided in accordance with subsection 2(1) of this Schedule confirms any or all of the following within five (5) years of the date of application for a licence or renewal of a licence:
    - (i) conviction(s) for animal abuse or neglect under PAWS, DOLA or any other federal or provincial statute;

- (ii) conviction(s) under the Animal Control By-law's provisions for standards of care;
  - (iii) conviction(s) under this By-law, other Town by-laws or any other municipality's by-laws respecting the keeping or care of animals; or
  - (iv) any court orders, prohibitions or conditions set as part of a conviction that are currently in force.
- (2) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

## **5. General Regulations**

- (1) An applicant, licensee or person must have the consent of the owner of the property or the property management company where animals for entertainment are to be used prior to providing the animals for entertainment.
- (2) A licensee or person must update the list of events provided to the Licensing Commissioner in accordance with subsection 2(1) of this Schedule if the licensee or person has added new events during the term of their licence.
- (3) The Licensing Commissioner may notify the Oakville & Milton Humane Society of the licensee or person's participation in special events, travelling presentations or private functions.
- (4) An Officer may carry out an inspection of any special event, travelling presentation or private function where the licensee or person is providing animals for entertainment.

## **6. Regulations for Animals Kept at Premises Located in Oakville**

- (1) Animals must be kept in compatible social groups to ensure the general welfare of the individual animals and of the group and to ensure that each animal in the group is not at risk of injury or undue stress from dominant animals of the same or a different species.

- (2) Fresh, clean water in an amount sufficient for the well-being of the animal shall be made available to the animal at all times to allow the animal to drink without restriction, or as directed by a veterinarian.
- (3) Animals shall be fed periodically each day in accordance with the particular food requirements for each type or species of animal kept at the premises.
- (4) Licensees or persons shall ensure that the following standards are met for animals being kept on the premises:
  - (a) Construction of Enclosures:
    - (i) interior walls and partitions shall be constructed of materials that are appropriately treated or coated to be rendered washable, sanitizable, impervious to moisture, smooth, and durable;
    - (ii) the corners of ceilings, walls, and partitions shall be sealed and treated to render them completely washable and sanitizable;
    - (iii) interior walls must be free of sharp edges or other potential causes of injury;
    - (iv) only non-toxic materials shall be used in places in which animals have direct contact;
    - (v) walls and fences shall be sturdy, in good repair, and of sufficient height and with small enough gaps to prevent escape;
    - (vi) the roof shall be covered with suitable materials in order to eliminate leakage and exposure of animals to adverse weather conditions;
    - (vii) ceilings shall be constructed of impervious materials and subject to finishing comparable to those of the walls and partitions;
    - (viii) floors shall be constructed of impervious materials, such as sealed concrete or other materials which provides a smooth surface that is easy to clean and sanitize; and
    - (ix) lighting shall be appropriate for the species being kept and sufficient lighting shall be provided so that all areas of the interior of the enclosure can be clearly seen for the purposes of maintenance and cleaning.

(b) Enclosures shall:

- (i) be large enough to allow the animal to lie flat on their side outside of their bed in the sleeping area;
- (ii) allow the animal to move freely, which includes the ability to walk and turn around easily, move about easily for the purpose of postural adjustments including stretching, without touching the enclosure walls or ceiling, standing normally to their full height without touching the enclosure walls or ceiling, and lying down without touching another animal;
- (iii) provide a separate sleeping area for the animal that has adequate and appropriate bedding for the animal appropriate to its size and species;
- (iv) allow the animal to urinate and defecate away from their sleeping and eating areas;
- (v) prevent urine and feces from contaminating adjoining enclosures;
- (vi) have an area to place and secure food and water bowls to prevent bowls from becoming contaminated, spilling, and soiling enclosure contents, and allows animals to eat and drink freely;
- (vii) be free of any dangerous structure or object that may cause injury;
- (viii) provide a separate housing area where animals can be moved while their enclosure is being cleaned. Animals are not returned to their primary enclosure until it is dry; and
- (ix) include equipment for play or stimulation appropriate to the animal being kept.

(c) Environment:

- (i) each enclosure shall be maintained at a temperature adequate and appropriate to the species;
- (ii) ventilation and heating systems shall be constructed to supply fresh air and enable adequate exchange of air and maintenance of optimal environmental conditions for all seasons;

- (iii) additional ventilation must be provided using exhaust fans and/or air conditioning when ambient temperatures reach more than 26°C; and
    - (iv) indoor humidity shall be maintained between 35-50% to ensure animal comfort, minimize the risk of transmission of animal disease, prevent damage to the structural integrity of the building and its contents, and prevent the accumulation of excess moisture that can promote growth of mold.
  - (d) Sanitation:
    - (i) all enclosures shall be cleared of debris and cleaned of feces and urine at least twice daily, or more often as necessary to maintain a sanitary environment and the good health of the animal. The licensee shall keep a cleaning record for all enclosures and shall provide it to the Licensing Commissioner or an Officer upon request;
    - (ii) all waste containment/cleaning equipment, food preparation areas, food/water bowls, and utensils shall be kept in a clean & sanitary condition.
- (5) All employees, where applicable, shall be adequately trained and knowledgeable in animal care and husbandry, consistent with industry standards.
- (6) The licensee or person shall maintain a training manual that is accessible to employees, regarding animal care and husbandry to the satisfaction of the Licensing Commissioner. This manual shall include, but not be limited to, procedures on the following:
  - (a) the care of animals including feeding, cleaning, and the type of housing provided for animals;
  - (b) appropriate low-stress handling, restraint, training, grooming, and exercise;
  - (c) recognizing and taking appropriate action when animals display behaviours indicative of stress, anxiety, depression, aggression, incompatibility, illness, and injury;

- (d) proper maintenance, identification and reporting of damage/deterioration of enclosures to ensure effective repair and prevent negative impacts on animal health and well-being;
  - (e) daily recordkeeping;
  - (f) sanitation protocols;
  - (g) methods of handling dogs, cats or other animals generally and in the event of escape;
  - (h) infectious disease protocols and methods for handling sickness, injury or death of a dog, cat or other animal;
  - (i) methods for handling situations in which a dog, cat or other animal has bitten a person, dog, cat or other animal;
  - (j) infectious disease protocols;
  - (k) emergency protocols within the premises such as response to flood/fire, power failure, evacuation, accidental/acute animal injury/illness; and
  - (l) emergency contact procedure(s).
- (7) The licensee shall ensure that applicable employees sign-off on an annual basis that they have reviewed the training manual and will abide by its requirements. The licensee shall provide proof of sign-off to the Licensing Commissioner or an Officer upon request.
- (8) Information for contacting the veterinary clinic/hospital, emergency care facility, the licensee, local fire/police and any alarm company shall be posted in a location readily accessible to all employees.
- (9) Sick, injured, or diseased animals shall receive prompt veterinary treatment and nursing care, appropriate for the animal's condition.

## **7. Regulations for Animals Kept Temporarily in the Town of Oakville**

- (1) Animals shall be kept in compatible social groups to ensure the general welfare of the individual animals and of the group and to ensure that each animal in the group is not at risk of injury or undue stress from dominant animals of the same or a different species.



- (2) Licensees or persons shall ensure that animals are not left unattended while tethered or tied on premises where the public has access, whether the access is expressed or implied.
- (3) Licensees or persons shall ensure that animals left unattended in a motor vehicle:
  - (a) are restrained in a manner that prevents contact between the animal and any member of the public;
  - (b) have suitable ventilation; and
  - (c) are not exposed to extreme temperatures which can cause distress and/or death.
- (4) No licensee or person shall allow an animal to be outside of the passenger cab of a motor vehicle on the roadway, regardless of whether the motor vehicle is moving or parked, except for loading and unloading the animal(s).
- (5) Despite subsection 7(4) of this Schedule, a licensee or person may allow an animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pick-up truck or flatbed truck if the animal is:
  - (a) in a fully enclosed trailer;
  - (b) in a topper enclosing the bed area of a truck;
  - (c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
  - (d) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.

## **8. Prohibitions**

- (1) No licensee or person using an animal for the purposes of entertainment shall:
  - (a) taunt, goad, bait, provoke, injure or distress the animal or permit it to be taunted, goaded, baited, provoked, injured or distressed;
  - (b) restrain the animal in a manner that causes pain, injury or distress;

- (c) fail to make fresh, clean water available to the animal:
    - (i) at all times to allow the animal to drink without restriction; and
    - (ii) in an amount sufficient for the well-being of the animal;
  - (d) fail to feed animals periodically each day in accordance with the animal's particular food requirements;
  - (e) confine animals in incompatible social groups;
  - (f) fail to ensure that spectators and other members of the public are protected from being trampled, gored, crushed or bitten by the animal;
  - (g) fail to ensure that the animal is prevented from escaping or being at large; or
  - (h) fail to update the list of events provided in accordance with subsection 2(1) of this Schedule if new events are added during the term of the licence.
- (2) No licensee or person shall fail to:
- (a) maintain a training manual in accordance with subsection 4(6) and produce the manual for inspection by the Licensing Commissioner or an Officer upon request;
  - (b) have applicable employees sign-off that they have reviewed the training manual and that they will abide by its requirements.
- (3) Despite any exemptions provided in any other by-law, no licensee or person shall have any animal that carries or produces a toxin known to be dangerous to humans and/or domestic animals in their possession, or use any of these animals as part of their animals for entertainment business.
- (4) Despite any exemptions provided in any other by-law, the following are the only animals that may be in the licensee's possession or may be used as part of the licensee's animals for entertainment business:
- (a) Domestic cats, dogs and rabbits;
  - (b) Livestock such as cattle, goats, sheep, pigs, ducks and geese;
  - (c) Pheasants, grouse, guinea fowl, turkeys, chickens and pea fowl;
  - (d) Horses, ponies, donkeys, jackasses and mules;
  - (e) Sugar gliders derived from a self-sustaining captive population;

- (f) Ferrets;
- (g) Rodents such as chinchillas, hamsters and guinea pigs which do not exceed 1,500 grams and are derived from a self-sustaining captive population;
- (h) Tortoises and turtles;
- (i) Emus;
- (j) Alpacas and llamas;
- (k) Non-venomous arachnids; and
- (l) Non venomous lizards and snakes under 3 m in length.

## Schedule 5: Arborist Consulting Company, Arboriculture Company, Tree Company

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Arborist” means a person who has graduated from an accredited college or university with a diploma or degree in Urban Forestry, Arboriculture or equivalent and satisfies at least one (1) of the following requirements:
    - (i) is certified by the International Society of Arboriculture, **or equivalent;**
    - (ii) is currently accepted as a consulting arborist with the American Society of Consulting Arborists; or
    - (iii) is a Registered Professional Forester (RPF) as defined in the Professional Foresters Act, 2000, S.O. 2000, c. 18;
  - (b) **“Certificate of Errors and Omissions Insurance” means a certificate of professional liability insurance that protects companies, their workers, and other professionals against claims of inadequate work or negligent actions;**
  - (c) “Certified Tree Worker Climber Specialist” means a person holding the credentials of an ISA Certified Tree Worker Climber Specialist or equivalent;
  - (d) “Certified Chainsaw Operator” means a person who has passed a course on the operation of a chainsaw at the standard set in the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, O.REG. 145/00 and O. REG. 213/91;
  - (e) “Proximity” means a distance of 3 metres from 750 volts to 150 000 volts, 4.5 metres **from 150 001 volts to** 250 000 volts, and 6 metres for more than 250 000 volts;
  - (f) **“Tree By-laws” means Municipal Tree By-law 2009-025 and/or Private Tree By-law 2017-038, or successor by-laws, as the context requires;**
  - (g) **“Tree Risk Assessment” means the systematic process to identify, analyze and evaluate tree risk;**

- (h) “Tree Valuation” means the method used to determine the values of amenity plants; and
- (i) “Utility Arborist” means a person trained and knowledgeable to undertake any work required to prune or clear vegetation in proximity to energized electrical equipment, structures and conductors; including the pruning, falling or removal of trees which could come into contact with energized power lines and who is an ISA Certified Arborist Utility Specialist or holds **equivalent certification**.

**2. Licence Application/Renewal Requirements**

- (1) **Every person providing the services shown in the table below in the Town shall apply for and obtain a licence under this Schedule in the following applicable sub-type:**

Services Provided	Licence Sub-Type		
	Arboriculture Company	Arborist Consulting Company	Tree Company
Prepares reports	✓	✓	
Assesses the health and structure of trees	✓	✓	
Provides a tree risk assessment	✓	✓	
Provides tree valuations	✓	✓	
Provides tree maintenance including removing trees, pruning, root pruning, fertilizing, planting, stumping, transplanting a tree	✓		✓
Requires an arborist on staff	✓	✓	
Requires a certified tree worker climber specialist on staff	✓		✓
Requires a certified chainsaw operator on staff	✓		✓
Requires a utility arborist when working in proximity to energized electrical equipment, structures and conductors	✓		✓

- (2) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Arborist Consulting Company	Arboriculture Company	Tree Company
<b>Licence Renewal Date</b>	<b>30-Apr</b>	<b>30-Apr</b>	<b>30-Apr</b>
Applicant's information	✓	✓	✓
Business address	✓	✓	✓
Insurance certificate	✓	✓	✓
Licence fee	✓	✓	✓
Article of Incorporation	✓	✓	✓
Business partner information	✓	✓	✓
Criminal record check		✓	✓
Applicant's proof of qualifications, if applicable	⚠	⚠	⚠
Employee list	✓	✓	✓
Additional documentation set out below			

✓ Required for initial and renewal application

⚠ Required for initial application only

- (3) An applicant who is also working as an arborist, certified tree worker climber specialist, certified chainsaw operator or utility arborist must submit proof of qualifications at the time of initial application for a licence under this Schedule.
- (4) In addition to the requirements prescribed in subsection 2(2) to this Schedule, a completed application for an arborist consulting company or arboriculture company licence or for renewal of said licences shall be accompanied by a certificate of errors and omissions insurance in a minimum amount of two million dollars (\$2,000,000). The Town of Oakville and address must appear on the certificate as an "Additional Insured" in order to provide the Town at least thirty (30) days' notice in writing prior to cancellation, expiration or change of policy.
- (5) In addition to the requirements prescribed in subsection 2(2) to this Schedule, at the time of initial application for an arborist consulting company licence, arboriculture company licence or tree company licence, applicants shall:
  - (a) obtain and keep a copy of their employees' proof of qualifications; and

- (b) obtain the consent of their employees, in a form provided by the Licensing Commissioner, to the potential disclosure of the employee's proof of qualifications to the Licensing Commissioner or to an Officer for the purpose of the administration and enforcement of this By-law.
- (6) Applicants for an arborist consulting company licence, arboriculture company licence or tree company licence shall provide the consent and proof of qualifications referred to in subsection 2(5) of this Schedule to the Licensing Commissioner or to an Officer upon request.
- (7) For any employees hired during the term of their licence, arborist consulting company, arboriculture company or tree company licensees shall:
  - (a) obtain and keep the consent required by subsection 2(5) of this Schedule;
  - (b) obtain and keep the employee's proof of qualifications required by subsection 2(5) of this Schedule and provide the proof of qualifications to the Licensing Commissioner or an Officer upon request; and
  - (c) update the employee list required by subsection 2(2) of this Schedule and provide the updated list to the Licensing Commissioner or an Officer upon request.

### **3. Endorsement**

- (1) In accordance with Section 11 of this By-law, a person holding a current and valid arboriculture company licence, or a current and valid tree company licence may apply for an endorsement to perform the following additional business activities:
  - (a) Schedule 11 – Contractors: Landscaping Contractor;
  - (b) Schedule 11 – Contractors: Lawn Care Contractor.

### **4. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the arboriculture company or tree company applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and

responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

## 5. Regulations

- (1) Any sub-contractors retained by an arborist consulting company licensee, arboriculture company licensee or tree company licensee shall obtain their own licence, if required under this By-law.
- (2) Arborist consulting company licensees, arboriculture company licensees, tree company licensees or persons shall:
  - (a) have printed or otherwise displayed on both sides of all vehicles owned, leased or used on a regular basis in the course of business, in letters or figures no less than 10 centimetres in height, the arborist consulting company, arboriculture company or tree company's business name;
  - (b) have printed or otherwise impressed on all business stationery, forms, invoices, statements and advertising materials, the arborist consulting company, arboriculture company, or tree company's business name, business address and telephone number;
  - (c) provide a written contract which shall be signed by the arborist consulting company licensee, arboriculture company licensee or tree company licensee before commencing any work, such contract to contain:
    - (i) the business name and business address of the arborist consulting company licensee, arboriculture company licensee or tree company licensee and the person for whom the work is being done;
    - (ii) the address where the work is to be done;
    - (iii) a description of the work to be completed and associated costs;
    - (iv) warranties or guaranties, if any; and
    - (v) the estimated date of completion;
  - (d) give a copy of the contract referred to in subsection 5(2)(c) of this Schedule to the person for whom the work is being done; and



- (e) upon the conclusion of the work and prior to demanding payment, provide the person for whom the work was done with an itemized invoice of the work that has been completed.

## 6. Prohibitions

- (1) No arborist consulting company licensee, arboriculture company licensee, tree company licensee or person shall:
  - (a) fail to obtain all necessary permits, where required, prior to the commencement of any work and procure all requisite inspections from the Town;
  - (b) fail to post any notifications required by the Town's Tree By-laws;
  - (c) fail to install or maintain any tree protection measures required by the Town's Tree By-laws;
  - (d) permit persons who are not duly qualified to perform the duties of an Arborist, Certified Tree Worker Climber Specialist and Certified Chainsaw Operator;
  - (e) permit persons who are not duly qualified as a Utility Arborist to work in proximity to energized electrical equipment, structures and conductors;
  - (f) fail to ensure utility locates are conducted prior to any digging or excavation;
  - (g) fail to replace any damaged sod, ground cover, pavement, or property of the Town within forty-eight (48) hours of the completion of the arborist, arboriculture company or tree company work;
  - (h) fail to obtain an employee's consent to disclose their proof of qualifications in accordance with subsection 2(5) of this Schedule;
  - (i) fail to provide the Licensing Commissioner or an Officer with proof of qualifications in accordance with subsection 2(6) of this Schedule; or.
  - (j) for employees hired during the term of the licence, fail to provide the Licensing Commissioner or an Officer with an employee's consent or proof of qualifications in accordance with subsection 2(7) of this Schedule.

- (k) fail to provide an updated employee list required by subsection 2(7)(c) of this Schedule, if required by Licensing Commissioner or Officer;
- (l) in addition to the requirements of Section 21 of this By-law, fail to ensure that all debris, mud, garbage or stone tracked onto a municipal-right-of way is removed; or
- (m) permit the injury or destruction of a Town tree or other tree which is protected by Town by-laws or subject to tree protection measures as a condition of a permit.

## Schedule 6: Attractions

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Attraction” means a temporary event that is open to the public and draws or is intended to draw visitors by providing something of interest, and includes but is not limited to:
    - (i) the presentation or display of a selection of items including but not limited to arts, crafts, motor vehicles, books;
    - (ii) rides such as roller coasters, merry-go-rounds, ferris wheels, zip lines, inflatables, water slides and other like contrivances;
    - (iii) mechanical or electronic games;
    - (iv) 2 or more food vendors or other vendors; or
    - (v) markets.
  - (b) “Farmers Market” means a temporary market at which vendors offer for sale or sell their agricultural products directly to consumers, including but not limited to produce, flowers and baked goods;
  - (c) “Flea Market” means a temporary market at which second-hand goods are sold or offered for sale;
  - (d) “Market” means farmers markets or flea markets;
  - (e) “Multi-Event” means the same market that is held in the same location for multiple events during the term of the licence issued by the Licensing Commissioner;
  - (f) “TSSA” means the Technical Standards and Safety Authority that is responsible for the administration and enforcement of the *Technical Standards and Safety Act* and its regulations on behalf of the Government of Ontario.

### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on licence application:

	Attraction – per event	Attraction – multi-event (Market)
Licence Renewal Date	Per event	Multi-Event
Applicant's information	✓	✓
Business address	✓	✓
Insurance certificate	✓	✓
Licence fee	✓	✓
Article of Incorporation	✓	✓
Business partner information	✓	✓
Event details including a description of the event, date(s), time(s) and location	✓	
List of events covered by the multi-event licence including date(s), time(s) and location		✓
List of vendors, including food vendors, and the goods, merchandise or services, offered for sale or provided by each vendor	✓	✓
Proof of building permit, if applicable	✓	✓
Parking management plan	✓	✓
Written approval from the owner of the property being used or their property management company, including the specific period the applicant is permitted to operate at such location, if applicable	✓	✓
Accurate map showing the location of the event in relation to surrounding properties and the location of vendors on the property, if applicable	✓	✓
Valid TSSA licence and permit, if applicable	✓	✓
Copy of communication from Health Department regarding health inspection, if applicable	✓	✓
Valid propane inspection certificate(s), if applicable	✓	✓
Canada Revenue Agency Registered Charity Number, if applicable	✓	✓
Additional documentation set below		

✓ Required for initial application

- (2) The organizer or promoter of the attraction or the owner of property where the attraction will be held shall obtain the necessary licence from the Licensing Commissioner and at the time of licence application shall provide the required documentation listed in subsection 2(1) of this Schedule for all vendors, including food vendors and refreshment vehicles, that will be operating at the attraction.

- (3) Despite subsection 6(1) of this By-law, the applicant shall submit their application for an Attraction Licence a minimum of thirty (30) calendar days prior to the date of any event other than a market.
- (4) The map showing the location of vendors on the property required by subsection 2(1) of this Schedule shall include setbacks from the adjacent property lines, the proposed location of any parking and garbage/recycling containers as well as entrances and exits to the property, where applicable.
- (5) A vendor selling or providing goods for human consumption other than fresh fruit and vegetables, wine or beer at an attraction shall comply with all health regulations and shall submit approval from the Health Department to the Licensing Commissioner, upon request.
- (6) The valid TSSA permit, and licence referred to in subsection 2(1) to this Schedule, means:
  - (a) a valid and current licence to carry on business in Ontario issued by the TSSA or its successor; and
  - (b) a valid and current Ontario Amusement Device Permit issued by the TSSA or its successor for each ride or like contrivance;if required by the *Technical Standards and Safety Act, 2000, S.O. 2000, c. 16* and its regulations.
- (7) In accordance with Section 11 of this By-law, a person holding a current and valid Attraction Licence may apply for an endorsement to perform the following additional business activity:
  - (a) Schedule 4 – Animals for Entertainment
- (8) Attractions held by not-for-profit organizations or registered charities require an Attraction Licence, but the licence fee will be reduced by fifty (50) percent.
- (9) Applicants for an Attraction Licence shall notify the following of the event and shall provide the Licensing Commissioner or an Officer with proof of notification, upon request:
  - (a) the Fire Chief;
  - (b) the Medical Officer of Health; and

- (c) the Halton Regional Police Service.

### **3. Noise Exemption Permit**

- (1) The applicant may be required to obtain a noise exemption permit when directed to do so by the Licensing Commissioner, or as may be necessary under the Noise By-law.
- (2) The applicant shall comply with all provisions of the noise exemption permit if a permit is required.

### **4. Exemptions**

- (1) An Attraction Licence is not required for:
  - (a) educational facilities holding an event for the purpose of education or fundraising where such facilities are under the direct sponsorship of a school board, or the Ministry of Education and only when home baked or homemade items are sold;
  - (b) events held by religious institutions only when home baked or homemade items are sold; or
  - (c) an event held under valid a Town permit or as approved by Council.

### **5. Limitations on Licence**

- (1) An Attraction Licence will not be issued by the Licensing Commissioner for an attraction to be held in a residential zone as designated in Zoning By-law 2014-014 or in areas with a residential use as designated in Zoning By-law 2009-189, unless otherwise approved by the Licensing Commissioner.
- (2) An Attraction Licence will not be issued by the Licensing Commissioner for an event to be held in the following designated business improvement areas in Oakville, or in any business improvement areas that may be designated in Oakville subsequent to the date this By-law comes into force, unless it is an event held by the Town or held under a Town permit, or unless the event is permitted by the business improvement area and the Town:
  - (i) Bronte Village;
  - (ii) Downtown Oakville; or
  - (iii) Kerr Village;

- (3) In addition to Section 9 of this By-law, the Licensing Commissioner may impose a condition on an Attraction Licence regarding the minimum separation distance between the attraction and a property zoned residential under Zoning By-law 2014-014 or on a property with a residential use as defined in Zoning By-law 2009-189.

## **6. Number of Events Per Attraction Licence**

- (1) Attraction licensees may hold an event for a maximum of three (3) consecutive days.
- (2) Despite subsection 6(1) to this Schedule, a multi-event attraction licensee may hold a market on a regular weekly basis, but on no more than three (3) days in a seven (7) day period for a maximum of six (6) months.

## **7. Regulations**

- (1) Attraction licensees or persons shall:
- (a) ensure that each vendor participating in the event has valid insurance and passes all required inspections;
  - (b) ensure that each vendor participating in the event complies with the Fire Code and TSSA requirements, if applicable;
  - (c) provide access to a minimum of one (1) accessible washroom facility (or portable toilet and handwash station) or washroom facilities in an amount to the satisfaction of the Medical Officer of Health; and
  - (d) advertise the location of appropriate parking, in accordance with Town parking by-laws, for persons attending the event.

## **8. Prohibitions**

- (1) No person shall:
- (a) offer for sale or sell goods or merchandise at an attraction unless that person is included on the list of vendors provided to the Licensing Commissioner in accordance with subsection 2(1) of this Schedule;
  - (b) continue to offer for sale or sell goods or merchandise at an attraction when directed to stop such sale by the licensee, the Licensing Commissioner or an Officer; or

- (c) fail to comply with directions from the Medical Officer of Health, applicable requirements of the Health Protection and Promotion Act, or any other relevant legislation during the entirety of the attraction.
- (2) Licensees or persons shall:
- (a) comply with the terms and conditions of the noise exemption permit issued for the attraction if a permit is required;
  - (b) only permit a vendor who is named on the list provided to the Licensing Commissioner in accordance with subsection 2(1) of this Schedule to offer for sale or to sell goods or merchandise at the attraction;
  - (c) only permit a vendor to offer for sale or sell goods and merchandise at the attraction when the vendor complies with directions from the Medical Officer of Health, applicable requirements of the Health Protection and Promotion Act, or any other relevant legislation for the entirety of the attraction;
  - (d) ensure that queues which form for the purpose of gaining entrance to the attraction do not obstruct the municipal right-of-way; and
  - (e) comply with the Sign By-law.
- (3) No licensee or person shall:
- (a) park or permit to be parked any motor vehicle in respect of any attraction location contrary to any Town by-law;
  - (b) operate an attraction in the following designated business improvement areas in Oakville, or in any business improvement areas that may be designated in Oakville subsequent to the date this By-law comes into force, unless permitted by the business improvement area and the Town:
    - (i) Bronte Village;
    - (ii) Downtown Oakville; or
    - (iii) Kerr Village; or
  - (c) permit any person while operating an amusement device to smoke or hold lighted tobacco, **cannabis** or use an electronic cigarette.



## Schedule 7: Auctioneer, **Auction House**

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) **“Auction” means an in-person public-held sale where goods are sold to the highest bidder;**
  - (b) “Auctioneer” means any person selling or putting up for sale goods, wares, merchandise or effects by public auction;
  - (c) **“Auction House” means any building or structure either owned or leased by or on behalf of an auctioneer for the holding of auctions; and**
  - (d) **“Mock Auction” means an imitated sale by auction of goods, wares, merchandise or effects to persons.**

### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Auctioneer	Auction House
Licence Renewal Date	31-Jan	31-Jan
Applicant's information	✓	✓
Business address	✓	✓
Insurance certificate	✓	✓
Licence fee	✓	✓
Article of Incorporation	✓	✓
Business partner information	✓	✓
<b>Zoning Occupancy Certificate</b>		▲
Criminal record check	✓	✓

✓ Required for initial and renewal application

▲ Required for initial application only

- (2) The owner of an auction house who acts as an auctioneer as defined in this Schedule requires an auctioneer licence.
- (3) Any person, acting as an auctioneer, who rents or leases space from a licensed auction house to sell or put up for sale goods, wares, merchandise or effects by public auction requires an auctioneer licence.
- (4) In addition to the requirements of subsection 2(1) of this Schedule, an auction house licensee shall keep an updated list of the auctioneers using the auction house and provide it to the Licensing Commissioner or an Officer upon request.

### 3. Exemptions

- (1) An auctioneer licence is not required for the following:
  - (a) a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent; or
  - (b) a person registered under the *Trust in Real Estate Services Act 2002*, S.O. 2002, c. 30, Sched. C, who is selling land by public auction.

### 4. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence

- (1) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee:
  - (a) fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules; or
  - (b) has been convicted of any offence under the *Bankruptcy and Insolvency Act*, R.S.C. 1985, C. B-3 in the preceding three (3) years.

### 5. Prohibitions

- (1) No licensee or person shall:
  - (a) permit disorder in the auction house, auction room or offices;

- (b) conduct or permit a mock auction;
  - (c) make or permit a misrepresentation as to the quality or value of the goods offered for sale;
  - (d) use the services of or act in concert with persons known in the trade as “beaters”, “boosters”, or “shills” for the purpose of raising or stimulating bids; or
  - (e) give a false statement to the owner of an item that is up for auction or to a purchaser as to a sale.
- (2) An auction house licensee shall ensure that persons operating as auctioneers at the auction house have current and valid auctioneer licences.

## 6. Record Keeping

- (1) Every auctioneer licensee or person shall keep a register in accordance with section 20 of this By-law, showing:
- (a) the names and addresses of the owners of the goods auctioned;
  - (b) a description of the goods;
  - (c) the price at which the goods were sold;
  - (d) the amount of any commission or fee;
  - (e) the names and addresses of the purchasers; and
  - (f) the date of payment and amounts paid to the owners for the goods sold, or the date of return of unsold goods to the owners.
- (2) The register required by subsection 6(1) of this Schedule shall be kept for at least one (1) year after the information is entered.

**Schedule 8: Billiard Hall**

**1. Definitions**

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
  - (a) “Billiard Hall” means premises with **two (2) or more** billiard or pool tables.

**2. Licence Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Billiard Hall
Licence Renewal Date	31-Jan
Applicant's information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓
Zoning Occupancy Certificate	▲
Fire inspection	▲

✓ Required for initial and renewal application

▲ Required for initial application only

**3. Endorsement**

- (1) **In accordance with Section 11 of this By-law, a person holding a current and valid billiard hall licence may apply for an endorsement to perform the following additional business activity:**
  - (a) **Schedule 16 - Food Shop/Restaurant**

#### 4. Prohibitions

- (1) No licensee or person shall permit the billiard hall to be open to the public unless a person over the age of eighteen (18) years is present to supervise the use of the billiard hall; and
- (2) A billiard hall may only be open to the public between the hours of 9:00 a.m. and 2:00 a.m. and no licensee or person shall permit a billiard hall to be open to the public at any time between the hours of 2:00 a.m. and 9:00 a.m. consecutively.

## Schedule 9: Body-Rub Establishment – Owner/Operator/Attendant

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) **“Attendant” for the purposes of Schedule 9 of this By-law** means any person who performs or offers body-rubs in a body-rub establishment in the pursuance of a trade, calling, business or occupation and **“body-rub attendant”** has a similar meaning;
  - (b) **“Body-rub”** includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof but does not include medical **or therapeutic treatment given by a duly authorized member of a self-regulating health profession, as provided for in Schedule 1 to the Regulated Health Professionals Act;**
  - (c) **“Body-rub Establishment”** includes any premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered **by a duly authorized member of a self-regulating health profession, as provided for in Schedule 1 to the Regulated Health Professionals Act;** and
  - (d) **“Operator” for the purposes of Schedule 9 of this By-law** means the person who operates the body-rub establishment, and **“body-rub establishment operator”** has a similar meaning;
  - (e) **“Owner” for the purposes of Schedule 9 of this By-law** means the person who owns the body-rub establishment, and **“body-rub establishment owner”** has a similar meaning;
  - (f) **“Perform”** when used in reference to a body-rub establishment includes to furnish, perform, give, or offer such services and **“performing”** and **“provision”** have corresponding meanings.

### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Body-Rub Establishment – Owner Operating/ Owner Not Operating	Body-Rub Establishment - Operator	Body-Rub Establishment – Body Rub Attendant
Licence Renewal Date	31-Jul	31-Jul	31-Jul
Applicant’s information	✓	✓	✓
Business address	✓	✓	✓
Insurance certificate	✓		
Licence fee	✓	✓	✓
Article of Incorporation	✓	✓	
Business partner information	✓	✓	
Zoning Occupancy Certificate	⚠		
Criminal record check	✓	✓	✓
List of operators	✓		
List of attendants	✓		
Fire inspection	⚠		
1 current photograph			✓
List of hours of operation, including the opening and closing times for each day of the week	✓		
List and description of all services and associated costs, including an hourly rate, if applicable	✓		
Letter from owner/operator confirming employment			✓
Additional documentation set out below			

✓ Required for initial and renewal application

⚠ Required for initial application only

- (2) An operator or attendant who is employed at more than one (1) body-rub establishment shall take out a separate licence for each body-rub establishment they are employed at in the Town.
- (3) An attendant shall produce two (2) pieces of valid and current identification, including but not limited to a birth certificate, Ontario driver’s licence, or a passport, for inspection by the Licensing Commissioner or an Officer, upon request.
- (4) The list of operators and attendants required by subsection 2(1) of this Schedule shall show the first and last name, address and telephone number of all operators and attendants employed by, or performing services in the body-rub establishment and all such persons intended to be employed or to

perform services in the body rub establishment. The list must be updated by the owner upon the hiring of operators and attendants within the term of the owner's licence. The owner shall provide the updated employee list to the Licensing Commissioner or an Officer upon request.

- (5) In addition to the requirements prescribed in subsection 2(1) of this Schedule, a completed application for a body-rub establishment licence or for renewal of a licence shall be accompanied by:
- (a) the date of birth of every partner, the name or names under which they carry on or intend to carry on business, and the mailing address for the partnership;
  - (b) if the applicant is an owner, documentation satisfactory to the Licensing Commissioner demonstrating the applicant's right to possess or occupy the premises used as a body rub establishment;
  - (c) if the applicant is an owner or operator, a copy of every written contract of service, contract for services or other document constituting or pertaining to the relationship between owner and operator of a body-rub establishment or between the owner or operator and attendant performing services in a body-rub establishment upon request by the Licensing Commissioner. The original of any such document shall be made available for inspection at any time by the Licensing Commissioner or an Officer upon request, and shall be retained by the owner or operator for a period of six (6) months after its termination.
- (6) The owner shall ensure that all operators and attendants hired during the term of the owner's licence are licensed by the Town. The owner shall provide proof of licensing to an Officer upon request.
- (7) The Licensing Commissioner shall not issue a licence to operators or attendants unless the owner has a current and valid licence under this By-law.
- (8) The photograph of the applicant for an attendant licence required by subsection 2(1) of this Schedule must:
- (a) be clear, sharp and in focus;
  - (b) show how the applicant looks at the time of application for the licence; the applicant's full face must be clearly visible; and



- (c) show the applicant's face and shoulders straight on and squared to the camera.

### **3. Limitation on Number of Licences**

- (1) A maximum of two (2) owner's licences may be issued under this By-law.

### **4. Defined Area**

- (1) Owners' licences may be issued only for establishments that are located in accordance with subsection 4(2) of this Schedule.
- (2) Body-rub establishments shall only be permitted to operate within the areas described in Appendix 1 (Map A1/A2) to this Schedule and no person shall own or operate a body-run establishment outside of these areas.

### **5. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

### **6. Prohibitions**

- (1) No licensed body-rub establishment owner or person shall:
  - (a) permit any person other than a licensed operator to operate a body-rub establishment;
  - (b) permit any person, other than an employee of such owner or a person with whom the owner has contracted to operate the body-rub establishment or to perform, offer or solicit body-rubs in the body-rub establishment in pursuance of a trade, calling, business or occupation;
  - (c) permit a person to work as an operator or attendant if the person is not licensed under this Schedule.

- (2) No operator, not being the owner, or person shall operate a body-rub establishment unless the owner of the body-rub establishment is duly licensed as an owner under this By-law;
- (3) No licensed owner, operator, attendant or person shall:
  - (a) perform or provide, or permit the performing or providing of any service(s) in any body-rub establishment which is constructed or equipped in contravention of subsection 6(4)(e) of this Schedule;
  - (b) charge, demand, ask for or require any amount **for services** other than that set out in the list **provided to** the Licensing Commissioner **in accordance with subsection 2(1) of this Schedule**;
  - (c) offer, perform or solicit **a service in** a body-rub **establishment other than those provided to** the Licensing Commissioner **in accordance with subsection 2(1) of this Schedule**;
  - (d) permit to be used any camera or other photographic or recording device in, upon or at a body-rub establishment by any person other than the Licensing Commissioner, an Officer, a Peace Officer, the Medical Officer of Health; or
  - (e) perform or permit to be performed a body-rub in any body-rub establishment by or upon any person whom they have reasonable cause to suspect has been exposed to or is suffering from any communicable disease including any communicable skin disease.
- (4) No licensed owner, operator or person shall:
  - (a) permit a body-rub to be performed, offered, or solicited in the body-rub establishment **by anyone other than a licensed attendant**.
  - (b) **permit an attendant to provide or offer to provide services to any person unless such attendant's chest, pubic area, genital area and buttocks are completely and opaquely covered**;
  - (c) permit any premises or part thereof used as a body-rub establishment to be used as a dwelling or for sleeping purposes;
  - (d) permit any food or beverage to be prepared, kept for sale, sold, bought, given or offered free of charge in any body-rub establishment, other **than commercially available non-alcoholic beverages in a sealed**

- container or bottle** and preparation of food for the use and consumption by persons employed by or under contract of services to an owner or operator in a room used exclusively for such purposes;
- (e) permit the premises to be constructed or equipped so as to hinder or prevent the enforcement of this By-law;
  - (f) permit or suffer any person to advertise any body-rub establishment to publish, erect or maintain any sign, notice, publication or device relating to or drawing attention to such body-rub establishment, except as specifically permitted in this By-law or the Sign By-law;
  - (g) permit any person actually or apparently under the age of eighteen (18) to enter or remain in any body-rub establishment;
  - (h) open a body-rub establishment for business or permit the same to be or to remain open for business or permit any body-rub or services of any kind to be performed, offered or solicited in the body-rub establishment **except between the hours of 9:00 a.m. and 9:00 p.m. on any given day;**
  - (i) permit, in any body-rub establishment, the offering, selling, giving, performing or soliciting of any services other than **those provided to the Licensing Commissioner in accordance with subsection 2(1) of this Schedule.**
  - (j) fail to give to the customer an itemized bill, listing the services to be provided and the price to be paid for each, **upon request;**
  - (k) fail to provide a customer a written receipt for the full amount paid upon request.
  - (l) fail to ensure that:
    - (i) the premises are provided with adequate light and ventilation;
    - (ii) the premises and all fixtures and equipment therein are regularly washed and kept in sanitary condition;
    - (iii) the premises are equipped with an effective utility sink; and
    - (iv) adequate **universal washroom facilities are** provided.
  - (m) fail to ensure washrooms are equipped with:
    - (i) an adequate supply of hot and cold water;

- (ii) an adequate supply of liquid soap in a suitable container or dispenser;
  - (iii) hot air dryers or individual clean towels for the use of each person using the washing facilities; and
  - (iv) a suitable receptacle for used towels and waste material.
- (n) fail to ensure that in all shower-bath room(s) and in all sauna-bath room(s), if any:
  - (i) the floors are disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
  - (ii) all surfaces and attached accessories of the bath or shower enclosure must be self-draining;
  - (iii) all showers must have removable cleanable drain covers; and
  - (iv) floor surfaces both within and without the enclosures shall be of a non-slip type.
- (o) fail to ensure the following where a bathtub(s) or whirlpool bath(s) are provided on the premises:
  - (i) a grab-bar or other convenient support shall be provided unless the walls of the tub or whirlpool bath enclosure at 61 cm. in height or higher;
  - (ii) the bottom of the tub or whirlpool bath enclosure shall be of a non-slip type; and
  - (iii) the water serving all the bathtubs, showers and hand basins used by patrons shall not have a temperature exceeding 48.8°C and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device;
- (p) fail to ensure that a total volume air change of ten (10) times per hour is provided for all tub, shower or bath rooms;
- (q) permit common foot baths to be provided on the premises;
- (r) permit duckboards or cocoa matting to be used in the shower, bath or steam room, or provide anything other than liquid or powdered soap in the shower room;
- (s) fail to provide a fresh, clean, individual pair of paper slippers to every person immediately after taking a shower;

- (t) fail to ensure that every table, mat or other surface upon which persons lie or sit while being given or provided with a body-rub are clean and in good repair, have a top surface of impervious material, and are covered with a fresh, clean individual paper or cloth sheet;
- (u) fail to ensure that every sheet or towel shall, immediately after being used by any person, be deposited in a receptacle reserved for that purpose and shall not be utilized again for any purpose before being freshly laundered;
- (v) fail to ensure that all massage or body-rub appliances and any other article or device applied to a customer's body for or in connection with body-rubs are cleansed and disinfected after each individual use with a disinfecting solution satisfactory to the Medical Officer of Health;
- (w) fail to ensure that every body-rub or other service performed in a body-rub establishment is given in an individual room or cubicle;
- (x) fail to provide a service by which any customer may deposit valuables or other property for safekeeping and any customer who presents their property for safekeeping shall be given a receipt specifying the nature of the property so entrusted;
- (y) fail to take due care of all property delivered or entrusted to the owner or operator for safekeeping and return it to the property owner upon demand;
- (z) during the term of employment of an attendant or the performance of attendant services, fail to retain an attendant licence and/or fail to post the licence in a conspicuous place in the body-rub establishment and keep it posted throughout the term of the licence;
- (aa) fail to provide the Licensing Commissioner or an Officer with an updated list of operators and/or attendants upon request;
- (bb) fail to post a copy of the list of services and fees provided to the Licensing Commissioner in accordance with subsection 2(1) of this Schedule in a conspicuous place in the interior of the body-rub establishment plainly visible to any person upon entering the premises;
- (cc) fail to ensure that the door or doors or other principal means of access into the body-rub establishment by the public are kept unlocked and available so that anyone coming into the body-rub establishment from

the street or other public place may enter therein without hindrance or delay during the hours of business of the body-rub establishment set forth in the schedule filed with the Licensing Commissioner in accordance with subsection 2(1) of this Schedule, or at any time at which a body-rub establishment is open for business or at any time at which a body-rub attendant is in attendance at a body-rub establishment;

- (dd) permit a body-rub establishment to be open for business, or remain open for business, or any attendant to enter or remain therein, or any service to be provided at such body-rub establishment where the owner or operator licensed in respect of such body-rub establishment is not in attendance; or
  - (ee) fail to provide an employee to hold, handle, or receive payment for services rendered at the body-rub establishment, which employee shall not, during the period in which they are so employed, provide any body-rubs.
- (5) No licensed attendant or person shall:
- (a) perform, offer, or solicit body-rubs in any body-rub establishment unless the owner and the operator is duly licensed as an owner or operator respectively under this By-law;
  - (b) provide or offer to provide services to any person unless the attendant's chest, pubic area, genital area and buttocks are completely and opaquely covered;
  - (c) perform a body-rub or provide any other service in a room, cubicle or other enclosure with a door or other means of access which is equipped or constructed with a locking device of any kind, or which is equipped or constructed in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto; or
  - (d) hold, receive or handle any payment for services rendered at the body-rub establishment or hold any customer's money or belongings.
- (6) No licensed owner, operator, attendant or person shall:
- (a) use, or permit to be used any sign, notice, placard, printing, picture or any other advertising or identifying device or thing whatsoever relating to any body-rub establishment or services offered therein, other than the

signs permitted under subsection 6(4)(f) of this Schedule, placed on or near any body-rub establishment, or in a body-rub establishment in such a position or place as to be capable of being seen by a person outside the body-rub establishment;

- (b) provide a body-rub or any other services in a body-rub establishment to a person who is or who appears to be under the age of eighteen (18) years; or
- (c) provide or permit the provision of a body-rub or other service in any washroom or in any room containing a toilet.

## 7. Signage

- (1) In addition to the sign referred to in subsection 6(4)(f) of this Schedule, there shall be displayed, flat against the exterior portion of the primary door or within two (2) metres of the primary door leading into the body-rub establishment one (1) non-illuminated sign of which the façade shall not exceed 0.19 square metres in size, and which sign shall be no more than eight (8) centimeters in depth, which sign shall bear the following:
  - (a) the body-rub establishment owner's legal name as shown on the licence;
  - (b) the name, if any, under which the owner carries on business as endorsed on the licence in respect of the body-rub establishment;
  - (c) the address of the body-rub establishment; and
  - (d) the telephone number of the body-rub establishment but other than the foregoing there shall be no other letters, marks, paintings, contrasting colours, symbol, logo or any other mark whatsoever on the said sign.
- (2) Signage shall be installed as required by subsection 7(1) of this Schedule between 1.5 meters and 1.8 meters from grade.

## 8. Record Keeping

- (1) Every licensed owner, operator or person shall keep records and books of account in accordance with section 20 of this By-law, of all business transacted in, by or in respect of the body-rub establishment, which books shall contain:

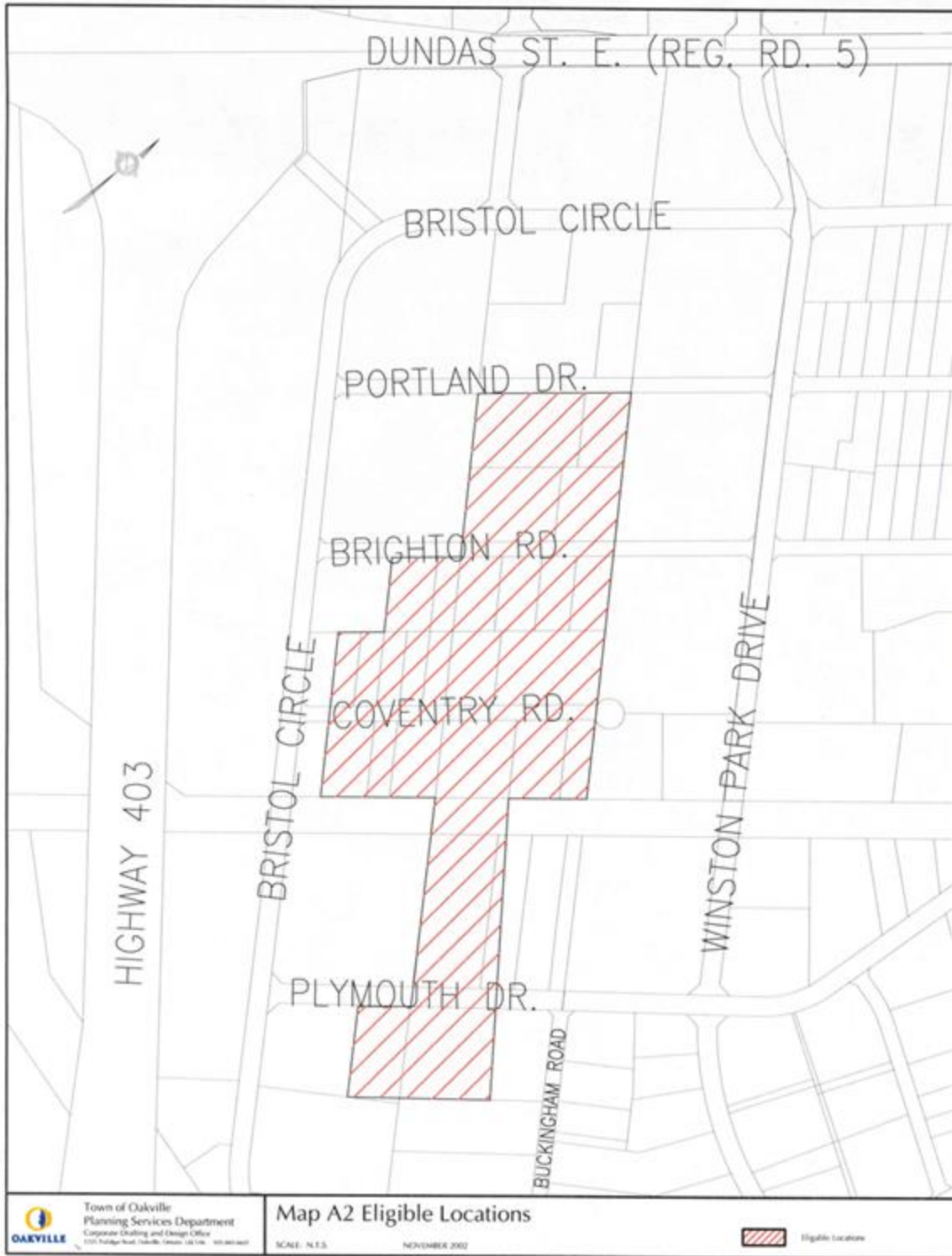
- (a) the amount of gross receipts for all services provided in the body-rub establishment, including all receipts for admission fees and other charges and receipts in respect of entry to or services provided in such body-rub establishment;
  - (b) the name and licence number of every attendant providing services in the body-rub establishment including the date of commencement and the date of termination of such services;
  - (c) the amount of salary or commission paid to each attendant; and
  - (d) all amounts paid by the owner to the operator, if any, or by the operator to the owner, in respect of such body-rub establishment or body-rub business;
- (2) The records and books of account required by subsection 8(1) of this Schedule shall be kept for the previous and current year.
- (3) Despite subsection 20(3) of this By-law, the Licensing Commissioner, an Officer, the Chief of Police or any person duly authorized by either, shall at all times have access to the records and books of account.
- (4) Every licensed owner, operator or person shall retain and keep a copy of each bill and receipt for at least one (1) year after the services referred to therein are performed, and the Licensing Commissioner or any person authorized shall at all times have access to such copies.



### Appendix "1" (Maps A1/A2) to Schedule 8

Body-rub establishments may only be located and operated within the areas shown as the shaded area on the attached maps A-1 and A-2, subject to compliance with all applicable law.





## Schedule 10: Commercial Parking Lot

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following term shall have the corresponding meaning:
  - (a) “Commercial Parking Lot” means a premise where motor vehicles may be parked or stored, either in the open or in a structure, consisting of parking spaces and aisles that are available for public use where a charge is levied to occupy any parking space but does not include a commercial parking lot operated by a governmental authority.

### 2. Pre-Consultation Meeting

- (1) Prior to submitting an initial application for a commercial parking lot licence, the applicant must contact the Town’s Zoning Department to determine if the commercial parking lot use is permitted under the applicable Zoning By-law.
  - (2) If a commercial parking lot is a permitted use, the applicant shall attend a pre-consultation meeting with Town Planning staff to determine whether a site plan application is required.
  - (3) If Town Planning staff determine that a site plan application:
    - (a) is required, the applicant shall submit a site plan application to Town Planning staff for review; or
    - (b) is not required, Town Planning staff will advise the Licensing Commissioner by email that a pre-consultation was held, and no planning approvals are required.
  - (4) The applicant may submit an application for a commercial parking lot licence to the Licensing Commissioner where:
    - (a) a commercial parking lot is a permitted use under the Zoning By-law and where site plan approval has been granted; or
    - (b) where a commercial parking lot is a permitted use under the Zoning By-law and Town Planning staff advises the Licensing Commissioner that site plan approval is not required.
-

### 3. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Commercial Parking Lot
<b>Licence Renewal Date</b>	<b>31-Jul</b>
Applicant's information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓
Proof of site plan approval, if applicable	▲
Zoning Occupancy Certificate	▲
Proof of property owner's consent to operate a commercial parking lot	▲

✓ Required for initial and renewal application

▲ Required for initial application only

- (2) The consent of the property owner referred to in subsection 3(1) of this Schedule may be in the form of a letter signed by the property owner or a copy of an operating agreement to which the commercial parking lot owner is a party that has been signed by the property owner.

### 4. Signage

- (1) Licensees shall display signs at each entrance to the commercial parking lot and at each pay station, so as to be clearly visible to every driver of a vehicle entering the premises and to any patron paying for parking.
- (2) The signs referred to in subsection 4(1) of this Schedule shall contain the following information in legible text, in letters and figures of a uniform size a minimum of 7.62 centimetres (3 inches) in height at each public entrance, and a minimum of 2.54 centimetres (1 inch) in height at each pay station:
- (a) the name and telephone number of the licensee or property agent/management company;

- (b) the name and telephone number of the person to contact if there is an issue with the payment system;
- (c) the days and hours of operation of the commercial parking lot;
- (d) the ways in which patrons may pay for parking; and
- (e) the parking rates.

## 5. Prohibitions

- (1) No licensee or person shall permit any person to conduct parking enforcement services at the commercial parking lot unless that person holds a private parking enforcement officer licence under Schedule 26 of this By-law for that commercial parking lot.
- (2) No licensee or person shall:
  - (a) permit patrons to park at the commercial parking lot unless the lot contains signage in accordance with section 4 of this Schedule;
  - (b) despite subsection 19(2)(f) of this By-law, fail to notify the Licensing Commissioner in writing by email or registered mail, of any expiration, termination or change in the authorization from the property owner required by subsection 3(1) of this Schedule within five (5) business days;
  - (c) in addition to the requirements of Section 21 of this By-law, fail to ensure that queues which form for the purpose of gaining entrance to the commercial parking lot do not obstruct the municipal right-of-way; or
  - (d) fail to notify the Halton Regional Police Service if a motor vehicle is left at the commercial parking lot for longer than forty-eight (48) hours without appropriate payment.

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## Schedule 11: Contractors

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Building Renovator” means the person engaged in the business of constructing, altering, repairing or renovating buildings or structures, including but not limited to decks, roofs, sheds and interior alterations. This does not include a building contractor whose only business is the construction of new buildings or structures and who is registered with the Tarion Warranty Corporation, **or a person who paints buildings or structures;**
  - (b) “Construction Equipment” means any equipment or device designed and intended for use in construction, or material handling, including but not limited to hammers, saws, drills, augers, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material handling equipment;
  - (c) “Contractor” means **a person licensed or required to be licensed under this By-law and engaged in, occupied in or retained to carry out work as a building renovator, servicing and road cut contractor, plumbing contractor, HVAC contractor, pool installation contractor, landscaping contractor or lawn care contractor in Oakville;**
  - (d) “Driveway” means **an access within a municipal right of way facilitating or supporting vehicular travel (continuous, intermittent or temporary) between the roadway and a private property;**
  - (e) “Driveway Work” includes, but is not limited to, **laying asphalt, concrete, interlocking stone or other similar material for a driveway; paving or sealing paved driveway surfaces; maintenance or repair of existing driveways or walkways and expanding or altering driveways or walkways; all on private property and includes installing curb cuts and restoring sidewalks and roads that are damaged as part of the driveway work;**
  - (f) “HVAC Contractor” means a person who undertakes or is engaged in a business relating to heating, ventilating, or air conditioning and has in their employ at least one (1) of the following installers: HVAC

Refrigeration, HVAC Gas Fitter and HVAC Sheet Metal Worker (Installer), or otherwise qualified and licensed or registered to do so under the laws of the Province of Ontario;

- (g) “HVAC – Gas Fitter Installer” means a person who holds a licence G1 - Gas Fitter 1 Unlimited BTU’s, or G2 - Gas Fitter 2 up to 400,000 BTU’s residential, light commercial, issued by the Technical Standards and Safety Authority (T.S.S.A.) for the installation of gas equipment ie: furnace, fireplace, barbecue, and who engages in such work, in compliance with the laws, rules and regulations governing same;
- (h) “HVAC – Sheet Metal Worker Installer” means a person who holds a **certificate of qualification** issued by **Skilled Trades Ontario** for the installation of duct work and other sheet metal installation in residential low-rise properties;
- (i) “HVAC – Refrigeration Installer” means a person who holds a **certificate of qualification** (313A- Refrigeration and Air Conditioning Systems Mechanic, or 313D- Residential Air Conditioning Mechanic) issued by the **Skilled Trades Ontario** for the installation of Refrigeration and Air Conditioning Systems in accordance with the defined parameters of **Skilled Trades Ontario**, and who engages in such work, in compliance with the laws, rules and regulations governing same;
- (j) “Installers” means, for the purpose of Schedule 11, “HVAC – Refrigeration Installer”, “HVAC – Gas Fitter Installer”, and “HVAC – Sheet Metal Worker Installer” or otherwise qualified and licensed or registered to do so under the laws of the Province of Ontario;
- (k) “Landscaping Contractor” means a **person who** undertakes or is engaged in the business of managing lawns/yards including but not limited to installing sprinkler systems, building retaining walls, constructing patios, digging irrigation and drainage channels, **engaging in driveway work**, installing stone, brick or concrete landscapes, planting shrubs/trees, laying sod/grass, erecting fences, seasonal mowing/seeding/aeration/fertilization/raking, and snow ploughing/snow removal/anti-icing application but does not include the pruning, cutting or removal of trees **and includes property maintenance contractors**;
- (l) “Lawn Care Contractor” means seasonal mowing, seeding, **de-**thatching, aeration, fertilization, and raking **of lawns**, not utilizing construction equipment;

- (m) “Neighbourly Assistance” means assisting a neighbour in providing the services of property maintenance solely to the neighbour **or immediate neighbourhood**;
- (n) “Paving” includes, but is not limited to, asphalt, concrete and interlocking stone paving;
- (o) “Plumbing” means as defined in the Building Code Act and “plumbing work” has a corresponding meaning;
- (p) “Plumbing Contractor” means a person who undertakes or is engaged in the business of plumbing;
- (q) **“Pool” means as defined in the Town’s Pool Enclosure By-law 2006-071, as amended, or successor by-laws**;
- (r) “Pool Installation Contractor” means a person who undertakes or is engaged in the business of installing pools **and/or providing pool maintenance services** on private property;
- (s) “Qualified Plumber” means a person who is skilled in the planning, superintending, and installing of plumbing, who engages in such work and who is familiar with the laws, rules and regulations governing same and who holds a provincial certificate of qualification as a journeyman plumber for at least two (2) years or duly qualified, licensed or registered under the laws of the Province of Ontario;
- (t) **“Servicing, Servicing Pipe(s), Service Installation” means pipes or the work related to storm sewer or sanitary sewer or watermain or the associated lateral connections and appurtenances; and**
- (u) **“Servicing and Road Cut Contractor” means a person who undertakes or is engaged in a business of servicing work including the installing, replacing, repairing or maintenance of servicing pipes and drainage systems, sewage disposal systems, and service lateral connections outside of the building, who solicits and advertises such work to the public, and who is a servicing contractor or employs a servicing contractor and includes performing road cuts and restoring curbs, sidewalks and roads that are damaged as part of the servicing work.**

## **2. Licence Application/Renewal Requirements**

- (1) **Every person engaged or retained in the trades or occupations of building renovation, service pipe installations and restoration work due to drainage**



work, plumbing, HVAC, pool installation, lawn care or landscaping in the Town shall apply for and obtain a contractor licence under this Schedule in the following applicable sub-type:


- (a) building renovator;
- (b) servicing and road cut contractor;
- (c) HVAC contractor;
- (d) landscaping contractor;
- (e) lawn care contractor;
- (f) plumbing contractor; or
- (g) pool installation contractor.

(2) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Building Renovator	Servicing and Road Cut Contractor	HVAC Contractor	Landscaping Contractor	Lawn Care Contractor	Plumbing Contractor	Pool Installation Contractor
<b>Licence Renewal Date</b>	<b>30-Apr</b>	<b>30-Apr</b>	<b>30-Apr</b>	<b>30-Apr</b>	<b>30-Apr</b>	<b>30-Apr</b>	<b>30-Apr</b>
Applicant's information	✓	✓	✓	✓	✓	✓	✓
Business address	✓	✓	✓	✓	✓	✓	✓
Insurance certificate	✓	✓	✓	✓	✓	✓	✓
Licence fee	✓	✓	✓	✓	✓	✓	✓
Article of Incorporation	✓	✓	✓	✓	✓	✓	✓
Business partner information	✓	✓	✓	✓	✓	✓	✓
Criminal record check	✓	✓	✓	✓	✓	✓	✓
Proof of qualifications			⚠			⚠	
Description of business				✓	✓		
Self-declaration	✓	✓	✓			✓	
Employee list	✓	✓	✓			✓	
Additional documentation set out below							

✓ Required for initial and renewal application

	<b>Building Renovator</b>	<b>Servicing and Road Cut Contractor</b>	<b>HVAC Contractor</b>	<b>Landscaping Contractor</b>	<b>Lawn Care Contractor</b>	<b>Plumbing Contractor</b>	<b>Pool Installation Contractor</b>
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 Required for initial application only

- (3) In addition to the requirements prescribed in subsection 2(2) of this Schedule:
  - (a) an HVAC contractor must have in their employ at least one (1) of the following installers: HVAC – Refrigeration Installer, HVAC Gas Fitter Installer, HVAC Sheet Metal Worker Installer, or any installer otherwise qualified and licensed or registered to do so under the laws of the Province of Ontario; and
  - (b) a plumbing contractor must have in their regular full-time employ one (1) or more qualified plumbers.
  
- (4) The self-declaration required by subsection 2(2) of this Schedule for applicants for a building renovator licence, servicing and road cut contractor licence, HVAC contractor licence or plumbing contractor licence shall be in a form provided by the Licensing Commissioner and requires that the applicant or licensee confirm that, at the time of initial application for a licence and at licence renewal:
  - (a) they have obtained a valid criminal record check for their employees who will be providing services; and
  - (b) that the employees meet the requirements of Schedule 1 of this By-law, provided that the conviction directly affects the employee’s ability to competently and responsibly carry on the business that is the subject of their employer’s licence or compromises the employee’s ability to comply with the provisions of this By-law or its Schedules.
  
- (5) For any employees hired during the term of their licence, building renovator, servicing and road cut contractor, HVAC contractor or plumbing contractor licensees shall:

- (a) obtain a criminal record check in accordance with subsection 2(4) of this Schedule; and
  - (b) update the employee list required by subsection 2(2) of this Schedule upon request by the Licensing Commissioner or an Officer.
- (6) In addition to the requirements prescribed in subsection 2(2) of this Schedule, at the time of initial application for an HVAC contractor licence or plumbing contractor licence, applicants shall:
- (a) obtain and keep a copy of their employees' proof of qualifications; and
  - (b) obtain the consent of their employees, in a form provided by the Licensing Commissioner, to the potential disclosure of the employee's proof of qualifications to the Licensing Commissioner or to an Officer for the purpose of the administration and enforcement of this By-law.
- (7) The applicant for an HVAC contractor licence or plumbing contractor licence shall provide the consent and proof of qualifications referred to in subsection 2(6) of this Schedule to the Licensing Commissioner or an Officer upon request.
- (8) For any employees hired during the term of their licence, HVAC contractor and plumbing contractor licensees shall:
- (a) obtain and keep the consent required by subsection 2(6) of this Schedule;
  - (b) obtain and keep the employee's proof of qualifications required by subsection 2(6) of this Schedule and provide the proof of qualifications to the Licensing Commissioner or an Officer upon request; and
  - (c) update the employee list required by subsection 2(2) of this Schedule and provide the updated list to the Licensing Commissioner or an Officer upon request.

### **3. Endorsements**

- (1) In accordance with Section 11 of this By-law, a person holding a current and valid building renovator licence may apply for an endorsement(s) to perform the following additional business activities:
  - (a) servicing and road cut contractor;

- (b) HVAC contractor;
  - (c) landscaping contractor; or
  - (d) plumbing contractor.
  
- (2) In accordance with Section 11 of this By-law, a person holding a current and valid HVAC contractor licence may apply for an endorsement to perform the following additional business activity:
  - (a) plumbing contractor.
  
- (3) In accordance with Section 11 of this By-law, a person holding a current and valid landscaping contractor licence may apply for an endorsement to perform the following additional business activities:
  - (a) arboriculture company (Schedule 5);
  - (b) tree company (Schedule 5);
  - (c) servicing and road cut contractor; or
  - (d) pool installation contractor.
  
- (4) In accordance with Section 11 of this By-law, a person holding a current and valid pool installation contractor licence may apply for an endorsement to perform the following additional business activities:
  - (a) arboriculture company (Schedule 5);
  - (b) tree company (Schedule 5);
  - (c) servicing and road cut contractor; or
  - (d) landscaping contractor.
  
- (5) In accordance with Section 11 of this By-law, a person holding a current and valid plumbing contractor licence may apply for an endorsement to perform the following additional business activity:
  - (a) HVAC contractor; or
  - (b) servicing and road cut contractor.

#### **4. Exemptions**

- (1) A servicing and road cut contractor licence is not required for:
  - (a) persons performing capital projects for the Town or Halton Region;
  - (b) utility agencies performing work in Oakville; or

- (c) persons hired by a developer to perform the work of a servicing and road cut contractor under a subdivision agreement.
- (2) A landscaping contractor licence is not required for driveway work by:
  - (a) persons performing capital projects for the Town; or
  - (b) utility agencies performing work in Oakville.
- (3) A landscaping contractor or lawn care contractor licence is not required for a person providing neighbourly assistance.

**5. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

**6. Regulations**

- (1) Every licensed contractor set out in subsection 2(1) of this Schedule or person shall:
  - (a) have printed or otherwise displayed on both sides of all motor vehicles owned, leased or used by the contractor in the course of business, in figures/letters no less than ten (10) centimetres in height and in contrasting colours to the colour of the vehicle, the contractor's business name;
  - (b) have printed or otherwise impressed on all business stationery, forms, invoices, statements and advertising materials, the contractor's business name, business address and telephone number;
  - (c) provide a written contract to the person for whom the work is being done which shall be signed by the contractor before commencing any work, such contract to contain:

- (i) the name and address of the contractor and the person for whom the work is being done;
  - (ii) the address where the work is to be done;
  - (iii) a description of the work to be completed and associated costs;
  - (iv) warranties or guaranties, if any; and
  - (v) the estimated date of completion;
- (d) upon the conclusion of the work and prior to demanding payment, provide the person for whom the work was done with an itemized invoice of the completed work in accordance with the contract;
- (e) where required:
- (i) obtain all necessary permits prior to the commencement of any work;
  - (ii) ensure that all documents submitted with an application for a permit contains accurate information; and
  - (iii) procure all requisite inspections from the Town;
- (f) where applicable, only employ persons to do work where such person is qualified, licensed, or registered to do so under the laws of the Province of Ontario, or supervised if undertaking relevant training required to become qualified.

## 7. Prohibitions

- (1) In addition to the requirements of Section 21 of this By-law, licensed contractors or persons shall:
- (a) remove all debris, mud, garbage or stone tracked onto the municipal right-of-way;
  - (b) ensure that properties function properly with respect to drainage;
  - (c) not create any flooding/ponding on neighbouring property, or on a municipal right-of-way. In addition, no pool installation contractors or persons shall create any flooding/ponding on public spaces or on parkland; and
  - (d) not impact existing pool enclosures on abutting properties.
- (2) Every licensed contractor or person who has an excavation or driveway permit for their work shall restore any damaged sod, ground cover, pavement

- or property of the Town in accordance with the provisions of their excavation or driveway permit.
- (3) Where an excavation or driveway permit is not required for the work, every licensed contractor or person shall restore any damaged sod, ground cover, pavement or property of the Town within forty-eight (48) hours of the completion of the work.
  - (4) No licensed contractor or person shall injure or destroy or permit the injury or destruction of a Town tree or other tree which is protected by Town by-laws or subject to tree protection measures as a condition of a Town permit.
  - (5) No licensed servicing and road cut contractor or person shall back-fill or cover any servicing work until such work is inspected and approved by the Town.
  - (6) No licensed HVAC contractor or person shall permit installers to perform work that is not in accordance with the HVAC contractor's licence.
  - (7) Every licensed plumbing contractor or person shall be responsible to see that the plumbing work which they undertake is laid out by a qualified plumber or carried out by a qualified plumber, journeyman plumber or by an apprentice under the supervision of a qualified plumber or a journeyman plumber.
  - (8) No building renovator, servicing and road cut contractor, HVAC contractor or plumbing contractor licensee or person shall:
    - (a) permit an employee to provide a service on behalf of the licensee or person if the employee does not meet the requirements of Schedule 1 of this By-law;
    - (b) fail to update the employee list required by subsection 2(2) of this Schedule if requested by the Licensing Commissioner or an Officer; or
    - (c) fail to obtain a criminal record check for employees in accordance with subsection 2(4) or 2(5) of this Schedule;
  - (9) No HVAC contractor, plumbing contractor or person shall fail to:
    - (a) obtain an employee's consent to disclose their proof of qualifications in accordance with subsection 2(6) of this Schedule;
-

- (b) obtain and keep their employees' proof of qualifications in accordance with subsection 2(6) of this Schedule;
  - (c) provide an employee's proof of qualifications to the Licensing Commissioner or an Officer as required by subsection 2(7) of this Schedule; or
  - (d) for employees hired during the term of the licence, provide the Licensing Commissioner or an Officer with an employee's consent or proof of qualifications in accordance with subsection 2(8) of this Schedule.
- (10) No contractor licensed under this By-law shall locate any portable or mobile toilets on a municipal right-of-way.



## Schedule 12: Donation Box Operator

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) **“Bin Fee” means the fee set out in the rates and fees schedule for each donation box to be located in the Town by the donation box operator;**
  - (b) **“Community Organization” means a non-profit group of persons organized for the advancement of activities of a civic, cultural or recreational nature;**
  - (c) **“Donation Box” means any receptacle used for the purpose of collecting clothing, shoes or household items donated by the public on an ongoing basis and as part of the regular activity of the operator;**
  - (d) **“Donation Box Operator” means a person engaged in the business of operating a donation box; and**
  - (e) **“Visibility Triangle” means the area within a triangle formed by measuring a prescribed distance along two specified intersecting lines and a third line joining the terminal points of the two measured line.**

### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Donation Box Operator
<b>Licence Renewal Date</b>	<b>31-Oct</b>
Applicant's information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓

	Donation Box Operator
Business partner information	✓
Written permission from the property owner, including complete contact information, consenting to the placement of donation box	✓
Canada Revenue Agency Registered Charity Number, if applicable	⚠
Additional documentation set out below	

✓ Required for initial and renewal application

⚠ Required for initial application only

- (2) In addition to the licensing requirements set out in subsection 2(1) of this Schedule, a completed application for a licence **or renewal of a licence** shall be accompanied by:
- (a) a list, **in a form specified by the Licensing Commissioner**, of the number and locations of all of donation boxes owned by the **applicant** or licensee within the Town;
  - (b) **the bin fee, per donation box, as set out in the rates and fees schedule;**
  - (c) a site **drawing** of the location of each donation box, showing where on the property the donation box(es) is to be located **including measurements to the property lines, the location of buildings, entrances/egresses, driveways, fire routes, fire hydrants, landscaped areas, and any visibility triangles;** and
  - (d) **a self-declaration, in a form provided by the Licensing Commissioner, acknowledging that if the donation box contravenes this By-law or any other applicable by-law or legislation:**
    - (i) **the donation box will be removed, and its contents disposed of at the applicant or licensee's expense; and**
    - (ii) **the applicant or licensee waives any claim or right of action against the Town for any removal or disposal of the donation box and its contents.**

**3. Bin Fee Waived**

- (1) A registered charity, religious institution or community organization may erect, display, locate, place or maintain two (2) donation boxes on land which is primarily used for the operations or activities of the registered charity, religious institution or community organization without paying the bin fee for said donation box.
- (2) A registered charity, religious institution or community organization shall pay the bin fee for any additional donation boxes that are erected, displayed, located, placed or maintained on land which is primarily used for the operations or activities of the charity, religious institution or community organization.

**4. Regulations**

- (1) At the discretion of the Licensing Commissioner, no more than two (2) donation boxes may be located at each municipal address.
  - (2) Donation boxes shall:
    - (a) be located a minimum of 0.6 metres from all property lines; and
    - (b) not be located within a two (2) metre visibility triangle measured at the intersection of any driveway and the property line of any highway.
  - (3) Any donation box located in a visibility triangle as set out in subsection 4(2)(b) of this Schedule on the date this By-law comes into force shall be moved by the licensee or person as directed by the Licensing Commissioner or an Officer.
  - (4) A licensee or person who wishes to add a donation box during the term of their licence must comply with subsection 4(1) and 4(2) of this Schedule and may apply for an additional donation box by:
    - (a) paying the fee set out in the rates and fees schedule for each additional donation box; and
    - (b) providing proof satisfactory to the Licensing Commissioner that the licensee or person has permission from the property owner to operate the donation box at that location.
-

- (5) A licensee or person who wishes to move a donation box must comply with subsection 4(1) and 4(2) of this Schedule and may apply for an alteration to their licence by:
- (a) paying the fee set out in the rates and fees schedule; and
  - (b) providing proof satisfactory to the Licensing Commissioner that the licensee or person has permission from the property owner to operate the donation box at that location.
- (6) The licensee or person must ensure that their donation box(es) allow for a person's egress from inside of the box. The licensee or person shall provide proof of egress approved by a Professional Engineer, upon request by the Licensing Commissioner or an Officer.
- (7) The name of the donation box operator and the donation box owner must be displayed in a conspicuous place on the donation box, in lettering no smaller than 100 millimetres x 75 millimetres, and of a contrasting colour.
- (8) If the owner of the donation box is a registered charity, community organization or religious institution, the donation box must display the identification of the registered charity, community organization or religious institution's status, including:
- (a) the name of the registered charity, community organization or religious institution;
  - (b) the Canada Revenue Agency Registered Charity number or other proof of status; and
  - (c) the amount, as a percentage of sales, dedicated to charities, community organizations or religious institutions;
- in a conspicuous place on the donation box, in lettering no smaller than 100 millimetres x 75 millimetres, and of a contrasting colour.
- (9) Licensees and persons shall:
- (a) affix and maintain the licence sticker provided by the Licensing Commissioner in a conspicuous place on the front of the donation box licensed under this By-law; and

- (b) only operate a donation box at the location for which a licence sticker has been issued.

## 5. Prohibitions

- (1) **No licensee or person shall:**
  - (a) locate a donation box except wholly on private property;
  - (b) fail to locate donation boxes a minimum of 0.6 metre away from all property lines;
  - (c) locate a donation box in a visibility triangle;
  - (d) fail to move a donation box when directed to do so by the Licensing Commissioner or an Officer;
  - (e) locate donation boxes within any property zoned residential under Zoning By-law 2014-014 or on a property with a residential use as defined in Zoning By-law 2009-189;
  - (f) affix a donation box in any way to a utility pole, tree or other public property;
  - (g) fail to display a current and valid licence sticker in a conspicuous place on the front of the donation box;
  - (h) fail to provide for a person's egress from inside the donation box; or
  - (i) in addition to the requirements of Section 21 of this By-law, fail to keep donation boxes free of graffiti and keep all areas immediately adjacent to the donation box clean and free of litter and other debris.
- (2) **In addition to the requirements of Section 21 of this By-law, no licensee or person shall place a donation box where it:**
  - (a) may create a visual obstruction for vehicular or pedestrian traffic;
  - (b) obstructs access or egress from any property; or
  - (c) obstructs a fire route or a fire hydrant.
- (3) **No person shall allow a donation box without a licence sticker to remain on their property.**

**6. Removal of Donation Box**

- (1) If a donation box is erected, displayed, located or placed in contravention of this Schedule, the Licensing Commissioner or an Officer may enter the land and pull down or remove the donation box at the expense of the licensee or person:
  - (a) without notice, in the case of a donation box that has a licence sticker issued by the Licensing Commissioner;
  - (b) without notice, in the case of a donation box located on public property; or
  - (c) no earlier than three (3) days after the posting of a notice on the donation box, in the case of a donation box that does not have a licence sticker issued by the Licensing Commissioner.
- (2) A donation box removed by the Licensing Commissioner or an Officer in accordance with subsection 6(1) of this Schedule shall be:
  - (a) deemed to be abandoned; and
  - (b) disposed of in a manner as may be determined by the Licensing Commissioner or an Officer immediately and without notice.
- (3) In no event shall the Town be liable or in any way responsible for any loss, damage or cost incurred by a person due to the removal and/or disposal of a donation box or its contents by the Licensing Commissioner or an Officer in accordance with this By-law.

**Schedule 13: Driving Instructor, Driving Instruction Vehicle Owner**

**1. Definitions**

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Driving Instructor” means a person who provides driving instruction to persons for compensation and who is duly qualified, licensed or registered under the laws of the Province of Ontario;
  - (b) “Driving School” means a business carried on for the purpose of providing driving instruction, which shall include but is not limited to classroom instruction and on-road instruction;
  - (c) “Driving Instructor’s Licence” means a valid driving instructor licence issued by the Province of Ontario pursuant to the Highway Traffic Act; and
  - (d) “Driving Instruction Vehicle” for the purposes of Schedule 13 of this By-law means the motor vehicle that is used to provide driving instruction.

**2. Licence Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Driving Instructor	Driving Instruction Vehicle Owner
Licence Renewal Date	31-Dec	31-Dec
Applicant’s information	✓	✓
Business address	✓	✓
Insurance certificate <i>if the driving instructor is independently employed</i>	✓	
Licence fee	✓	✓
Article of Incorporation, <i>if applicable</i>	✓	✓
Business partner information, <i>if applicable</i>	✓	✓

	Driving Instructor	Driving Instruction Vehicle Owner
Criminal Record and Judicial Matters Check	✓	
Safety standards certificate		✓
Vehicle insurance		✓
Valid Ontario driver's licence	✓	
Ontario license plate number		✓
Vehicle ownership or copy of lease agreement if vehicle is leased		✓
Driver record	✓	
Driving instructor's licence from the Province	✓	
Letter of employment on company letter head from a driving school that is licensed by the Province, if applicable	✓	
Additional documentation set out below		

✓ Required for initial and renewal application

- (2) A person who is the owner:
- (a) of more than one (1) motor vehicle used to provide driving instruction shall obtain a separate driving instruction vehicle owner's licence under this By-law for each motor vehicle to be used to provide driving instruction; and
  - (b) of a motor vehicle used to provide driving instruction and who will also provide driving instruction shall obtain both a driving instructor's licence and a driving instruction vehicle owner's licence in accordance with the requirements of this Schedule.
- (3) In addition to the requirements prescribed in subsection 2(1) to this Schedule, a completed application for or renewal of a driving instructor's licence, where the applicant or licensee is employed by a driving school, shall be accompanied by:
- (a) the driving school's registered business address in the Province of Ontario, which is not a post office box, to which the Town may send, during business hours, any notice or documentation or communication



that may be required under this By-law or the Administrative Penalties for Non-Parking Violations and Orders By-law; and

- (b) at which the driving school or the driving school's agent will accept receipt of such notice, documentation or communication together with the name, telephone number and email contact information for the person authorized to receive and respond on behalf of the driving school to any and all communications from the Town relating to the driving instructor's licence or the driving instructor's conduct of the business.
- (4) A driving instructor licence is not required to bring a student to the Oakville DriveTest Centre to take their road test.
- (5) Despite subsection 19(2)(f) of this By-law, the driving instructor licensee shall immediately inform the Licensing Commissioner in writing by email or by registered mail if the licensee's Ontario driver's licence or Provincial driving instructor's licence is cancelled, suspended, is revoked or expires or becomes invalid for any reason.

### **3. Vehicle Insurance**

- (1) Every driving instruction vehicle owner applicant or licensee shall carry current and valid Ontario standard vehicle insurance in good standing throughout the term of the licence. Said vehicle insurance shall be properly endorsed against liability arising out of bodily injury to or the death of a person or loss or damage to property caused by a vehicle or the use or operation thereof in accordance with the provisions of this By-law, including coverage for:
  - (a) the owner or driver of a vehicle, or
  - (b) a person who is not the owner or driver thereof where the vehicle is being used or operated by that person's employee or agent or any other person on that person's behalf.
- (2) The vehicle insurance required by subsection 3(1) of this By-law must contain an endorsement that the motor vehicle is being used to provide driving instruction.
- (3) If the vehicle insurance policy is renewed during the licensing period, the driving instruction vehicle owner licensee shall immediately provide the Licensing Commissioner with a copy of the updated insurance certificate. If the licensee fails to provide the Licensing Commissioner with a copy of the

updated insurance certificate, a late fee as set out in the rates and fees schedule may be applied by the Licensing Commissioner.

- (4) A driving instruction vehicle owner licensee shall provide proof of current and valid vehicle insurance at any time when requested to do so by the Licensing Commissioner or an Officer.

#### **4. Issuance of Driving Instruction Vehicle Owner's Licence and Municipal Plate**

- (1) In addition to the Licensing Commissioner's duties set out in Section 5 of this By-law:

- (a) where the applicant for a driving instruction vehicle owner's licence is entitled to be licensed under this By-law, the Licensing Commissioner shall issue a licence, a municipal plate and attached sticker for each vehicle to be used by the applicant; and
- (b) when a driving instruction vehicle owner's licence is renewed, the Licensing Commissioner shall issue a licence and a licence sticker to the driving instruction vehicle owner licensee.

- (2) If a licensee or person ceases to own or use their vehicle to provide driving instruction, they shall return the municipal plate and attached sticker to the Licensing Commissioner within seven (7) days of the date the licensee or person ceases to own or use their vehicle to provide driving instruction.

#### **5. Additional Grounds for Suspension or Revocation of Driving Instructor and Vehicle Owner's Licences**

- (1) The Licensing Commissioner shall automatically suspend a driving instructor licence when the licensee:

- (a) has had their Ontario driver's licence cancelled, revoked or suspended or where such driver's licence has expired or becomes invalid for any reason. The licence issued under this By-law shall be suspended for the entirety of the period that the Ontario driver's licence is suspended, revoked, ceases to be valid or has expired; or
- (b) has had their Provincial driving instructor's licence cancelled, revoked or suspended or where such licence has expired or becomes invalid for any reason. The licence issued under this By-law shall be suspended for the entirety of the period that the Provincial licence is suspended, revoked, ceases to be valid, or has expired.

- (2) There shall be no appeal under this By-law for a licence issued by the Licensing Commissioner that has been suspended under subsection 5(1) of this Schedule.
- (3) The Licensing Commissioner shall automatically suspend a driving instruction vehicle owner's licence when the licensee ceases to have a current valid Ontario standard vehicle insurance policy in good standing and properly endorsed in accordance with the provisions of this By-law. The licence issued under this By-law shall be suspended until the licensee provides the Licensing Commissioner with written proof of insurance in accordance with the provisions of this By-law.
- (4) There shall be no appeal under this By-law for a licence issued by the Licensing Commissioner that has been revoked or suspended under subsection 5(3) of this Schedule.
- (5) In addition to the grounds listed in Section 13 of this By-law, a driving instruction vehicle owner's licence issued under this By-law may be suspended by the Licensing Commissioner:
  - (a) if the vehicle fails an inspection due to a significant mechanical failure. The licence may be suspended until such time as the vehicle passes a re-inspection; and
  - (b) until any re-inspection fee or other fee as set out in the rates and fees schedule has been paid.
- (6) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a driving instructor licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

## **6. Inspection of Vehicle Used to Provide Driving Instruction**

- (1) The Licensing Commissioner or an Officer may conduct inspections of vehicles used to provide driving instruction in accordance with section 22 of this By-law.
- (2) Prior to issuing an initial driving instruction vehicle owner's licence and at licence renewal, the Licensing Commissioner or an Officer may carry out an

inspection of the vehicle to confirm that it complies with subsection 7(3)(a) of this Schedule.

## **7. Vehicle Age, Equipment**

- (1) Upon a vehicle reaching ten (10) model years of age, the driving instruction vehicle owner licensee or person shall provide a safety standards certificate to the Licensing Commissioner six (6) months into the term of the licence. The age of the vehicle shall be calculated from December 31st of the model year of the said vehicle.
- (2) Despite subsection 7(1) of this Schedule, the Licensing Commissioner may deny the request to operate a vehicle over ten (10) years of age.
- (3) Every driving instruction vehicle owner licensee or person shall ensure that every vehicle:
  - (a) is equipped with:
    - (i) a properly functioning service brake actuator that may be operated by the driving instructor;
    - (ii) dual mirrors which are in good working order and are positioned for ready use by the driving instructor when seated beside the student driver; and
    - (iii) a plastic roof sign, to be illuminated while providing driving instruction, that shall have the name of the driving school on the front and back of the sign, be at least twenty (20) centimeters high by sixty-five (65) centimeters wide, and be securely affixed to the roof of the vehicle while the vehicle is being used for providing driving instruction, or as otherwise approved by the Licensing Commissioner.
  - (b) has the municipal plate and attached sticker firmly affixed to the exterior rear of the vehicle in a conspicuous place.

## **8. Prohibitions**

- (1) No driving instructor licensee or person shall:
  - (a) cause or permit instruction to be given to any student driver who fails to produce the minimum of a G1 licence;

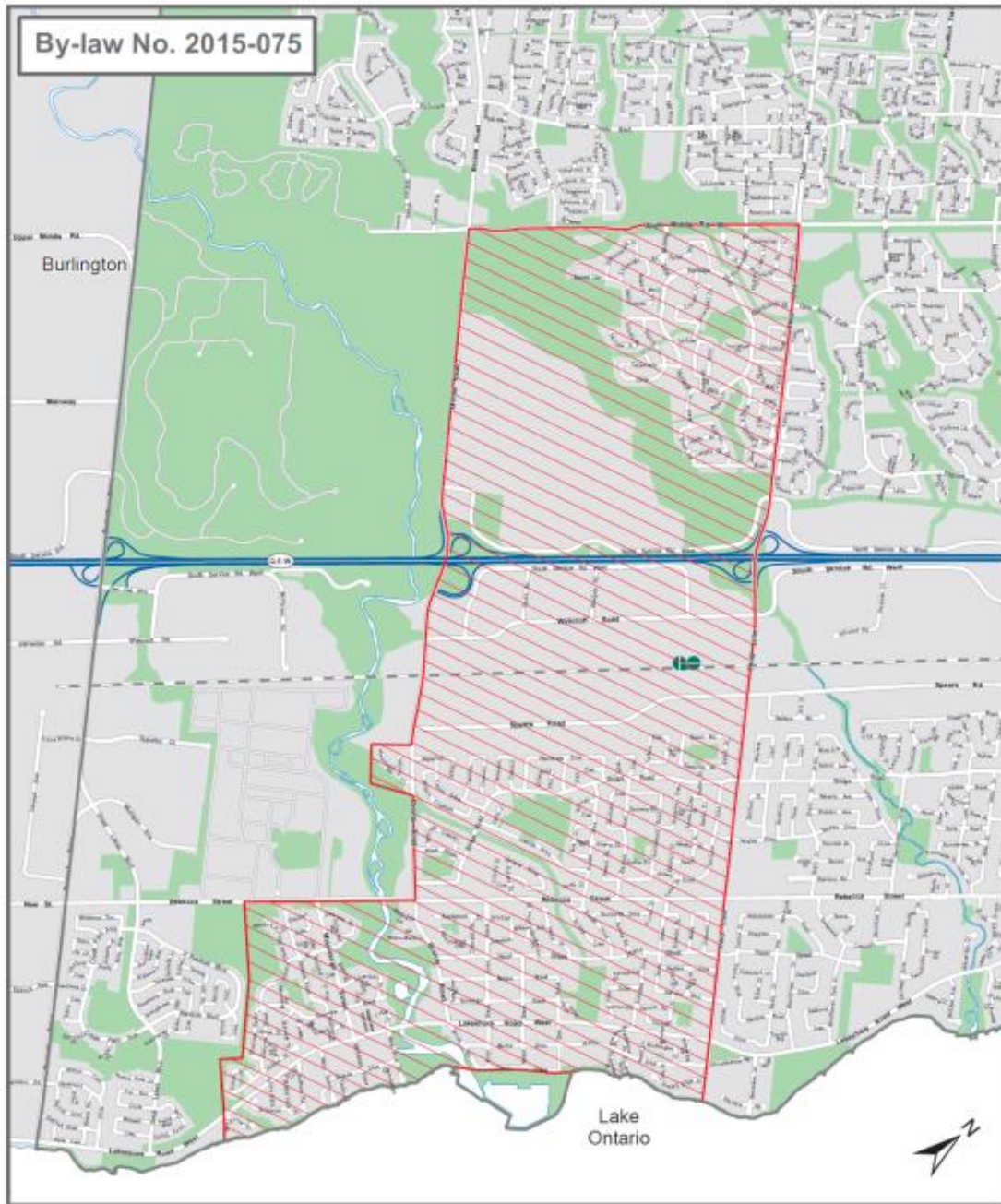
- (b) use or permit to be used any vehicle bearing any number, sign, card or plate other than those described in this **Schedule**;
  - (c) **give driving instruction to a student driver on private property without the prior consent of the property owner;**
  - (d) **fail to identify themselves as a driving instructor and produce the licence issued under this By-law when asked by an Officer; or**
  - (e) **fail to stop in a safe location when speaking to an Officer; or**
  - (f) **despite subsection 19(2)(f) of this By-law, fail to immediately inform the Licensing Commissioner in writing by email or by registered mail if the licensee's Ontario driver's licence or Provincial driving instructor's licence is cancelled, suspended, is revoked or expires.**
- (2) **No driving instructor licensee, driving instruction vehicle owner licensee or person shall:**
- (a) operate or permit the operation of a vehicle when the municipal plate is not affixed firmly to the exterior rear of the vehicle in a conspicuous place **while the vehicle is being used to provide driving instruction;**
  - (b) **operate or permit the operation of a vehicle without:**
    - (i) **a roof sign;**
    - (ii) **a properly functioning service brake actuator; and**
    - (iii) **dual mirrors which are in good working order and are positioned for ready use by the driving instructor when seated beside the student driver;**

**while the vehicle is being used to provide driving instruction;**
  - (c) permit the use of a vehicle for DriveTest exams without clearly identifying the vehicle as **being used during a DriveTest exam;** or
  - (d) **identify or permit the identification of a vehicle as being used during a DriveTest exam unless the vehicle is actually being used for the DriveTest exam.**
- (3) **No driving instruction vehicle owner licensee or person shall fail to provide an updated vehicle insurance certificate upon the lapsing of the certificate provided to the Licensing Commissioner.**
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**9. Restricted Areas**

- (1) No driving instructor licensee or person shall conduct or permit driving instruction:
- (a) in any Town park;
  - (b) in the form of maneuvers performed by students for the purposes of parallel parking, grade parking, parking, standing, and three point turns upon any street abutting and within 152.40 metres (500 feet) of an elementary school or a children's playground; or
  - (c) anywhere in the Town within the prohibited areas identified in Appendix 1 to this Schedule. However, a driving instructor may enter the prohibited area to pick-up a student, but the instructor must remain as the driver until the vehicle is outside of the prohibited area.

Appendix 1 – Schedule 13



**Map 1 - Prohibited driving instruction locations**  
Note that driver training would be permitted on major roads within this prohibited area.  
Roads would include Upper Middle, Third Line, Speers, North Service, Wycroft, Bronte, Lakeshore, and Rebecca.

**Schedule 14: Dry Cleaner/Laundromat**

**1. Definitions**

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
  - (a) “Dry Cleaner” means an establishment that receives articles of clothing or materials for the purpose of dry cleaning; and
  - (b) “Laundromat” means an establishment where members of the public pay to wash and dry clothing and other items.

**2. Licence Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Dry Cleaner/ Laundromat
<b>Licence Renewal Date</b>	<b>31-Aug</b>
Applicant's information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓
Zoning Occupancy Certificate	⚠

- ✓ Required for initial and renewal application
- ⚠ Required for initial application only

**3. Prohibitions**

- (1) **No licensee or person shall fail to** post in a conspicuous place in all premises where washing machines and dryers are kept, a clearly legible sign, **in the English language**, setting out the name, address and telephone number of the person responsible for the operation of the business.



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## Schedule 15: Fireworks Vendor

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Consumer Fireworks” means low-hazard firework articles designed for recreational use by the public as set out in the Explosives Act. These articles include, **but are not limited to**, fireworks showers, fountains, golden rain, lawn lights, pinwheels, roman candles, volcanoes, mines, snakes, sparklers, and other similar devices, **but does not include Christmas crackers and paper containing not more than twenty-five one-hundredths of a grain of explosive on average per cap, devices for use with such caps, safety flares or marine rockets**;
  - (b) “Cultural Event” means a celebration of cultural heritage, customs or traditions and beliefs;
  - (c) “Display Fireworks” means high-hazard firework articles **for recreation** as set out in the Explosives Act. These articles include, **but are not limited to**, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, **and firecrackers**;
  - (d) “Explosives Act” means the *Explosives Act, R.S.C., 1985, c. E-17, or successor legislation*;
  - (e) “Firecracker” means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion but does not include paper caps containing not more than twenty-five one-hundredths of a grain of explosive on average per cap, devices for use with such caps, safety flares or marine rockets;
  - (f) “Fireworks” means display fireworks, consumer fireworks or special effect pyrotechnics;
  - (g) “Fireworks Vendor” includes any person who offers for sale, causes or permits to be sold, or possesses for the purpose of sale, any consumer fireworks, **display fireworks or special event pyrotechnics**;
  - (h) “Mobile Sales Premise” means a mobile or portable premise from which fireworks **may be** sold and includes, **but is not limited to**, a tent, trailer, roadside stand or a motor vehicle;

- (i) “Prohibited Fireworks” includes, but is not limited to, cigarette loads or plugs, exploding golf balls, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80s, silver salutes and flash crackers, throw down and step on torpedoes and cracking balls, stink bombs and smoke bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and bottle sky rockets, and fake firecrackers and other trick devices; and
- (j) “Special Effect Pyrotechnics” means high-hazard pyrotechnics articles designed for use by professionals as set out in the Explosives Act. These articles include, but are not limited to, gerbs, mines, comets and crossettes. This class also includes special purpose pyrotechnics made for live stage performances or for the film and television industry.

**2. Licence Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	<b>Fireworks Vendor</b>
<b>Licence Renewal Date</b>	<b>31-March</b>
Applicant’s information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓
Zoning Occupancy Certificate	⚠
Copy of communication with Fire Department regarding a fire inspection	✓

- ✓ Required for initial and renewal application
- ⚠ Required for initial application only

- (2) Within five (5) business days of the completion of the fire inspection, the licensee shall provide a copy of the fire inspection report to the Licensing Commissioner.

### 3. Prohibitions

- (1) No licensee or **person** shall possess any display fireworks or special effect pyrotechnics except pursuant to a permit and the conditions thereof, issued by the Fire Chief and in accordance with the criteria issued from time to time by Natural Resources Canada.
- (2) No licensee or person shall:
  - (a) sell **fireworks or offer fireworks for sale** from a mobile sales premise;
  - (b) **sell fireworks, offer fireworks for sale or supply** fireworks to any person under the age of eighteen (18) years;
  - (c) **sell prohibited fireworks or offer prohibited fireworks for sale;**
  - (d) sell consumer fireworks **or offer consumer fireworks for sale** except **on the days being observed as** Victoria Day, Canada Day, New Year's Day and any religious or cultural celebrations where fireworks are used to celebrate the religious or cultural event and **for five (5) days** prior to the **days being observed as Victoria Day, Canada Day, New Year's Day and any religious or cultural celebrations where fireworks are used to celebrate the religious or cultural event;**
  - (e) **sell consumer fireworks or offer consumer fireworks for sale on lands owned or leased by the Town or at Town facilities without the express written permission of the Town;**
  - (f) permit any employee to sell consumer fireworks **or offer consumer fireworks for sale** without first instructing such employee on the regulations of this By-law and ensuring that such employee complies with these regulations; or
  - (g) set up display boards using live fireworks, even if the fuses are removed.
- (3) No licensee or person shall sell consumer fireworks **or offer consumer fireworks for sale** unless:
  - (a) the consumer fireworks are displayed for sale in lots that do not exceed 25 kilograms each in gross weight;
  - (b) the consumer fireworks displayed in any shop window are mock samples only and shall not contain explosive composition;

- (c) the consumer fireworks are displayed for sale in approved packaging, in a glass case or other suitable receptacle away from flammable goods and not exposed to the sun or direct heat;
  - (d) the manufacturer's brochure outlining the safe handling of fireworks is made available to purchasers;
  - (e) a 2A-10BC rated fire extinguisher is available immediately beside the fireworks in any **area where fireworks are stored and/or displayed**; and
  - (f) the building **from which consumer fireworks are sold has at least two (2) unobstructed exits, that all aisles containing consumer fireworks are at least 1.2 m wide and that the aisles are not blocked at either end.**
- (4) Every licensee **or person** shall ensure that any unsold consumer fireworks are returned to the manufacturer within seven (7) days immediately following **the days observed as** Victoria Day, Canada Day, New Year's Day and any religious or cultural celebrations where fireworks are used to celebrate the religious or cultural event.
- (5) **Licensees or persons shall only advertise the sale of consumer fireworks during the dates of sale set out in subsection 3(3)(d) of this Schedule. Any sign used for advertising must comply with the Sign By-law.**

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## Schedule 16: Food Shop/Restaurant, Food Shop/**Convenience** & Special Event Food Shop

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
  - (a) “Food Shop/Restaurant” means any place where food items intended for human consumption are made for sale or offered for sale **through payment by cash, debit, credit, e-transfer, tickets or the like** and where facilities are provided for the consumption of such food on the premises or pick-up or delivery of such foods to customers, and includes grocery stores, **and may include stationary vehicles either mounted on blocks or supported by a conventional wheel, tire and axel system, including but not limited to chip trucks;**
  - (b) “Food Shop/**Convenience**” means any place that **is open for long hours for the convenience of shoppers and stocks, sells, or offers for sale a range of everyday items, which may include magazines, soft drinks, confectionery, meat, bread and milk products.**
  - (c) “Special Event Food Shop” means a Food Shop/Restaurant that is participating in a special event.

### 2. Food Shop/Restaurant Licences

- (1) **An annual licence permits a Food Shop/Restaurant to:**
  - (a) **operate year-round in Oakville, in accordance with this By-law; and**
  - (b) **operate at up to 4 special events per location in a calendar year without having to be licensed as a Special Event Food Shop.**
- (2) **A Food Shop/Restaurant that has an annual licence to operate in Oakville and is using a refreshment vehicle as defined in Schedule 28 of this By-law at a special event may apply for a refreshment vehicle endorsement in accordance with subsection 4(3) of this Schedule and does not require a Special Event Food Shop Licence.**
- (3) **A Food Shop/Restaurant that does not have an annual licence to operate in Oakville must be licensed as a Special Event Food Shop on a per event basis to operate at up to 4 special events per location in a calendar year.**

- (4) Despite subsection 2(2) and 2(3), a special event food shop licence is not required to operate at a special event under a valid Town permit or as approved by Council.
- (5) Food Shop Restaurants shall be operated at special events in accordance with Section 7 of this Schedule.

**3. Licence Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Food Shop/Restaurant	Food Shop/Convenience	Special Event Food Shop
Licence Renewal Date	31-Jan	31-Jan	Per event
Applicant's information	✔	✔	✔
Business address	✔	✔	✔
Insurance certificate	✔	✔	✔
Licence fee	✔	✔	✔
Article of Incorporation	✔	✔	✔
Business partner information	✔	✔	✔
Zoning Occupancy Certificate	⚠	⚠	
Health Department approval	✔	✔	
Copy of communication from Health Department regarding special event inspection			✔
Details of the special event outlining the date, time and location of the event			✔
Details of the food to be sold			✔
Permission from the property owner, agent, or property management company, if applicable			✔

- ✔ Required for initial and renewal application
- ⚠ Required for initial application only

**4. Endorsements**

- (1) In accordance with Section 11 of this By-law, a person holding a current and valid Food Shop/Convenience licence may apply for an endorsement to perform the following additional business activity:
  - (a) Schedule 15 – Fireworks Vendor
  - (b) Schedule 33 – Tobacco Retailer
  - (c) Schedule 35 – Vape Shop
  
- (2) In accordance with Section 11 of this By-law, a person holding a current and valid Food Shop/Restaurant licence may apply for an endorsement to perform the following additional business activities:
  - (a) Schedule 8 – Billiard Hall if two (2) or more billiard tables are to be located within the food shop/restaurant;
  - (b) Schedule 22 – Nightclub.
  
- (3) In accordance with Section 11 of this By-law, a person holding a current and valid Food Shop/Restaurant licence who is using a refreshment vehicle as defined in Schedule 28 of this By-law at a special event may apply for an endorsement to perform the following additional business activities.
  - (a) Schedule 28 – Refreshment Vehicle – Class A;
  - (b) Schedule 28 - Refreshment Vehicle – Class B; or
  - (c) Schedule 28 – Refreshment Vehicle – Class C.

## 5. Exemptions

- (1) A Food Shop/Restaurant or Food Shop/Convenience licence is not required for the following:
  - (a) cafeterias that are operated by a municipal, provincial or federal government, university, college, public school, separate school or board of education;
  - (b) not-for-profit organizations such as food banks; or
  - (c) a registered charity or a religious institution.
  
- (2) A Food Shop/Restaurant licence is not required for the following:
  - (a) farmers located in Oakville, if the goods or produce they are selling is being sold from their own property and has been grown, produced and harvested by them; or

- (b) persons operating at a market properly licensed as an Attraction under Schedule 6 of this By-law.

**6. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the regulations set out in Section 13 of this By-law, the Licensing Commissioner may suspend a food shop/restaurant, food shop/convenience or a special event food shop licence if the Medical Officer of Health finds that the operation and maintenance of the business does not conform to the requirements of the Health Protection and Promotion Act and Ontario Regulation 493/17 Food Premises. The licence may be suspended until the situation has been rectified to the satisfaction of the Medical Officer of Health.

**7. Regulations**

- (1) Every licensee or person shall:
  - (a) post the Certificate of Inspection issued by the Health Department in a conspicuous place clearly visible to the public, at or near the entrance of the food shop/restaurant or the food shop/convenience use; and
  - (b) comply with the Health Department's requirements for mandatory food handler certification and public disclosure of food safety inspection reports.

**8. Special Event Food Shop**

- (1) A special event food shop licence is not required to operate at a special event under a valid Town permit or as approved by Council.
- (2) A Food Shop/Restaurant with a current and valid annual licence may operate at up to 4 special events at the same location per calendar year.
- (3) No person shall operate as a Food Shop/Restaurant at any place or time not explicitly provided for under their Special Event Food Shop licence.
- (4) A Food Shop/Restaurant participating in a special event, whether on private property or public property, shall comply with all licensing requirements for a Food Shop/Restaurant as prescribed in this By-law, except as may be specifically otherwise authorized by the Licensing Commissioner.



### Schedule 17: Kennel

#### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Kennel” means a premises, including outdoor areas, used for the breeding, raising, sheltering or boarding on a temporary basis of dogs, cats or other household pets, excluding a pet shop. For clarity, a kennel provides services on an overnight basis; and
  - (b) “State of Good Repair” means:
    - (i) in conformity with the Building Code Act, the Building Code, any applicable order or by-law;
    - (ii) structurally sound;
    - (iii) not broken, rusted, rotten or in a hazardous condition;
    - (iv) not maintained in an unsightly condition;
    - (v) in proper working order; and
    - (vi) adequately protected by weather-resistant material, if applicable.

#### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Kennel
<b>Licence Renewal Date</b>	<b>30-Apr</b>
Applicant's information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓
Zoning Occupancy Certificate	⚠
Detailed drawing of the property	⚠
Criminal record check	✓
Animal Control inspection	✓
Self-Declaration of animal offences	✓

	Kennel
Written permission from the owner of the land where the kennel is located	▲
List of services being provided	✔
Breed of animal being sold, if applicable	✔

✔ Required for initial and renewal application

▲ Required for initial application only

- (2) The detailed drawing of the property required by subsection 2(1) of this Schedule shall show property lines, the location of the kennel in relation to the dwelling unit, dog runs, fencing and other buildings on the property, as well as a floor plan of the kennel that details areas used for boarding or housing animals and any areas used for breeding purposes.
- (3) The written permission from the owner of the land where the kennel is located required by subsection 2(1) of this Schedule shall be provided to the Licensing Commissioner when the applicant is not the owner of the land, and such written permission shall confirm that the owner of the land permits the kennel use.
- (4) The animal control inspection required by subsection 2(1) of this Schedule must confirm that the applicant or licensee has complied with all requirements for a kennel under this Schedule.

**3. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the requirements set out in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee’s self-declaration provided in accordance with subsection 2(1) of this Schedule confirms any or all of the following within five (5) years of the date of application for a licence or renewal of a licence:
  - (a) conviction(s) for animal abuse or neglect under PAWS, DOLA or any other federal or provincial statute;
  - (b) conviction(s) under the Animal Control By-law’s provisions for standards of care;

- (c) conviction(s) under this By-law, other Town by-laws or any other municipality's by-laws respecting the keeping or care of animals; or
  - (d) any court orders, prohibitions or conditions set as part of a conviction that are currently in force.
- (2) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.
- (3) The Licensing Commissioner may close a kennel forthwith and suspend the licence if a veterinarian has reasonable grounds to believe that a kennel has an outbreak of distemper, hepatitis, rabies, parvo virus or any infectious or contagious disease. The kennel may reopen and have its licence reinstated upon a written report from the veterinarian that they have reasonable grounds to believe that the risk of new infections has passed.

#### 4. Exemptions

- (1) A kennel licence is not required for:
- (a) an animal shelter operated by or on behalf of a public authority;
  - (b) a veterinary hospital or **veterinary** clinic;
  - (c) **a pet shop;**
  - (d) any facility in which animals are placed for care pursuant to the *Pounds Act*, R.S.O. 1990, c. P.17;
  - (e) any training facility operated by Dog Guides Canada; or
  - (f) **dogs kept or housed for use in a law enforcement role by the Halton Regional Police Service, the Ontario Provincial Police, the Royal Canadian Mounted Police, the Canadian Military, or any other public law enforcement agency.**

## 5. General Regulations

- (1) Animals must be kept in individual enclosures unless the pet owner expresses in writing a specific wish for their pets to be housed in an open setting.
- (2) Fresh, clean water in an amount sufficient for the well-being of the animal shall be made available to the animal at all times to allow the animal to drink without restriction, or as directed by a veterinarian.
- (3) Animals shall be fed periodically each day in accordance with the particular food requirements for each type or species of animal kept at the kennel.
- (4) Licensees or persons shall ensure that the following standards are met with respect to a kennel and for animals being kept at the kennel:
  - (a) the kennel and any accessory kennel buildings and structures shall be kept in a state of good repair;
  - (b) Construction of Enclosures:
    - (i) interior walls and partitions shall be constructed of materials that are appropriately treated or coated to be rendered washable, sanitizable, impervious to moisture, smooth, and durable;
    - (ii) the corners of ceilings, walls, and partitions shall be sealed and treated to render them completely washable and sanitizable;
    - (iii) interior walls must be free of sharp edges or other potential causes of injury;
    - (iv) only non-toxic materials shall be used in places in which animals have direct contact;
    - (v) walls and fences shall be sturdy, in good repair, and of sufficient height and with small enough gaps to prevent escape;
    - (vi) the roof shall be covered with suitable materials in order to eliminate leakage and exposure of animals to adverse weather conditions;
    - (vii) ceilings shall be constructed of impervious materials and subject to finishing comparable to those of the walls and partitions;

- (viii) floors shall be constructed of impervious materials, such as sealed concrete or other materials which provides a smooth surface that is easy to clean and sanitize; and
  - (ix) lighting shall be appropriate for the species being kept at the kennel and sufficient lighting shall be provided so that all areas of the interior of the enclosure can be clearly seen for the purposes of maintenance and cleaning.
- (c) Enclosures shall:
- (i) be large enough to allow the animal to lie flat on their side outside of their bed in the sleeping area;
  - (ii) allow the animal to move freely, which includes the ability to walk and turn around easily, move about easily for the purpose of postural adjustments including stretching, without touching the enclosure walls or ceiling, standing normally to their full height without touching the enclosure walls or ceiling, and lying down without touching another animal;
  - (iii) provide a separate sleeping area for the animal that has adequate and suitable bedding for the animal appropriate to its size and species;
  - (iv) allow the animal to urinate and defecate away from their sleeping and eating areas;
  - (v) prevent urine and feces from contaminating adjoining enclosures;
  - (vi) have an area to place and secure food and water bowls to prevent bowls from becoming contaminated, spilling, and soiling enclosure contents, and allows animals to eat and drink freely;
  - (vii) be free of any dangerous structure or object that may cause injury;
  - (viii) provide a separate housing area where animals can be moved while their enclosure is being cleaned. Animals shall not be returned to their primary enclosure until it is dry; and
  - (ix) include equipment for play or stimulation appropriate to the animal being kept.

(d) Outside Exercise Facilities for Dogs:

- (i) outside exercise facilities shall:
  - 1. be provided which shall be fenced in such a manner as to keep the dogs securely enclosed and to mitigate noise; and
  - 2. be cleared of all waste between use by each dog.
- (ii) no dog shall be placed in such facility referred to in subsection 5(4)(d)(i) during extreme weather conditions;
- (iii) each dog shall be provided access to such facilities referred to in subsection 5(4)(d)(i) at least twice in every twenty-four (24) hour period; and
- (iv) dogs must be supervised by sufficient personnel at all times to mitigate noise.

(e) Environment:

- (i) each enclosure shall be maintained at a temperature adequate and appropriate to the species;
- (ii) ventilation and heating systems shall be constructed to supply fresh air and enable adequate exchange of air and maintenance of optimal environmental conditions for all seasons;
- (iii) additional ventilation must be provided using exhaust fans and/or air conditioning when ambient temperatures reach more than 26°C; and
- (iv) indoor humidity shall be maintained between 35-50% to ensure animal comfort, minimize the risk of transmission of animal disease, prevent damage to the structural integrity of the building and its contents, and prevent the accumulation of excess moisture that can promote growth of mold.

(f) Sanitation:

- (i) all enclosures shall be cleared of debris and cleaned of feces and urine at least twice daily, or more often as necessary to maintain a sanitary environment and the good health of the animal. The licensee shall keep a cleaning record for all enclosures and shall

provide it to the Licensing Commissioner or an Officer upon request;

- (ii) all waste containment/cleaning equipment, food preparation areas, food/water bowls, and utensils shall be kept in a clean and sanitary condition.
- (5) All employees, where applicable, shall be adequately trained and knowledgeable in animal care and husbandry, consistent with industry standards.
- (6) The licensee or person shall maintain a training manual that is accessible to employees, regarding animal care and husbandry to the satisfaction of the Licensing Commissioner. This manual shall include, but not be limited to, procedures on the following:
- (a) the care of the animal including feeding and cleaning enclosures;
  - (b) appropriate low-stress handling, restraint, training, grooming, and exercise;
  - (c) recognizing and taking appropriate action when animals display behaviours indicative of stress, anxiety, depression, aggression, incompatibility, illness, and injury;
  - (d) proper maintenance, identification and reporting of damage/deterioration of enclosures to ensure effective repair and prevent negative impacts on animal health and well-being;
  - (e) daily recordkeeping;
  - (f) sanitation protocols;
  - (g) methods of handling dogs, cats or other animals generally and in the event of escape;
  - (h) infectious disease protocols and methods for handling sickness, injury or death of a dog, cat or other animal;
  - (i) methods for handling situations in which a dog, cat or other animal has bitten a person, dog, cat or other animal;

- (j) contact information for the consulting veterinarian and the Oakville & Milton Humane Society;
  - (k) emergency protocols within the premises such as response to flood/fire, power failure, evacuation, accidental/acute animal injury/illness; and
  - (l) emergency contact procedure(s).
- (7) The licensee shall ensure that applicable employees sign-off on an annual basis that they have reviewed the training manual and will abide by its requirements. The licensee shall provide proof of sign-off to the Licensing Commissioner or an Officer upon request.

## **6. Additional Regulations for Kennels Used for Breeding Purposes**

- (1) Licensees or persons shall separate areas used for breeding purposes from areas used for boarding or housing animals.
- (2) No licensee or person shall sell or re-home a puppy or kitten before the puppy or kitten is eight (8) weeks of age.
- (3) A licensee selling puppies and/or kittens shall, at the time of sale:
  - (a) disclose to the purchaser, any known inherited disorders that the puppy or adult dog, or the kitten or adult cat may be predisposed to which may cause health and/or welfare problems during the animal's lifetime; and
  - (b) provide written documentation to the purchaser on the care the puppy or kitten has received to date, including but not limited to veterinary examinations, vaccinations and parasite treatments, and the ongoing care required by the puppy or kitten.

## **7. Veterinary Care**

- (1) Every licensee or person shall establish and maintain programs of disease prevention and control at the kennel including:
  - (a) appointing and retaining the services of a consulting veterinarian with the veterinarian's name and telephone number posted in a conspicuous place that is easily accessible by all employees; and
  - (b) proper and lawful disposal of deceased animals forthwith.



- (2) Every licensee or person shall ensure that any animal indicating symptoms of illness or injury requiring veterinary attention is:
- (a) isolated from other animals;
  - (b) examined by a veterinarian within a reasonable time from the onset of the symptoms of illness or injury, or as authorized by the animal's owner or emergency contact on behalf of the owner;
  - (c) treated in accordance with the veterinarian's directives; and
  - (d) kept in an isolated area until such illness or injury is cured, or the risk of contagion is eliminated.

## 8. Prohibitions

- (1) No licensee or person shall:
- (a) permit persons to operate or manage the kennel unless the persons are skilled and conscientious in animal care, and have knowledge of the characteristics, care and handling of the species entrusted to their care;
  - (b) permit persons to attend to the care, feeding and cleaning of animals in the kennel unless the persons have been adequately trained, commensurate with their responsibilities, by the licensee and who demonstrates that they are able to discharge their responsibilities in a positive, caring manner;
  - (c) admit a dog or cat into the kennel unless it is immunized as recommended by the College of Veterinarians of Ontario or the Ontario Veterinary College;
  - (d) sell the breed of animal, or offer the breed of animal for sale unless they have so declared to the Licensing Commissioner at the time of licence application or renewal; or
  - (e) sell any sick, injured or diseased animal or offer same animal for sale.
- (2) Every licensee or person shall:
- (a) maintain a training manual in accordance with subsection 5(6) and produce the manual for inspection by the Licensing Commissioner or an Officer upon request.;

- (b) have applicable employees sign-off that they have reviewed the training manual and that they will abide by its requirements;
- (c) provide for a sufficient number of competent and experienced employees who are on duty to provide for the care of animals and maintenance of facilities during normal business hours, on weekends and holidays;
- (d) post, in a conspicuous place for employees, instructions issued to all employees for the cleaning, care and feeding of animals;
- (e) maintain all premises used as a kennel or breeding area in a clean and sanitary condition;
- (f) make fresh, clean water available to animals:
  - (i) at all times to allow the animal to drink without restriction; and
  - (ii) in an amount sufficient for the well-being of the animal;
- (g) feed animals periodically each day in accordance with the animal's particular food requirements;
- (h) dispose of all animal waste materials in a manner that will not create a public nuisance or health hazard and in accordance with all applicable laws;
- (i) separate areas used for breeding purposes from areas used for boarding or housing animals; and
- (j) provide a receipt to the purchaser on any sale of a dog or cat showing the name and address of the vendor and the purchaser, the date of sale, the sale price, the breed or crossbreed, sex, age, description, including colour and any markings, and veterinary history.

## 9. Record Keeping

- (1) Every licensee or person shall keep and maintain a register, in accordance with section 20 of this By-law, which shall include:
  - (a) if the kennel is used for sheltering or boarding dogs, cats or other animals:
    - (i) the name, address and telephone number of the owner of the dog, cat or other animal;

- (ii) the name of the dog, cat or other animal;
  - (iii) description, breed, age and sex of the dog, cat or other animal;
  - (iv) the date of arrival and departure of the dog, cat or other animal;
  - (v) proof of immunization for a dog or a cat;
  - (vi) the address and telephone number of the dog, cat or other animal's veterinarian or veterinary hospital/clinic;
  - (vii) health, welfare and nutrition requirements of each individual dog, cat or other animal; and
  - (viii) daily health checks for each dog, cat or other animal.
- (b) if the kennel is used for breeding purposes:
- (i) the number of cats, dogs or other animals being kept for breeding purposes;
  - (ii) the sex and birth date of each dog, cat or other animal;
  - (iii) breeding and identification records of cats, dogs or other animals used for breeding purposes and the resulting litters, including the date of birth for each litter and the veterinarian records for each cat, dog or other animal used for breeding purposes and the resulting pup, kitten, or other offspring; and
  - (iv) each dog, cat or other animal sold that includes the date of sale, the name and address of the purchaser, the sale price, the breed or crossbreed, sex, age and description of the dog, cat or other animal sold, including colour and any markings.
- (2) The register(s) required by subsection 9(1) of this Schedule shall be kept for at least one (1) year after the information is entered therein.

## Schedule 18: Limousine – Owner/Driver

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Fare” when used in reference to a limousine means the sum charged to a passenger or passengers for transportation provided in a limousine for a single trip;
  - (b) “**Historic Limousine**” means a vintage, classic or luxury **motor vehicle at least thirty (30) years old and substantially unchanged or unmodified from the original manufacturer’s product that is operated for the transportation of passengers and/or goods for compensation;**
  - (c) “Limousine” means a motor vehicle licenced under this By-law, which is not a taxicab, does not have a taxicab meter and is operated by a driver for and on behalf of any person for the transportation of passengers for **compensation;**
  - (d) “Limousine Driver” means a **person who drives** a limousine who is licensed as such or is required to be licensed as such under this By-law;
  - (e) “Limousine Owner” means the owner of a limousine, **who is licensed as such or is required to be licensed as such under this By-law;**
  - (f) “Passenger” when used in reference to a limousine means any person other than the driver seated in a limousine;
  - (g) “Tariff” when used in reference to a limousine **means the rates submitted to the Licensing Commissioner for limousine service;** and
  - (h) “Trip” when used in reference to a limousine means the act of going to a place and returning when hired by a passenger.

### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Limousine Owner	Limousine Driver
Licence Renewal Date	31-Aug	31-Aug
Applicant's information	✓	✓
Business address	✓	✓
Insurance certificate	✓	
Licence fee	✓	✓
Article of Incorporation	✓	
Business partner information	✓	
<b>Criminal Record and Judicial Matters Check</b>	✓	✓
<b>Signed letter, on letterhead, from limousine owner confirming employment, if applicable</b>		✓
Valid Class "G" Ontario driver's licence		✓
Safety standards certificate	✓	
Vehicle insurance	✓	
Vehicle ownership	✓	
Driver record		✓
List of limousine drivers	✓	
<b>Tariff rates, including hourly rates, for limousine services</b>	✓	
<b>Town licence number of the limousine owner employing the driver</b>		✓
<b>1 current photograph</b>		✓
Additional documentation set below		

✓ Required for initial and renewal application

- (2) **Despite subsection 19(2)(f) of this By-law and further to subsection 2(1) of this Schedule, if the limousine owner is a corporation or partnership, the limousine owner shall advise the Licensing Commissioner of any change of ownership and provide the Licensing Commissioner with a list of new shareholders or partners within seventy-two (72) hours.**
- (3) **The list of limousine drivers required by subsection 2(1) of this Schedule shall include all limousine drivers who operate limousines for that limousine owner, which list shall include the name, address, telephone number and current Town licence number of each driver;**

- (4) A limousine owner who disposes of their limousine or otherwise ceases to use the limousine for the purposes permitted under this By-law and acquires another motor vehicle for the purposes permitted under this By-law shall, before using the motor vehicle, comply with Section 2 of this Schedule.
- (5) A limousine owner who will also drive a limousine requires both a limousine owner's licence and a limousine driver's licence in accordance with this Schedule.
- (6) The photograph of the applicant for a limousine driver licence required by subsection 2(1) of this Schedule must:
  - (a) be clear, sharp and in focus;
  - (b) show how the applicant looks at the time of application for the licence; the applicant's full face must be clearly visible; and
  - (c) show the applicant's face and shoulders straight on and squared to the camera.
- (7) Despite subsection 19(2)(f) of this By-law, a limousine driver licensee shall immediately inform the Licensing Commissioner in writing by email or by registered mail if the licensee's Ontario driver's licence is cancelled, suspended, is revoked or expires or becomes invalid for any reason.

### **3. Vehicle Insurance**

- (1) Every limousine owner applicant or licensee shall carry current and valid Ontario standard vehicle insurance in good standing throughout the term of the licence. Said vehicle insurance shall be properly endorsed against liability arising out of bodily injury to or the death of a person or loss or damage to property caused by a vehicle or the use or operation thereof in accordance with the provisions of this By-law, including coverage for:
  - (a) the owner or driver of a vehicle, or
  - (b) a person who is not the owner or driver thereof where the vehicle is being used or operated by that person's employee or agent or any other person on that person's behalf.
- (2) If the vehicle insurance policy is renewed during the licensing period, the limousine owner licensee shall immediately provide the Licensing Commissioner with a copy of the new insurance certificate. If the licensee fails to provide the Licensing Commissioner with a copy of the updated

insurance certificate, a late fee as set out in the rates and fees schedule may be applied by the Licensing Commissioner.

- (3) A limousine owner licensee shall provide proof of current and valid vehicle insurance at any time when requested to do so by the Licensing Commissioner or an Officer.

#### **4. Exemptions**

- (1) This By-law does not apply to:

- (a) limousines that hold a valid and subsisting permit or licence issued by the Greater Toronto Airports Authority; or
- (b) limousines designated under the Highway Traffic Act.

- (2) Limousine owners and limousine drivers do not require a licence to operate in Oakville to drop off passengers.

#### **5. Issuance of Limousine Owner's Licence and Municipal Plate**

- (1) In addition to the Licensing Commissioner's duties set out in Section 5 of this By-law:

- (a) where the applicant for a limousine owner's licence is entitled to be licensed under this By-law, the Licensing Commissioner shall issue a licence, and a municipal plate and attached sticker for each vehicle to be used by the applicant; and
- (b) when a limousine owner's licence is renewed, the Licensing Commissioner shall issue a licence and a licence sticker to the limousine owner licensee.

- (2) If a licensee or person ceases to own or use their vehicle to provide limousine services, they shall return the municipal plate and attached sticker to the Licensing Commissioner within seven (7) days of the date the licensee or person ceases to own or use their vehicle to provide limousine services.

#### **6. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) The Licensing Commissioner shall automatically suspend a limousine driver's licence when the licensee has had their Ontario driver's licence cancelled, revoked or suspended or where such driver's licence has expired or becomes

invalid for any reason. The licence issued under this By-law shall be suspended for the entirety of the period that the Ontario driver's licence is suspended, revoked, ceases to be valid, or has expired.

- (2) There shall be no appeal under this By-law for a licence issued by the Licensing Commissioner that has been suspended under subsection 6(1) of this Schedule.
- (3) The Licensing Commissioner shall automatically suspend a limousine owner's licence when the licensee ceases to have a current valid Ontario standard vehicle insurance policy in good standing and properly endorsed in accordance with the provisions of this By-law. The licence issued under this By-law shall be suspended until the licensee provides the Licensing Commissioner with written proof of insurance in accordance with the provisions of this By-law.
- (4) There shall be no appeal under this By-law for a licence issued by the Licensing Commissioner that has been suspended under subsection 6(3) of this Schedule.
- (5) In addition to the grounds listed in Section 13 of this By-law, a limousine owner's licence issued under this By-law may be suspended by the Licensing Commissioner:
  - (a) if the vehicle fails an inspection due to a significant mechanical failure. The licence may be suspended until such time as the vehicle passes a re-inspection; or
  - (b) until any re-inspection fee or other fee as set out in the rates and fees schedule has been paid.
- (6) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

## **7. Vehicle Age**

- (1) Upon a vehicle licensed as or to be licensed as a limousine reaching ten (10) model years of age, the licensee or person shall provide a safety standards



certificate to the Licensing Commissioner six (6) months into the term of the licence. The age of the limousine shall be calculated from August 31st of the model year of the said vehicle.

- (2) Despite subsection 7(1) of this Schedule, the Licensing Commissioner may deny the request to operate a vehicle over ten (10) years of age.
- (3) Subsection 7(1) of this Schedule does not apply to an historic limousine.

## **8. Limousine Inspections**

- (1) The Licensing Commissioner or an Officer may conduct inspections of limousines in accordance with section 22 of this By-law.
- (2) Prior to issuing an initial limousine owner's licence, the Licensing Commissioner or an Officer may carry out an inspection of the motor vehicle to be used as a limousine.

## **9. Equipment**

- (1) Every limousine owner licensee or person shall:
  - (a) firmly affix the municipal plate and attached sticker issued by the Licensing Commissioner to the exterior rear of the limousine in a conspicuous place;
  - (b) equip the limousine with:
    - (i) an extra tire, wheel and jack ready for use for that limousine;
    - (ii) a heater and an air conditioner in good working order;
    - (iii) an air conditioner in good working order;
  - (c) keep the interior of the limousine clean, dry and in good repair; and
  - (d) keep the exterior of the limousine clean, presentable, in good repair, and free from rust and body damage.
- (2) Subsection 9(1)(b)(iii) of this Schedule does not apply to an historic limousine.

## **10. Limousine Tariffs and Fares**

- (1) The tariffs to be charged by the business shall be set by the limousine owner licensee.

- (2) The tariffs provided to the Licensing Commissioner in accordance with subsection 2(1) of this Schedule may be changed once every three (3) months.
- (3) Despite subsection 19(2)(f) of this By-law, the limousine owner licensee shall give thirty (30) calendar days' notice to the Licensing Commissioner prior to any change to the tariffs.
- (4) Persons booking a limousine shall be informed of the fare for the trip at the time they book the limousine, and no greater amount shall be demanded.
- (5) Upon request, the passenger must be provided with a receipt indicating the amount paid, the name of the limousine driver and the vehicle plate number.

#### **11. Limousine Driver Duties**

- (1) Every limousine driver licensee or person shall:
  - (a) keep a record of all trips made by the limousine during a shift and shall turn the record over to the limousine owner at the end of the shift;
  - (b) take due care of all property delivered or entrusted to the driver for safekeeping or conveyance and, immediately upon the termination of any hiring engagement, examine the interior of the limousine for any property left therein, and all property left in the limousine shall be forthwith delivered over to the person owning the property or, if that is not practicable, to the Licensing Commissioner or the nearest police station with all the information in the driver's possession regarding the property and report their actions to the limousine owner;
  - (c) report forthwith to the limousine owner any accident or collision in which the driver or a passenger was involved or connected with the operation of the limousine;
  - (d) at the expiration of each shift, return the limousine to the limousine owner and shall not at any time abandon the limousine or permit any other person to drive the limousine; and
  - (e) keep the interior and exterior of the limousine clean, dry and in good repair.

#### **12. Limousine Driver Prohibitions**

- (1) No limousine driver licensee or person shall:

- (a) permit a limousine to be used for any unlawful purpose;
- (b) permit a limousine to be used for any other commercial purpose;
- (c) exhibit on or about the limousine any number, sign or card except one authorized under this By-law;
- (d) provide limousine service or solicit fares on other than a pre-arranged basis;
- (e) drive any limousine unless the owner of such motor vehicle is licensed as a limousine owner under this By-law;
- (f) induce any person to employ a limousine by knowingly misleading or deceiving such person as to the location or distance of any place or by making any false representation to such person;
- (g) transport a greater number of persons in a limousine than the manufacturer's rated seating capacity of the limousine;
- (h) take, consume or have in their possession any liquor or other intoxicant while in charge of a limousine, except in accordance with the provisions of the Liquor Control Act;
- (i) drive a limousine with luggage or other material therein obstructing the driver's view;
- (j) at any time when the vehicle is not employed, prevent or hinder the Licensing Commissioner or an Officer from entering the same for the purpose of inspecting such limousine;
- (k) recover or receive any fare or charge other than as set out in the tariff **rates** filed with the Licensing Commissioner by the limousine owner; or
- (l) **fail to immediately inform the Licensing Commissioner in writing by email or by registered mail if the licensee's Ontario driver's licence is cancelled, suspended, revoked or is expired or becomes invalid for any reason.**

### **13. Limousine Owner Duties**

- (1) Every limousine owner licensee or person shall:

- (a) promptly repair any mechanical defect in the limousine observed by the owner or reported to the owner by a limousine driver, **an Officer** or the Licensing Commissioner;
- (b) keep a trip **sheet** for each vehicle licensed under this By-law showing the date, time, origin and destination of each trip, the name of the driver and the licence number of the vehicle;
- (c) retain all trip **sheets** for at least six (6) months and make them available for inspection at the request of an Officer or the Licensing Commissioner;
- (d) provide reasonable assistance to all passengers and **passengers with luggage** at no additional fee;
- (e) provide, in compliance with applicable regulations set out in the Zoning By-law, for off-street parking for every limousine operated by the owner; and
- (f) notify the Licensing Commissioner when the effect of any collision or other occurrence will prevent a limousine licensed under this By-law from being operated for more than five (5) days.

#### **14. Limousine Owner Prohibitions**

- (1) No limousine owner licensee or person shall:
  - (a) permit a limousine to be used for any unlawful purpose whatsoever;
  - (b) permit a limousine to be used for any other commercial purpose;
  - (c) permit the installation of any radio dispatching or receiving facilities in a limousine;
  - (d) permit any person not licensed as a limousine driver under this By-law to drive a limousine;
  - (e) employ or allow any person who, in the opinion of the Licensing Commissioner, has become for any reason unfit to perform the functions of a limousine driver;
  - (f) permit or require a limousine driver licensed under this By-law to work when that person's ability to perform their duties is impaired by fatigue, illness or other reason;

- (g) take, consume or have in their possession any liquor or other intoxicant while in charge of a limousine, except in accordance with the provisions of the Liquor Control Act;
- (h) maintain any facilities connected or affiliated with any taxicab broker or other similar brokerage;
- (i) not being a limited company, permit any other person to manage the operation of a limousine or limousine business or enter into any arrangement or agreement, written or oral, with any other person for such reasons;
- (j) being the owner of a limited company, permit any person other than an employee of such owner to manage the operation of its limousine or limousine business;
- (k) exhibit in, on or about the limousine any number, sign, emblem, decal, ornament or advertising except with a content and in a form and location approved by the Licensing Commissioner;
- (l) use any **municipal** plate or duplicate **municipal** plate other than the one issued **by the Licensing Commissioner** under this By-law;
- (m) provide limousine service or solicit fares on other than a pre-arranged basis;
- (n) induce any person to employ a limousine by knowingly misleading or deceiving such person as to the location or distance of any place or by making any false representation to such person;
- (o) permit a limousine to be driven with luggage or other material therein obstructing the limousine driver's view;
- (p) at any time when the **limousine** is not employed, prevent or hinder the Licensing Commissioner **or an Officer** from entering the same for the purpose of inspecting such **limousine**;
- (q) recover or receive any fare or charge from any person other than as set out in the tariff **rates** filed with the Licensing Commissioner by the limousine owner;

- (r) purport to assign their license so as to detract or derogate from their obligations under this By-law; or
- (s) fail to provide an updated vehicle insurance certificate to the Licensing Commissioner upon the lapsing of the certificate provided to the Licensing Commissioner in accordance with subsection 2(1) of this Schedule.

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## Schedule 19: Lodging House Keeper

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Apartment Building” means a building containing three (3) or more dwelling units, where units are horizontally separated and where each unit has access to an interior corridor system with exit at grade level;
  - (b) “Emergency Safety Plan” means a document specifying procedures for handling emergencies at the lodging house;
  - (c) “Lodger” means any person who pays rent, fees or other valuable consideration to a lodging house keeper for living accommodation in a lodging unit and who does not have exclusive access to kitchen and washroom facilities and all habitable areas of the lodging house;
  - (d) “Lodging House” means a building or structure or any portion thereof in which persons are harboured, received or lodged for rent or hire, with or without meals and does not include a short-term accommodation;
  - (e) “Lodging House Keeper” includes the registered owner of the property, landlord, lessee, tenant or person responsible for the granting of permission for the occupancy of a lodging unit and/or for the collection of the fees or rent payable by the lodger;
  - (f) “Lodging Unit” when used in reference to a lodging house means a room provided for rent or hire, which is used or designed to be used as a sleeping accommodation;
  - (g) “Short-term Accommodation” means the provision of a dwelling unit which is used for the temporary lodging of the travelling public for a rental period not greater than 28 consecutive days or less in exchange for payment and includes a Bed and Breakfast Establishment, but does not include a motel, hotel, hospital, couch surfing or other short-term accommodations where there is no payment; and
  - (h) “WETT Inspection Report” means the report prepared by a WETT certified professional after an inspection of a wood-burning appliance, including but not limited to wood-stoves and fireplaces.

**2. Licence Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	<b>Lodging House Keeper</b>
<b>Licence Renewal Date</b>	<b>31-Aug</b>
Applicant's information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓
Zoning Occupancy Certificate	⚠
Criminal record check	✓
Fire inspection	✓
WETT inspection report, if applicable	⚠
HVAC inspection certificate	⚠
Electrical inspection certificate	⚠
Emergency safety plan	✓
Written consent from the registered owner of the property or property management company for the premises to be used as a lodging house, if applicable	⚠
Additional documentation set out below	

✓ Required for initial and renewal application

⚠ Required for initial application only

- (2) Despite subsection 2(1) of this Schedule, at the time of licence renewal a licensee shall provide the Licensing Commissioner with a fire inspection report completed within the previous year and request a fire inspection to be performed prior to the expiry of the term of the licence renewal. The licensee shall provide a copy of this fire inspection report to the Licensing Commissioner within five (5) business days of the date of the inspection report.
- (3) In addition to the requirements prescribed in subsection 2(1) of this Schedule, at the time of application for a licence or for renewal of a licence, the



applicant shall be required to affirm that the building or structure is in compliance with the requirements of the Building Code Act with respect to any new additions or alterations requiring a building permit.

- (4) The electrical inspection certificate required by subsection 2(1) of this Schedule is an inspection certificate, in a form approved by the Licensing Commissioner, from an electrician properly licensed by the Electrical Safety Authority, **confirming that the electrical system is in proper working order, which results from an inspection that was conducted within the six (6) months preceding the submission of the application for a licence.**
- (5) **The HVAC inspection certificate from an HVAC contractor licensed by the Town, required by subsection 2(1) of this Schedule shall confirm that the HVAC system is in proper working order.**

### **3. Exemption**

- (1) A lodging house keeper licence is not required for the following:
  - (a) a student residence owned or operated by a university or college;
  - (b) any program requiring a Custodian Declaration issued by **Immigration, Refugees and Citizenship Canada** or any other situation where a host family is required to act as legal custodian for the minor child in their care;
  - (c) a dwelling unit within an apartment building;
  - (d) housing provided by a registered charity;
  - (e) a group home;
  - (f) a medical treatment facility;
  - (g) a nursing home;
  - (h) a home for the aged; or
  - (i) a lodging house with a maximum of two (2) lodging units, where the owner of the property resides within as their principal residence.

### **4. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

## 5. Prohibitions

- (1) Every licensee or person shall:
- (a) post the licence issued under this By-law in a conspicuous place inside the building near the front entrance to the lodging house;
  - (b) send a notice in writing to all lodgers and post a notice at the entrance to the lodging house to advise of the suspension or revocation of their lodging house keeper licence if the Licensing Commissioner suspends or revokes the licence for any reason, including a failed fire inspection;
  - (c) ensure that the lodging house is designed, constructed, equipped and maintained so as to comply with the Building Code, Fire Code, any other applicable laws, the Property Standards By-law, the Lot Maintenance By-law, this By-law and any other applicable by-laws;
  - (d) maintain the lodging house in a clean, safe and sanitary condition in accordance with the Town's Property Standards By-law and Lot Maintenance By-law, and without limiting the generality of the foregoing, shall:
    - (i) keep the cellar or basement of the building well drained and ventilated;
    - (ii) keep the lodging house weatherproofed and free from dampness;
    - (iii) keep all heating equipment in good repair; and
    - (iv) not permit the use of any washroom for laundry purposes;
  - (e) provide a secure area in the lodging house for the personal belongings of the resident(s), if requested;
  - (f) post an emergency safety plan in a conspicuous location by the main entry door to the lodging house.
- (2) No licensee or person shall:
-

- (a) permit a person to occupy any cellar or any space used as a lobby, hallway, closet, bathroom, laundry, stairway or kitchen for sleeping purposes;
- (b) permit any cooking appliance of any kind in any room used for sleeping purposes;
- (c) permit any heating appliances to be installed or maintained in any room used for sleeping purposes, other than those specifically designed and authorized by the Building Code; or
- (d) in addition to Section 21 of this By-law, fail to remove rubbish, garbage, ashes, any flammable material and other debris.

## 6. Record Keeping

- (1) Every licensee or person shall ensure that a register, in accordance with section 20 of this By-law, is kept in the lodging house detailing the name and previous residence of every lodger who occupies the premises.
- (2) The register required by subsection 6(1) of this Schedule shall be kept for the current year and the previous year.
- (3) Despite subsection 20(3) of this By-law, the register shall be open to inspection, at any reasonable time, by the Licensing Commissioner or an Officer.

## Schedule 20: Mobile Sign Lessor

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Designated Official” means as defined in the Sign By-law;
  - (b) “Development A-Frame Sign” means as defined in the Sign By-law;
  - (c) “Mobile Sign” means as defined in the Sign By-law; and
  - (d) “Mobile Sign Lessor” means a person who owns, maintains and/or engages in the rental, leasing and/or installation of mobile signs or development A-frame signs.

### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Mobile Sign Lessor
<b>Licence Renewal Date</b>	<b>30-Nov</b>
Applicant's information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓

✓ Required for initial and renewal application

### 3. Prohibitions

- (1) No licensee or person shall:
- (a) display or permit the display of a mobile sign or development A-frame sign other than in accordance with the Sign By-law;

- (b) locate or permit the location of a mobile sign or development A-frame sign without obtaining a permit under the Sign By-law;
- (c) locate or permit the location of a mobile sign or development A-frame sign that does not:
  - (i) use only electrical cords with Canadian Standards Association (CSA) approval or Ontario Hydro Electrical Safety Code approval;
  - (ii) bear a certification mark indicating that the sign complies with either the Canadian Standards Association (CSA) or the Ontario Hydro Electrical Safety Code; and
  - (iii) come equipped with a timer or dimmer control to turn off or increase the lighting intensity;

**Schedule 21: Motor Vehicle Facility and Mobile Motor Vehicle Service**

**1. Definitions**

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) **“Automobile Association” means a for-profit organization or a non-profit organization, which motor vehicle owners and drivers can join to enjoy benefits provided by the association relating to driving a motor vehicle;**
  - (b) **“Mobile Motor Vehicle Service” means a business that is operated from place to place, offering or providing a motor vehicle facility product or service, including but not limited to oil changes, tire changes and windshield repair, excluding tow trucks;**
  - (c) **“Motor Vehicle Facility” means new and used motor vehicle dealerships, motor vehicle service stations, motor vehicle repair facilities, motor vehicle body shops as defined in the Town’s Zoning By-law, along with suppliers of used motor vehicle parts, motor vehicle inspection and insurance appraisal, motor vehicle rental and leasing, motor vehicle specialty and service shops related to engines, mufflers, shock absorbers, transmissions, radiators, tires, brakes, alignment, glass, radios, diagnostics, electrics, upholstery, washing, polishing, cleaning, air conditioning and rust-proofing, excluding a salvage yard; and**
  - (d) **OMVIC means the Ontario Motor Vehicle Industry Council.**

**2. Licence Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	<b>Motor Vehicle Facility</b>	<b>Mobile Motor Vehicle Service</b>
<b>Licence Renewal Date</b>	<b>31-Aug</b>	<b>31-Aug</b>
Applicant’s information	✓	✓
Business address	✓	✓
Insurance certificate	✓	✓
Licence fee	✓	✓
Article of Incorporation	✓	✓
Business partner information	✓	✓

	Motor Vehicle Facility	Mobile Motor Vehicle Service
Zoning Occupancy Certificate	▲	
Description of business and services provided	✔	✔
List of vehicles used to provide mobile motor vehicle service including make, model, colour, VIN, Ontario licence plate number		✔
Employee list		✔

✔ Required for initial and renewal application

▲ Required for initial application only

- (2) In addition to the requirements prescribed in subsection 2(1) of this Schedule, at the time of application for a licence or for renewal of a licence, the applicant for a motor vehicle facility licence for a new or used motor vehicle dealership shall provide their valid OMVIC registration number to the Licensing Commissioner.
  
- (3) In addition to the requirements prescribed in subsection 2(1) of this Schedule, applicants for a motor vehicle facility licence or a mobile motor vehicle service licence who have employees that require certification or other qualifications shall:
  - (a) at the time of initial application for a licence, obtain the consent of their employees, in a form provided by the Licensing Commissioner, to the potential disclosure of the employee's proof of qualifications to the Licensing Commissioner or to an Officer for the purpose of the administration and enforcement of this By-law;
  - (b) obtain and keep the employee's proof of qualifications; and
  - (c) make the consent and proof of qualifications available to the Licensing Commissioner or to an Officer upon request.
  
- (4) For any employees hired during the term of their licence, motor vehicle facility or a mobile motor vehicle service licensees shall obtain and keep the consent and proof of qualifications required by subsection 2(3) of this Schedule and make same available to the Licensing Commissioner or to an Officer upon request
  
- (5) Mobile motor vehicle service licensees shall update the employee list required by subsection 2(1) of this Schedule upon the hiring of an employee

during the term of their licence upon request by the Licensing Commissioner or an Officer.

- (6) In accordance with Section 11 of this By-law, a person holding a current and valid motor vehicle facility licence for a motor vehicle service station may apply for an endorsement(s) to perform the following additional business activities:
- (a) Schedule 16 - Food Shop/Convenience;
  - (b) Schedule 16 - Food Shop/Restaurant;
  - (c) Schedule 33 – Tobacco Retailer
  - (d) Schedule 35 – Vape Shop

### **3. Exemptions**

- (1) A motor vehicle facility licence is not required for a person selling used motor vehicle parts or tires provided such person has a current and valid salvage yard licence under Schedule 29 of this By-law or a current and valid second-hand goods shop licence under Schedule 30 of this By-law.
- (2) A mobile motor vehicle service licence is not required for the following:
- (a) a current and valid motor vehicle facility licensee. However, if the person is providing mobile motor vehicle services, they must comply with the requirements for a mobile motor vehicle service business under this Schedule;
  - (b) a temporary car wash event for the purpose of fundraising; or
  - (c) an automobile association providing roadside assistance, including but not limited to battery service, lockout service, gas delivery, flat tire replacement, extraction services and towing services. For clarity, a mobile motor vehicle service licence is required for an automobile association providing services such as mobile seasonal tire change.

### **4. Regulations**

- (1) Every mobile motor vehicle service licensee or person shall display the business name and telephone number on both sides of all vehicles used in the mobile motor service business or on any attached mobile unit or trailer. The required display must be no less than ten (10) centimetres in height and in contrasting colours to the colour of the vehicle, mobile unit or trailer.



- (2) Every motor vehicle facility licensee, mobile motor vehicle service licensee or person shall:
- (a) have printed or otherwise impressed on all business stationery, forms, invoices, statements and advertising materials, the motor vehicle facility and/or mobile motor vehicle service's business name, business address and telephone number;
  - (b) if providing work, provide a written contract to the person for whom the work is being done which shall be signed by the motor vehicle facility owner or operator or mobile motor vehicle service owner or operator before commencing any work, such contract to contain:
    - (i) the name and address of the licensee and the person for whom the work is being done;
    - (ii) the address where the work is to be done;
    - (iii) a description of the work to be completed and associated costs;
    - (iv) warranties or guaranties, if any; and
    - (v) the estimated date of completion; and
  - (c) employ only persons who are qualified to provide services in the motor vehicle facility and/or to provide mobile motor vehicle services.
- (3) Motor vehicle facility licensees, mobile motor vehicle service licensees or persons shall provide customers with an itemized invoice, including any third-party fees such as fees for towing a vehicle, prior to demanding payment for their services or goods.
- (4) All motor vehicle facility licensees or persons shall report to the Halton Regional Police Service:
- (a) when a motor vehicle is left abandoned on the premises for a period of twenty-four (24) hours;
  - (b) if the motor vehicle has been left without the permission of the licensee; or
  - (c) when the licensee or person may have reason to believe that a motor vehicle is either stolen or abandoned.

## 5. Prohibitions

- (1) No motor vehicle facility licensee, mobile motor vehicle service licensee or person shall:
  - (a) store or dispose of or permit the storage or disposal of any gasoline, oil, lubricants, tires or hazardous materials except in accordance with all relevant by-laws and/or legislation;
  - (b) fail to obtain an employee's consent to collect and share their proof of qualifications in accordance with subsection 2(3)(a) of this Schedule;
  - (c) fail to provide the Licensing Commissioner or an Officer with proof of qualifications in accordance with subsection 2(3)(c) of this Schedule, upon request;
  - (d) fail to provide the Licensing Commissioner or an Officer with the consent or proof of qualifications for an employee hired during the term of the licence in accordance with subsection 2(4) of this Schedule, upon request; or
  - (e) fail to update the employee list required by subsection 2(5) of this Schedule.
- (2) No motor vehicle facility licensee shall park or stop any motor vehicle that is part of the motor vehicle facility business on a municipal right-of-way. For clarity, any motor vehicle that is part of the business must be parked on private property.
- (3) No licensee providing mobile motor vehicle service or person shall:
  - (a) fail to update the employee list provided to the Licensing Commissioner in accordance with subsection 2(1) of this Schedule upon the hiring of employees during the term of the licence if requested to do so by the Licensing Commissioner or an Officer.
  - (b) engage in a mobile motor vehicle service on a municipal right-of-way or upon any vacant property;
  - (c) advertise that services are available at a specific location or otherwise invite customers to come to a specific location to receive services provided by the mobile motor vehicle service;

- (d) erect or place advertising of the mobile motor vehicle service at any location where the business may operate, except while services are being provided and in accordance with the Sign By-law;
- (e) provide mobile motor vehicle services at any location without first having obtained the permission of the owner or authorized tenant of the property; or
- (f) provide mobile motor vehicle services at any location between the hours of 9:00 pm one day and 7:00 am the next day (9:00 am on Sundays and holidays).

## Schedule 22: Nightclub

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Nightclub” means an establishment or part thereof having a capacity to accommodate no more than 1,000 persons at a time, whose principal function is the provision of music;
  - (b) “Person of Authority” means a person authorized by the owner of a nightclub to operate, manage, supervise, run or control the nightclub; and
  - (c) “Security Staff” means persons whose exclusive responsibility or duty while engaged or hired by a nightclub is to guard or patrol the premises for the purpose of ensuring orderly conduct and protecting persons or property, and who are licensed as security guards under the *Private Security and Investigative Securities Act, 2005, S.O. 2005, c. 34*, or successor legislation.

### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Nightclub
<b>Licence Renewal Date</b>	<b>31-Jan</b>
Applicant’s information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓
Name and contact information of persons of authority when the nightclub is open for business	✓
Zoning Occupancy Certificate	⚠
Criminal record check	✓

	<b>Nightclub</b>
Fire inspection	✔
Additional documentation set out below	

✔ Required for initial and renewal application

⚠ Required for initial application only

(2) In accordance with Section 11 of this By-law, a person holding a current and valid nightclub licence may apply for an endorsement to perform the following additional business activity:

(a) Schedule 16 – Food Shop/Restaurant

**3. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

(1) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee’s ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

**4. Security Staff**

(1) Every licensee or person shall:

(a) provide security staff who must wear identification that is plainly visible to patrons and all others on the premises and wear clothing that easily identifies them as security staff; and

(b) ensure that security staff regulates any line-ups that form for the purpose of gaining entrance to the nightclub and prohibit undue obstruction of any exit door, walkways, driveways or highways.

(2) Bartenders and wait staff are not considered to be security staff.

**5. Prohibitions**

(1) Every licensee or person shall:

- (a) have at least one (1) designated person of authority, as identified to the Licensing Commissioner pursuant to subsection 2(1) of this Schedule, in attendance at all times when the nightclub is open and operating; and
- (b) in addition to the requirements of Section 21 of this By-law:
  - (i) keep the premises suitably lit and ventilated during business hours, including the half hour before and after close of business; and
  - (ii) install and maintain suitable storage facilities and garbage containers for refuse from the operation of the business.

## Schedule 23: Payday Loan Establishment

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Borrower” means a corporation, partnership, sole proprietor, association or other entity or individual that receives a payday loan or indicates an interest in receiving a payday loan;
  - (b) “Lender” means a corporation, partnership, sole proprietor, association or other entity or individual that makes a payday loan to a borrower or that holds oneself out as available to make such a loan;
  - (c) “Loan Broker” means a corporation, partnership, sole proprietor, association or other entity or individual that assists a borrower in obtaining a payday loan or that holds oneself out as available to provide such assistance;
  - (d) “Payday Loan” means an advancement of money in exchange for a post-dated cheque, a pre-authorized debit or a future payment of a similar nature but not for any guarantee, suretyship, overdraft protection or security on property and not through a margin loan, pawnbroking, a line of credit or a credit card;
  - (e) “Payday Loan Establishment” means any premises or any part of the premises that operates as a payday lending business as defined in the Payday Loans Act, 2008; and
  - (f) “Payday Loans Act” means the *Payday Loans Act, 2008*, S.O. 2008, c. 9, or successor legislation.

### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Payday Loan Establishment
<b>Licence Renewal Date</b>	<b>31-Oct</b>
Applicant's information	✔
Business address	✔
Insurance certificate	✔
Licence fee	✔
Article of Incorporation	✔
Business partner information	✔
Zoning Occupancy Certificate	⚠
Criminal record check	✔
Proof of a current and valid licence as a lender or loan broker under the Payday Loans Act, including the licence number	✔
Copy of credit counselling information to be provided to persons expressing an interest in a loan	✔

✔ Required for initial and renewal application

⚠ Required for initial application only

- (2) No person shall act as a lender or loan broker as defined in the Payday Loans Act unless they hold a valid licence as a lender or a loan broker under the Payday Loans Act and a valid payday loans establishment licence under this By-law.
- (3) No person shall operate a payday loan establishment unless they hold a valid licence as a lender or a loan broker under the Payday Loans Act and a valid payday loan establishment licence under this By-law.
- (4) No person, except a person who holds a valid licence as a lender or a loan broker under the Payday Loans Act, may be licensed under this By-law.
- (5) The owner of more than one (1) payday loan establishment shall take out a separate licence for each payday loan establishment to be operated in Oakville.

**3. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the requirements of Section 13 of this By-law, the payday loan establishment licence issued under this By-law shall be suspended or



revoked for the entirety of the period that the licence issued under the Payday Loans Act is suspended, revoked, ceases to be valid, or expires.

- (2) There shall be no appeal under this By-law for a licence issued by the Licensing Commissioner that has been revoked or suspended under subsection 3(1) of this Schedule.
- (3) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

#### **4. Number of Licences and Location Restrictions**

- (1) No more than one (1) payday loan establishment licence shall be issued per Ward.
- (2) Despite subsection 4(1) of this Schedule, premises that are licensed under the Payday Loans Act and in actual use as payday loan establishments in the Town on the date this By-law comes into force are deemed to be a location where a payday loan establishment is permitted to operate. These premises are eligible to be licensed by the Licensing Commissioner only for so long as the premises continue to be used as a payday loan establishment, the payday loan establishment owner maintains their licence issued under this Schedule for that location and the payday loan establishment business carried on therein complies with this By-law.
- (3) For clarity, if premises are operating in a Ward in accordance with subsection 4(2) of this Schedule, no new payday loan establishment licences will be issued by the Licensing Commissioner until existing businesses cease to operate, at which time licences will be issued on a first come first served basis in accordance with subsection 4(1) of this Schedule.

#### **5. Regulations**

- (1) Despite subsection 19(2)(f) of this By-law, the licensee shall immediately inform the Licensing Commissioner in writing by email or by registered mail if the licensee's licence issued under the Payday Loans Act is suspended, ceases to be valid, is revoked or expires.

## 6. Prohibitions

- (1) Every licensee or person shall:
- (a) comply with the requirements of the Payday Loans Act and its regulations;
  - (b) operate only at the location that is authorized by the licence issued under the Payday Loans Act;
  - (c) give credit counselling information that has been approved in advance by the Licensing Commissioner to each person who attends at their business premises immediately upon the person expressing an interest in a loan; and
  - (d) immediately advise the Licensing Commissioner in writing by email or by registered mail if the licensee's licence issued under the Payday Loans Act is suspended, ceases to be valid, is revoked or expires in accordance with subsection 5(1) of this Schedule.
- (2) Every payday loan establishment shall display a "Credit Counselling" poster that is visible to any person immediately entering the payday loan establishment, that is a minimum size of 61 centimetres in width by 91 centimetres in length, and consists of:
- (a) a heading setting out the words "Credit Counselling" in 144 point font;
  - (b) immediately below the heading referred to in subsection 5(3)(a) of this Schedule, the following credit counselling agencies shall be listed in 144 point font:
    - (i) Credit Counselling Canada;
    - (ii) Canadian Association of Credit Counselling Services; and
    - (iii) Ontario Association of Credit Counselling Services;together with their respective telephone numbers and email addresses, which shall be listed in 54 point font.
  - (c) a heading setting out the words, "Chartered Bank – Annual Consumer Loan Rate" and the chartered bank annual consumer loan rate, which shall be shown immediately below the heading in 72 point font; and

- (d) in 34 point font, and below the items required by subsections 6(2)(a) - (c) of this Schedule, the words “This poster is required under Schedule 23 of the Town of Oakville’s Licensing By-law 2024-XXX”.

**Schedule 24: Personal Services Establishment & Mobile Personal Service**

**1. Definitions**

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
  - (a) **“Mobile Personal Services” means a personal services establishment that is operated from place to place, offering or providing a personal services procedure or service including, but not limited to, hairdressing and barbering, manicures/pedicures;**
  - (b) **“Personal Services Establishment” means any place that provides personal care procedures to any part of the body for purposes of aesthetic, cosmetic or therapeutic treatment including, but not limited to: hairdressing and barbering, tattooing and body piercing, ear piercing, manicures/pedicures, tanning, laser hair removal, intense pulsed light (IPL), electrolysis, waxing and threading, excluding a body-rub establishment; and**
  - (c) **“Tanning Equipment” means any device equipped or intended to be equipped with one (1) or more ultraviolet lamps, which emits ultraviolet radiation including the entire spectrum (100 to 400 nanometers), and designed to induce skin tanning or other cosmetic effects and are represented as inducing such effects, but not including any such device represented for use solely in the production of therapeutic effects for medical purposes.**

**2. Licence Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Personal Services Establishment	Mobile Personal Service
<b>Licence Renewal Date</b>	<b>31-Aug</b>	<b>31-Aug</b>
Applicant's information	✓	✓
Business address	✓	✓
Insurance certificate	✓	✓

	Personal Services Establishment	Mobile Personal Service
Licence fee	✓	✓
Article of Incorporation	✓	✓
Business partner information	✓	✓
Zoning Occupancy Certificate	▲	
Health Department approval	✓	✓
Description of services provided and related qualifications of person providing service	✓	✓
Criminal record and judicial matters check		✓
Self-declaration		✓
Employee list		✓

✓ Required for initial and renewal application

▲ Required for initial application only

- (2) Businesses providing personal services that rent or lease a chair or space from an already licensed personal service business require a separate personal service licence.
- (3) The self-declaration required by subsection 2(1) of this Schedule for applicants for a mobile personal service licence shall be in a form provided by the Licensing Commissioner and requires that the applicant or licensee confirm that, at the time of initial application for a licence and at licence renewal:
  - (a) they have obtained a valid criminal record and judicial matters check for their employees who will be providing services; and
  - (b) that the employees meet the requirements of Schedule 1 of this By-law, provided that the conviction directly affects the employee's ability to competently and responsibly carry on the business that is the subject of their employer's licence or compromises the employee's ability to comply with the provisions of this By-law or its Schedules.
- (4) For any employees hired during the term of their licence, mobile personal service licensees shall:
  - (a) obtain a criminal record and judicial matters check in accordance with subsection 2(3) of this Schedule; and

- (b) update the employee list required by subsection 2(1) of this Schedule upon request by the Licensing Commissioner or an Officer.

### **3. Exemptions**

- (1) A mobile personal service licence is not required for a person holding a current and valid personal services establishment licence. However, if the person is providing mobile personal services, they must comply with the requirements for a mobile personal services business under this Schedule.
- (2) This Schedule does not apply to any person who provides a personal service in their capacity as a duly authorized member of a self-regulating health profession, as provided for in Schedule 1 to the Regulated Health Professions Act, 1991.

### **4. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Mobile Personal Service Licence**

- (1) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a mobile personal service licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

### **5. Regulations**

- (1) Every licensee or person shall display the following on both sides of all motor vehicles or attached mobile units or trailers while providing mobile personal services:
  - (a) the mobile personal service business name; and
  - (b) the mobile personal service telephone number.

The required display must be no less than ten (10) centimetres in height and in contrasting colours to the colour of the motor vehicle, mobile unit or trailer.

- (2) Every personal services establishment licensee, mobile personal service licensee or person shall:
  - (a) have printed or otherwise impressed on all business stationery, forms, invoices, statements and advertising materials, the personal services

establishment or mobile personal service business name, business address and telephone number; and

- (b) upon the conclusion of the service and prior to demanding payment, provide the person for whom the service was provided with an itemized invoice of the completed service, upon request.
- (3) Every mobile personal service licensee or person shall comply with applicable zoning and parking regulations while operating their mobile personal service business.

## 6. Prohibitions

- (1) Personal services establishment licensees or persons shall **keep the premises** in a clean and in a sanitary condition.
- (2) Personal services establishment licensees, mobile personal service licensees or persons shall:
  - (a) ensure that all persons performing any treatments on the premises or **in a mobile personal service capacity** are duly qualified, licensed or registered to do so under the laws of the Province of Ontario;
  - (b) **sterilize and/or disinfect all** equipment used in the premises **or in a mobile personal service capacity**;
  - (c) comply with the **Guide to Infection Prevention and Control in Personal Service Settings** published by the Ontario Agency for Health Protection and Promotion (Public Health Ontario), as current and any other applicable guidelines or standards established by the Province of Ontario or the Medical Officer of Health; and
  - (d) **require that persons providing or offering to provide any personal service or mobile personal service are completely and opaquely clothed.**
- (3) **No** personal services establishment licensee or person shall:
  - (a) **fail to** provide a continuous supply of hot water;
  - (b) **fail to provide** proper lighting and ventilation;
  - (c) **fail to keep** all furnishings in a sanitary condition;
  - (d) **fail to provide** proper sanitary conveniences for all employees;

- (e) use tanning equipment on a person under eighteen (18) years of age;
  - (f) tattoo or pierce any person under eighteen (18) years of age without the prior written consent of a parent or guardian of the person to be tattooed or pierced; or
  - (g) fail to ensure that the door or doors or other principal means of access into the personal services establishment by the public are kept unlocked and available so that anyone coming into the personal services establishment from the street or other public place may enter without delay when the personal services establishment is open for business.
- (4) No licensee providing mobile personal services or person shall:
- (a) engage in mobile personal services on a municipal right-of-way or upon any vacant property;
  - (b) advertise that services are available at a specific location or otherwise invite customers to come to a specific location to receive services provided by the mobile personal service;
  - (c) erect or place advertising of the mobile personal service at any location where the business may operate, except while services are being provided and in accordance with the Sign By-law;
  - (d) provide mobile personal services at any location without first having obtained the permission of the owner or authorized tenant of the property;
  - (e) tattoo or pierce any person under eighteen (18) years of age without the prior written consent of a parent or guardian of the person to be tattooed or pierced;
  - (f) fail to comply with applicable zoning and parking requirements;
  - (g) permit an employee to provide a service on behalf of the licensee or person if the employee does not meet the requirements of Schedule 1 of this By-law; or
  - (h) fail to obtain a criminal record and judicial matters check in accordance with subsection 2(3) or 2(4) of this Schedule.



- (i) fail to provide an updated employee list required by subsection 2(4) of this Schedule.
- (5) No mobile personal service licensee or person shall permit an employee who does not meet the provisions of Schedule 1 of this By-law to provide a mobile personal service on behalf of the licensee or person.

## Schedule 25: Pet Shop

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Animal Rescue Group” means a not-for-profit or charitable organization whose mandate and practices are predominately the rescue and placement of animals and facilitating the spaying or neutering of animals for animal welfare purposes;
  - (b) “Pet Shop” means any shop, place or premise where animals for use as pets are kept and sold, **excluding a kennel**; and
  - (c) **“Registered Veterinary Technician” means a person who has graduated from a Canadian Veterinary Medical Association, or an Ontario Association of Veterinary Technicians accredited program, successfully completed the Veterinary Technician National Examination and has met all the requirements identified by their provincial professional association.**

### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Pet Shop
Licence Renewal Date	30-Apr
Applicant's information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓
Zoning Occupancy Certificate	⚠
Criminal record check	✓
Animal control inspection	✓
Self-declaration of animal offences	✓

✓ Required for initial and renewal application

⚠ Required for initial application only

- (2) The animal control inspection required by subsection 2(1) of this Schedule must confirm that the applicant or licensee has complied with all requirements for a pet shop under this Schedule.

### **3. Exemptions**

- (1) A pet shop licence is not required for the following:
- (a) a pet shop that sells only live fish or offers only live fish for sale;
  - (b) an animal shelter operated by or on behalf of a public authority;
  - (c) a veterinary hospital or veterinary clinic; or
  - (d) animal rescue groups approved by the Licensing Commissioner.

### **4. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the requirements contained in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a pet shop licence or suspend or revoke a licence if the applicant or licensee's self-declaration provided in accordance with subsection 2(1) of this Schedule confirms any or all of the following within five (5) years of the date of application for a licence or renewal of a licence:
- (a) conviction(s) for animal abuse or neglect under PAWS, DOLA or any other federal or provincial statute;
  - (b) conviction(s) under the Animal Control By-law's provisions for standards of care;
  - (c) conviction(s) under this By-law, other Town by-laws or any other municipality's by-laws respecting the keeping or care of animals; or
  - (d) any court orders, prohibitions or conditions set as part of a conviction that are currently in force.
- (2) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's

ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

- (3) The Licensing Commissioner may also close a pet shop forthwith and suspend the licence if a veterinarian has reasonable grounds to believe that a pet shop has an outbreak of distemper, hepatitis, rabies, parvo virus or any infectious or contagious disease. The pet shop may re-open and have its licence reinstated upon a written report from the veterinarian that they have reasonable grounds to believe that the risk of new infections has passed.

## 5. General Regulations

- (1) Fresh, clean water in an amount sufficient for the well-being of the animal kept at the pet shop shall be made available to the animal at all times to allow the animal to drink without restriction, or as directed by a veterinarian.
- (2) Animals shall be fed periodically each day in accordance with the particular food requirements for each type or species of animal kept or housed at the pet shop.
- (3) Licensees or persons shall ensure that the following standards are met for animals being kept or housed at the pet shop:
  - (a) Construction of Enclosures:
    - (i) interior walls and partitions shall be constructed of materials that are appropriately treated or coated to be rendered washable, sanitizable, impervious to moisture, smooth, and durable;
    - (ii) the corners of ceilings, walls, and partitions shall be sealed and treated to render them completely washable and sanitizable;
    - (iii) interior walls must be free of sharp edges or other potential causes of injury;
    - (iv) only non-toxic materials shall be used in places in which animals have direct contact;
    - (v) walls shall be sturdy, in good repair, and of sufficient height and with small enough gaps to prevent escape;

- (vi) ceilings shall be constructed of impervious materials and subject to finishing comparable to those of the walls and partitions;
  - (vii) floors shall be constructed of either solid or wire mesh construction where the wire mesh is covered with a thick plastic cover for ease of cleaning and is comfortable for the animals provided that:
    - 1. all spaces in the wire mesh shall be smaller than the pads of the foot of any animal confined therein;
    - 2. any such wire mesh shall be of a thickness and design adequate to prevent injury to the animal; and
    - 3. such floor shall be of sufficient strength to support the weight of the animal;
  - (viii) lighting shall be appropriate for the species being kept at the pet shop; and
  - (ix) where the quarters used for the housing of any animal form part of or are physically attached to a building used for human habitation or to which the public have access, such quarters shall have a concrete or other impermeable floor with a drain opening hooked to a sanitary system, and such floor shall be thoroughly cleaned and washed with water at least once each day, or more often than once if necessary to keep the said floor clean.
- (b) Enclosures shall:
- (i) be of a size to allow the animal to move freely, which includes the ability to walk and turn around easily, move about easily for the purpose of postural adjustments including stretching, without touching the enclosure walls or ceiling, standing normally to their full height without touching the enclosure walls or ceiling, and lying down without touching another animal;
  - (ii) enable all birds to have sufficient perch space to permit full extension of their wings in every direction;
  - (iii) have an area to place and secure food and water bowls to prevent bowls from becoming contaminated, spilling, and soiling enclosure contents, and allows animals to eat and drink freely;
  - (iv) be free of any dangerous structure or object that may cause injury;

- (v) provide a separate housing area where animals can be moved while their enclosure is being cleaned. Animals shall not be returned to their primary enclosure until it is dry;
  - (vi) be located in such a way as to provide maximum comfort to satisfy the known and established needs for the particular animal housed in the enclosure and shall be provided with safeguards to prevent extreme environmental changes;
  - (vii) prevent undue direct physical contact with the animals by the general public; and
  - (viii) include equipment for play or stimulation appropriate to the animal being kept.
- (c) **Environment:**
- (i) each enclosure shall be maintained at a temperature adequate and appropriate to the species;
  - (ii) ventilation and heating systems shall be constructed to supply fresh air and enable adequate exchange of air and maintenance of optimal environmental conditions for all seasons;
  - (iii) additional ventilation must be provided using exhaust fans and/or air conditioning when ambient temperatures reach more than 26°C;
  - (iv) indoor humidity shall be maintained between 35-50% to ensure animal comfort, minimize the risk of transmission of animal disease, prevent damage to the structural integrity of the building and its contents, and prevent the accumulation of excess moisture that can promote growth of mold.
- (d) **Sanitation:**
- (i) all enclosures and the pet shop's floor shall be thoroughly cleaned at least once every day or more often as necessary to maintain a sanitary environment and the good health of the animal. The licensee shall keep a cleaning record for all enclosures and shall provide it to the Licensing Commissioner or an Officer upon request;

- (ii) all waste containment/cleaning equipment, food preparation areas, food/water bowls, and utensils shall be kept in a clean and sanitary condition;
- (4) All employees, where applicable, shall be adequately trained and knowledgeable in animal care and husbandry, consistent with industry standards.
- (5) The licensee or person shall maintain a training manual that is accessible to employees, regarding animal care and husbandry to the satisfaction of the Licensing Commissioner. This manual shall include, but not be limited to, procedures on the following:
  - (a) the care of the animal including feeding and cleaning enclosures;
  - (b) appropriate low-stress handling, restraint, training, grooming, and exercise;
  - (c) recognizing and taking appropriate action when animals display behaviours indicative of stress, anxiety, depression, aggression, incompatibility, illness, and injury;
  - (d) proper maintenance, identification and reporting of damage/deterioration of enclosures to ensure effective repair and prevent negative impacts on animal health and well-being
  - (e) daily recordkeeping;
  - (f) sanitation protocols;
  - (g) methods of handling dogs, cats or other animals generally and in the event of escape;
  - (h) infectious disease protocols and methods for handling sickness, injury or death of a dog, cat or other animal;
  - (i) methods for handling situations in which a dog, cat or other animal has bitten a person, dog, cat or other animal;
  - (j) infectious disease protocols;

- (k) proper maintenance, identification and reporting of damage/deterioration of enclosures to ensure effective repair and prevent negative impacts on animal health and well-being;
  - (m) contact information for the consulting veterinarian and the Oakville & Milton Humane Society;
  - (l) emergency protocols within the premises such as response to flood/fire, power failure, evacuation, accidental/acute animal injury/illness; and
  - (m) emergency contact procedure(s).
- (6) The licensee shall ensure that applicable employees sign-off on an annual basis that they have reviewed the training manual and will abide by its requirements. The licensee shall provide proof of sign-off to the Licensing Commissioner or an Officer upon request.
- (7) Licensees or persons shall only obtain a dog and/or cat for the purpose of selling or offering for sale from the following:
- (a) an animal shelter operated by or on behalf of a public authority;
  - (b) a registered humane society; or
  - (c) an animal rescue group.
- (8) Licensees or persons shall ensure that any animal showing signs of sickness or disease is examined and treated immediately by a veterinarian and that the animal is kept in a quarantine area until a veterinarian certifies that the animal is in good health.
- (9) The licensee or person shall provide a receipt to each person who purchases an animal from the pet shop containing:
- (a) the name and address of the vendor and purchaser;
  - (b) the date of sale;
  - (c) a description of the animal, including sex, age, colour or placing of markings, if any; and
  - (d) a description of breed or crossbreed when the animal is a dog or cat.



- (10) When the animal purchased is a dog or cat, the purchaser shall also be:
- (a) given a valid certificate of health and vaccination from a veterinarian since the arrival of the cat or dog at the pet store; and
  - (b) **advised that they require a dog licence if they reside in Oakville.**

## 6. Prohibitions

- (1) No licensee **or person** shall:
- (a) confine incompatible genus or species of animals in the same enclosures;
  - (b) keep or confine animals in crowded conditions;
  - (c) sell or offer for sale any dog or cat under the age of eight (8) weeks;
  - (d) **sell or offer for sale any underage animal, with respect to species other than dogs or cats, in accordance with the requirements of that animal;**
  - (e) sell or offer for sale chicks, ducklings or other live animals as a bonus to a sale or part of a sale of any other goods, products, or services;
  - (f) keep for sale, sell, or offer for sale:
    - (i) **any prohibited animal according to the Animal Control By-law;**
    - (ii) **any venomous or poisonous arachnid;**
    - (iii) any wildlife species that is listed at risk in the Species at Risk Act, S.C. 2002, c.29, or any animal listed as rare, endangered or threatened by the Convention on International Trade in Endangered Species (CITES).
  - (g) sell or offer for sale any animal that is known to be sick or diseased; or
  - (h) sell or offer for sale any animal that a veterinarian has reasonable grounds to believe is exhibiting any of the following signs:
    - (i) infectious disease;
    - (ii) nutritional deficiencies;
    - (iii) severe parasitism sufficient to influence the general health of the animal; or

- (iv) fractures or congenital deformities affecting the general health of the animal.

(2) Every licensee or person shall:

- (a) permit only persons to operate or manage a pet shop who are skilled and conscientious in animal care, and who have knowledge of the characteristics, care and handling of the species entrusted to their care;
- (b) permit only persons to attend to the care, feeding and cleaning of animals in the pet shop who have been adequately trained, commensurate with their responsibilities, by the licensee, and who demonstrate that they are able to discharge their responsibilities in a positive, caring manner;
- (c) maintain a training manual **in accordance with subsection 5(5) and produce the manual for inspection by the Licensing Commissioner or an Officer upon request.**
- (d) **have applicable employees sign-off that they have reviewed the training manual and that they will abide by its requirements;**
- (e) provide for a sufficient number of **competent and experienced** employees **on duty** to provide for the care of animals and maintenance of facilities during normal business hours, on weekends and holidays;
- (f) keep posted in a conspicuous place for employees, instructions issued to all employees for the cleaning, care and feeding of animals;
- (g) **maintain all premises used as a pet shop in a clean and sanitary condition, including animal enclosures;**
- (h) keep all animals in a constant and comfortable environment to ensure their health and well-being;
- (i) **make fresh, clean water available to animals:**
  - (i) **at all times to allow the animal to drink without restriction; and**
  - (ii) **in an amount sufficient for the well-being of the animal;**
- (j) **feed animals periodically each day in accordance with the animal's particular food requirements;**

- (k) dispose of all animal waste materials in a manner that will not create a public nuisance or health hazard and in accordance with all applicable laws;
- (l) at all times provide litter pans containing clean cat litter for kittens and cats;
- (m) keep birds in cages having removable metal or impermeable bottoms of adequate size;
- (n) permit no more than fifteen (15) budgerigars or canaries or twenty (20) finches to be housed in a single cage with minimum dimensions of 60 cm. (24") x 35cm. (14") x 40cm. (16");
- (o) not increase bird density, or the number of birds housed in cages of other dimensions, unless each cage is of sufficient size and dimensions to enable each bird confined therein an amount of perch to allow it to fully extend its wings in every direction, while all birds are perched;
- (p) locate all animals in the pet shop in such a way as to provide for their maximum comfort, and to satisfy their known and established needs, including but not limited to, protection from extreme environmental changes, and prevention of undue direct or disturbing physical contact with the general public;
- (q) make available within the pet shop, an exercise area and separate suitable area that permits segregation of animals which require special observation or attention;
- (r) provide for an ongoing effective program for the control of vermin infestation;
- (s) provide a rapid communication system in case of an emergency, with names and telephone numbers of contact persons prominently posted and readily accessible to security and fire personnel; and
- (t) establish and maintain programs of disease prevention and control including:
  - (i) appointing and retaining the services of a consulting veterinarian with the veterinarian's name and telephone number posted in a conspicuous place and easily accessible to all employees;

- (ii) prompt examination and treatment or humane euthanasia of any animals suspected of being sick or injured, by a veterinarian or **under veterinary supervision by a registered veterinary technician;**
- (iii) segregation of any apparently sick or injured animal to a separate area; and
- (iv) proper and lawful disposal of deceased animals forthwith.

## 7. Record Keeping

- (1) Every licensee or person shall keep a register, **in accordance with section 20 of this By-law**, of all animal sales and purchases which shall contain the following information entered at the time the animal comes into the possession of the licensee or person:
  - (a) the name and address of the **animal shelter, registered humane society or animal rescue group from which dogs and/or cats were obtained, and the name and address of the** supplier or other person from whom animals **other than dogs and/or cats** were purchased or otherwise obtained;
  - (b) the date of purchase or other acquisition;
  - (c) in the case of dogs and cats, a description of each individual animal;
  - (d) medical record(s) if an animal has been isolated; and
  - (e) with animals other than dogs and cats, a description of each shipment.
- (2) **The record required by subsection 7(1) of this Schedule shall be kept for at least twelve (12) months from the date the information was entered.**

**Schedule 26: Private Parking Enforcement Company and Private Parking Enforcement Officer**

**1. Definitions**

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Penalty Notice” for the purposes of Schedule 26 of this By-law means a penalty notice issued for parking violations under the Town’s Parking Administrative Penalties By-law 2015-071 or successor by-laws, and “penalty notices” has a similar meaning;
  - (b) “Private Parking Enforcement Company” means the business of providing parking enforcement services on private property, not including the Town or agents acting on behalf of the Town, and includes property management companies and security companies;
  - (c) “Private Parking Enforcement Officer” means an individual who, on behalf of a private property company, engages in parking enforcement on private property, not including “Officers” as defined in this By-law; and
  - (d) “Stop Process” means that the penalty notice is no longer outstanding.

**2. Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	<b>Private Parking Enforcement Company</b>	<b>Private Parking Enforcement Officer</b>
<b>Licence Renewal Date</b>	<b>31-Mar</b>	<b>31-Mar</b>
Applicant’s information	✓	✓
Business address	✓	
Insurance certificate	✓	
Licence fee	✓	✓
Article of Incorporation	✓	
Business partner information	✓	

	Private Parking Enforcement Company	Private Parking Enforcement Officer
Criminal record check	✓	✓
List of properties located in Oakville the company enforces	✓	
Proof of the property owner's or management company's consent to parking enforcement on their property	⚠	
List of private parking enforcement officers employed by the company	✓	
Clear and legible site drawing of the parking lot(s) enforced by the contractor	✓	
Photograph of required signage as posted at the parking lot	✓	
1 current photograph		✓
Letter of employment on company letterhead from the private parking enforcement company		✓
Additional documentation set out below		

✓ Required for initial and renewal application

⚠ Required for initial application only

- (2) In addition to the requirements prescribed in subsection 2(1) of this Schedule, a completed application for a licence for a private parking enforcement company shall be accompanied by a self-declaration, in a form provided by the Licensing Commissioner, stating that the applicant indemnifies and saves the Town harmless from and against, any and all actions and claims including, without limitation, all claims for personal injury, death, property damage or nuisance arising from the enforcement of the Town parking by-laws on the property, or any act, deed or omission of the agent or the owner, or any assignee, agent, contractor, servant, employee, invitee, member, guest or licensee of the agent or owner, and against and from all costs, reasonable counsel fees, expenses and liabilities incurred in or about any such claim or any action or proceeding brought thereon.
- (3) The clear and legible site drawing of the parking lot required by subsection 2(1) of this Schedule shall show the locations of signage required by subsection 7(1) of this Schedule. The Licensing Commissioner or an Officer may inspect the property prior to the issuance of a private parking enforcement company licence to ensure compliance with subsection 7(1) of this Schedule.

- (4) The photograph of the applicant for a private parking enforcement officer licence required by subsection 2(1) of this Schedule must:
  - (a) be clear, sharp and in focus;
  - (b) show how the applicant looks at the time of application for the licence; the applicant's full face must be clearly visible; and
  - (c) show the applicant's face and shoulders straight on and squared to the camera.
  
- (5) In the event that a private parking enforcement company licensee or person needs to add a new property to the list of properties they enforce after their licence has been issued, the licensee shall:
  - (a) provide proof of the property owner's or management company's consent to parking enforcement on their property;
  - (b) provide a clear and legible drawing of the parking lot in accordance with subsection 2(3) of this Schedule;
  - (c) provide a photograph of the signage required by subsection 7(1) of this Schedule that has been posted at the parking lot; and
  - (d) pay the required fee as set out in the rates and fees schedule.
  
- (6) In the event that a private parking enforcement company licensee or person needs to add a new private parking enforcement officer to the list of officers they employ after their licence has been issued, the licensee shall:
  - (a) provide the officer's information in a form provided by the Licensing Commissioner; and
  - (b) pay the required fee as set out in the rates and fees schedule.

### **3. General**

- (1) Every private parking enforcement officer licensee is appointed as a municipal by-law enforcement officer pursuant to subsection 55(1) of the *Community Safety and Policing Act*, 2019 S.O. 2019, c. 1, Sched. 1 and the Town's Delegation of Authority By-law 2023-021 during the term of their licence or until it is suspended or revoked, for the purposes of enforcing the Town's Parking on Private Property Without Consent By-law 1981-65, Fire

Route By-law 1981-66, and EV Charging Station By-law 2020-084, or successor by-laws.

- (2) Private parking enforcement officer licensees might be called to attend a hearing to appear as a witness to defend any penalty notice issued by them, at the time and date and by the method specified in a notice from the Licensing Commissioner. This obligation shall continue during a license suspension or after a license expires or is otherwise revoked.
- (3) Private property enforcement company licensees or private parking enforcement officer licensees shall submit the following to the License Commissioner:
  - (a) a summary of the penalty notices issued by the private parking enforcement officer on the form provided by the Licensing Commissioner;
  - (b) digital versions of the penalty notices referred to in subsection 3(3)(a) of this Schedule;
  - (c) photographs of the motor vehicles that are the subject of the penalty notices referred to in subsection 3(3)(a) of this Schedule; and
  - (d) any other material required by the Licensing Commissioner or an Officer.
- (4) The information set out in subsection 3(3) of this Schedule shall be submitted to the Licensing Commissioner within two (2) business days of the issuance of the penalty notice, or as otherwise required by the Licensing Commissioner or Officer. A hard copy of the penalty notice must be provided to the Licensing Commissioner within three (3) business days of penalty notice issuance.

#### **4. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.



- (2) In addition to the requirements contained in Section 13 of this By-law, the Licensing Commissioner may suspend or revoke a private property enforcement company licence or a private parking enforcement officer's licence when the company or officer fails to submit the information required by subsection 3(3) of this Schedule within the timelines set out in subsection 3(4) of this Schedule.
- (3) In addition to the requirements contained in Section 13 of this By-law, the Licensing Commissioner may suspend or revoke a private property enforcement company licence when the licensee requests the cancellation of more than eight (8) penalty notices within a month, in accordance with subsection 8(2) of this Schedule.
- (4) In addition to the requirements contained in Section 13 of this By-law, the Licensing Commissioner may revoke a private property enforcement officer's licence at any time where:
  - (a) the Licensing Commissioner is of the opinion that the private property enforcement officer cannot carry out their duties on an impartial and objective basis due to a conflict of interest, which includes without limitation:
    - (i) engaging in any business or transaction or having financial or other personal interest which is incompatible with the discharge of a private property enforcement officer's official duties;
    - (ii) any activities which adversely interfere or conflict with a private property enforcement officer's regular duties in relation to the Town; or
    - (iii) any activities, representations or conduct outside of the normal functions of their appointment, which could appear to be an official act of the Town or could appear to represent the opinion or policy of the Town.
  - (b) the Licensing Commissioner is of the opinion that the private property enforcement officer is engaged in behaviour that is fraudulent or that constitutes a breach of trust with the Town, including without limitation:
    - (i) using deceit to gain a personal advantage or benefit for oneself or others;
    - (ii) illegally obtaining money, including the solicitation or acceptance of bribes;
    - (iii) providing false or incomplete information to the Town;
    - (iv) falsifying records; or

- (v) circumventing Town policy or procedure to gain personal advantage for oneself or for others.

## 5. Exemptions

- (1) The provisions of this Schedule do not apply to cashiers demanding or obtaining payment from customers for the consensual purchase of a permit for parking on private property, where the parking rates are posted in clear view of all drivers upon entering the private property and the property is in compliance with all other Town by-laws.
- (2) Halton Region and Halton Healthcare do not require a private parking enforcement company licence when parking is enforced on their properties by Halton Region or Halton Healthcare employees. Halton Region and Halton Healthcare must register the employees, at no charge, who are enforcing parking on Halton Region or Halton Healthcare properties with the Licensing Commissioner, and provide:
  - (a) the employee's name and job title;
  - (b) the employee's supervisor's name and job title; and
  - (c) the address of the property where the employee is enforcing parking.
- (3) The employees referred to in subsection 5(2) of this Schedule shall comply with all regulations regarding private property enforcement officers.
- (4) For clarity, if the Halton Region or Halton Healthcare contracts parking enforcement on their properties to a third party, that third party and their officers require a licence under this Schedule.

## 6. Regulations

- (1) No private parking enforcement officer may take payment for parking on private property.
- (2) Every private parking enforcement company licensee shall advise the Licensing Commissioner, in accordance with subsection 19(2)(f) of this By-law, of:
  - (a) all changes to the private parking enforcement officers employed by them; and
  - (b) any change to the properties receiving parking enforcement services.

- (3) All applicants for an initial private parking enforcement officer licence:
  - (a) must complete a training session administered by the Licensing Commissioner; and
  - (b) may have to pass a written test at the conclusion of the training session.
- (4) The Licensing Commissioner may require a private parking officer to complete an additional training session(s) administered by the Licensing Commissioner, and pay a re-training fee as set out in the rates and fees schedule if deemed necessary by the Licensing Commissioner.
- (5) Private parking enforcement officer licensees shall produce their licence upon request by a member of the public or an Officer.

## **7. Signage**

- (1) Private properties where parking is enforced by a private parking enforcement company require signage that meets the following requirements. Signs must:
  - (a) be located at each entrance to the property and be visible from the parking area;
  - (b) include the name and telephone number of the private parking enforcement company;
  - (c) include a list of the Town's by-laws that will be enforced, namely Parking on Private Property Without Consent By-law 1981-65, Fire Route By-law 1981-66, and/or EV Charging Station By-law 2020-084;
  - (d) be weather resistant;
  - (e) be lit or reflective so as to be visible day and night;
  - (f) be at least 45 cm in height and not less than 30 cm in width;
  - (g) be fixed to a stationary galvanized steel "U" post or wall so that the bottom of the sign is two (2) metres from grade level; and
  - (h) be angled to face the direction of traffic entering the property so that any driver using the premises is able to read the sign upon entering. Wall mounted signs do not have to be angled.

- (2) All signage must comply with the requirements of subsection 7(1) of this Schedule within one (1) year of the date this By-law comes into force.

## **8. Warnings, Stop Process and Cancelled Penalty Notices**

- (1) No private parking enforcement officer licensee or person shall use penalty notices for warnings related to parking.
- (2) Private parking enforcement company licensees may request that a penalty notice be cancelled prior to service of the penalty notice on the vehicle's operator or driver. The cancellation request must be made within fifteen (15) days of the date the penalty notice was issued if the officer made an error on the penalty notice. No penalty notices will be cancelled after 15 days.
- (3) The request to cancel a penalty notice must be made in writing on company letterhead or from an email address that includes the company logo, information or licensee's email signature.
- (4) After 15 days, if the private parking enforcement company licensee wishes to stop process on a penalty notice, they can do so by paying the value of the penalty notice plus any administrative fees to the Licensing Commissioner.
- (5) A private parking enforcement officer who repeatedly issues incomplete and/or incorrect penalty notices may be required to complete a further training session administered by the Licensing Commissioner, and pay a re-training fee as set out in the rates and fees schedule.

## **9. Prohibitions**

- (1) Halton Region and Halton Healthcare shall only allow the employees that have been registered with the Licensing Commissioner to enforce parking on their properties.
- (2) No private parking enforcement company licensee or person shall cause or permit:
- (a) parking enforcement on a property that they have not listed with the Licensing Commissioner in accordance with subsection 2(1) or 2(5) of this Schedule;
  - (b) any person to carry on any parking enforcement activity on private property unless licensed as a private parking enforcement officer; or

- (c) any person to alter a penalty notice except as may be specifically authorized and directed by the Licensing Commissioner or an Officer.
- (3) No private parking enforcement officer licensee or person shall:
  - (a) carry on any parking enforcement activity on private property unless licensed as a private property enforcement officer;
  - (b) enforce private parking on a property that the private parking enforcement company licensee has not listed with the Licensing Commissioner in accordance with subsection 2(1) or 2(5) of this Schedule;
  - (c) demand or receive any financial incentive from the owner or occupant of the private property relating to the number of parking enforcement actions taken on the property;
  - (d) request or require payment of any fee by the owner or driver of a motor vehicle parked, stopped or standing on private property;
  - (e) wear clothing, whether part of the licensee or person's uniform or not, that that displays terms or identifiers that could reasonably lead a person to believe that the licensee or person is a police officer, or an Officer employed by the Town;
  - (f) wear body armour over their clothing or uniform that displays terms or identifiers that could reasonably lead a person to believe that the licensee or person is a police officer, or an Officer employed by the Town;
  - (g) carry bear spray or a firearm; or
  - (h) carry weapons of any kind, including but not limited to, knives, batons, oversized flashlights or pepper spray, or carry handcuffs or other restraints when performing parking enforcement duties.
- (4) Subsection 9(3)(h) does not apply if the licensee or person is performing their duties as a provincially licenced security guard.
- (5) No fee, commission, gift or other consideration shall be paid or given by a private parking enforcement officer licensee or person to an owner or occupant of property in return for permitting said private parking enforcement officer or person to provide or perform parking enforcement services.

- (6) No private parking enforcement company licensee, private parking enforcement officer licensee or person shall:
- (a) cause or permit parking enforcement at a private property unless the private property is posted with signs in accordance with subsection 7(1) of this Schedule.
  - (b) represent themselves at any time as an employee of the Town, an Officer employed by the Town or a police officer;
  - (c) exhibit in, on or about the vehicle used during the provision of private parking enforcement services, any number, sign, markings, emblem or decal that could reasonably lead a person to believe that the licensee is a police officer, or an Officer employed by the Town; or
  - (d) lend, hire, rent or cause or permit the lending, hiring or renting of any motor vehicle that is parked at a private parking lot for which the licensee provides enforcement services.

**10. Service of Penalty Notices**

- (1) For the purposes of this Schedule and despite section 25 of this By-law, service of a penalty notice includes:
- (a) to personally hand the penalty notice to the motor vehicle's owner or driver at the time of the contravention; and
  - (b) to affix the penalty notice to the vehicle in a conspicuous place at the time of the contravention.
- (2) For clarity, penalty notices issued under this Schedule may not be served by mail.

**Schedule 27: Public Hall**

**1. Definitions**

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
- (a) “Public Hall” means a building or part of a building, including a portable building or tent, with a seating capacity for over one hundred (100) persons, that is offered for use or used as a place of public assembly, but does not include a theatre or a building, except a tent, used solely for religious purposes; and
  - (b) “Theatre” means a premises used primarily for the exhibition of film.

**2. Licence Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Public Hall
<b>Licence Renewal Date</b>	<b>31-Jan</b>
Applicant’s information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓
Zoning Occupancy Certificate	▲
Fire inspection	✓

- ✓ Required for initial and renewal application
- ▲ Required for initial application only

- (2) In accordance with Section 11 of this By-law, a person holding a current and valid public hall licence may apply for an endorsement to perform the following additional business activity:
- (a) Schedule 16 – Food Shop/Restaurant.

### 3. Exemption

- (1) A public hall licence is not required for the following:
  - (a) not-for-profit organizations; or
  - (b) a registered charity or a religious institution.

### 4. Prohibitions

- (1) No licensee or person shall permit the public hall to be open to the public unless a person over the age of eighteen (18) years is present to supervise the use of the public hall.
- (2) Licensees or persons shall:
  - (a) display the maximum occupancy load, as established by the Town, in a prominent place at the entrance to the public hall; and
  - (b) not permit, at any time, more than the number of persons authorized by the maximum occupancy load to enter or to be in the public hall.



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## Schedule 28: Refreshment Vehicle /Special Event Refreshment Vehicle

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Catering Truck” means a motor vehicle from which prepackaged food and beverages are offered for sale and sold to employees and other workers on private property at the invitation of a property or business owner or a contractor working on the property;
  - (b) “Licensee” for the purposes of Schedule 28 means an owner of a Refreshment Vehicle Class A, Refreshment Vehicle Class B or a Refreshment Vehicle Class C;
  - (c) “NFPA 96” means the Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations;
  - (d) “Refreshments” includes, but is not limited to, fruit, candy, sandwiches, cakes, doughnuts, pies, peanuts, popcorn, hot dogs, hamburgers, french fries, potato chips, ice cream, ice cream bars and cones, iced water, iced milk, soft drinks, coffee or tea, soup, lunches, meals or any other ice confectionary, food or drink;
  - (e) “Refreshment Vehicle Class A” means any motorized vehicle from which refreshments are prepared, apportioned or otherwise served and which moves from place to place; including but not limited to food trucks, ice cream trucks, and catering trucks;
  - (f) “Refreshment Vehicle Class B” means any vending facility from which refreshments are prepared, apportioned or otherwise served that is not self-propelled but can be easily towed; including but not limited to hot dog carts and trailers;
  - (g) “Refreshment Vehicle Class C” includes, but is not limited to, a vehicle propelled by hand, or a bicycle propelled by muscular power, from which pre-packaged popcorn, candy apples, cotton candy ice cream, popsicles, frozen desserts or other frozen confections are sold;
  - (h) “Refreshment Vehicle” means a Refreshment Vehicle Class A, Refreshment Vehicle Class B or a Refreshment Vehicle Class C;

- (i) “Residential Uses” for the purposes of Schedule 28 means areas with residential uses as defined in Zoning By-law 2009-189;
- (j) “Residential Zone” for the purposes of Schedule 28 means residential zones as defined in Zoning By-law 2014-189; and
- (k) “Special Event Refreshment Vehicle” means a Refreshment Vehicle - Class A, Refreshment Vehicle Class B or a Refreshment Vehicle Class C that is operating at a special event.

## **2. Types of Licences Available**

- (1) An annual licence permits Refreshment Vehicle Class A and Refreshment Vehicle Class C to:
  - (a) operate year-round in Oakville, in accordance with this By-law; and
  - (b) operate at up to 4 special events per location in a calendar year without having to be licensed as a Special Event Refreshment Vehicle.
- (2) A Refreshment Vehicle Class B may only be operated at a special event.
- (3) A Refreshment Vehicle Class A, Refreshment Vehicle Class B or Refreshment Vehicle Class C that does not have an annual licence to operate in Oakville must be licensed as a Special Event Refreshment Vehicle on a per event basis to operate at up to 4 special events per location in a calendar year.
- (4) Despite subsection 2(3), a special event refreshment vehicle licence is not required to operate at a special event under a valid Town permit or as approved by Council.
- (5) Refreshment vehicles shall be operated at special events in accordance with section 11 of this Schedule.

## **3. Licence Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Refreshment Vehicle Class A	Refreshment Vehicle Class B	Refreshment Vehicle Class C	Special Event Refreshment Vehicle
<b>Licence Renewal Date</b>	<b>31-May</b>	<b>31-May</b>	<b>31-May</b>	<b>Per event</b>
Applicant's information	✓	✓	✓	✓
Business address	✓	✓	✓	✓
Insurance certificate	✓	✓	✓	✓
Licence fee	✓	✓	✓	✓
Article of Incorporation	✓	✓	✓	✓
Business partner information	✓	✓	✓	✓
Criminal record check	✓	✓	✓	✓
Health Department approval	✓	✓	✓	
Copy of communication from Health Department regarding special event inspection				✓
Details of the special event outlining the date, time and location of the event				✓
Safety standards certificate, if applicable	✓			✓
Vehicle insurance, if applicable	✓			✓
Valid vehicle ownership including proof that the vehicle is licensed as a commercial vehicle as defined in the Highway Traffic Act, if applicable	✓			✓
Propane certificate, if applicable	✓	✓		✓
Description of the refreshments to be sold	✓	✓	✓	✓
Permission from the property owner, agent, or property management company, if applicable	✓	✓	✓	✓
Additional documentation set out below				

✓ Required for initial and renewal application

- (2) The owner of more than one (1) refreshment vehicle shall take out a separate licence for each refreshment vehicle to be operated in the Town.
- (3) Refreshment Vehicle Class A, Refreshment Vehicle Class B and Special Event Refreshment Vehicle applicants and licensees, where applicable, shall complete an inspection of the vehicle's exhaust/suppression system as required by the Fire Code and the NFPA 96 and shall provide the Fire Chief with a valid inspection report, upon request, confirming that the vehicle complies with the Fire Code and NFPA 96 requirements for exhaust/suppression systems.

#### 4. Vehicle Insurance

- (1) The following applicants or licensees shall carry current and valid Ontario standard vehicle insurance in good standing throughout the term of their licence:
  - (a) Refreshment Vehicle Class A; and
  - (b) Refreshment Vehicle Class A licensed as a Special Event Refreshment Vehicle.
- (2) Said vehicle insurance shall be properly endorsed against liability arising out of bodily injury to or the death of a person or loss or damage to property caused by a vehicle or the use or operation thereof in accordance with the provisions of this By-law, including coverage for:
  - (a) the owner or driver of a vehicle, or
  - (b) a person who is not the owner or driver thereof where the vehicle is being used or operated by that person's employee or agent or any other person on that person's behalf.
- (3) If the vehicle insurance policy referred to in subsection 4(2) of this Schedule is renewed during the licensing period, the licensee referred to in subsection 4(1) of this Schedule shall immediately provide the Licensing Commissioner with a copy of the updated insurance certificate. If the licensee fails to provide the Licensing Commissioner with a copy of the updated insurance certificate, a late fee as set out in the rates and fees schedule may be applied by the Licensing Commissioner.
- (4) The licensee referred to in subsection 4(1) of this Schedule shall provide proof of current and valid vehicle insurance at any time when requested to do so by the Licensing Commissioner or an Officer.

#### 5. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence

- (1) The Licensing Commissioner shall automatically suspend a Refreshment Vehicle Class A or Special Event Refreshment Vehicle licence when the licensee ceases to have a current valid Ontario standard vehicle insurance policy in good standing and properly endorsed in accordance with the provisions of this By-law. The licence issued under this By-law shall be suspended until the licensee provides the Licensing Commissioner with written proof of insurance in accordance with the provisions of this By-law.

- (2) The Licensing Commissioner shall automatically suspend the licence of a Refreshment Vehicle Class A, Refreshment Vehicle Class B or, where applicable, a Special Event Refreshment Vehicle licensee who fails to provide a valid exhaust/suppression system inspection report to the Fire Chief when requested to do so in accordance with subsection 3(3) of this Schedule. The licence issued under this By-law shall be deemed to be suspended until the licensee provides the Fire Chief with a valid inspection report.
- (3) There shall be no appeal under this By-law for a licence issued by the Licensing Commissioner that has been suspended under subsection 5(1) or 5(2) of this Schedule.
- (4) In addition to the grounds listed in Section 13 of this By-law, a refreshment vehicle or special event refreshment vehicle licence issued under this By-law may be suspended by the Licensing Commissioner:
  - (a) if the refreshment vehicle fails an inspection due to a significant mechanical failure. The licence may be suspended until such time as the refreshment vehicle passes a re-inspection; or
  - (b) until any re-inspection fee or other fee as set out in the rates and fees schedule has been paid.
- (5) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

**6. Issuance of Refreshment Vehicle Owner's Licence and Municipal Plate**

- (1) In addition to the Licensing Commissioner's duties set out in Section 5 of this By-law:
  - (a) where the applicant for a refreshment vehicle owner's licence is entitled to be licensed under this By-law, the Licensing Commissioner shall issue a licence and a municipal plate and attached sticker to the applicant; and

- (b) when a refreshment vehicle owner's licence is renewed, the Licensing Commissioner shall issue a licence and a licence sticker to the licensee.
- (2) The refreshment vehicle licensee or person shall affix the municipal plate issued by the Licensing Commissioner bearing an identifying number securely on the exterior rear of the refreshment vehicle in a conspicuous place.
- (3) If a licensee or person ceases to own, lease or use their refreshment vehicle to provide services, they shall immediately return the municipal plate and attached sticker to the Licensing Commissioner.
- (4) Where the licensee disposes of a refreshment vehicle, the municipal plate shall be removed from the vehicle prior to the sale and immediately returned to the Licensing Commissioner.

## 7. Refreshments

- (1) Every licensee or person shall, as applicable to the type of refreshment vehicle:
  - (a) keep the refreshment vehicle and all parts and equipment thereof for use in the dispensing of refreshments in a clean and sanitary condition and in good repair;
  - (b) keep all milk sold from the refreshment vehicle in dry storage at a temperature no higher than 5 degrees Celsius;
  - (c) clearly and legibly mark the date of preparation of all pre-made sandwiches or affix the date of preparation to the wrapper of all pre-made sandwiches sold from the refreshment vehicle;
  - (d) sell prepared foods, other than those kept in unopened cans, no more than twenty-four (24) hours after their preparation;
  - (e) equip the refreshment vehicle so as to maintain hot, prepared foods at a temperature of not less than 66 degrees Celsius, and such foods shall be kept so heated; and
  - (f) ensure that all refreshments sold from the refreshment vehicle shall be clean, fresh and in a wholesome state suitable for human consumption.

## 8. Refreshment Vehicle

- (1) Every licensee or person shall ensure that:
  - (a) each refreshment vehicle has, in a conspicuous place on both sides of the refreshment vehicle in a contrasting colour to the vehicle, the registered name and telephone number of the owner of the refreshment vehicle. Such letters shall be not less than ten (10) centimetres in height for a Refreshment Vehicle Class A or a Refreshment Vehicle Class B.
  - (b) a Refreshment Vehicle Class A is equipped with a broad band back-up warning device;
  - (c) each Refreshment Vehicle Class A or Refreshment Vehicle Class B is equipped with refuse or litter containers which shall be used for the disposal of all refuse and be kept clean and sanitary at all times and emptied at least once per day;
  - (d) each Refreshment Vehicle Class A or Refreshment Vehicle Class B equipped with propane is also equipped with a fire extinguisher having a minimum 2A/10BC rating and each kitchen suppression system shall be tagged confirming semi-annual inspection; and
  - (e) each Refreshment Vehicle Class A selling ice cream shall have a sign, in a conspicuous place on the rear of the vehicle in a contrasting colour to the vehicle, with the words “Watch for Children”. Such letters shall be not less than fifteen (15) centimetres in height.

## 9. Inspection

- (1) The Licensing Commissioner or an Officer may conduct inspections of Refreshment Vehicles Class A or Refreshment Vehicle Class C in accordance with section 22 of this By-law.
- (2) An Officer may attend a Refreshment Vehicle Class B for an inspection at any reasonable time, in accordance with section 22 of this By-law.

## 10. Defined Areas

- (1) Refreshment Vehicles Class A may operate in all zones pursuant to the Zoning By-law, except for residential zones or areas with residential uses.

- (2) Despite subsection 10(1), a Refreshment Vehicle Class A may stop on a roadway for the sale of refreshments at a construction site or for sales to a work crew for a maximum of thirty (30) minutes in a residential zone or in areas with residential uses.
- (3) Refreshment Vehicles Class C may only operate in mixed use, residential zones or in areas with residential uses.
- (4) Despite subsection 10(1) of this Schedule, a licensed Refreshment Vehicle Class A and/or a Special Event Refreshment Vehicle may operate at a special event on private property, held in a residential zone or in an area with a residential use:
  - (i) with the permission of the event organizer and the property owner, their agent or the property management company;
  - (ii) only at the private property identified on the licence; and
  - (iii) at no more than two (2) events at the same private property per calendar year.
- (5) Refreshment vehicle licensees operating at a special event on private property in accordance with subsection 10(4) of this Schedule must:
  - (a) operate entirely on private property and not on the municipal right-of-way;
  - (b) comply with all applicable Town parking and noise regulations; and
  - (c) ensure that their refreshment vehicles are not playing music or other amplified sound or ringing bells or chimes.
- (6) No licensee or person shall:
  - (a) sell, permit or offer for sale or provide any refreshments from a refreshment vehicle in Town parks or upon other Town property except pursuant to a contract or permit issued by the Town and subject to any conditions attached thereto; or
  - (b) sell, permit or offer for sale or provide any refreshments from a refreshment vehicle in the following designated business improvement areas in Oakville or in any business improvement areas that may be designated in Oakville subsequent to the date this By-law comes into



force, unless it is an event held by the Town or held under a Town permit, or unless the event is permitted by the business improvement area and the Town:

- (i) Bronte Village;
  - (ii) Downtown Oakville; or
  - (iii) Kerr Village;
- (b) stop for the sale of refreshments within thirty (30) metres (100 feet) of the entrance or exit to any school grounds, public park, dock, wharf, or intersection; or
- (c) serve a person any refreshments while the person is standing on a traveled portion of any highway.

## 11. Special Events

- (1) A special event refreshment vehicle licence is not required to operate at a special event under a valid Town permit or as approved by Council.
- (2) A refreshment vehicle with a current and valid annual licence may operate at up to 4 special events at the same location per calendar year.
- (3) No person shall sell, offer for sale or provide any refreshments at any place or time not explicitly provided for under their Special Event Refreshment Vehicle licence.
- (4) A refreshment vehicle participating in a special event, whether on private or public property, shall comply with all licensing requirements for a refreshment vehicle as prescribed in this By-law, except as may be specifically otherwise authorized by the Licensing Commissioner.

## 12. Prohibitions

- (1) No licensee or person shall:
  - (a) operate or permit the operation of a refreshment vehicle unless the vehicle is the vehicle for which the licence and municipal plate has been issued under this By-law;
  - (b) operate or permit the operation of a refreshment vehicle unless the municipal plate issued in respect of the licence for the refreshment vehicle is securely affixed to the exterior rear of the vehicle in a conspicuous place;

- (c) employ a person who is under eighteen (18) years of age;
- (d) sell, permit the sale of or provide any refreshments unless:
  - (i) the refreshments have been prepared, assembled and wrapped in accordance with the Health Protection and Promotion Act;
  - (ii) the persons engaged in the handling and selling of refreshments complies with the Health Protection and Promotion Act; and
  - (iii) the Health Department's requirements for mandatory food handler certification and public disclosure of food safety inspection reports have been complied with;
- (e) operate or permit the operation of a refreshment vehicle which is not neat and clean in appearance;
- (f) operate any refreshment vehicle in a way that is unsafe for the public;
- (g) sell refreshments, offer refreshments for sale or provide refreshments from a vehicle drawn by an animal;
- (h) use amplification of any sound, ringing of any bells or chimes, or other means of recognition;
- (i) operate a refreshment vehicle prior to 8:00 a.m. or after 11:00 p.m. unless otherwise specified in a Town permit;
- (j) operate a refreshment vehicle in an area prohibited by section 10 of this Schedule; or
- (k) dispose of, dump or permit the disposal or dumping of any litter, cooking oil or hazardous materials except in accordance with all relevant by-laws and/or legislation.

## Schedule 29: Salvage Yard

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) **“Salvage Material” includes, but is not limited to, recyclable material, scrap metal, used or wrecked motor vehicles or used or wrecked motor vehicle parts;**
  - (b) **“Salvage Yard” means a premises or part thereof used for receiving, storing or dealing in scrap, salvage material or recyclable material, excluding a motor vehicle facility and a second-hand goods shop;**
  - (c) **“Recyclable Material” means any product utilized for any purpose which would otherwise be disposed of or dealt with as waste, including but not limited to glass, metal, plastic, rubber and paper products.**

### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Salvage Yard
<b>Licence Renewal Date</b>	<b>31-Jan</b>
Applicant’s information	✔
Business address	✔
Insurance certificate	✔
Licence fee	✔
Zoning Occupancy Certificate	⚠
Article of Incorporation	✔
Business partner information	✔
Criminal record check	✔
<b>Proof of current and valid Environmental Protection Act approvals, if required</b>	⚠

✔ Required for initial and renewal application

⚠ Required for initial application only

### 3. Exemptions

- (1) A salvage yard licence is not required for a person selling used or wrecked motor vehicle parts or tires provided such person has a current and valid motor vehicle facility licence under Schedule 21 of this By-law or a current and valid second-hand goods shop licence under Schedule 30 of this By-law.

### 4. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence

- (1) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

### 5. Regulations

- (1) Each salvage yard must be enclosed by a fence that:
  - (a) complies with the Town's Fence By-law 2002-034 or successor by-laws;
  - (b) is painted a uniform colour and kept in good condition; and
  - (c) is equipped with a proper gate or entrance of the same material which shall be kept locked when the business is not in actual operation.
- (2) Despite subsection 5(1)(a), a fence that exists at a licensed salvage yard prior to the date this By-law comes into force shall be deemed to comply with this By-law. Should said fence be replaced, the replacement fence shall comply with the Fence By-law.

### 6. Prohibitions

- (1) No salvage yard licensee or person shall:
  - (a) receive from any person(s) any article or goods which the licensee or person knows or has good reason to believe have been stolen or otherwise secured by the person in possession of same by means of a commission of an offence under the Criminal Code;

- (b) fail to notify the Halton Regional Police Service of the name and description of any goods or articles of any kind which they have cause to believe may have been stolen or unlawfully obtained;
- (c) purchase, take in exchange, or receive directly or indirectly, any goods, article or thing from any person who appears:
  - (i) to be under the age of eighteen (18) years without written authority from a parent or guardian; or
  - (ii) to be under the influence of drugs or alcohol;
- (d) alter, repair, dispose of or in any way part with, any goods or articles purchased or taken in exchange until after the expiration of **fifteen (15)** days and during these **fifteen (15)** days, the goods or articles so obtained shall remain on the licensed premises and shall be kept in a location separate from goods previously purchased and shall be subject to inspection at any time during business hours by the Halton Regional Police Service;
- (e) **store or keep salvage material:**
  - (i) **in a manner that permits standing or stagnant water;**
  - (ii) outside of the fence referred to in subsection 5(1)(a) of this Schedule **unless the licensee provides metal** (or other non-combustible) containers with self-closing covers **outside of the fence** for the deposit of **salvage material**. The contents of such containers shall be emptied and disposed of immediately at the close of each day's activities; or
  - (iii) piled to a height greater than the height of the fence referred to in subsection 5(1)(a) of this Schedule.
- (f) use any part of the property outside of the fence referred to in subsection 5(1)(a) of this Schedule for any purpose except employee and customer parking, landscaped areas, **or for the placement of containers for the deposit of salvage material in accordance with subsection 6(e)(ii) of this Schedule.**
- (g) **in addition to the requirements of Section 21 of this By-law:**
  - (i) **fail to clean and remove any dirt, material or debris tracked onto public or private property abutting the salvage yard; or**

- (ii) in accordance with subsection 21(1)(b)(ix) of this By-law, fail to make all reasonable efforts to control rodents and other vermin and to eliminate odours.
- (2) A salvage yard licensee or person who purchases a used or wrecked motor vehicle shall produce, at the request of the Licensing Commissioner or an Officer, the vehicle portion of the permit issued for the motor vehicle or the notice from the Ministry of Transportation that the motor vehicle has been destroyed.

## 7. Record Keeping

- (1) Every salvage yard licensee or person shall maintain a register, in a form approved by the Licensing Commissioner and in accordance with section 20 of this By-law, containing:
  - (a) a description of all goods taken in exchange or otherwise obtained, including make, serial number, model number and vehicle identification number;
  - (b) the date on which the goods were taken in;
  - (c) the price that was paid for the item; and
  - (d) photographs of individual items obtained that are over five hundred dollars (\$500) in value.
- (2) The register required by subsection 7(1) of this Schedule shall be kept for the current year and the previous year.
- (3) Despite subsection 20(3) of this By-law, the register shall be open to inspection at all times during regular business hours by the Licensing Commissioner or an Officer, who may remove the register from the premises for the purposes of photocopying or for use in any court or other proceedings.

## Schedule 30: Second-Hand Goods Shop

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Antiques” means furniture or other goods commonly recognized as collectible because of their quality, value or age and reproductions of such goods, but does not include bicycles, coins, electronic products, jewelry, musical instruments, precious gems, precious metals, time pieces or tools;
  - (b) “Buy in Bulk” means purchasing second-hand goods by weight;
  - (c) “Electronic Products” means any type of electronic device, including but not limited to smartphones, computer hardware and software, laptops, radios, television receivers and monitors, video cameras, digital audio players, music systems and associated equipment, microwave appliances, global positioning systems, computer games, video games and devices;
  - (d) “Jewelry and Precious Metals Business” means a business where jewelry or precious metals are purchased for the purpose of smelting the jewelry or precious metals and includes a jewelry and precious metal business operator who operates for a short period of time at temporary premises;
  - (e) “Precious Metals” includes but are not limited to gold, platinum, or silver;
  - (f) “Second-hand Goods” means items that have been previously owned or used or have been refurbished, including, but not limited to:
    - Bicycles;
    - Collector items, such as coins, collector cards, sports memorabilia, paper currency, stamps, and medals;
    - Tools;
    - Jewelry, watches;
    - Precious metals;
    - Valuable figurines, glass, china, ceramics;
    - Musical instruments and accessories;
    - Electronic products;

- Vinyl records, audio tapes, video tapes, CDs, video cassettes and DVDs;
- Sports equipment, including but not limited to golf clubs, roller blades, snow boards, hockey equipment, skiing equipment and tennis equipment;
- Furniture;
- Clothing; and
- Motor vehicle parts and accessories, tires

(g) “Second-hand Goods Shop” means a building, structure or part thereof which is open to the public where any portion of the business is the buying or selling of second-hand goods regardless of age and condition, excludes a motor vehicle facility and a salvage yard and includes a jewelry and precious metals business.

## 2. Licence Application/Renewal Requirements

(1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Second-Hand Goods Shop
<b>Licence Renewal Date</b>	<b>31-Jan</b>
Applicant's information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓
Zoning Occupancy Certificate	⚠
Criminal record check	✓

✓ Required for initial and renewal application

⚠ Required for initial application only

## 3. Exemptions

(1) A second-hand goods shop licence is not required for the following:

(a) a person **only** dealing in second-hand books;



- (b) a person **only** dealing in goods which are recognized antiques, antique furniture or works of art;
- (c) a person who purchases or takes in goods or merchandise that the person originally produced or manufactured, refurbishes said goods or merchandise and then offers said goods or merchandise for sale;
- (d) a person selling used motor vehicle parts or tires provided such person has a current and valid motor vehicle facility licence under Schedule 21 of this By-law or a current and valid salvage yard licence under Schedule 29 of this By-law;
- (e) vendors whose sale of goods is conducted by auction, provided such vendors have a current and valid auctioneer or auction house licence under Schedule 7 of this By-law; or
- (f) vendors engaged in the sale of second-hand goods at a market, provided the market has a current and valid attractions licence under Schedule 6 of this By-law.

#### **4. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence if the applicant or licensee fails to meet any of the licensing thresholds for any applicable offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

#### **5. Retention Period**

- (1) Every licensee or person shall:
  - (a) retain all purchased goods or articles or goods or articles taken in exchange on the licensed premises, **in an unchanged condition**, for a period of at least **fifteen (15)** days after the day on which the goods were purchased or exchanged; and
  - (b) keep the goods or articles referred to in subsection 5(1)(a) of this Schedule in a location separate from goods or articles previously purchased.

- (2) During the **fifteen (15)** day retention period, every licensee **or person** shall:
  - (a) make the goods or articles purchased or taken in exchange available for inspection at any time during business hours by an Officer; and
  - (b) not sell or otherwise dispose of or permit the sale or other disposal of the goods or articles purchased or taken in exchange.
- (3) **Where the goods or articles come exclusively from donations to registered charities, a licensee or person is not required to comply with section 5 of this Schedule.**
- (4) **Despite subsection 5(1) and 5(2) of this Schedule, for the purpose of completing an investigation, the Halton Regional Police Service may request that a good or article suspected of having been stolen be retained for an additional period of time beyond the fifteen (15) days and when so requested, the licensee or person shall ensure that the said good or article is not sold, exchanged, altered, repaired, disposed of or in any way parted with until after the expiration of the additional period of time.**

## **6. Prohibitions**

- (1) No licensee or person shall:
  - (a) receive from any person(s) any article or goods which the licensee or person knows or has good reason to believe have been stolen or otherwise obtained by the person in possession of same by means of a commission of an offence under the Criminal Code;
  - (b) fail to notify the Halton Regional Police Service should the licensee or person later discover that any goods or articles they have obtained were indeed stolen or otherwise obtained by means of a commission of an offence under the Criminal Code;
  - (c) purchase, take in exchange, or receive directly or indirectly, any goods, article or thing from any person who appears:
    - (i) to be under the age of eighteen (18) years without written authority from a parent or guardian; or
    - (ii) to be under the influence of drugs or alcohol; or
  - (d) **fail to advise the Halton Regional Police Service if goods purchased or taken in exchange are retained as required by section 5 of this Schedule in a location other than at the licensed premises.**

## 7. Record Keeping

- (1) Every licensee or person shall maintain a register, **in accordance with section 20 of this By-law**, containing:
  - (a) **a sequential acquisition number;**
  - (b) a description of all goods taken in exchange or otherwise obtained, including, but not limited to, make, serial number and model number;
  - (c) the date on which the goods were taken in;
  - (d) **photographs of the item(s) obtained;**
  - (e) **the price that was paid for the item; and**
  - (f) **the municipal address where the goods taken in exchange or otherwise obtained are being retained in accordance with section 5 of this Schedule.**
- (2) **Section 7(1) of this Schedule does not apply to a licensee or person who is buying in bulk.**
- (3) **If a licensee or person is buying in bulk, the licensee or person shall maintain a record in accordance with section 20 of this By-law that contains a general description of the items purchased and the purchase price.**
- (4) **The register required by subsection 7(1) of this Schedule and the record required by subsection 7(3) of this Schedule shall be kept for the current year and the previous year.**
- (5) **Despite subsection 20(3) of this By-law, the register and record shall be open to inspection at all times during regular business hours by the Licensing Commissioner or an Officer, who may remove the register or record from the premises for the purposes of photocopying or for use in any court or other proceedings.**

## Schedule 31: Taxicab Owner/Broker/Driver

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Accessible Taxicab” means a passenger motor vehicle that is an accessible vehicle and that is licensed as an accessible taxicab under this By-law;
  - (b) “Accessible Vehicle” means a passenger motor vehicle or a bus, other than a school bus, that is designed or modified to be used for the purpose of transporting a person with a disability and is used for that purpose, whether or not the vehicle is also used to transport persons without disabilities;
  - (c) “Dispatch” means the communication of an order or information in any manner between a taxicab broker and a taxicab driver;
  - (d) “Dispatch Fees” means any amount charged by a taxicab broker to a taxicab owner to receive orders for taxicab service from the taxicab broker;
  - (e) “Fare” when used in reference to a taxicab means the amount displayed on the taxicab meter at the conclusion of a trip, or the flat rate for the trip, together with any additional charges allowed under this By-law;
  - (f) “Flat Rate” means a rate that the taxicab broker, taxicab driver or taxicab owner and the passenger agree on before the start of a trip outside of the boundaries of the Town;
  - (g) “Licensed Taxicab” means the taxicab owner licensee’s motor vehicle used to provide taxicab services to the public in the Town;
  - (h) “Operate” when used in reference to a taxicab includes to drive the said motor vehicle and to make it available to the public for use as a taxicab;
  - (i) “Order” means a request for taxicab service received by a taxicab broker;
  - (j) “Passenger” when used in reference to a taxicab means any person other than the driver seated in a taxicab;

- (k) “Tariff” means the rates submitted to the Licensing Commissioner for taxicab service;
- (l) “Taxicab” means any motor vehicle used for hire in the conveyance of passengers and goods when accompanied by passengers, within the Town or from any point within the Town to any point outside of the Town, but does not include a bus operated by the Town or in accordance with the Highway Traffic Act, an ambulance, a funeral hearse or a limousine used only for funeral or wedding processions, a limousine licensed by the Town, a rental vehicle without a driver, a vehicle used for hire in the conveyance of persons from within the Town to an airport owned and operated by the Crown in Right of Canada situate outside the Town if the vehicle bears a valid and subsisting plate issued in respect of such airport under the Government Airport Concession Operations Regulations made under the Department of Transport Act (Canada), R.S.C. 1985, c. T-18, or a TNC vehicle, and includes an accessible taxicab unless otherwise specified;
- (m) “Taxicab Broker” means any person who carries on the business of dispatching taxicabs in any manner;
- (n) “Taxicab Driver” means any person licensed under this By-law to drive a taxicab;
- (o) “Taxicab Meter” means a measuring device or app used in a taxicab to calculate the fare payable for a trip;
- (p) “Taxicab Owner” means the holder of the plate portion of the permit issued under the Highway Traffic Act of a motor vehicle licensed as a taxicab under this By-law;
- (q) “Trip” when used in reference to a taxicab means the distance and time travelled or the distance and time to be travelled, measured from the time and point at which the passenger first enters the taxicab or when the taxicab meter is first engaged, whichever comes first, to the time and point at which the passenger finally leaves the taxicab or the taxicab meter is disengaged, whichever comes last.

## 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:



	Taxicab Broker	Taxicab Driver	Taxicab Owner
<b>Licence Renewal Date</b>	<b>31-Jul</b>	<b>31-Jul</b>	<b>31-Jul</b>
Applicant's information	✓	✓	✓
Business address	✓	✓	✓
Insurance certificate	✓		✓
Licence fee	✓	✓	✓
Article of Incorporation	✓		✓
Business Partner Information	✓		✓
Zoning Occupancy Certificate	⚠		
<b>Criminal record &amp; judicial matters check</b>		✓	✓
Safety standards certificate			✓
Vehicle insurance			✓
Vehicle ownership, <b>in good standing, issued in the plate owner's name</b>			✓
<b>List of tariffs</b>	✓		
<b>Valid Class "G" Ontario driver's licence</b>		✓	
Driver record		✓	
<b>1 current photograph</b>		✓	
<b>Town business licence number for the taxicab brokerage/owner employing the driver</b>		✓	
<b>Name of taxicab brokerage, if applicable</b>		✓	✓
Review and complete the accessible customer service etiquette training guide		✓	
<b>List of taxicab drivers who operate accessible taxicabs</b>	✓		
Additional documentation set out below			

- ✓ Required for initial and renewal application
- ⚠ Required for initial application only

- (2) A person shall take out a separate licence for each motor vehicle to be used as a taxicab.
- (3) **In addition to the requirements prescribed in subsection 2(1) to this Schedule, a completed application for a taxi broker licence shall include a list showing in numerical order by owner's plate number, the name of every driver operating any taxicab with respect to which an arrangement has been entered into for the provision of taxicab brokerage services.**



- (4) Despite subsection 19(2)(f) of this By-law, a taxicab owner licensee shall file with the Licensing Commissioner all documents required by the Licensing Commissioner to report any change related to the taxicab's ownership within three (3) business days of such change of ownership.
- (5) The photograph of the applicant for a taxicab driver licence required by subsection 2(1) of this Schedule must:
  - (a) be clear, sharp and in focus;
  - (b) show how the applicant looks at the time of application for the licence; the applicant's full face must be clearly visible; and
  - (c) show the applicant's face and shoulders straight on and squared to the camera.
- (6) When the requirements set out in subsection 2(1) of this Schedule have been approved by the Licensing Commissioner, the motor vehicle to be used as a taxicab shall be deemed to be a licensed taxicab.
- (7) A taxicab owner licensee who disposes of their licensed taxicab or otherwise ceases to use the taxicab for the purposes permitted under this By-law and acquires another motor vehicle for the purposes permitted under this By-law shall, before using the motor vehicle as a taxicab, comply with subsection 2(1) and 2(2) of this Schedule.
- (8) Despite subsection 19(2)(f) of this By-law, a taxicab driver licensee shall immediately inform the Licensing Commissioner in writing by email or by registered mail if the licensee's Ontario driver's licence is cancelled, suspended, revoked or expires or becomes invalid for any reason, and/or when they accumulate 6, 8 or 10 demerit points.

### 3. Issuance/Renewal of Licence

- (1) When an application for a licence or for a renewal of a licence is made in accordance with the provisions of this By-law and the applicant meets all the requirements of this By-law, the Licensing Commissioner shall:
  - (a) for a taxicab owner, issue a municipal plate and/or a licence sticker;
  - (b) for a taxicab broker, issue a taxicab broker licence;
  - (c) for a taxicab driver, issue a taxicab driver's photo licence;

all of which shall set out the expiry date of the licence and such terms and conditions as may be required.

- (2) If a taxicab owner fails to renew their licence in accordance with subsection 10(1) of this By-law and the taxicab owner must apply for a new licence, the number of the owner's municipal plate may change.

#### 4. Vehicle Insurance

- (1) Every taxicab owner applicant or licensee shall carry current and valid Ontario standard vehicle insurance in good standing throughout the term of the licence. Said vehicle insurance shall be properly endorsed against liability arising out of bodily injury to or the death of a person or loss or damage to property caused by a vehicle or the use or operation thereof in accordance with the provisions of this By-law, including coverage for:
- (a) the owner or driver of a vehicle, or
  - (b) a person who is not the owner or driver thereof where the vehicle is being used or operated by that person's employee or agent or any other person on that person's behalf.
- (2) If the vehicle insurance policy is renewed during the licensing period, the taxicab owner licensee shall immediately provide the Licensing Commissioner with a copy of the updated insurance certificate. If the licensee fails to provide the Licensing Commissioner with a copy of the updated insurance certificate, a late fee as set out in the rates and fees schedule may be applied by the Licensing Commissioner.
- (3) A taxicab owner licensee shall provide proof of current and valid vehicle insurance at any time when requested to do so by the Licensing Commissioner or an Officer.

#### 5. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence

- (1) The Licensing Commissioner shall automatically suspend a taxicab driver's licence when the licensee has had their Ontario driver's licence cancelled, revoked or suspended or where such driver's licence has expired or becomes invalid for any reason. The licence issued under this By-law shall be suspended for the entirety of the period that the Ontario driver's licence is suspended, revoked, ceases to be valid, or has expired.



- (2) There shall be no appeal under this By-law for a licence issued by the Licensing Commissioner that has been suspended under subsection 5(1) of this Schedule.
- (3) The Licensing Commissioner shall automatically suspend a taxicab owner's licence when the licensee ceases to have a current valid Ontario standard vehicle insurance policy in good standing and properly endorsed in accordance with the provisions of this By-law. The licence issued under this By-law shall be suspended until the licensee provides the Licensing Commissioner with written proof of insurance in accordance with the provisions of this By-law.
- (4) There shall be no appeal under this By-law for a licence issued by the Licensing Commissioner that has been suspended under subsection 5(3) of this Schedule.
- (5) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a licence at any time if a taxicab driver licensee's driver record shows ten (10) demerit points.
- (6) When the licence issued under this By-law has been suspended pursuant to subsection 5(5) of this Schedule, the taxicab driver may not apply for re-issuance of a taxicab driver's licence under this By-law until their driver record shows less than six (6) demerit points.
- (7) In addition to the grounds listed in Section 13 of this By-law, a taxicab owner's licence issued under this By-law may be suspended by the Licensing Commissioner:
  - (a) if the taxicab fails an inspection due to a significant mechanical failure. The licence may be suspended until such time as the taxicab passes a re-inspection; or
  - (b) until any re-inspection fee or other fee set out in the rates and fees schedule has been paid.
- (8) In addition to the grounds listed in Section 12 and 13 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence or suspend or revoke a taxicab owner's licence or a taxicab driver's licence if the applicant or licensee fails to meet any applicable licensing thresholds for any of the offences set out in Schedule 1 of this By-law, provided that the conviction directly affects the applicant or licensee's ability to competently

and responsibly carry on the business that is the subject of their licence or compromises their ability to comply with the provisions of this By-law or its Schedules.

## **6. Inactive Owner's Licence and Municipal Plate**

- (1) A taxicab may be taken out of service and deemed to be inactive once during the taxicab owner's licensing period, unless otherwise permitted by the Licensing Commissioner.
- (2) The taxicab owner shall notify the Licensing Commissioner to have their owner's licence and municipal plate deemed to be inactive. The taxicab owner shall pay the fee set out in the rates and fees schedule.
- (3) When their taxicab is deemed to be inactive, the taxicab owner shall within seven (7) business days of the municipal plate becoming inactive:
  - (a) deliver their municipal plate to the Licensing Commissioner; and
  - (b) remove any equipment from the motor vehicle that identifies the vehicle as a taxicab.
- (4) Upon receipt of a notice of licence renewal, the owner of an inactive taxicab shall:
  - (a) renew their taxicab owner's licence; and
  - (b) reinstate the taxicab to active status.
- (5) In order to reinstate an inactive taxicab to active status, the owner of an inactive taxicab shall:
  - (a) give the Licensing Commissioner three (3) business days' notice of their intention to reinstate an inactive taxicab;
  - (b) provide the documents listed in the notice of licence renewal to the Licensing Commissioner; and
  - (c) pay the fee as set out in the rates and fees schedule.
- (6) Accessible taxicabs may not be considered to be inactive under this Schedule.

## 7. Deceased Taxicab Owner's Licence

- (1) Upon the death of a taxicab owner:
  - (a) the taxicab owner's licence shall be suspended, and the municipal plate and attached sticker shall be removed forthwith; and
  - (b) the municipal plate and attached sticker shall be returned to the Licensing Commissioner.

## 8. Vehicle Age

- (1) Upon a motor vehicle licensed as or to be licensed as a taxicab reaching ten (10) model years of age, the taxicab owner shall provide a safety standards certificate to the Licensing Commissioner six (6) months into the term of the licence. The age of the taxicab shall be calculated from July 31st of the model year of the said motor vehicle.
- (2) Despite subsection 8(1) of this Schedule, the Licensing Commissioner may deny the request to operate a vehicle over ten (10) years of age.

## 9. Taxicab Tariffs and Flat Rate

- (1) No taxicab owner, taxicab driver or taxicab broker shall charge:
  - (a) a higher fare or an additional charge for persons with disabilities than for persons without disabilities for the same trip; or
  - (b) charge for the storage of mobility aids or mobility assistive devices.
- (2) The tariffs charged by taxicab owners and taxicab drivers for the conveyance of passengers shall be set by the taxi brokerage or independent taxicab owner.
- (3) Tariffs for the conveyance of passengers shall be based on a monetary value for the distance travelled. If the taximeter is engaged, tariffs shall be defined as a drop rate and/or per kilometer travelled.
- (4) Taxicab brokers, taxicab drivers and taxicab owners can offer a negotiated flat rate for fares outside of the Town, discounted rates with fares booked directly through the broker and/or surge pricing based on bookings through a mobile app.

- (5) The **tariffs** charged by the taxicab brokerage **or independent taxicab owner** may be changed once every three (3) months.
- (6) **Despite subsection 19(2)(f) of this By-law**, the **taxicab** brokerage or independent taxicab owner shall give thirty **(30) calendar days'** notice to the Licensing Commissioner prior to any change to the **tariffs**.

## **10. Inspection of Taxicab**

- (1) **The Licensing Commissioner or an Officer may schedule and conduct inspections of taxicabs in accordance with section 22 of this By-law.**

## **11. Taxicab Owner Regulations**

- (1) Every licensed taxicab owner or person shall:
  - (a) keep at all times in the taxicab for which the person is the owner, the original or a copy of the following documents:
    - (i) the current vehicle ownership issued for that taxicab;
    - (ii) the current taxicab owner's licence issued under this By-law; and
    - (iii) the certificate of liability insurance for the taxicab in accordance with this By-law.
  - (b) **make the taxicab's registration and identification information available in an accessible format to persons with disabilities who are passengers, upon request;**
  - (c) have in or on the taxicab:
    - (i) the municipal plate firmly affixed to the **rear bumper of the taxicab in a conspicuous place;**
    - (ii) the municipal plate number for that taxicab, in numbers of at least fifteen (15) centimeters in height, affixed to the **rear bumper and door** not more than eight (8) centimeters below the top of the fenders and on the back of the taxicab in a clearly visible location, of a distinct contrasting colour to that of the vehicle to which they are affixed, or in a location or manner approved by the Licensing Commissioner;
    - (iii) affixed to the passenger visor so as to be visible to the passenger or in a location approved by the Licensing Commissioner, the current tariff card, which bears the municipal plate number of the taxicab; and

- (iv) an electrically illuminated roof sign which is securely attached to the top of the taxicab in a manner approved by the Licensing Commissioner.
- (d) employ or use only the services of taxicab drivers who are licensed under this By-law;
- (e) provide the Licensing Commissioner and, where applicable, any licensed taxicab broker with whom the owner may be associated, with the name of any licensed taxicab driver operating the taxicab within two (2) business days of the time when the licensed taxicab driver has commenced to operate the said taxicab;
- (f) provide training to all taxicab drivers who have entered into arrangements with the taxicab owner on taxicab driver expectations;
- (g) produce the taxicab owner's licence issued under this By-law and such other documentation as is requested upon an inspection by the Licensing Commissioner or an Officer;
- (h) forthwith remove the municipal plate and return or relinquish the municipal plate to the Licensing Commissioner if the owner's licence is cancelled, revoked or suspended;
- (i) produce a certificate of newly acquired insurance endorsed in accordance with the provisions of this By-law, or return the municipal plate to the Licensing Commissioner on the date and time of cancellation when a licensed owner cancels the owner's current insurance before the expiry date of the policy;
- (j) **despite subsection 19(2)(f) of this By-law**, file with the Licensing Commissioner at least five (5) **business** days prior to the expiry date of the current insurance policy, all insurance renewal policies or certificates of insurance. **This subsection does not apply to taxicabs that are deemed to be inactive in accordance with section 6 of this Schedule;**
- (k) ensure that the taxicab:
  - (i) meets the standards required for issuance of an Ontario Ministry of Transportation Vehicle Inspection Report or meets the standards for issuance of a Safety Standard certificate of mechanical fitness;
  - (ii) has an interior and exterior in good repair;

- (iii) is equipped with two doors on both sides;
  - (iv) has valid insurance;
  - (v) is equipped with a roof sign, municipal plate and side numbers in accordance with the provisions of this Schedule; and
  - (vi) has a taxicab meter that corresponds with the appropriate tariff set out by the brokerage or independent taxicab owner and as submitted to the Licensing Commissioner;
- (l) only operate or permit the operation of the owner's motor vehicle as a taxicab if it is a licensed taxicab under this By-law;
  - (m) not display any municipal plate, decal or sticker issued by any other municipal licensing authority or purporting to be issued by such municipal licensing authority;
  - (n) not display any name, address or telephone number or other identification on the taxicab or the taxicab's roof sign other than that of the taxicab broker with whom the owner is affiliated;
  - (o) not display or place on the taxicab any emblem, decal, roof sign or other markings which are the same colour or similar to any distinctive emblem, decal, roof sign or other marking being used by any taxicab broker with whom the owner is not affiliated;
  - (p) not operate the taxicab in affiliation with a taxicab broker who is not licensed under this By-law; or
  - (q) not display any sign, emblem, decal, ornament or advertisement on or in the taxicab except in a form and location approved by the Licensing Commissioner.

## **12. Taxicab Broker Regulations**

- (1) Every licensed taxicab broker shall:
  - (a) maintain an office within the Town from which the taxicab brokerage business is conducted which provides adequate telecommunication devices, dispatch facilities and off-street parking;
  - (b) require all taxicab owners who have entered into arrangements with them for the provision of taxicab brokerage services to use the same design and colour scheme of roof sign which shall include the name of the taxicab broker;

- (c) ensure that independent taxicab owners have their broker's name and telephone number included on the taxicab's roof sign. if the independent taxicab owner is not associated with a broker, taxicab's roof sign shall contain the independent taxicab owner's operating name and telephone number;
- (d) carry on the taxicab brokerage business twenty-four (24) hours a day during the term of the licence unless otherwise directed by the Licensing Commissioner;
- (e) upon request, inform any customer of the anticipated length of time required for a taxicab to arrive at the pickup location;
- (f) when the volume of business is such that service will be delayed to a prospective customer, inform the customer of the approximate time of the delay before accepting the order. **The prospective customer may cancel service without charge if they believe the delay is too long;**
- (g) dispatch a taxicab to any person requesting service within the Town unless the person requesting service has not paid for a previous trip and these facts are verified by the broker, and the person requesting service is advised of the reason for refusing to dispatch the taxicab;
- (h) provide training to all drivers who have entered into arrangements with the broker on taxicab driver expectations;
- (i) have a tariff card setting out in full the tariff rates filed with the Licensing Commissioner, such tariff card to be kept in a laminated container and shown to any passenger upon request;
- (j) charge or advertise only the tariff as submitted to the Licensing Commissioner;
- (k) not accept orders for, or dispatch or direct orders to a taxicab:
  - (i) where the service requested of the taxicab broker or taxicab driver is prohibited under this By-law, or any other municipal by-law or provincial or federal statute; or
  - (ii) where the owner of the taxicab is not licensed under this By-law, unless otherwise approved by the Licensing Commissioner;
- (l) not require any taxicab driver to accept any order necessitating an expenditure of money by the driver on behalf of the customer;

- (m) not make any charge or financial demand, directly or indirectly, of a taxicab owner or taxicab driver other than dispatch fees; and
- (n) ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service, or any other issues arising from the taxi operations.

### **13. Taxicab Driver Regulations**

- (1) Every licensed taxicab driver shall:
  - (a) display at all times while operating the taxicab and in a location approved by the Licensing Commissioner, their current taxicab driver's licence and a current tariff card as submitted to the Licensing Commissioner;
  - (b) give a passenger a receipt bearing the name of the taxicab company, the date of the trip, the municipal plate number, the amount paid and the tax (HST number clearly thereon) if requested;
  - (c) take the most direct available route to the destination requested by the passenger unless the passenger directs otherwise;
  - (d) engage the taxicab meter at the commencement of the trip when the passenger enters the taxicab and keep it engaged throughout the trip, except where a flat rate is agreed upon;
  - (e) operate a taxicab which:
    - (i) meets the standards required for issuance of an Ontario Ministry of Transportation Vehicle Inspection Report or meets the standards for issuance of a Safety Standard Certificate of mechanical fitness;
    - (ii) has an interior and exterior in good repair;
    - (iii) is equipped with two doors on both sides of the taxicab;
    - (iv) has valid insurance;
    - (v) is equipped with a roof sign, municipal plate and side numbers in accordance with the provisions of this Schedule; and
    - (vi) has a taxicab meter that corresponds with the appropriate tariff set out by the brokerage or independent taxicab owner and as submitted to the Licensing Commissioner;
  - (f) not leave any passenger at any location other than the destination requested by the passenger unless:



- (i) the taxicab driver is unable to take the passenger to the requested destination by reason of;
  - 1. the taxicab being incapable of being operated safely;
  - 2. the taxicab driver being incapable of operating the taxicab safely; or
  - 3. the conduct of the passenger being such that the taxicab driver can no longer operate the vehicle safely;
- (ii) the taxicab driver has requested the attendance of another taxicab or the police at the location; or
- (iii) the other taxicab or the police have arrived at the location;
- (g) upon request of the Licensing Commissioner or an Officer, produce their licence issued under this By-law and such other documentation as may be required and set out in this Schedule;
- (h) immediately inform the Licensing Commissioner in writing by email or by registered mail if the licensee's Ontario driver's licence is cancelled, suspended, revoked or is expired in accordance with subsection 2(8) of this Schedule.
- (i) when a licensed taxicab driver's **driver record** shows six (6) demerit points, notify the Licensing Commissioner immediately, attend a **scheduled interview** and produce a further **driver record** within six (6) months of the interview;
- (j) have an ongoing duty to disclose to the Licensing Commissioner:
  - (i) any criminal charges relevant to the legislation set out in **Schedule 1** of this By-law;
  - (ii) any change in insurance; and
  - (iii) any accidents while operating as a taxicab driver; and
- (k) take a driver training course approved by the Licensing Commissioner when their driver record shows eight (8) demerit points.

#### **14. Accessible Taxicab Regulations**

- (1) Every applicant for an accessible taxicab owner's license shall provide the Licensing Commissioner with proof, to the satisfaction of the Licensing Commissioner, that the accessible taxicab meets the requirements of Ontario Regulation 629 under the Highway Traffic Act.



- (2) Every applicant for a licence to drive an accessible taxicab must show proof of successful completion of the training program provided by an approved trainer, or proof satisfactory to the Licensing Commissioner of successful completion of any other comparable program as approved from time to time by the Licensing Commissioner which qualifies the taxicab driver to serve persons with disabilities.
- (3) **Taxicab brokers with twenty (20) or more licensed taxicabs in their fleet, including any inactive taxicabs, must have at least one (1) accessible taxicab in service at all times.**
- (4) Drivers of an accessible taxicab shall:
  - (a) securely fasten all wheelchairs or any other passenger aids so that they are prevented from moving while the accessible taxicab is in motion;
  - (b) operate an accessible taxicab inside the boundaries of Oakville between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, except for the purpose of transporting a person with a disability;
  - (c) comply with all other requirements of a taxicab driver under this Schedule.
- (5) Taxicab brokers shall:
  - (a) if there is more than one taxicab broker licensed by the Town, where service requested is of a type which would require an accessible taxicab and the broker does not have an accessible taxicab immediately available to service the call, the broker shall advise the person requesting such service of any estimated delay in service and of the name and telephone number of other taxicab brokerages licensed by the Town;
  - (b) where service is requested by a person with a disability, provide priority service for such person;
  - (c) not dispatch an accessible taxicab on a call requiring the taxicab to operate outside the boundaries of Oakville between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, unless for the purpose of transporting a passenger with a disability;



- (d) meet the ratio of accessible taxicabs set out in subsection 14(3) of this Schedule; and
  - (e) not charge the owner of an accessible taxicab a higher dispatch fee than the dispatch fee applicable to other taxicabs.
- (6) Taxicab owners shall:
- (a) only operate an accessible taxicab which complies with this By-law;
  - (b) take such steps as may be required to ensure that accessible taxicabs are available to persons with disabilities on a continuous twenty-four (24) hour basis to the satisfaction of the Licensing Commissioner; and
  - (c) not permit an accessible taxicab to operate outside the boundaries of Oakville between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, except for the purpose of transporting a person with a disability.

## 15. Record Keeping

- (1) Taxicab brokers shall keep records respecting transportation services offered, operated or facilitated by it in the Town in accordance with section 20 of this By-law and retain said records for a period of at least three (3) years.

## Schedule 32: Temporary Vendors

### 1. Definitions

(1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:

- (a) “Day Sales” includes the sale or provision of goods such as, but not limited to, flowers, foodstuffs, flags, clothing, publications, and miscellaneous small articles on private property;
- (b) “Regional Road” means a road forming part of Halton Region’s regional road system;
- (c) “Special Sale” means any sale or intended sale **by retail**, described by the use of any of the following words or expressions, or any enlargement, contraction or combination thereof:

Bankrupt	Moving Out	Fire
Insolvent	Selling Out	Smoke
Trustee	Lease Expiring	Water Damage
Receiver	Closing Out	Creditor
Liquidation	Discontinuing	Forced

- (d) “Transient Merchant” means any person who engages in temporary or travelling retail sales, who does not have a storefront and leases or occupies a building or structure in the course of such retail sales;
- (e) “Temporary Vendor” means a person who sells goods or services or offers goods or services for sale on a temporary basis, from one specific location in the Town, in the following classes:
  - (i) Class 1 – Day Sales;
  - (ii) Class 2 – Special Sale;
  - (iii) Class 3 – Transient Merchant; and

does not include an attraction, a second-hand goods shop or a fireworks vendor.

### 2. Licence Application/Renewal Requirements

(1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or at licence renewal, where applicable:



	Temporary Vendor Class 1 – Day Sales	Temporary Vendor Class 2 – Special Sale Class 3 – Transient Merchant
Licence Renewal Date	Per event	Per event
Applicant's information	✓	✓
Business address	✓	✓
Insurance Certificate	✓	✓
Licence fee	✓	✓
Article of Incorporation	✓	✓
Business partner information	✓	✓
List of vendors including their contact information, if applicable	✓	✓
Description of business including a list of the merchandise, goods or services offered for sale or provided by each vendor	✓	✓
Date(s) and location of sale	✓	✓
Proof of building permit, if applicable	✓	
Written approval from Halton Region if the sale is on the Region's property	✓	✓
Written permission from property owner, including the specific period for which the applicant is permitted to operate at such location, if applicable	✓	✓
Accurate drawing showing the location of temporary vendors on the property, if applicable	✓	
Health Department Approval, if applicable	✓	✓
Valid propane inspection certificate, if applicable	✓	
Canada Revenue Agency Registered Charity Number, if applicable	✓	✓
Additional documentation set out below		

✓ Required for initial and renewal application

- (2) The drawing showing the location of temporary vendors on the property required by subsection 2(1) of this Schedule shall include setbacks from the adjacent property lines, the proposed location of any parking and garbage/recycling containers as well as entrances and exits to the property, where applicable.

- (3) For Temporary Vendors Class 1 - Day Sales and Class 2 – Special Sale, the person operating the business shall obtain the necessary licence from the Licensing Commissioner.
- (4) For Temporary Vendors Class 3 – Transient Merchant, the event organizer or property owner shall obtain the necessary licence from the Licensing Commissioner.
- (5) A temporary vendor selling or providing goods for human consumption other than fresh fruit and vegetables from a temporary vendor location shall comply with all health regulations and shall submit approval from the Health Department.
- (6) In addition to the requirements prescribed in subsection 2(1) of this Schedule, a completed application for a Temporary Vendor Class 2 – Special Sale licence shall be accompanied by:
  - (a) the cost to the owner of the goods, wares or merchandise to be offered for sale and approximate retail value;
  - (b) the names and addresses of persons from whom goods were purchased and the date or dates of purchase;
  - (c) particulars of the ownership of the goods to be sold if they are not owned by the applicant and the relationship, if any between the owner of the goods and the applicant;
  - (d) particulars of any damage or other deterioration caused to the goods by fire, smoke, water or any other means; and
  - (e) particulars of the information to be included on any sign, pamphlet, flyer or other advertisement to be displayed, distributed, announced or published by any means before or during the sale, purporting to indicate the reason for such sale.
- (7) Registered charities must obtain the appropriate temporary vendor licence and shall pay a reduced licence fee as set out in the rates and fees schedule.

### **3. Exemptions**

- (1) A temporary vendor licence is not required:
  - (a) by persons who operate or promote trade shows;

- (b) by local retailers if their temporary vending activity is an extension of the existing retail business at that location;
- (c) for an attraction that is properly licensed in accordance with Schedule 6 of this By-law;
- (d) by farmers located in Oakville, if the goods or produce they are selling is being sold from their own property and has been grown, produced and harvested by them; or
- (e) by a receiver, trustee or liquidator under any Act such as the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, or the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, a court or receiver appointed by the court, a bailiff, sheriff, executor or administrator.

#### 4. Limitations on Licence

- (1) Temporary Vendor Class 1 – Day Sales, Class 2 – Special Sale, or Class 3 – Transient Merchant licences will not be issued by the Licensing Commissioner for sales to be held in a residential zone as designated in Part 6 of Zoning By-law 2014-014 or in areas with a residential use as designated in Zoning By-law 2009-189.

#### 5. Term of Licence for Class 2 – Special Sale

- (1) A Temporary Vendor Class 2 - Special Sale licence issued under this By-law shall expire thirty (30) days after the date of issue.
- (2) A Temporary Vendor Class 2 - Special Sale licensee shall be entitled to apply for and receive a licence for one additional thirty (30) day period to permit the further sale of any goods, wares or merchandise unless the licence is revoked in accordance with this By-law.
- (3) Notwithstanding subsection 5(2) of this Schedule, no licence shall be extended where:
  - (a) an attempt is made to add to or replenish the goods described in the application or if any attempt is made to substitute other goods, wares or merchandise;
  - (b) the sale is advertised or conducted in any manner other than the one described in the application or is in any manner calculated to mislead or deceive the public, or contrary to the provisions of this By-law; or

- (c) the applicant refuses, when required to do so by the Licensing Commissioner or an Officer, to produce any books, documents, records or other information or refuses to permit the inspection of any goods or premises.

## 6. Number of Sales Events Per Location/Applicant

- (1) Class 1 – Day Sales licensees may hold a maximum of 4 (four) sales events per location, per calendar year. Each sales event may be held for a maximum of 3 (three) consecutive days.
- (2) Class 3 – Transient Merchant licensees may hold a maximum of 4 (four) sales events per location, per calendar year. Each sales event may be held for a maximum of 3 (three) consecutive days.

## 7. Regulations

- (1) A separate temporary vendor licence shall be obtained for each location where the goods or services are to be sold.
- (2) Despite subsection 6(1) of this By-law, a complete application for a temporary vendor licence must be submitted to the Licensing Commissioner at least fourteen (14) business days before the intended date of the sale.
- (3) The Licensing Commissioner shall not issue a temporary vendor licence for the provision, sale or offering for sale of any goods, merchandise or services on any Regional Road pursuant to Halton Region's By-law 109-00, A By-law to Prohibit Retail Sale on Regional Roads, or successor by-laws, without the express written permission of Halton Region.

## 8. Prohibitions

- (1) No Class 1 – Day Sales, Class 2 – Special Sale, or Class 3 – Transient Merchant licensee or person shall:
  - (a) sell, offer for sale or permit the sale of tobacco products, specialty tobacco products or vapour products at their temporary vendor location;
  - (b) sell, offer for sale or permit the sale of any goods or services in a residential zone as designated in Part 6 of Zoning By-law 2014-014 or a residential zone as designated in Zoning By-law 2009-189;
  - (c) act or carry on the business of a temporary vendor:



- (i) on lands owned or leased by the Town or at Town facilities without the express written permission of the Town;
  - (ii) within a municipal right-of-way; or
  - (iii) on Regional Roads without the express written permission of Halton Region;
- (d) operate as a temporary vendor on any private property without the express written permission of the property owner and for the specific time frame for which the applicant is permitted to operate at such location;
- (e) sell, offer for sale or provide any goods or services other than those goods or services identified on the list provided to the Licensing Commissioner in accordance with subsection 2(1) of this Schedule;
- (f) sell, offer for sale or provide any goods or services if the licensee or person is not included on the list of vendors provided to the Licensing Commissioner in accordance with subsection 2(1) of this Schedule;
- (g) permit a vendor or person who is not included on the list of vendors provided to the Licensing Commissioner in accordance with subsection 2(1) of this Schedule to sell, offer for sale or provide any goods or services;
- (h) park or permit to be parked any motor vehicle in respect of any temporary vendor location contrary to any Town by-law;
- (i) operate as a temporary vendor in the following designated business improvement areas in Oakville, or in any business improvement areas that may be designated in Oakville subsequent to the date this By-law comes into force, unless they are doing so under a Town permit, or unless they are permitted to do so by business improvement area and the Town:
  - (i) Bronte Village;
  - (ii) Downtown Oakville; or
  - (iii) Kerr Village; or
- (j) erect or place advertising of the provision or sale of any goods, merchandise or services at any location where the temporary vendor business may operate contrary to the Sign By-law.



- (2) No Class 1 – Day Sales or Class 3 – Transient Merchant licensee or person shall provide, sell or offer for sale any goods or services from the same location more than four (4) times per calendar year.
- (3) Licensees or persons operating a Class 3 – Special Sale shall:
  - (a) immediately produce such books, records or other documents or information as the Licensing Commissioner or an Officer considers necessary to corroborate any of the statements contained in the application for a licence; and
  - (b) ensure that all advertising material distributed or published relating to a special sale, including each radio or television broadcast, contains a statement that such sale is held pursuant to this By-law and shall state the licence number and licence expiry date and a similar statement shall be prominently displayed on the premises at which such sale is conducted.

### Schedule 33: Tobacco Retailer

#### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Automatic Prohibition” means a notice issued by the Minister to the owner or occupier of a business that has been convicted of tobacco sales offences and satisfies the conditions set out in the Smoke Free Ontario Act, **where the appeal period has expired;**
  - (b) **“Minister “means as defined in the Smoke Free Ontario Act;**
  - (c) “Tobacco Retailer” means any person engaged in the business of selling tobacco products and/or specialty tobacco products, but does not include a retailer that sells only lighters, matches and ashtrays **and does not include a person engaged in the business of selling vapour products;**
  - (d) **“Tobacco Sales Offence” means as set out in the Smoke Free Ontario Act.**

#### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Tobacco Retailer
<b>Licence Renewal Date</b>	<b>January 31</b>
Applicant’s information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓

	Tobacco Retailer
Zoning Occupancy Certificate	⚠
Health Department inspection report	✓

✓ Required for initial and renewal application  
 ⚠ Required for initial application only

- (2) No licence will be issued to an applicant if the intended premises for the retail sale or distribution of tobacco products, specialty tobacco products or tobacco product accessories is an outdoor property, a facility, a building or a property leased or owned by the Town, without the express written permission of Town.

**3. Endorsements**

- (1) In accordance with Section 11 of this By-law, a person holding a current and valid tobacco retailer licence may apply for an endorsement to perform the following additional business activity:
  - (a) Schedule 35 – Vape Shop

**4. Regulations**

- (1) All licensees and persons shall comply with the Smoke Free Ontario Act, the Tobacco Tax Act, R.S.O. 1990, c. T.10 and the Tobacco and Vaping Products Act, S.C. 1997, c. 13 and any other relevant legislation.
- (2) Every licensee or person shall immediately notify the Licensing Commissioner in writing by email or by registered mail upon a conviction for a tobacco sales offence under the Smoke Free Ontario Act.

**5. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence**

- (1) Subsections 5(2) to 5(6) inclusive apply in addition to the requirements contained in Section 13 of this By-law.



- (2) Upon a licensee's first conviction for a tobacco sales offence under the Smoke Free Ontario Act, the Licensing Commissioner shall issue a written warning to the licensee advising that their tobacco retailer licence issued under this By-law shall be suspended upon further convictions under the Smoke Free Ontario Act.
- (3) Upon the licensee's second conviction of a tobacco sales offence in the same premises during the five (5) years preceding the date of the licensee's second conviction, the Licensing Commissioner shall suspend the tobacco retailer licence issued under this By-law for six (6) months following the date of the automatic prohibition issued for the second conviction.
- (4) Upon the licensee's third conviction of a tobacco sales offence in the same premises during the five (5) years preceding the date of the licensee's third conviction, the Licensing Commissioner shall suspend the tobacco retailer licence issued under this By-law for nine (9) months following the date of the automatic prohibition issued for the third conviction.
- (5) Upon the licensee's fourth or subsequent conviction of a tobacco sales offence in the same premises during the five (5) years preceding the date of the licensee's fourth or subsequent conviction, the Licensing Commissioner shall suspend the tobacco retailer licence issued under this By-law for twelve (12) months following the date of the automatic prohibition issued for the fourth conviction.
- (6) There shall be no appeal under this By-law for a licence issued by the Licensing Commissioner that has been suspended under subsections 5(3) to 5(5) of this Schedule.

## **6. Prohibitions**

- (1) No licensee or person shall fail to immediately advise the Licensing Commissioner of a conviction for a tobacco sales offence under the Smoke Free Ontario Act in accordance with subsection 4(2) of this Schedule.

## Schedule 34: Transportation Network Company

### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Fare” when used in reference to a TNC vehicle means the sum charged to a passenger or passengers for transportation provided in a TNC vehicle for a single trip;
  - (b) “Operate” when used in reference to a TNC vehicle means driving a motor vehicle and making it available to the public for transportation service and includes when the TNC driver is logged into or otherwise accessing a TNC platform;
  - (c) “Passenger” when used in reference to a TNC vehicle means any person other than the driver seated in a TNC vehicle;
  - (d) “Taxicab Stand” means an area set aside and designated by the Town to be used by a taxicab while it is waiting for or picking up goods or passengers.
  - (e) “TNC Driver” means an individual who is affiliated with a transportation network company to transport passengers for compensation using a TNC vehicle;
  - (f) “TNC Identifier” means a sign, decal, emblem, or symbol displaying the logo or name of the TNC through which a TNC driver is providing transportation service to passengers and such other information as required by the Licensing Commissioner, in a form approved by the Licensing Commissioner;
  - (g) “TNC Platform” means any software or application or telecommunications platform to connect passengers with TNC drivers;
  - (h) “TNC Vehicle” means a motor vehicle for hire for transportation of passengers from place to place, whose transportation services are arranged through a platform, but does not include a taxicab dispatched electronically in a manner similar to a TNC;
  - (i) “Transportation Network Company” or “TNC” means any person who offers, operates, or facilitates prearranged transportation services using a TNC platform to connect passengers with TNC drivers; and

- (j) “Trip” **when used in reference to a TNC vehicle** means the distance and time travelled or the distance and time to be travelled, measured from the time and point at which the passenger first enters the TNC vehicle to the time and point at which the passenger finally leaves the TNC vehicle.

**2. Licence Application/Renewal Requirements**

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Transportation Network Company
Licence Renewal Date	1-Feb
Applicant’s information	✓
Business address	✓
Licence fee	✓
Article of Incorporation	✓
Certified copy of annual return listing all shareholders of the corporation	✓
Business partner information	✓
Insurance certificate	✓
Proof that the applicant is at least 18 years of age, if an individual	⚠
Indemnity	✓
<b>Number of vehicles in the company</b>	✓
<b>TNC identifier/logo</b>	⚠
List of TNC drivers	✓
<b>Self-declaration</b>	✓
Additional documentation set out below	

- ✓ Required for initial and renewal application
- ⚠ Required for initial application only

- (2) In addition to the requirements set out in subsection 2(1) of this Schedule, a completed application for a transportation network company licence or for renewal of a licence shall be accompanied by:

- (a) a Certificate of Public Liability Insurance in the amount of five million dollars (\$5,000,000);
- (b) the address and contact information of the TNC's registered business address in the Province of Ontario, which is not a post office box, to which the Town may send, during business hours, any notice or documentation or communication that may be required under this By-law or the Administrative Penalties for Non-Parking Violations and Orders By-law and at which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication together with the name, telephone number, and email contact information for the person authorized to receive and respond on behalf of the TNC to any and all communications from the Town relating to the TNC's licence or the TNC's conduct of the business;
- (c) the list of all TNC drivers affiliated with the TNC who will be driving a TNC vehicle in Oakville required by subsection 2(1) of this Schedule shall include the following information in a searchable electronic database in a form satisfactory to the Licensing Commissioner:
  - (i) confirmation of the affiliation between the TNC and the TNC driver;
  - (ii) the full name, date of birth, address and phone number of the TNC driver; and
  - (iii) the year, make, model and Ontario licence plate number of the vehicle affiliated with the TNC to be operated by the driver as a TNC vehicle.
- (d) the self-declaration required by subsection 2(1) of this Schedule shall confirm that all TNC drivers have provided the following to the TNC:
  - (i) a criminal record check and that each TNC driver complies with Schedule 1 of this By-law provided that the conviction directly affects the driver's ability to competently and responsibly carry on the services of a TNC driver or compromises the driver's ability to comply with the provisions of this By-law or its Schedules.
  - (ii) a Safety Standard Certificate and if the TNC vehicle has accumulated more than 50,000 km in any calendar year, an additional Safety Standard Certificate;
  - (iii) a driver record;



- (iv) proof of vehicle liability insurance required by the *Compulsory Automobile Insurance Act*, R.S.O. 1990, c. C.25 and an endorsement or a vehicle liability insurance form approved by the Financial Services Commission of Ontario for use by a TNC driver;
- (v) proof of a valid unrestricted Class G or A-F Ontario driver's licence;
- (vi) proof of at least one (1) year driving experience with an unrestricted Class G Ontario driver's licence; and
- (vii) proof that they are at least eighteen (18) years of age; and
- (viii) an indemnity in favour of the Town from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the TNC's business and services, which shall be in a form satisfactory to the Town.

### 3. Exemptions

- (1) This By-law does not apply to:
  - (a) taxicab services dispatched by a licensed taxicab broker and taxicab services provided by a licensed taxicab driver in accordance with this By-law;
  - (b) limousine services provided by a licensed limousine service in accordance with this By-law;
  - (c) a person who facilitates "carpooling" as that term is referenced by the Highway Traffic Act; or
  - (d) a passenger transportation system provided by the Town.

### 4. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence

- (1) In addition to the requirements set out in Section 12 of this By-law, the Licensing Commissioner may refuse to issue or renew a licence if the TNC licensee or applicant has permitted a TNC driver to access the TNC platform where a criminal record check discloses that the TNC driver does not comply with Schedule 1 of this By-law provided that the conviction directly affects the driver's ability to competently and responsibly carry on the services of a TNC

driver or compromises the driver's ability to comply with the provisions of this By-law or its Schedules.

## 5. Regulations

(1) A TNC shall:

- (a) ensure that every affiliated TNC driver has submitted to the TNC, prior to commencement as a TNC driver and annually thereafter:
  - (i) a criminal record check that meets the requirements of Schedule 1 of this By-law provided that the conviction directly affects the driver's ability to competently and responsibly carry on the services of a TNC driver or compromises the driver's ability to comply with the provisions of this By-law or its Schedules;
  - (ii) a safety standards certificate;
  - (iii) a driver record that complies with Schedule 1 of this By-law;
  - (iv) proof of vehicle liability insurance required by the Compulsory Automobile Insurance Act, R.S.O. 1990, c. C.25 and an endorsement or a vehicle liability insurance form approved by the Financial Services Commission of Ontario for use by a TNC driver;
  - (v) proof that the TNC Vehicle used by affiliated TNC Driver is no more than seven (7) years old;
  - (vi) proof of a valid unrestricted Class G or A-F Ontario driver's licence; and
  - (vii) proof that the TNC driver is at least eighteen (18) years of age;
- (b) ensure that from the moment a ride is accepted up until the moment of passenger drop-off, all of its affiliated TNC drivers and the motor vehicle they operate shall maintain vehicle liability insurance with limits of not less than \$2,000,000.00 inclusive per occurrence for bodily injury, death and damage to property. The vehicle liability insurance shall be provided through an endorsement, or a vehicle liability insurance form approved by the Financial Services Commission of Ontario for use by a TNC or TNC driver. Such coverage may be maintained by the TNC driver, the affiliated TNC, or any combination of the two. In the event coverage maintained by a TNC driver in satisfaction of this subsection

- lapses or fails to provide coverage, such coverage maintained by the TNC shall apply. The insurance coverage required herein shall be endorsed to the effect that the Town shall be given at least ten (10) days' notice in writing of any cancellation or material variation to the policy;
- (c) maintain commercial general liability business insurance coverage of at least \$5,000,000.00;
  - (d) ensure that its TNC platform incorporates a global positioning system (GPS) in which all trips are recorded and are accessible for persons with disabilities;
  - (e) ensure that an affiliated TNC driver has no access to the relevant TNC platform in any of the following circumstances:
    - (i) the TNC driver's criminal record check **does not comply with Schedule 1 of this By-law** provided that the conviction directly affects the driver's ability to competently and responsibly carry on the services of a TNC driver **or compromises the driver's ability to comply with the provisions of this By-law or its Schedules**;
    - (ii) the TNC driver has had their Ontario driver's licence cancelled, revoked or suspended for any reason;
    - (iii) despite Schedule 1 of this By-law, the TNC driver's driver record shows eight (8) or more demerit points;
    - (iv) the Licensing Commissioner has reasonable grounds to believe that the motor vehicle being operated by the TNC driver is unsafe;
    - (v) the Safety Standard Certificate relating to the TNC vehicle is not renewed within twelve (12) months or required by this By-law;
    - (vi) the TNC driver does not maintain insurance as required by this By-law; or
    - (vii) the TNC driver does not display the TNC identifier when operating as a TNC vehicle;
  - (f) **immediately** notify the Licensing Commissioner when a TNC driver is removed from the relevant TNC platform for any reason;

- (g) when a TNC driver is removed from the relevant TNC platform in accordance with subsection 5(1)(f) of this Schedule, remove said TNC driver from the list of affiliated TNC drivers required by subsection 2(2)(c) of this Schedule, thereby making the TNC driver ineligible to operate a TNC vehicle in Oakville. The TNC shall advise the TNC driver when the driver has been removed from the list of affiliated TNC drivers;
- (h) keep a current list of every affiliated TNC driver and TNC vehicle operating Oakville in accordance with subsection 2(2)(c) of this Schedule;
- (i) ensure that driver training is available for all TNC drivers on the use of the TNC platform and driver expectations;
- (j) prior to the collection of any personal information, a TNC shall obtain a consent for such collection and potential disclosure to the Licensing Commissioner or an Officer from any TNC driver with whom it is affiliated in Oakville;
- (k) create passenger and driver accounts for use by the Licensing Commissioner and shall not obstruct any accounts created for law enforcement purposes;
- (l) provide a name, telephone number, email address, and address for service within Ontario, to which the Licensing Commissioner may send any communications, including any requests for information;
- (m) not impose any mandatory arbitration clause on TNC drivers or passengers whose transportation is offered, operated or facilitated by the TNC, and further shall not require that the law of any jurisdiction other than Ontario be applied in relation to the use of the relevant TNC platform in the Town by TNC drivers or passengers;
- (n) disclose on its website and/or TNC platform used to communicate between passengers and drivers, and make available for the public:
  - (i) fares to be charged, together with an explanation of the method used to calculate those fares;
  - (ii) the criteria applied by the TNC to drivers and vehicles allowed to operate on or through the relevant TNC platform;

- (iii) information on the types or categories of services available to passengers through the relevant TNC platform;
  - (iv) a clear explanation of insurance coverages of a TNC and the TNC vehicle, including detailed information on how to submit a claim; and
  - (v) advise that personal information collected by the TNC may be disclosed to the Town for the purposes of licensing enforcement when the passenger obtains transportation services within or from **Oakville**;
- (o) set fares to be charged to passengers transported by TNC drivers subject to the following conditions:
- (i) the fare for a trip shall be communicated to a potential passenger clearly and transparently prior to the start of the trip;
  - (ii) the TNC driver shall not commence the trip until the passenger has provided electronic acceptance of the fare communicated in accordance with subsection 5(1)(o)(i) of this Schedule;
  - (iii) the TNC driver shall charge the passenger the communicated and accepted fare in accordance with subsections 5(1)(o)(i) and 5(1)(o)(ii) of this Schedule; and
  - (iv) a TNC shall ensure that a record is maintained of the passenger's acceptance of the fare **that is communicated to the passenger**;
- (p) provide passengers with the following information prior to the start of a trip:
- (i) the vehicle make and model;
  - (ii) the TNC driver's first name;
  - (iii) the Ontario licence plate number of the TNC vehicle; and
  - (iv) a photograph of the TNC driver;
- (q) at the conclusion of every trip, require its TNC driver to provide the passenger with an electronic receipt containing at least the following information:
- (i) the fare charged;
  - (ii) the date and total time of the trip;

- (iii) the start and end locations of the trip; and
  - (iv) the TNC driver's name and the provincial licence plate number of the TNC vehicle;
- (r) that all of its affiliated TNC drivers affix securely to their TNC vehicle a TNC identifier when operating as a TNC vehicle;
- (s) only permit passengers requesting transportation to submit a request for transportation through a TNC platform;
- (t) not permit, encourage, or condone the acceptance of hails or the solicitation of passengers by TNC drivers, whether on the street or at a taxicab stand or in any other manner or at any other location;
- (u) ensure that all affiliated TNC drivers have an ongoing duty to disclose **to the TNC:**
  - (i) any criminal charges relevant to the nature of the services of a TNC driver, or directly affects the TNC driver's ability to competently and responsibly carry on the services of a TNC Driver, **including but not limited to the legislation contained in Schedule 1 of this By-law;**
  - (ii) any suspension of their Ontario driver's licence;
  - (iii) any change in insurance; and
  - (iv) any accidents while operating as a TNC vehicle;
- (v) ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service, or any other issues arising from the TNC operations;
- (w) issue to all affiliated TNC drivers a current identification card in writing or in an accessible electronic form bearing the following information:
  - (i) the first and last name and photograph of the TNC driver;
  - (ii) the make, model and **Ontario** license plate number of the TNC vehicle used by the TNC driver, and,
  - (iii) the name and contact information of the TNC with which the TNC driver is affiliated;
- (x) ensure that all affiliated TNC drivers have the identification card required under subsection 5(w) of this Schedule in the TNC vehicle at all times when transportation services affiliated with the TNC are offered

and provided, and is produced immediately upon request of the **Licensing Commissioner** or an Officer;

- (y) ensure all affiliated TNC Drivers are operating TNC Vehicles that are no more than seven (7) years old; and
- (z) not offer or facilitate prearranged transportation service for compensation using the TNC platform to connect any passenger with a TNC driver or with a TNC vehicle that do not meet the requirements of this By-law.

## 6. Prohibitions

- (1) No TNC **company shall permit a TNC** driver to:
  - (a) solicit or accept requests for transportation services that are not prearranged using the TNC platform of which the TNC driver is affiliated, including street hails or picking up fares at taxicab stands;
  - (b) provide transportation services affiliated with the TNC if the TNC driver does not have the insurance required under this By-law;
  - (c) **commence the trip until the passenger has provided electronic acceptance of the fare communicated in accordance with subsection 5(1)(o)(i) of this Schedule;**
  - (d) **charge the passenger any fare but the communicated and accepted fare in accordance with subsection 5(1)(o)(i) and 5(1)(o)(ii) of this Schedule;**
  - (e) accept payment by cash for a transportation service facilitated by the TNC of which the TNC driver is affiliated;
  - (f) fail to notify the TNC in writing of any change in any of the information required by the TNC prior to access to the TNC platform;
  - (g) operate a vehicle as a TNC vehicle unless the vehicle:
    - (i) is not more than seven (7) years old;
    - (ii) has four (4) doors;
    - (iii) displays the TNC identifier when operating as a TNC vehicle; and
    - (iv) has no roof light or markings that have the effect of making it look like a taxicab or identify it as being available for hire;

- (h) deviate from the shortest possible route to the destination requested by a passenger as determined by GPS unless the passenger designates another route;
- (i) fail to produce their identification card required under subsection 5(1)(w) of this Schedule, driver's licence, proof of insurance, or evidence that they are operating pursuant to a TNC platform immediately upon request by the Licensing Commissioner or an Officer;
- (j) leave any passenger at any location other than the destination requested by the passenger unless the TNC driver is unable to take the passenger to the requested destination by reason of:
  - (i) the TNC vehicle being incapable of being operated safely;
  - (ii) the TNC driver being incapable of operating the TNC vehicle safely; or
  - (iii) the conduct of the passenger being such that the TNC driver can no longer operate the TNC vehicle safely and in such cases, the TNC driver has requested the attendance of the police; and
- (k) at the conclusion of every trip, fail to provide the passenger with an electronic receipt containing at least the following information:
  - (i) the fare charged;
  - (ii) the date and total time of the trip;
  - (iii) the start and end locations of the trip; and
  - (iv) the TNC driver's name and the Provincial licence plate number of the TNC vehicle.

## 7. Record Keeping

- (1) A TNC shall maintain a record, in accordance with section 20 of this By-law, for all trips completed by a TNC driver which shall include:
  - (a) the name of the TNC driver;
  - (b) pick-up location and destination;
  - (c) the date and time the trip commenced and terminated;
  - (d) the length of time elapsed between the passenger's service request and the start of the trip; and
  - (e) the fare paid for the trip
- (2) The TNC shall retain the record required by subsection 7(1) of this Schedule for a period of at least three (3) years from the date of entry.



### Schedule 35: Vape Shop

#### 1. Definitions

- (1) In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meaning:
- (a) “Vapour Product Sales Offence” means a contravention, with respect to vapour products, of subsections 3(1), 3(2), 6(1), section 7, section 8, section 9, or subsection 10(1) of the Smoke Free Ontario Act.
  - (b) “Vape Shop” means any place where vapour products are offered for sale, but does not include the selling tobacco products and/or specialty tobacco products.

#### 2. Licence Application/Renewal Requirements

- (1) Applicants are required to provide the following information to the Licensing Commissioner on initial licence application or upon licence renewal:

	Vape Shop
<b>Licence Renewal Date</b>	<b>January 31</b>
Applicant's information	✓
Business address	✓
Insurance certificate	✓
Licence fee	✓
Article of Incorporation	✓
Business partner information	✓
Zoning Occupancy Certificate	⚠
Health Department inspection report	✓

✓ Required for initial and renewal application

⚠ Required for initial application only

- (3) No licence will be issued to an applicant if the intended premises for the retail sale or distribution of vapour products is an outdoor property, a facility, a

building or a property leased or owned by the Town, without the express written permission of Town.

### 3. Endorsements

(1) In accordance with Section 11 of this By-law, a person holding a current and valid vape shop licence may apply for an endorsement to perform the following additional business activity:

(a) Schedule 33 – Tobacco Retailer

### 4. Regulations

(1) All vape shop licensees and persons shall comply with the Smoke Free Ontario Act, the *Tobacco and Vaping Products Act*, S.C. 1997, c. 13 and any other relevant legislation.

(2) Every licensee or person shall immediately notify the Licensing Commissioner in writing by email or by registered mail upon a conviction for a vapour product sales offence under the Smoke Free Ontario Act.

### 5. Additional Grounds for Refusal to Issue or Renew a Licence, Suspend or Revoke a Licence

(1) Subsections 5(2) to 5(6) inclusive apply in addition to the requirements contained in Schedule 13 of this By-law.

(2) Upon being advised of a licensee's first conviction for a vapour product sales offence under the Smoke Free Ontario Act, the Licensing Commissioner shall issue a written warning to the licensee advising that their vape shop licence issued under this By-law shall be suspended upon further convictions under the Smoke Free Ontario Act;

(3) Upon the licensee's second conviction of a vapour product sales offence in the same premises during the five (5) years preceding the date of the licensee's second conviction the Licensing Commissioner may provide notice to the licensee that their vape shop licence issued under this By-law shall be suspended for six (6) months following the date the notice is deemed to be served.

(4) Upon the licensee's third conviction of a vapour product sales offence in the same premises during the five (5) years preceding the date of the licensee's third conviction, the Licensing Commissioner may provide notice to the licensee that their vape shop licence issued under this By-law shall be



suspended for nine (9) months following the date the notice is deemed to be served.

- (5) Upon the licensee's fourth conviction of a vapour product sales offence in the same premises during the five (5) years preceding the date of the licensee's fourth conviction, the Licensing Commissioner may provide notice to the licensee that their vape shop licence issued under this By-law shall be suspended for twelve (12) months following the date the notice is deemed to be served.

## **6. Prohibitions**

- (1) No licensee or person shall fail to immediately advise the Licensing Commissioner of a conviction for a vapour product sales offence under the Smoke Free Ontario Act in accordance with subsection 4(2) of this Schedule.