

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2015-075

A by-law to provide for the licensing and regulation of
various businesses in the Town of Oakville

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 ("Council") 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; and

WHEREAS pursuant to Section 151(1)(g) 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;

THEREFORE COUNCIL ENACTS AS FOLLOWS:

1) DEFINITIONS

(1) Definitions are set out in section 2 of Schedule 1 to this By-law.

2) PROHIBITIONS

(1) For every business set out in Schedule 1 of this By-law, no person shall:

- (a) carry on a business, permit a person to carry on a business, or hold themselves out as being licensed to carry on a business:
 - i. without a licence to do so issued under this By-law;
 - ii. at a location other than for which a licence is issued under this By-law;
 - iii. under any other name than the one endorsed on their licence issued under this By-law; and
 - iv. except in accordance with the regulations set out in this By-law, including any applicable Schedule and Appendices, all of which form part of this By-law.
- (b) transfer or assign a licence issued under this By-law;
- (c) obtain a licence by providing mistaken, false or incorrect information; and
- (d) enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the licence shall be the property of the Corporation of the Town of Oakville.

3) LICENSING REQUIREMENTS

- (1) A completed application for a licence or for renewal of a licence shall be submitted to the Licensing Commissioner, shall be accompanied by the requirements prescribed in Schedule 1, and set out in any other Schedule to this By-law, including those contained in the application or renewal form, and any other information that the Licensing Commissioner may from time to time request.
- (2) The Licensing Commissioner may, for renewal applications, on a case by case basis review, waive any documentary requirements not related to public safety or consumer protection.
- (3) Every person licensed under this By-law shall at all times:
 - (a) post the licence in a conspicuous place at the fixed place of business where a Licensee carries on business;
 - (b) carry the licence with them when engaged in the business for which the licence is issued where the Licensee travels from place to place to perform their business;

- (c) produce the licence for inspection and otherwise permit any Officer, or other person(s) authorized to enforce this By-law to enter the licensed premises/vehicle and make such inspection as may be deemed necessary in order to ascertain whether or not the provisions of the By-law are being complied with;
- (d) comply with the regulations contained in any applicable Schedule/Appendices; and
- (e) notify the Licensing Commissioner immediately of any change in any of the particulars required to be filed with the Licensing Section.

4) ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL

- 1) The Licensing Commissioner shall:
 - (a) receive and process all applications for licences and for renewal of licences to be issued under this By-law;
 - (b) issue licences and renew licences, either conditionally or unconditionally, to any person who meets the requirements of this By-law except where:
 - i. 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;
 - ii. there are reasonable grounds for belief that the carrying on of the business may be adverse to the public interest;
 - iii. the applicant's premises or place of business are the object of an order made pursuant to the Property Standards By-law, *Building Code Act*, 1992, S.O. 1992, c. 23 ("*Building Code Act*"), *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, ("*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; or
 - iv. the applicant is indebted to the Town in respect of fines, penalties, judgments, outstanding property taxes, or any other amounts owing, including an administrative penalty.

- (c) with respect to subsection (1)(b)(ii), include in the Licensing Commissioner's consideration, any record of offence that is less than three (3) years and relevant to the nature of the business, or any record of offence that directly affects the applicant's or licensee's ability to competently and responsibly carry on the business, or any particular record of offence for any time period that may be specified in any Schedule; and
 - (d) generally perform all the administrative functions conferred upon them by this By-law.
- 2) Licences issued pursuant to this By-law are conditional on compliance by the Licensee with all municipal by-laws, including, but not limited to, the applicable Town Zoning By-law and Property Standards By-law, and compliance with all Provincial and Federal legislation.

5) TERM OF LICENCE

- 1) A licence issued under the provisions of this By-law shall expire on the designated date, unless it is renewed or revoked in accordance with the provisions of this By-law.

6) REVOCATION AND SUSPENSION

- 1) The Licensing Commissioner shall provide notice of intention to revoke or suspend a licence and shall advise the Licensee of their right to appeal where:
 - (a) the Licensee would be disentitled to a licence or a renewal of a licence for the reasons set out in this By-law; or
 - (b) the licence was issued in error.
- 2) Notwithstanding (1) the Licensing Commissioner, if satisfied that the continuation of the licence poses an immediate danger to the health or safety of any person, property or animal, may, for the time and such conditions as are considered appropriate and without a hearing, suspend a licence for not more than 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.

7) APPEAL

- 1) Where the Licensing Commissioner has denied an applicant a licence or a request for renewal, or suspended or revoked a licence, the Licensing Commissioner shall inform the applicant or Licensee by way of written notice setting out the grounds for the decision with reasonable particulars, and advise of the right to appeal such decision to the Appeals Committee.
- 2) Persons or applicants may appeal to the Appeals Committee in relation to matters noted in subsection (1). Appeals will not be permitted for any matters that have already been heard or are pending before the Hearings Officer. A request for an appeal shall be made in writing to the Licensing Commissioner setting out the reasons for the appeal within 7 days after service of the written notice.
- 3) Where no request for an appeal is received in accordance with subsection (2), the decision of the Licensing Commissioner shall be deemed to be affirmed.
- 4) Where a request for an appeal is received, a hearing of the Appeals Committee shall be convened and the applicant or Licensee shall be provided reasonable written notice thereof.
- 5) After such opportunity to be heard is afforded the applicant or Licensee, the Appeals Committee may make a decision in respect of which the hearing was held or the opportunity for hearing afforded. The Appeals Committee's decision is final and not subject to review. The Appeals Committee may refuse to issue or renew a licence, revoke, suspend, or impose any conditions upon a licence. The Appeals Committee may consider any matter pertaining to the licensing requirements in Section 3 or the grounds for refusal in Section 4, or any other matter that relates to the general welfare, health or safety of the public.
- 6) 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.

8) ORDER

- 1) Where the Licensing Commissioner has reasonable grounds to believe that a contravention of this By-law has occurred, the Licensing Commission may serve an order on the Licensee setting out the reasonable particulars of the contravention and directing:
 - a) compliance within a specified timeframe;

- b) any work that is required to be done, and in default of such work being done, the work may be done at the Licensee's expense and the Town may recover the expense by in the same manner as municipal taxes; or
 - c) the activity be discontinued.
- 2) Any Person who contravenes an order under section 8(1) of this By-law is guilty of an offence.
- 3) An order under section 8(1) of this By-law may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.

9) ADMINISTRATIVE PENALTIES

- 1) Each person who contravenes any provision of this By-law, including any provision of the Schedules, shall, upon issuance of a penalty notice be liable to pay to the Town an administrative penalty in the amount of \$300 or as revised in the rates and fee schedule approved by Council as part of the annual budget approval process.
- 2) An Officer who finds or has any reasonable cause to believe that a person has contravened any provision of this By-law, including any provision of its Schedules, may issue a penalty notice addressed to the person.
- 3) The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
 - (a) date of the penalty notice;
 - (b) the penalty notice number;
 - (c) particulars of the contravention;
 - (d) the amount of the administrative penalty;
 - (e) information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
 - (f) a statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the person to the Town.
- 4) No Officer may accept payment of an administrative penalty.
- 5) Any person who is served a penalty notice may request a review by a Screening Officer within 15 days after the penalty notice date.
- 6) Any person may request that the Screening Officer extend the time to request a

review within 45 days after the penalty notice date, failing which, the administrative penalty shall be deemed to be affirmed.

- 7) The Screening Officer may extend the time to request a review of the administrative penalty when the person requesting the extension demonstrates extenuating circumstances that warrant the extension of time.
- 8) On a review of the administrative penalty, the Screening Officer may affirm the administrative penalty, or may cancel, reduce or extend the time for payment of the administrative penalty, including any additional administrative fees, on the following grounds:
 - (a) where the person establishes, on a balance of probabilities that the person did not commit the act as described in the penalty notice; or
 - (b) the cancellation, reduction or extension of the time for payment of the administrative penalty, including any administrative fees, is necessary to reduce hardship.
- 9) Every person who has a review by the Screening Officer shall receive a Screening Decision and may request a review of the Screening Decision by a Hearing Officer within 15 days after the Screening Decision was issued.
- 10) Where the person fails to appear at the time and place scheduled for a review of the Screening Officer:
 - (a) the person shall be deemed to have abandoned the review;
 - (b) the administrative penalty shall be deemed to be affirmed;
 - (c) the administrative penalty shall not be subject to review; and
 - (d) the person shall pay the applicable fee.
- 11) Any person who has received a Screening Decision may request a review of the Screening Decision by a Hearing Officer within 15 days after the Screening Decision was issued.
- 12) Any person may request that the Hearing Officer extend the time to request a review within 45 days after the Screening Decision was issued, at which time the Screening Decision shall be deemed to be affirmed.
- 13) The Hearing Officer may extend the time to request a review of the Screening Decision when the person requesting the extension demonstrates extenuating circumstances that warrant the extension of time.
- 14) The person shall be issued or served notice of the date, time and place of the review by the Hearing Officer.
- 15) On a review of the Screening Decision, the Hearing Officer may affirm the Screening Decision, or may cancel, reduce or extend the time for payment of the

administrative penalty, including any administrative fees, on the following grounds:

- (a) where the person establishes, on a balance of probabilities that the person did not commit the act as described in the penalty notice; or
- (b) the cancellation, reduction or extension of the time for payment of the administrative penalty, including additional administrative fees, is necessary to reduce hardship.

16) Where a person fails to request a review of the Screening Decision or extension of time before the Hearing Officer in accordance with this By-law:

- (a) the Person shall be deemed to have waived the right to a hearing;
- (b) the Screening Decision and the administrative penalty shall be deemed to be affirmed; and
- (c) the Screening Decision and the administrative penalty shall not be subject to any further review.

17) Where a person fails to appear at the time and place scheduled for a review by the Hearing Officer:

- (a) the person shall be deemed to have abandoned the hearing;
- (b) the Screening Decision and administrative penalty shall be deemed to be affirmed;
- (c) the Screening Decision and administrative penalty and associated fees shall not be the subject of any further review; and
- (d) the person shall pay to the Town a fee in the amount of \$100 or as revised in the rates and fee schedule approved by Council as part of the annual budget approval process.

18) Where an administrative penalty and any applicable administrative fees are not paid within 15 days after the date that it becomes due and payable, each person to whom the penalty notice was issued or served shall pay to the Town a fee in the amount of \$50 or as revised in the rates and fee schedule approved by Council as part of the annual budget approval process.

19) A Hearing Officer shall not make any decision respecting a review of the Screening Decision unless the Hearing Officer has given the person and the Town an opportunity to be heard.

20) The decision of a Hearing Officer is final.

21) The Screening Officer and the Hearing Officer have no jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

10) NOTICES

- 1) Any penalty notice or any other notice pursuant to this By-law may be given in writing in any of the following ways and is effective:
 - (a) on the date on which a copy is delivered to the person to whom it is addressed;
 - (b) on the fifth day after a copy is sent by mail to the person's last known address;
 - (c) upon the conclusion of the transmission of a copy by facsimile transmission to the person's last known facsimile transmission number; or
 - (d) upon the sending of a copy by e-mail transmission to the person's last known e-mail address.
- 2) For the purpose of subsection (1), the person's last known address, last known facsimile transmission number and last known e-mail address shall be deemed to include those provided pursuant to Schedule 1 of this By-law.

11) INSPECTION

- 1) The Licensing Commissioner, the Chief of Police, the Medical Officer of Health, the Fire Chief or an Officer may at any reasonable time inspect:
 - (a) any premises/vehicles or place where a business which is subject to this By-law is carried on or where there are reasonable or probable grounds to believe a business is being carried on; or
 - (b) any goods, equipment, books, records or documents used or to be used by the applicant or Licensee under this By-law.
- 2) It shall be an offence to obstruct or permit the obstruction of such inspection.

12) DELEGATION

Pursuant to Section 23.2 of the *Municipal Act*, Council hereby delegates to the Appeals Committee the power to make the final decision in respect of which a hearing was held, and it is the opinion of Council that this delegated power is of a minor nature. This delegation may be revoked by Council at any time.

13) 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

concurr 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 years.

14) COLLECTION OF UNPAID FINES

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 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.

15) TRANSITION

- 1) Notwithstanding the repeal of By-law 2008-093, licences issued under that By-law, shall be deemed to be licences issued under this By-law.
- 2) Licensing fees impacted by revised renewal dates shall be adjusted to eliminate overpayment.

16) REPEAL

- 1) The following by-laws, as may have been amended, are repealed on the day this

By-law comes into force and effect: 2008-093, 2008-181, and 2005-026.

- 2) Any reference to a by-law number repealed by this By-law in any document shall be deemed to be a reference to this By-law.
- 3) References in this By-law to any legislation or by-law means as may be amended or replaced from time to time, and include any regulations thereunder.

17) SEVERABILITY

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.

18) TITLE

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

19) EFFECTIVE DATE

This By-law comes into force and effect on the day it is passed by Town Council.

PASSED this 21st day of September, 2015.

Rob Burton

MAYOR

Vicki Tytaneck

CLERK

SCHEDULE 1

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DRAFT

2. GENERAL DEFINITIONS

“Accessible driver” means a person whose taxicab driver’s licence is issued under this By-law;

“Accessible owner” means a person who holds a licence plate for an accessible taxicab under this By-law;

“Accessible taxicab” means a motor vehicle which is both a taxicab and an accessible vehicle;

“Accessible vehicle” means a motor vehicle that is designed or modified to be used for the purpose of transporting persons with disabilities and which motor vehicle complies with R.R.O. 1990, Regulation 629, R.R.O. 1990, Regulation 611 and Canadian Standards Association Standard D409, as may be amended from time to time;

“Accessible washroom facility” means a fully equipped accessible washroom with hand wash station, located within a building onsite or an abutting property with written consent from property owner;

“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;

“Adult Entertainment Establishment Attendant” means any person other than an owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment establishment;

“Adult Entertainment Video Vendor 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);

“Adult Entertainment Video Vendor 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);

“Adult Video” means any video classified by the Ontario Film Review Board as “restricted” with the added information piece “adult sex film”;

“Animal” includes all mammals, fish, reptiles or birds;

“Animal Control Inspection” means an inspection by a person or class of persons designated by a municipality who are responsible to see that the lands and premises upon which the animal or animals are kept are maintained in a sanitary condition and shall comply with the provisions of standards of care prescribed under the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O. 36 (“OSPCA”), and that the animals are being treated and cared for in an acceptable manner;

“Animal Rescue Group” means a non-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;

“Animals for Entertainment” means the use of animals in any exhibit, public show, circus, carnival or any act of entertainment or for any educational purpose, but does not include educational programs provided by a municipal animal shelter or registered humane society;

“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;

“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;

“Applicant Information” means fulsome details of a person applying for or the renewal of a licence under this By-law and shall include their full name, date of birth, municipal address, telephone number, and email address;

“Approved trainer” means an individual who has successfully completed the Ontario Community Transportation Association (O.C.T.A.) trainer program or an equivalent trainer program approved by the Licensing Commissioner, which qualifies that individual to train taxicab drivers to serve persons with disabilities;

“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 Act*, 1990 c. C.38;

“Auctioneer” means any person selling or putting up for sale goods, wares, merchandise or effects by public auction;

“Automobile” means the same as “motor vehicle”;

“Bed and Breakfast Establishment” means the provision of lodging units with or without meals for the temporary lodging of the traveling public;

“Billiard Hall” means premises with billiard, pool or bagatelle tables;

“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 person duly qualified, licensed or registered to do so under the laws of the Province of Ontario;

“Body-rub Attendant” means any person who performs or offers body-rubs in a body-rub establishment, in the pursuance of a trade, calling, business or occupation;

“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 persons duly qualified, licensed or registered to do so under the laws of the Province of Ontario;

“Bowling Alley” means any commercial establishment that has one or more bowling lanes on the premises;

“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;

“Business” means any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality, and includes trades and occupations, exhibitions, concerts, festivals and organized public amusements; the sale or hire of goods or services on an intermittent or one-time basis; and the display of samples, patterns or specimens of goods for the purpose of sale or hire;

“Business Address” means the place from which the business operates including a number, street name, municipality and postal code;

“Business Partner Information” means the full name, date of birth 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 Services or designate;

“Clerk’s Department” means the Clerk’s Department of the Town;

“Consumer Fireworks” means low-hazard firework articles designed for recreational use by the public as set out in the *Explosives Act*. These articles include items such as roman candles, sparklers, fountains, wheels, volcanoes, mines, and snakes.

“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 Reference Check” means a Canadian Criminal Record Check issued by an accredited Canadian Police Service, no more than 30-days old at the time of the licence application;

“Declaration of Animal Offences” means a sworn document that contains an official statement that no convictions have been registered against the applicant, the applicant’s company, or the applicants employees or volunteers, under the *OSPCA; Dog Owners Liability Act*, R.S.O. 1990, c. D.16; or the *Criminal Code of Canada*, R.S. 1985, c. C-46 (*“Criminal Code”*), or any other statute in Canada;

“Defensive driving course” means an accredited course approved by the Licensing Commissioner which provides instructions on driving skills required to prevent collisions regardless of the actions of other drivers or the conditions around them and to foster an attitude of alertness on the roadways;

“Discharge” when used in relations to fireworks and firecrackers, includes firing, igniting, exploding and setting off such articles;

“Description of Business” means the activities undertaken by the business including the making, buying, or selling goods or providing services in exchange for money;

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

“Dispatch fees” means any amount charged by a taxicab broker to a taxicab owner to receive orders for taxicab service from the taxicab broker;

“Dispatcher” means a person who is in the employ of a taxicab broker and whose duties include accepting orders for taxicab service and/or dispatching those orders to taxicab drivers;

“Display Fireworks” means high-hazard firework articles designed for use by professionals as set out in the *Explosives Act*. These articles include items such as aerial shells, cakes, roman candles, waterfalls, lances and wheels.

“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;

“Donation Box Operator” means a Person engaged in the Business of operating a Donation Box;

“Drain Laying Contractor” means a person who undertakes or is engaged in a business of drainage work including the installing, replacing, repairing or maintenance of drains and drainage systems inside or outside of the building, who solicits and advertises such work to the public, and who is a drain layer or employs a drain layer;

“Driving Instructor” means a person who for compensation teaches others to drive a motor vehicle (in a vehicle) as a driving instructor and who is employed or self-employed in the business of teaching persons to operate a motor vehicle and duly qualified, licensed or registered under the laws of the Province of Ontario;

“Driving School” means a place where the business of teaching persons the theory of how to operate a motor vehicle occurs;

“Driving School Operator” means a person who carries on the business of teaching persons how to operate a motor vehicle and all related rules of the road as contained in the *Highway Traffic Act* in a driving school/vehicle;

“Driving School Vehicle” means a vehicle licensed under this By-law as a driving school vehicle;

“Dry Cleaner” an establishment that receives articles of clothing or materials for the purpose of dry cleaning;

“Emergency Safety Plan” means a document outlining the emergency safety plan for the premise;

“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, date of birth, and home address;

“Exclusive Concession Agreement” means an agreement which gives a person the sole right to provide taxicab service to or from any public transportation terminal, hotel, motel, taxicab stand or any other similar public assembly point;

“Exhibition” means an exhibition of wax works, circus riding, menageries, and other like shows and includes merry-go-arounds, ferris wheels, carousels, switch back railways, various mechanical or electronic games and other like contrivances;

“**Fare**” means the amount displayed on the taxicab meter at the conclusion of a trip, or the flat rate allowed under this By-law for the trip, together with any additional charges allowed under this By-law;

“**Fee**” means as set out in the Town of Oakville Annual Rates and Fees Schedule, which is not prorated and non-refundable;

“**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;

“**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 flare or marine rockets;

“**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 Town Fire Prevention staff;

“**Fireworks**” means Display Fireworks, Consumer Fireworks or Pyrotechnic Special Effects;

“**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;

“**Flyer Distributor**” means a person distributing flyers or pamphlets in the Town, including flyers or any advertising material, whether under contract or otherwise, or who employs other persons in such work;

“**Food Shop/Restaurant**” means any place where food items intended for human consumption are made for sale, offered for sale 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;

“Food Shop/Ancillary Use” means any place where food items intended for human consumption are offered for sale, stored or sold, but it is not intended for the consumption of such food on the premises and is not intended as the primary use of the premises, and includes any place where tobacco, cigars, cigarettes or other smoking materials are also sold by retail;

“Grossly Unclean Person” means any person covered in an amount of dirt and/or other material so excessive that, if transported by the driver, the state of the person could leave the interior of the vehicle in an unclean state;

“Health Department Approval” means written confirmation from the Medical Officer of Health for Halton Region that business and activities within the business are in compliance with the standards established, and include a Check List Inspection Report;

“Hearings Officer” means a person from time to time appointed by Council pursuant to the Hearings Officer By-law;

“Highway” means as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8 (*“Highway Traffic Act”*) and includes a roadway;

“HTA Safety Check” means a Safety Standards Certificate that a motor vehicle complies with the equipment and performance standards prescribed by the *Highway Traffic Act*;

“H.V.A.C. Contractor” means a person who undertakes or is engaged in the business relating to heating, ventilating, or air conditioning and have in their employ at least one of the following installers. H.V.A.C. Refrigeration, H.V.A.C. Gas Fitter and H.V.A.C Sheet Metal Worker (Installer), or otherwise qualified and licensed or registered to do so under the laws of the Province of Ontario;

“HVAC inspection” means documentary proof that a comprehensive review of any aspects of heating, ventilating and air conditioning units has been conducted within 90 days by a person qualified to review all aspects of heating, ventilating and air conditioning units;

“H.V.A.C. – 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 i.e.: furnace, fireplace barbecue, and who engages in such work, in compliance with the laws, rules and regulations governing same.

“H.V.A.C. – Sheet Metal Worker Installer” means a person who holds a licence issued by the College of Trades for the installation of duct work and other sheet metal installation in residential low rise properties.

“H.V.A.C. – Refrigeration Installer” means a person who holds a licence (313A- Refrigeration and Air Conditioning Systems Mechanic, or 313D- Residential Air Conditioning Mechanic) issued by the College of Trades for the installation of Refrigeration and Air Conditioning Systems in accordance with the defined parameters of Ontario College of Trades, and who engages in such work, in compliance with the laws, rules and regulations governing same.

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

“Installer” – means, for the purpose of Schedule 19, “H.V.A.C. – Refrigeration Installer”, “H.V.A.C. – Gas Fitter Installer”, and “H.V.A.C. – Sheet Metal Worker Installer” or otherwise qualified and licensed or registered to do so under the laws of the Province of Ontario.

“Insurance Certificate” means a Certificate of Public Liability Insurance in the amount of two million dollars (\$2,000,000). The Town of Oakville and address must appear on the certificate as a “Certificate Holder” in order to provide the Town at least thirty (30) days’ notice in writing prior to cancellation, expiration or change of policy;

“Kennel” means every shop, place or premise where dogs or cats are boarded overnight;

“Landscaping/Property Maintenance 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, paving or sealing paved driveway surfaces, installing stone, brick, or concrete landscapes, planting/pruning trees/shrubs, laying sod/grass, erecting fences, seasonal mowing/seeding/thatching/aeration/fertilization/raking, and snow ploughing/snow removal/anti-icing application;

“Launderette” means an establishment with coin-operated, automatic washing machines for public use;

“Letter from T.S.S.A.” means a letter from the Technical Standards and Safety Authority authorizing the operation of amusement devices and to the satisfactory condition of the devices;

“Licence” means the certificate issued under this By-law as proof of licensing under 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;

“Licensed Premises” means the premises referred to in a licence;

“Licensed Taxicab” means a vehicle licensed under this By-law as a taxicab;

“Licensee” means a person licensed under this By-law or a person required to be licensed under this By-law;

“Licensing Commissioner” means the Town Clerk for the Town or designate;

“Licensing Section” means the Licensing Section of the Clerk’s Department of the Town of Oakville;

“Limousine” means a vehicle licenced under this By-law which is not a taxicab, does not have a taxicab meter and is operated by a uniformed driver for and on behalf of any person for the transportation of passengers for gain or reward;

"Limousine Class A" means a luxury-class motor vehicle, with the seating capacity for fifteen (15) passengers or less, including the driver. This definition consists of vehicles which are recognized by the automobile industry as "stretch" Limousine that are manufactured with an extended wheel base or have been extended from their original design and includes vehicles that have been uniquely modified so as to provide "luxury" Limousine service, such as buses and sport utility vehicles. It does not include the following vehicles: station wagon, panel truck, and van. The vehicle is operated by a uniformed driver for and on behalf of any person for the transportation of passengers and/or goods for gain or reward;

"Limousine Class B" means any motor vehicle with the seating capacity for not less than five (5) passengers and not more than eight (8) passengers, including the driver. The vehicle is operated by a uniformed driver for and on behalf of any person for transportation of passengers and/or goods for gain or reward. This definition consists of vehicles which are recognized by the automobile industry as "luxury" vehicles that are not manufactured with an extended wheel base and have not been extended from their original design. A "luxury" sport utility vehicle may be included in the definition, but a station wagon, panel truck, bus and a van are not included;

"Limousine Class C" means a vintage, classic, luxurious car of any age. The vehicle is operated by a uniformed driver for and on behalf of any person for transportation of passengers and/or goods for gain or reward;

"Limousine Driver" means a Limousine operator who is licensed as such or is required to be licensed as such under this By-law;

"Limousine Owner" means the owner of a Limousine;

"Lodger" means any person who pays rent, fees or other valuable consideration to a lodging house keeper for living accommodation in a lodging unit;

"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;

"Lodging House Keeper" includes the owner, landlord, lessee, tenant or occupant responsible for the granting or permission for the occupancy of a lodging unit and for the collection of the fees or rent payable by the lodger;

“Lodging Unit” means a room provided for rent or hire, which is used or designed to be used as a sleeping accommodation;

“Medical Officer of Health” means the Medical Officer of Health for the Halton Regional Health Department or designate;

“Mobile Sales Premise” means a mobile or portable premise from which fireworks could be sold and includes a tent, trailer, roadside stand and a motor vehicle;

“Mobile Sign” means any sign not permanently attached to or affixed into the ground or to a building or structure, but shall not include a sign attached to or located on a vehicle, which is currently licensed and operative, where the principal use of the vehicle is the transportation of people, goods or other materials;

“Mobile Sign Lessor” means a person who owns, maintains and engages in the rental or leasing of mobile signs as defined in the Town’s Sign By-law;

“Mobile Sign Permit” means a sign permit issued for the display of a mobile sign under the Sign By-law;

“Motor Vehicle” means an automobile, motorcycle, truck, trailer or motor assisted bicycle unless otherwise indicated in this By-law, as defined in the *Highway Traffic Act*;

“Motor Vehicle Facility” means new and used motor vehicle dealerships, motor vehicle service stations, motor vehicle repair facility, motor vehicle body shop as defined in the Town’s Zoning By-law, along with suppliers of new and 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;

“Municipal Plate” means a number plate bearing issued by the Town to a Licensee;

“Municipal Right of Way” means land owned by The Corporation of the Town of Oakville as opened or unopened road allowances for the purposes of operating a public highway under the *Municipal Act, 2001*, a public walkway, municipal services (such as a public parking lot listed with the Parking Lot By-law) or public utilities, but excludes Town lands owned or operated as parkland, creeks and watercourse, and related public trail systems;

“Neighbourly Assistance” means assisting a neighbour in providing the services of property maintenance solely to the neighbour or immediate neighbourhood.

“Nightclub” means a commercial establishment which is either self-contained or is a specific area within a standard restaurant, whose primary function is to provide a dance floor for patrons to dance to pre-recorded music or to live entertainment. Food and liquor may be prepared and/or served to patrons, with the food to be served in a designated seating area;

“Non-transferable Special Wheelchair Accessible Plate” means an owner’s plate which is assigned to and attached to an accessible vehicle approved by Council;

“Officer” means any person authorized by the Corporation of the Town of Oakville to enforce by-laws and includes Municipal Law Enforcement Officers, provincial offences officers, Halton Regional Police Officers;

“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;

“Order” means a request for taxicab service received by a taxicab broker (when referenced in Schedule 36);

“Outdoor Market” means a temporary outdoor retail operation that may be comprised of multiple vendors and temporary accessory structures in which agricultural, food, or art and craft products are sold, and occurs on a regular weekly basis, but no more than 3 days in a 7 day period, such as a farmer’s market or a flea market, but does not include any market operating pursuant to a Town permit or contract. Outdoors markets do not include garden centres;

“Owner” means a person who is on title as an owner of a building or parcel of land identified on the parcel register from the Land Registry Office and includes a person who alone or with others has a right to possess or occupy premises where a business is located, or a lessee who actually does not own, possess or occupy the premises upon which a business is located;

“Partnership” means an association of two or more persons to carry on, as co-owners, a business or other activity;

“Passenger” means any person other than the driver seated in a taxicab/Limousine;

“Passenger with a Disability” means a passenger who has a mobility impairment affecting that person’s ability to walk, climb stairs, sit or stand, which may be caused by age, injury, disease or by characteristics acquired before birth;

“Paving” includes, but is not limited to, asphalt, concrete and interlocking stone paving;

“Penalty Notice” means a notice issued pursuant to section 9;

“Person” means an individual, firm, corporation, sole proprietorship, association or partnership;

“Personal Services Establishment” means any place which provides services for hair, face, hands, feet, such as hair cutting, waxing, tanning, tattooing, micro pigmentation, laser hair removal, electrolysis and body and ear piercing, but does not include a body rub establishment;

“Pet shop” means any shop, place or premise where animals for use as pets are kept and sold;

“Plumbing” has the same meaning as in the *Building Code Act* and “plumbing work” has a corresponding meaning;

“Plumbing Contractor” means a person who undertakes or is engaged in the business of plumbing;

“Pool Installation Contractor” means a person who undertakes or is engaged in the business of installing pools on privately owned property.

“Proof of Qualifications” means documentation indicating that a person who undertakes or is engaged in the pursuance of a trade, calling, business or occupation is duly qualified, licenced/certified or registered so to do under the laws of the Province of Ontario and/or the College of Trades. This also includes a valid Ontario driver’s licence that is in good standing, and an Ontario driver’s record issued to the applicant by the Ministry of Transportation that is no more than 30 days old;

“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;

“Public Hall” means a building or part of a building, including a portable building or tent, with a seating capacity for over 100 persons, that is offered for use or used as a place of public assembly, but does not include a theatre licensed under the *Film Classification Act*, 2005, S.O. 2005, c. 17 (*“Film Classification Act”*) or a building, except a tent, used solely for religious purposes;

“Pyrotechnic Special Effects” are high-hazard pyrotechnics articles designed for use by professionals as set out in the *Explosives Act*. These articles include items such as gerbs, mines, comets and crossettes. This class also includes special purpose pyrotechnics manufactured live stage and the film and television industry.

“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 2 years or duly qualified, licensed or registered under the laws of the Province of Ontario;

“Refreshment Vehicle Class A” means a motorized or non-motorized and from which canteen services are provided, including pre-prepared packaged and other prepared foods including but not limited to sandwiches, hot dogs, hamburgers, french fries, popcorn, ice cream, coffee, tea, soup, (includes food truck where foods are prepared in the vehicle) lunches or meals are sold for consumption;

“Refreshment Vehicle Class B” means a non-motorized food vending structure/facility, and from which sandwiches, confections, hot dogs, hamburgers, potato chips, french fries, soft drinks, popcorn, peanuts, ice cream, coffee, tea, soup or other prepared foods, lunches or meals are sold for consumption (includes where foods are prepared on site);

“Refreshment Vehicle Class C” includes, but is not limited to, a vehicle propelled by hand or a bicycle propelled by muscular power, selling fruit, candy, peanuts, ice cream, frozen desserts or other frozen confections, or popcorn;

“Refreshment Vehicle Operator” means a person who operates a refreshment vehicle and includes operators of muscle-powered carts or wagon for which a Provincial Driver’s License is not required, who is licensed or required to be licensed under the provisions of this By-law;

“Refreshment Vehicle Owner” means the owner of a refreshment vehicle who is licensed or required to be licensed under the provisions of this By-law;

“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*, RSC 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;

“Registered Owner” means the person shown to be the owner of a motor vehicle according to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario;

“Salvage Yard” includes, but is not limited to, an automobile wrecking yard or premises;

“Screening Decision” means a decision made by a Screening Officer;

“Screening Officer” means a person from time to time appointed by Council; pursuant to the Screening Officer By-law;

“Second-hand Goods Shop” means a building or place where a person carries on the business of selling used or previously owned merchandise regardless of age and condition;

“Sensitivity Training Course” means an accredited course approved by the Licensing Commissioner which provides the knowledge to assist and understand the needs and sensitivities of those persons who have a disability;

“Services” in relation to an adult entertainment establishment includes activities, facilities, performances, exhibitions, viewing and encounters but does not include the exhibition of film approved under the *Film Classification Act*;

“Services designed to appeal to erotic or sexual appetites or inclinations” includes, but is not limited to:

- (a) services of which a principal feature or characteristic is the nudity or partial nudity of any person, including the customer;
- (b) 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
- (c) 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 female breast below a point immediately above the top of the areola;

“Sign” means any device for the purpose of direction, information, identification, advertisement, business promotion or the promotion of a product, activity or service located on private property;

“Sign Area” means the number of square metres on the surface of a sign, including the border and frame, and where there is no border, shall include all area of the surface lying within the extremities of a sign. Where used in connection with a sign having more than one display surface, only one-half of the total area of all the display surfaces shall be used in the calculation of the sign area;

“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 Effect Pyrotechnics” means any explosive as defined and classified under the *Explosives Act*, which will be used to produce a special effect in a film or television production or a performance before a live audience;

“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 not longer than three consecutive days;

“Special Event Food Shop” means a Food Shop/Restaurant that is participating in a special event;

“Special Event Refreshment Vehicle” means a Class “A”, “B”, or “C” refreshment vehicle that is participating in a special event;

“Special Event Refreshment Vehicle Operator” means a person who operates a Class “A” or “B” refreshment vehicle that is participating in a special event;

“Special Occasion Limousine” means any Class “A”, “B”, or “C” Limousine which is operated on a per day basis;

“Special Sale” means any sale or intended sale 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; or any other similar word or words that represent, hold out or advertise that any goods, wares or merchandise are to be disposed of in a manner that is not in the ordinary course of retail business;

“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;

“Spouse” means a person to whom the person is married, or with whom the person is living outside marriage in a conjugal relationship, if the two have cohabited for at least one year, or are together the parents of a child, or have together entered into a cohabitation agreement under Section 53 of the *Family Law Act*;

“Tanning equipment” means any device equipped, or intended to be equipped, with one 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;

“Taxicab” includes any automobile used for hire in the conveyance of persons from place to place within the Town of Oakville or from any place within the Town of Oakville to any point inside or outside the Town of Oakville, but does not include a bus operated by The Corporation of the Town of Oakville or under licence under the *Public Vehicles Act*, an ambulance, a funeral hearse or a Limousine used only for funeral or wedding processions, a Limousine licensed by the Town of Oakville, a rental automobile without a driver or an automobile used for hire in the conveyance of persons from within the Town of Oakville to an airport owned and operated by the Crown in right of Canada situate outside the Town of Oakville if the automobile 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);

“Taxicab broker” or **“Broker”** means any person who carries on the business of dispatching taxicabs in any manner;

“Taxicab driver” or **“Driver”** means any person licensed under this By-law to drive a taxicab;

“Taxicab meter” means a measuring device used in a taxicab to calculate the rate payable for a trip;

“Taxicab owner” or **“Owner”** means the holder of the plate portion of the permit issued under the *Highway Traffic Act* of a vehicle licensed as a taxicab under this By-law; and

“Taxicab stand” or **“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;

“To operate” when used in reference to a taxicab includes to drive the said vehicle and to make it available to the public for use as a taxicab;

“Tobacconist” means a keeper of a store or shop where tobacco, cigars, cigarettes or other smoking materials are sold by retail;

“Town” means The Corporation of the Town of Oakville in the Regional Municipality of Halton;

“Trip” 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;

“Trip Sheet” means the written record of the details of each trip;

“Vehicle Insurance” means a current valid Ontario standard automobile insurance policy in good standing and properly endorsed against liability arising out of bodily injury to or the death of a person or loss or damage to property caused by an automobile or the use or operation thereof in accordance with the provisions of this By-law, including coverage for: (a) the owner or driver of an automobile, or (b) a person who is not the owner or driver thereof where the automobile is being used or operated by that person’s employee or agent or any other person on that person’s behalf;

“Vehicle Ownership” means the Motor Vehicle Owners Certificate, issued pursuant to the *Highway Traffic Act*;

“Video” means cinematographic or motion picture film, video, video disc, game cartridges, computer diskettes, CD-ROM’s, pre-recorded magnetic tape, and any other medium from which may be produced visual images that may be viewed as moving pictures;

“Video Store” means any premises or part thereof in which videos are provided to the public in the pursuance of a trade, calling or business;

“Visually Impaired Person” means a person to whom an identification card for the visually impaired has been issued by the Attorney General or an officer of his Ministry, pursuant to the *Blind Persons’ Rights Act*, R.S.O. 1990, c.B.7;

“Written Declaration” means a sworn document that attests to the requirements as set out in the Schedules to this By-law; and

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

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3. Licence Application/Renewal Requirements

This table outlines licence application/renewal requirements, in addition to those listed in any other Schedule.

[illegible]

SCHEDULE 2: ADULT ENTERTAINMENT ESTABLISHMENT – OWNER/OPERATOR/ATTENDANT

1. In addition to the requirements prescribed in Schedule 1 to this By-law, a completed application for a licence or for renewal of a licence shall be accompanied by:
 - (a) two separate means of identification such as a birth certificate, current driver's licence, passport, or the like, produced for inspection by the Licensing Commissioner;
 - (b) proof of his or her age, if required to do so by the Licensing Commissioner;
 - (c) if the applicant is an owner, a list showing the name and date of birth of all operators and attendants employed by, or performing services in the adult entertainment establishment and all such persons intended or expected to be employed or to perform services in the adult entertainment establishment;
 - (d) 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;
 - (e) if the applicant is a corporation applying for an owner or operator's licence, the name, date of birth and address of every officer, director, shareholder or other person having a beneficial interest of any kind in the shares of the corporation;
 - (f) if the applicant intends to carry on business under a name or designation other than his or her own name or under his or her own name with the addition of the expression "and Company" or some other expression indicating a plurality of members in the firm, a declaration stating the name or designation under which he or she carries on or intends to carry on business, the date when the name or designation was first used by him or her;
 - (g) 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 an adult entertainment establishment; and
 - (h) if the applicant is an owner or operator, a copy of any licence or permit issued under the *Liquor Licence Act* in respect of such premises, and shall, after such licence has been issued, advise the Licensing Commissioner in writing forthwith upon any suspension, cancellation, revocation or termination of such licence or permit or of any change in such licence or permit, or any of its terms.

2. Every applicant for an attendant's licence shall:

- (a) submit with the application two passport size photographs of their face, one of which photographs shall be attached to the licence, and the other shall be filed with the Licensing Commissioner, and upon application for a renewal of any licence, the applicant shall furnish new photographs if required to do so by the Licensing Commissioner.

3. PROHIBITIONS

- (1) No owner shall permit any person other than a licensed operator to operate an adult entertainment establishment.
- (2) No owner or operator shall 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.
- (3) No owner shall 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.
- (4) No attendant or other 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 owner or operator shall permit any premises or part thereof used as an adult entertainment establishment to be used as a dwelling or for sleeping purposes.
- (6) No owner or operator shall 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.
- (7) No person shall 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.
- (8) No owner or operator shall permit a washroom, toilet, sink or basin used for domestic purposes to be used in connection with an adult entertainment establishment.

- (9) No owner or operator shall 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.
- (10) No owner or operator shall 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.
- (11) No owner, operator or attendant shall charge, demand, ask for or require, or permit to be charged, demanded, asked for or required for any services provided any amount other than set out in a list filed with the Licensing Commissioner, or amendments thereto also filed.
- (12) No owner, operator or attendant shall provide services at or in respect of an adult entertainment establishment other than those permitted by endorsement by the Licensing Commissioner on the licence of the owner all as described on a list filed with the Licensing Commissioner or amendments thereto also filed.
- (13) No owner or operator shall 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.
- (14) No person shall act as an owner, operator or attendant of an adult entertainment establishment, or provide any services in an adult entertainment establishment unless the person is at least the age of eighteen years.
- (15) No person shall provide services in an adult entertainment establishment to a person under the age of eighteen years.
- (16) No owner or operator shall permit any person under the age of eighteen to enter or remain in any adult entertainment establishment. This section shall not be deemed to prohibit any person from entering or remaining in any premises licensed as an adult entertainment establishment except when services are being provided in such premises.
- (17) No owner or operator shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any adult entertainment establishment.

- (18) No owner or operator shall 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 8:00 a.m. of the same day.
- (19) No owner or operator shall 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.
- (20) No owner, operator or attendant shall take, consume or have a 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.
- (21) No owner, operator or attendant shall 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 a Peace Officer, Medical Officer of Health or a Public Health Inspector acting under their direction or a By-law Enforcement Officer.
- (22) No owner shall fail to notify the Licensing Commissioner before engaging any operator to operate the adult entertainment establishment.
- (23) No owner or operator shall fail to provide to the Licensing Commissioner a copy of every contract of 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.
- (24) No owner or operator shall fail to make available for inspection the original of any such document noted in subsection 3(23) upon request by the Licensing Commissioner, the Chief of Police or any person duly authorized by either, or fail to retain such documents for a period of six months after its termination.
- (25) No owner or operator shall fail to keep proper records and books of account of all business transacted in, by, or in respect of the adult entertainment establishment, which books shall 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, 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, the amount of salary or commission paid to each attendant, 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 all bills and receipts for the full amount paid for services.

- (26) No owner or operator shall fail to keep such books and records as are required by subsection 3(25) for at least one year after the information required by that subsection is entered therein, and the Licensing Commissioner, the Chief of Police or any person duly authorized by either, shall at all times have access to such records.
- (27) No owner, operator or attendant shall fail to give to a customer an itemized bill for services, listing the services to be provided and the price to be paid for each upon entry of the customer into an adult entertainment establishment or immediately before any services are provided.
- (28) No owner, operator or attendant shall fail to provide a customer a written receipt for the full amount paid for services.
- (29) No owner or operator shall fail to ensure:
- (a) the premises are provided with adequate light and ventilation;
 - (b) the premises and all fixtures and equipment therein are regularly washed and kept in sanitary condition;
 - (c) the premises are equipped with an effective utility sink;
 - (d) adequate toilet and washroom accommodation are provided, and there are separate such rooms for males and females;
 - (e) 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;
 - (f) in all shower-bath rooms, if any, and in all sauna-bath rooms, 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 are self-draining;
 - iii. all showers have removable cleanable drain covers; and
 - iv. floor surfaces both within and without the enclosures are of a non-slip type;

- (g) common foot baths are not provided on the premises; and
- (h) 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.
- (30) No owner or operator shall 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 year by the owner or operator together with all other copies of receipts required by this By-law to be retained.
- (31) No owner or operator shall 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 3(30).
- (32) No owner or operator shall fail to take due care of all property delivered or entrusted for safekeeping and return it to its owner upon demand. Every attendant immediately upon the termination of services referred to in subsection 3(30), 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 owner cannot at once be found, then to the nearest police station, with all information regarding the same.
- (33) No owner or operator shall fail to exhibit over the street door or in the lower front window of the premises in respect to which such person's licence is issued or in some other conspicuous place on the exterior of such premises satisfactory to the Licensing Commissioner a sign issued by the Licensing Commissioner bearing the words, "LICENSED ADULT ENTERTAINMENT ESTABLISHMENT NO.", (inserting after "NO." the owner's licence number), and "Comments regarding this business may be made to the Licensing Commissioner, The Corporation of the Town of Oakville."
- (34) No owner or operator shall fail to keep the licence or duplicate copy of such licence, issued in respect of an adult entertainment establishment, exposed in a conspicuous place in every room and cubicle in the said premises and also prominently displayed on the exterior of the premises at all times during the currency of the licence, and the Licensing Commissioner shall issue duplicate copies of licences for such purposes.

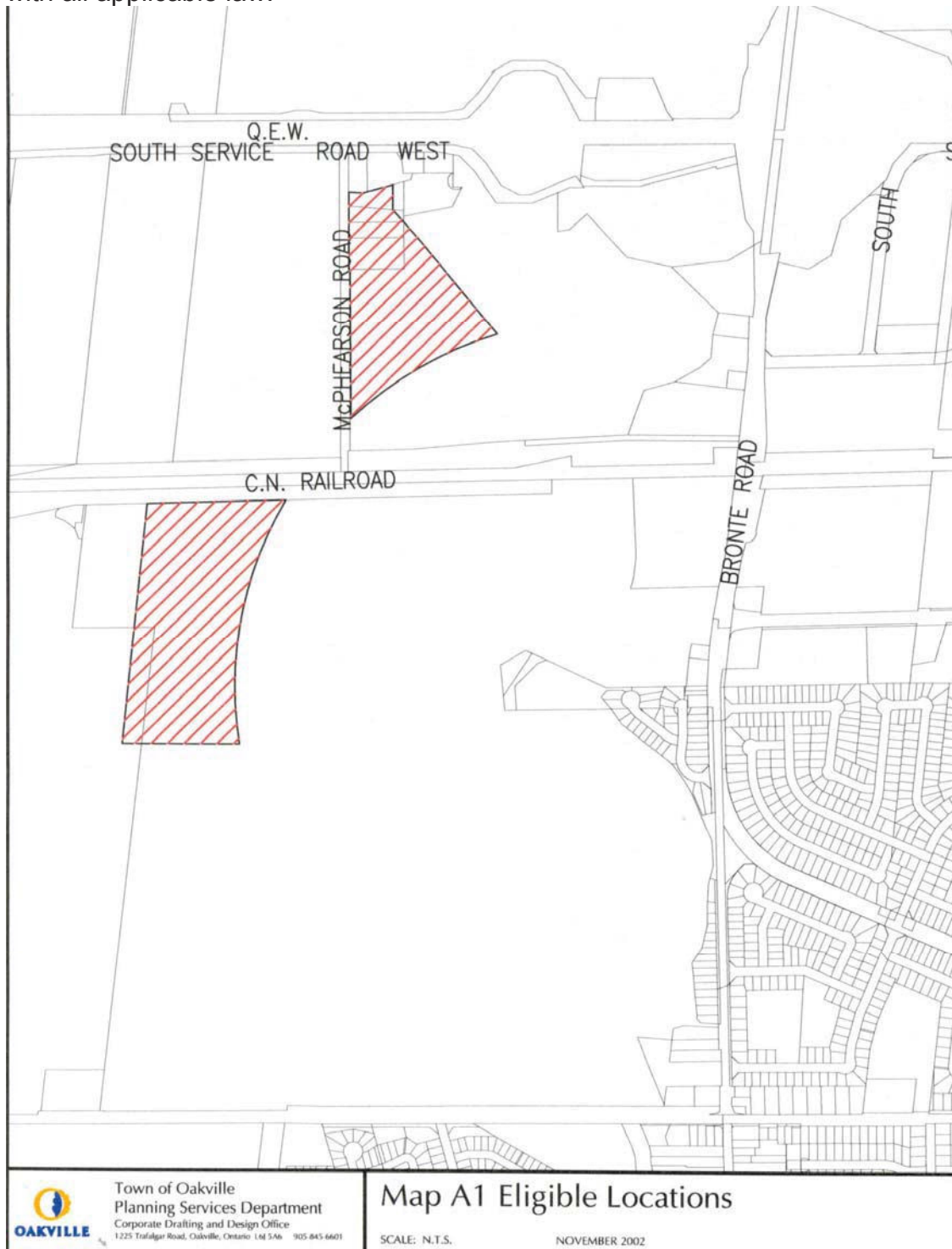
- (35) No owner or operator shall permit more than one sign other than as expressly permitted in this By-law. Where more than one adult entertainment establishment occupies the same building or structure there may be one such sign as permitted in respect of each adult entertainment establishment subject to the condition that where one owner owns more than one adult entertainment establishment situated in one building or structure, such owner is permitted to have only one such sign, which sign may refer to all of their adult entertainment establishments.
- (36) No owner or operator shall solicit, employ or allow any runner, sandwich-board man, bill or gift distributor or other person to advertise services offered in or by an adult entertainment establishment, or to assist or act in concert in the soliciting of any person to use the service or services of any kind offered in or by an adult entertainment establishment on any public highway, lane, street, sidewalk, park or other public place.
- (37) No owner or operator shall use, or permit to be used, any telephone for the purpose of advertising or soliciting any person to use the service or services provided in an adult entertainment establishment.
- (38) No owner or operator shall 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.
- (39) No owner or operator shall 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.
- (40) No owner or operator shall fail to post a copy of the list of services and fees referred to in subsection 3(39) in a conspicuous place in the interior of the adult entertainment establishment plainly visible to any person upon entering the said premises.

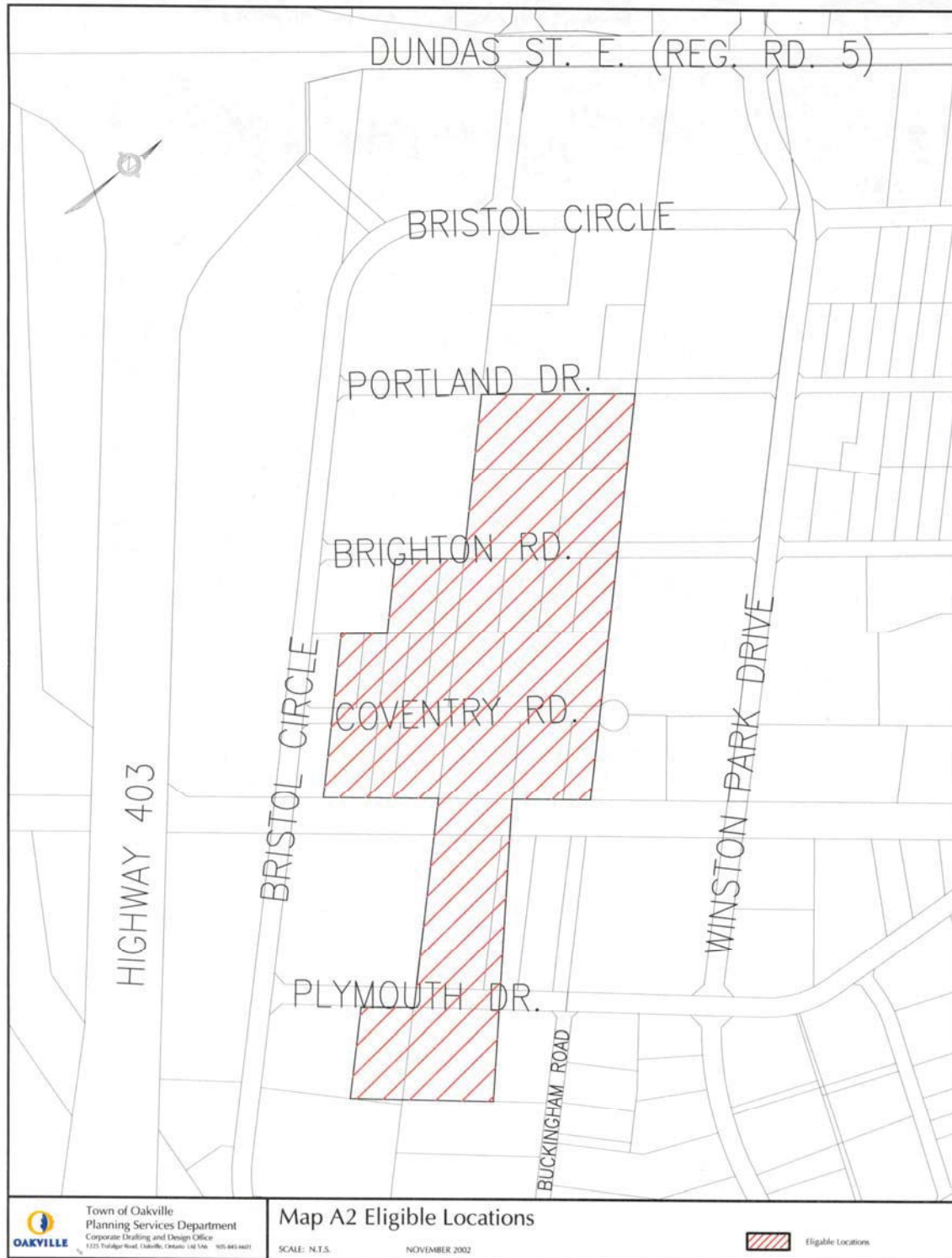
- (41) No owner, operator or attendant providing services at an adult entertainment establishment or in attendance at an adult entertainment establishment in pursuance of a trade, calling, business or occupation carried on by the owner or operator of such an adult entertainment establishment, shall fail to, upon request by 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.
- (42) No owner or operator shall 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.
- (43) No owner or operator shall 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 3(42), or at any time at which an attendant is in attendance at an adult entertainment establishment.
- (44) No owner or operator shall 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.
- (45) No owner or operator shall fail to provide and maintain at all times at the adult entertainment parlour a first-aid kit equipped in a manner satisfactory to the Medical Officer of Health.
- (46) No owner, operator or attendant shall 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. In addition to the sign referred to in subsection 3(33), there may be displayed flat against the exterior portion of a wall or door of an 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 may 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.
5. No licence shall be issued unless the Licensing Commissioner is satisfied that the applicant is of the full age of eighteen years.
6. Notwithstanding any other provision of this By-law, a maximum of two owner's licences for adult entertainment establishments shall be issued under this By-law.
7. Adult entertainment establishments shall only be permitted to operate within the areas described in Appendix "1" (Map A1/A2) to this Schedule, which shall form part of this By-law, and no person shall own or operate an adult entertainment establishment or provide services in an adult entertainment establishment outside these areas.

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 VENDOR – CLASS A, B

1. PROHIBITIONS

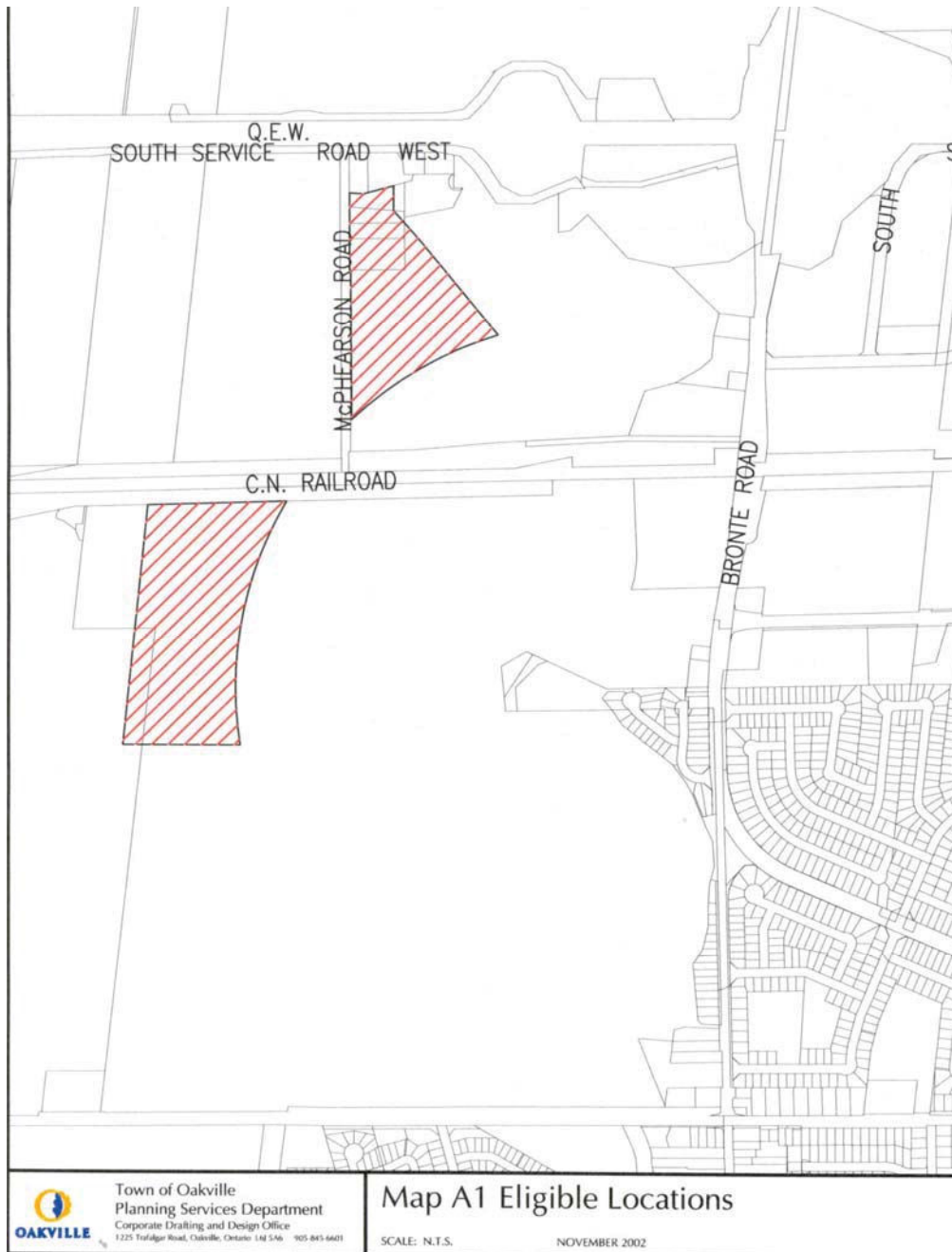
- (1) No person shall carry on or engage in the business of an adult entertainment video vendor except in compliance with the provisions of the *Film Classification Act*.
- (2) No person shall provide to the public any video that has not been approved by the Ontario Film Review Board for sale or rental in Ontario.
- (3) No owner or operator shall fail to maintain on the premises, available for inspection by the Licensing Commissioner, any Peace Officer or Provincial Offences 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.
- (4) No owner or operator shall fail to keep the premises in a clean and sanitary condition.
- (5) No owner or operator of a Class “A” adult entertainment video vendor shall permit any person under the age of eighteen years to enter or remain in such premises.
- (6) No owner or operator shall permit any person to work in an adult entertainment video vendor unless such person is of the age of eighteen years or older.
- (7) No owner or operator shall 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 years of age.
- (8) No owner or operator of a Class “A” adult entertainment video vendor shall 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 years is permitted to enter or remain in such premises.
- (9) No owner or operator shall 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 which are not restricted to the words “adult videos”, “adult videos”, or “adult video sales, rentals or exchange”.
- (10) No owner or operator shall 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 which 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.

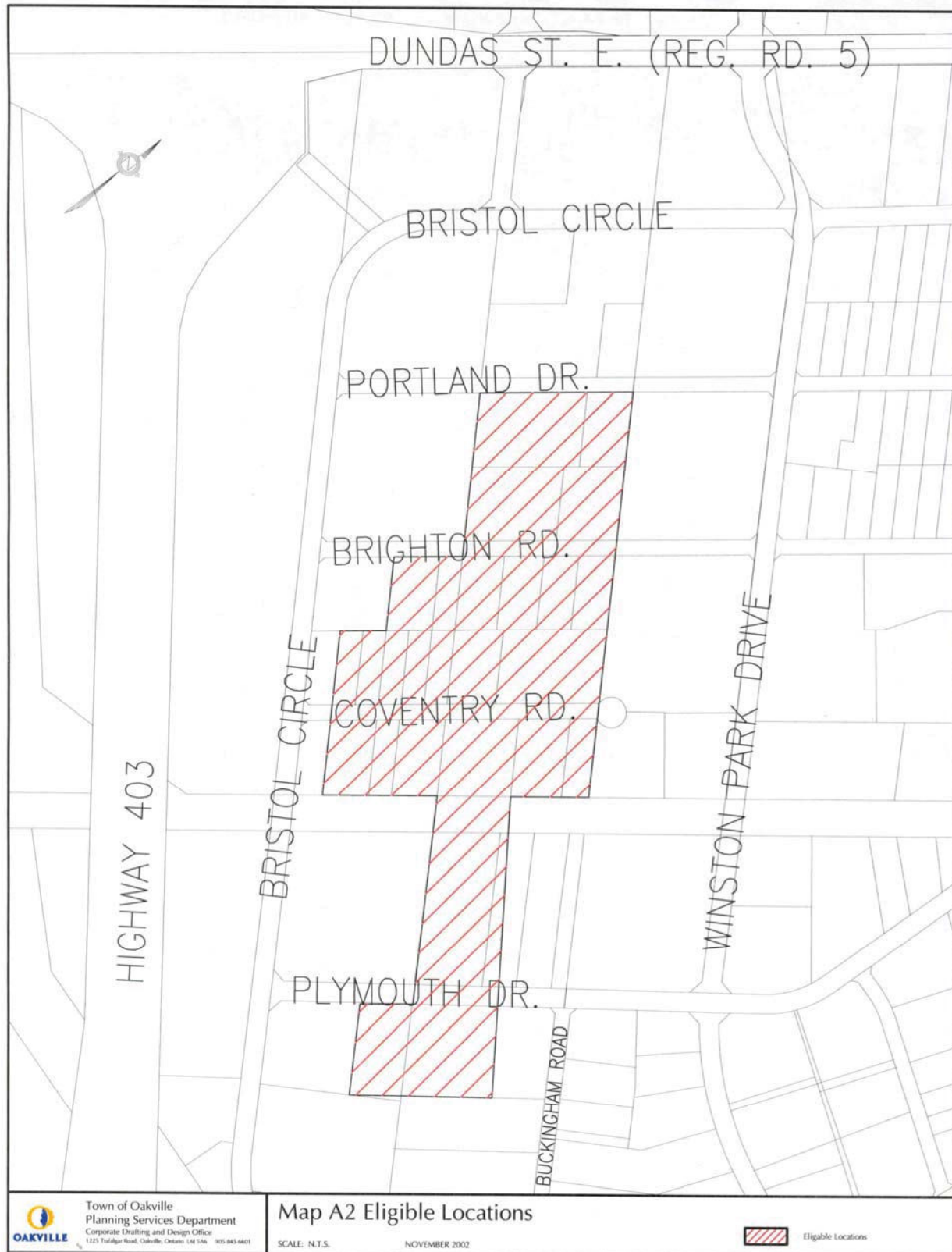
- (11) No owner or operator shall use or display or permit the use or display of any adult video or cover, jacket or container for an adult video, or any portion thereof, or any other adult video printed or promotional material or visual images in any manner so as to be visible outside of the premises.
 - (12) No owner or operator shall 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.
 - (13) No owner or operator of a Class “B” adult entertainment video vendor shall 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, and display any printed or promotional material or visual images in any manner so as to be visible from within the premises.
 - (14) No owner or operator of a Class “B” adult entertainment video vendor shall fail to ensure that every person working in any adult entertainment video store complies with all requirements of this By-law relating to the provision of adult videos.
 - (15) No owner or operator of a Class “B” adult entertainment video vendor shall permit the use of the binder or container referred to in section 2:
 - (a) by any person who is not at least eighteen years of age;
 - (b) to be used in any manner such that its contents are visible to any person other than the person who requested the binder or container; and
 - (c) to be left open, displayed or exposed in any manner so as to constitute a violation of any other provision of this By-law.
2. Notwithstanding subsection 1(11), the owner or operator of a Class “B” adult entertainment video vendor 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 years of age.
 3. No licence shall be issued unless the Licensing Commissioner is satisfied that the applicant is of the full age of eighteen years.
 4. All Class “A” adult entertainment video vendors shall be restricted to the locations and geographic areas designated in Appendix “1” (Map A1/A2) to this Schedule, and no Class “A” adult entertainment video vendor is permitted to operate in any other location or area or areas of the Town of Oakville.

5. No Class “A” adult entertainment video vendor licence may be granted except as permitted in Appendix “1”, or in a greater number than as specified in this Schedule.
6. Any description of an area or areas in a map in Appendix “1” shall be deemed to define an area for the purpose of Class “A” adult entertainment video store.
7. No person shall own or operate an adult entertainment video store in the Town of Oakville except as permitted under this By-law and pursuant to a licence issued under this By-law.
8. No person shall own or operate a Class “A” adult entertainment video store in the Town of Oakville except in a location or geographic area provided in Appendix “1” (Maps A1/A2 to this Schedule, which form part of this By-law) and as permitted under this By-law.
9. Appendix 1 (Map A1/A2) does not apply to Class “B” adult entertainment video vendors, which are permitted to operate in those areas of the Town of Oakville consistent with the Zoning By-law and other applicable law.
10. Subject to this By-law, 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 of enactment of this By-law is hereby defined as an area in which a Class “A” adult entertainment video vendor is, if in compliance with all other applicable law, permitted to locate and operate and is eligible to be licensed under this By-law for so long as such part of such premises continues to be lawfully used for such purposes:
 - a. 2544 Speers Road, Oakville
11. The total number of licences for Class “A” adult entertainment video vendors in the Town of Oakville, which may be issued under and in accordance with this By-law, shall be limited to two.
12. Should any area referred to in section 10 of this Schedule cease to be used for the purposes of a Class “A” adult entertainment video vendor, any Class “A” adult entertainment video vendors licence issued under this By-law for that location shall be revoked and no renewal of further such licence at such location shall be issued.

Appendix “1” (Map A1/A2) to SCHEDULE 3

Class “A” adult entertainment video vendors 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. In addition to the requirements prescribed in Schedule 1 to this By-law, a completed application for a licence or for renewal of a licence shall be accompanied by a description of the proposed use and the animals being used.
2. In addition to the grounds for refusal of the By-law, no licence shall be issued:
 - (a) where the animal is, or is likely to be taunted, goaded, baited, provoked, injured or distressed;
 - (b) where spectators or other members of the public are likely to be injured through being trampled, gored, crushed, bitten or otherwise harmed; or
 - (c) where the animal is at risk of escaping or otherwise being at large.
3. No 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; or
 - (b) restrain the animal in a manner that causes pain, injury or distress.
4. Every person using an animal for the purposes of entertainment and/or education, shall ensure that spectators and other members of the public are protected from being trampled, gored, crushed or bitten by the animal, and ensure that the animal is prevented from escaping or being at large.

SCHEDULE 5: AUCTIONEER

1. A licence shall not be issued if at any time within three (3) years prior to the application the person has been convicted of any offence relating to fraudulent practices, stolen goods, theft or burglary under the Criminal Code, or of any offence under the provisions of the *Bankruptcy and Insolvency Act*, R.S. 1985, c. B-3 (*"Bankruptcy and Insolvency Act"*).
2. Notwithstanding the prohibitions set out in Section 2 of the By-law, a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent, or a person selling land by public auction is not required to be licensed under this By-law.
3. No Licensee shall:
 - (a) permit disorder in the 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 or to a purchaser as to a sale.
4. Every person licensed under this By-law shall keep proper books showing:
 - (a) the names and addresses of the owners of the goods auctioned;
 - (b) a description of the goods;
 - (c) the price at which they 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.

SCHEDULE 6: BED AND BREAKFAST ESTABLISHMENT

1. Every Licensee shall:

- (a) provide a register in which all guests shall be registered and such register shall specify the date of entry of such guest, the period of stay and the home address of such guest, and the register shall be open for inspection by the Licensing Commissioner;
- (b) display in a prominent location a list stating the fee to be charged for each licensed room and the check-out time for such licensed room; and
- (c) ensure that the premises are maintained in a clean and hygienic manner.

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SCHEDULE 7: BILLIARD HALL

1. Within a licensed premises or around the immediate outside area of the licensed premises, no Licensee shall cause or permit any:
 - (a) person to loiter, create a disturbance or cause undue noise; or
 - (b) activity contrary to the protection of public health and safety.
2. No Licensee shall permit the licensed premises to be open to the public unless:
 - (a) a person over the age of 18 years is present to supervise the use of the licensed premises; and
 - (b) the licensed premises are in a clean and sanitary condition and do not present a fire hazard or other hazard to public health or safety.
3. A person licensed under this By-law shall not operate or permit the operation of any billiard hall or permit any person to use any billiard table, pool table or any like table between the hours of 12:01 a.m. and 8:00 a.m. of each Monday to Saturday inclusive when the premises are located within 100 metres (330 feet) of a residential area.

SCHEDULE 8: BODY-RUB ESTABLISHMENT – OWNER / OPERATOR / ATTENDANT

1. In addition to the requirements prescribed in Schedule 1 to this By-law, a completed application for a body-rub establishment licence or for renewal of a licence shall be accompanied by:
 - (a) two separate means of identification such as a birth certificate, current driver's licence, passport, or the like, produced for inspection by the Licensing Commissioner;
 - (b) proof of his or her age, if required to do so by the Licensing Commissioner;
 - (c) if the applicant is an owner, a list showing the names 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;
 - (d) 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;
 - (e) if the applicant is a corporation, the name, date of birth and address of every officer, director, shareholder or other person having a beneficial interest of any kind in the shares of the corporation;
 - (f) if the applicant intends to carry on business under a name or designation other than their own name or under a name with the addition of the expression "and Company" or some other expression indicating a plurality of members in the firm, a declaration stating the name or designation under which the applicant intends to carry on business, and the date when the name or designation was first used; and
 - (g) 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.
2. In addition to the requirements prescribed in Schedule 1 to this By-law, every applicant for a body-rubber's licence shall:
 - (a) comply with the requirements set out in section 1(a) and (b) herein, and
 - (b) submit with the application two passport size photographs of their face, one of which photographs shall be attached to the licence, and the other shall be filed with the Licensing Commissioner, and upon application for a renewal of any licence, the applicant shall furnish new photographs if required to do so by the Licensing Commissioner.

3. No licence shall be issued unless the Licensing Commissioner is satisfied that the applicant is of the full age of eighteen years.

4. PROHIBITIONS

- (1) No owner, operator or body-rubber shall perform, offer, or solicit a body-rub in pursuance of a trade, calling, business or occupation without a licence issued under this By-law.
- (2) No owner shall permit any person other than a licensed operator to operate a body-rub establishment.
- (3) No owner or operator shall permit any body-rub to be performed, offered, or solicited in the pursuance of a trade, calling, business or occupation, upon or at the body-rub establishment or pursuant to the operation of a body-rub establishment, by any person other than a licensed body-rubber or other person licensed or authorized by or under this By-law to do so.
- (4) No owner shall 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.
- (5) No body-rubber or other person shall perform, offer, or solicit body-rubs in any body-rub establishment unless the owner of the body-rub establishment and the operator is duly licensed as owner or operator respectively under this By-law.
- (6) No operator not being the owner shall operate a body-rub establishment unless the owner of the body-rub establishment is duly licensed as owner under this By-law.
- (7) No body-rubber shall perform any body-rubs or other services in a body-rub establishment unless their licence is posted in compliance with section 4, subsection (58) hereof and unless they have notified the Licensing Commissioner that they are performing services in such body-rub establishments.
- (8) No owner or operator shall permit any premises or part thereof used as a body-rub establishment to be used as a dwelling or for sleeping purposes.
- (9) No owner or operator shall permit any food or beverage to be prepared, consumed, kept for sale, sold, bought, given or offered free of charge in any body-rub establishment, other than a vending machine which dispenses beverages, 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.

- (10) No owner or operator shall permit the premises to be constructed or equipped so as to hinder or prevent the enforcement of this By-law.
- (11) No owner, operator or body-rubber shall 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 4(10) herein.
- (12) No person shall 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.
- (13) No person shall use or permit a washroom, toilet, sink or basin used for domestic purposes to be used in connection with a body-rub establishment.
- (14) No owner or operator shall permit any services to be given, performed, provided or received in any body-rub establishment in breach of any of the regulations contained in this By-law.
- (15) No owner or operator shall advertise a body-rub 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 body-rub establishment by any means or in any form whatsoever, except as specifically permitted in this By-law.
- (16) No owner or operator shall 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.
- (17) No owner or operator shall solicit, employ or allow any runner, sandwich-board man, bill or gift distributor or other person to advertise services offered in or by a body-rub establishment, or to assist or act in concert with soliciting any person to use the service or services of any kind offered in or by a body-rub establishment on any public highway, lane, street, sidewalk, park or other public place.
- (18) No owner, operator or body-rubber shall use, or permit to be used, any telephone for the purpose of advertising or soliciting any person to use the service or services provided in a body-rub establishment.
- (19) No person shall 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 4(63), 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.

- (20) No owner, operator or body-rubber shall charge, demand, ask for or require, or permit to be charged, demanded, asked for or required for any services offered, performed or solicited in, upon or at a body-rub establishment any amount other than set out in a list filed with the Licensing Commissioner, or amendments thereto also filed with the Licensing Commissioner.
- (21) No owner, operator or body-rubber shall offer, perform or solicit a body-rub in, upon, at or in respect of a body-rub establishment, or perform any services thereon other than body-rubs and other services permitted by endorsement by the Licensing Commissioner on the licence of the owner of the body-rub establishment all as described on a list filed with the Licensing Commissioner or amendments thereto also filed with the Licensing Commissioner.
- (22) No owner or operator shall permit any trade, calling or business or occupation for which a licence is required, to be carried on in a body-rub establishment unless a description of the trade, calling, business or occupation is endorsed on the owner's licence as provided in this By-law and unless the owner and every other person required to be so licensed has paid the licence fee.
- (23) No person shall act as an owner, operator or body-rubber of a body-rub establishment or provide any services in a body-rub establishment unless the person is at least the age of eighteen years.
- (24) No person shall 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 years.
- (25) No owner or operator shall permit any person actually or apparently under the age of eighteen to enter or remain in any body-rub establishment.
- (26) No owner, operator, body-rubber or other person shall provide a body-rub or any other service or services in a body-rub establishment to a person who is or who appears to be intoxicated by alcohol or a drug or to any person whose appearance or condition provides reasonable cause to believe that the provision of such services to such person may cause illness or injury.
- (27) No owner or operator shall permit any person who is or appears to be intoxicated by alcohol or a drug to enter or remain in any body-rub establishment.
- (28) No owner or operator shall 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 at any time between the hours of 1:00 o'clock in the forenoon of any day and 8:00 o'clock in the forenoon of the same day.

- (29) No person shall permit a body-rub establishment to be open for business at any time other than the times set forth in a schedule filed with the Licensing Commissioner.
- (30) No owner, operator or body-rubber shall take, consume or have a liquor or a drug, in their possession in a body-rub establishment, nor shall the use of liquor or a drug be apparent while in a body-rub establishment. For the purpose of this subsection the word “drug” shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.
- (31) No owner, operator or body-rubber shall 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 a Peace Officer, Medical Officer of Health or a Public Health Inspector acting under his or her direction or a By-law Enforcement Officer.
- (32) No owner, operator or body-rubber shall perform or permit to be performed a body-rub in any body-rub establishment by or upon any person whom he has reasonable cause to suspect has been exposed to or is suffering from any communicable disease including any communicable skin disease.
- (33) No body-rubber shall hold, receive or handle any cash or currency used or received in connection with the business of the body-rub establishment or receive or hold any customer’s money or belongings, and every owner or operator shall, during the period in which the body-rub establishment is open for business, provide a person for such purposes, which person shall not, during the period in which he is so employed, provide any body-rubs.
- (34) No owner or operator shall permit in any body-rub establishment the offering, selling, giving, performing or soliciting of any services other than body-rubs or the selling, giving, trading or offering of any goods unless the owner of the body-rub establishment notifies the Licensing Commissioner of their intention to so permit such trade, calling, business or occupation and provide a description of such services or goods to be endorsed on such owner’s licence.
- (35) No owner shall fail to notify the Licensing Commissioner before engaging any operator to operate the body rub establishment.
- (36) No owner shall fail to provide 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 owner or operator and a body-rubber performing services in a body-rub establishment, shall be filed by the owner with the Licensing Commissioner and the original of any such document shall be made available for inspection at any time by the Town’s By-law Enforcement Officers upon request, and shall be retained by the owner or operator for a period of six months after its termination.

- (37) No owner or operator shall fail to keep proper records and books of account of all business transacted in, by or in respect of the body-rub establishment, which books shall give 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, the name and licence number of every body-rubber providing services in the body-rub establishment including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each body-rubber and 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.
- (38) No owner or operator shall fail to keep such books and records as are required by the subsection 4(37) for at least one year after the information required by that subsection is entered therein, and the Licensing Commissioner, the Chief of Police or any person duly authorized by either, shall at all times have access to such records.
- (39) No owner or operator shall fail to give to the customer an itemized bill for such services, listing the services to be provided and the price to be paid for each.
- (40) No owner or operator shall fail to provide a customer a written receipt for the full amount paid.
- (41) No owner or operator shall fail to retain and keep a copy of each bill and receipt for at least one 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.
- (42) No person shall provide or permit the provision of a body-rub or other service in any washroom or in any room containing a toilet.
- (43) No owner or operator shall fail to ensure:
- (a) the premises are provided with adequate light and ventilation;
 - (b) the premises and all fixtures and equipment therein are regularly washed and kept in sanitary condition;
 - (c) the premises are equipped with an effective utility sink; and
 - (d) adequate toilet and washroom accommodation are provided, and there are separate such rooms for males and females.

- (44) No owner or operator shall fail to ensure washrooms are equipped with:
 - (a) an adequate supply of hot and cold water;
 - (b) an adequate supply of liquid soap in a suitable container or dispenser;
 - (c) hot air dryers or individual clean towels for the use of each person using the washing facilities; and
 - (d) a suitable receptacle for used towels and waste material.
- (45) No owner or operator shall fail to ensure in all shower-bath room(s) and in all sauna-bath room(s), if any:
 - (a) the floors shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
 - (b) all surfaces and attached accessories of the bath or shower enclosure must be self-draining;
 - (c) all showers must have removable cleanable drain covers; and
 - (d) floor surfaces both within and without the enclosures shall be of a non-slip type.
- (46) No owner or operator shall fail to ensure the following where a bathtub(s) or whirlpool bath(s) are provided on the premises:
 - (a) 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;
 - (b) the bottom of the tub or whirlpool bath enclosure shall be of a non-slip type; and
 - (c) the water serving all the bathtubs, showers and hand basins used by patrons shall not have a temperature exceeding 48.8oC and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device.
- (47) No owner or operator shall fail to ensure that a total volume air change of ten times per hour is provided for all tub, shower or bath rooms.
- (48) No owner or operator shall permit common foot baths to be provided on the premises.
- (49) No owner or operator shall 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.
- (50) No owner or operator shall fail to post a notice advising all patrons that a cleansing shower or bath must be taken by every person immediately prior to any body-rub being performed upon the person.
- (51) No owner or operator shall fail to provide a fresh, clean, individual pair of paper slippers to every person immediately after taking a shower.

- (52) No owner or operator shall 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.
- (53) No owner or operator shall fail to ensure that every sheet or towel shall, immediately after being used by any person, is deposited in a receptacle reserved for that purpose and shall not be utilized again for any purpose before being freshly laundered.
- (54) No owner or operator shall 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.
- (55) No owner or operator shall fail to ensure that every body-rub or other service performed in a body-rub establishment is given in an individual room or cubicle.
- (56) No owner or operator shall fail to provide a service by which any customer may deposit valuables or other property for safekeeping and any customer who presents his property for safekeeping shall be given a receipt specifying the nature of the property so entrusted.
- (57) No owner or operator shall fail to take due care of all property delivered or entrusted to him for safekeeping and return it to its owner upon demand. Every body-rubber immediately upon the termination of the services of performing a body-rub shall carefully search the body-rub establishment for any property lost or left therein, and all property or money left in the body-rub establishment shall be forthwith delivered over to the person owning the same, or if the owner cannot at once be found, then to the nearest police station, with all pertinent information.
- (58) No owner or operator shall, during the term of employment of a body-rubber or of a body-rubber's services, fail to retain a body-rubber's licence and/or fail to post the licence in a conspicuous place in the body-rub establishment and keep it posted throughout the term.
- (59) No owner or operator shall fail to notify the Licensing Commissioner in writing that a body-rubber has been employed. When such employment ceases it shall be the joint responsibility of the owner or operator and the body-rubber to notify the Licensing Commissioner in writing to such effect within forty-eight hours of the said cessation.

- (60) No owner or operator shall fail to exhibit over the street door or in the lower front window of the premises in respect to which such person's licence is issued or in some other conspicuous place on the exterior of such premises satisfactory to the Licensing Commissioner a sign issued by the Licensing Commissioner bearing the words, "LICENSED BODY-RUB ESTABLISHMENT NO.", (inserting after "No." the owner's licence number), "Comments regarding this business may be made to the Licensing Commissioner, The Corporation of the Town of Oakville".
- (61) No owner or operator shall permit more than one sign other than as expressly permitted in this By-law. Where more than one body-rub establishment occupies the same building or structure there may be one such sign as permitted by section 5 in respect of each body-rub establishment subject to the condition that where one owner owns more than one body-rub establishment situated in one building or structure, such owner is permitted to have only one such sign, which sign may refer to all of the body-rub establishments.
- (62) No owner or operator shall fail to file with the Licensing Commissioner a copy of a list of all services offered, performed or solicited in, upon or at the body-rub establishment, and of the respective fees charged for such services, and, if such charge be based on a computation of time, the hourly rate shall be shown on such list.
- (63) No owner or operator shall fail to post a copy of the list of services and fees referred to in subsection 4(62) in a conspicuous place in the interior of the body-rub establishment plainly visible to any person upon entering the premises.
- (64) No owner, operator or body-rubber providing services at a body-rub establishment or in attendance at a body-rub establishment in pursuance of a trade, calling, business or occupation carried on by the owner or operator of such body-rub establishment, shall fail to, upon request by any Peace Officer, By-law Enforcement Officer, Medical Officer of Health, 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 the licence.
- (65) No owner or operator shall fail to file with the Licensing Commissioner a schedule showing the hours of business to be observed in the carrying on of the operation of the body-rub establishment which schedule shall state specifically the opening and closing times of the body-rub establishment for each day of the week.

- (66) No owner or operator shall 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 4(65), or at any time at which a body-rub establishment is open for business or at any time at which a body-rubber is in attendance at a body-rub establishment.
- (67) No owner or operator shall 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.
- (68) No owner or operator shall fail to provide and maintain at all times at the body-rub establishment a first-aid kit equipped in a manner satisfactory to the Medical Officer of Health.
- (69) No owner, operator, or body-rubber shall fail to be neat and clean in appearance and civil and well behaved to members of the public.
- (70) No owner, operator or body-rubber shall fail to comply with the provisions of this By-law as applicable to an owner, operator or body-rubber whether or not licensed under this By-law.
- (71) No owner or operator shall fail to take every reasonable precaution to ensure that persons who have been exposed to communicable diseases and persons who are suffering from such diseases are not permitted to enter into or remain within the body-rub establishment.
- (72) No owner or operator shall fail to submit to such medical examination and tests as the Medical Officer of Health may require.
- (73) In addition to the sign referred to in subsection 4(60), there may be displayed flat against the exterior portion of a wall or door of a body-rub establishment one non-illuminated sign of which the façade shall not exceed 0.19 square metres in size, and which sign shall be no more than 7.6 centimeters in depth, which sign may 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 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.

(74) Notwithstanding any other provision of this By-law, a maximum of two owner's licences for body-rub establishments shall be issued under this By-law.

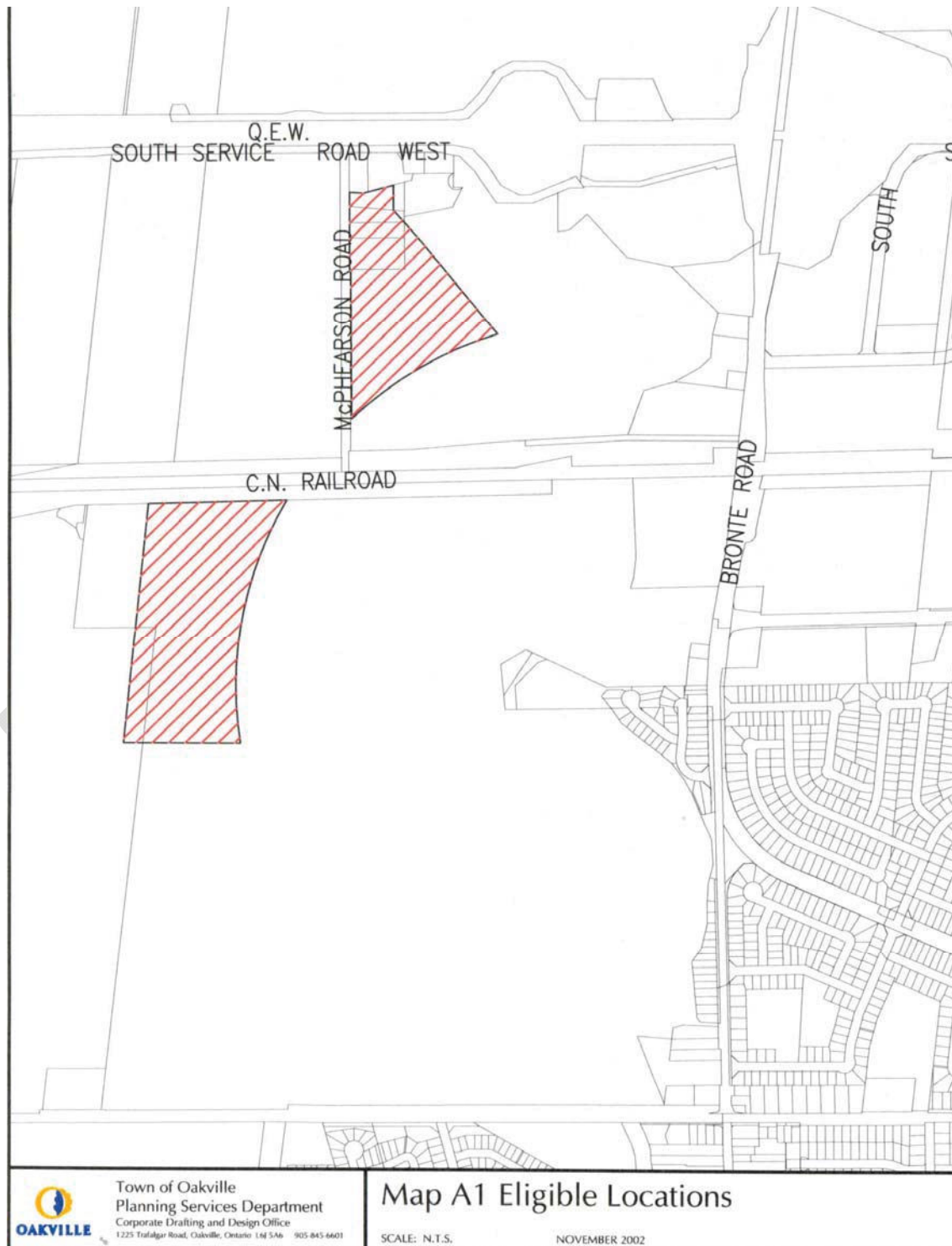
(75) Body-rub establishments shall only be permitted to operate within the areas described in Appendix "1" (Maps A1/A2 to this Schedule, which is attached to and shall form part of this By-law.

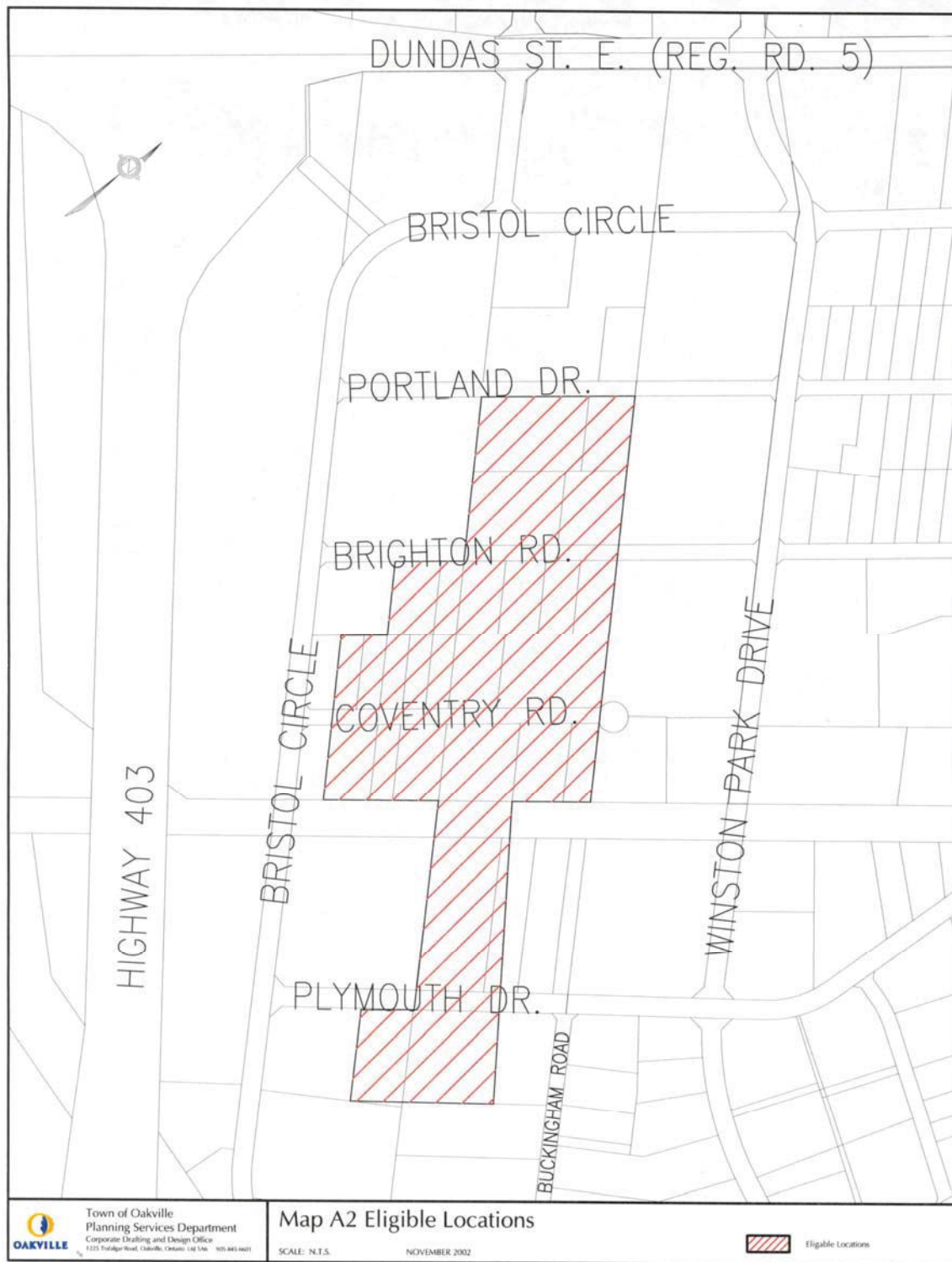
(76) No person shall operate a body-rub establishment outside the area described in Appendix "1" to this Schedule.

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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 9: BOWLING ALLEY

1. Within a licensed premises or around the immediate outside area of the licensed premises, no Licensee shall cause or permit any:
 - (a) person to loiter, create a disturbance or cause undue noise; or
 - (b) activity contrary to the protection of public health and safety.
2. No Licensee shall permit the licensed premises to be open to the public unless:
 - (a) a person over the age of 18 years is present to supervise the use of the licensed premises; and
 - (b) the licensed premises are in a clean and sanitary condition and do not present a fire hazard or other hazard to public health or safety.

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SCHEDULE 10: BUILDING RENOVATOR

1. Every Licensee shall:
 - (a) have printed or otherwise displayed on both sides of all vehicles owned, leased or used by the Building Renovator in the course of business, in figures/letters no less than 4 inches in height and in contrasting colours to the colour of the vehicle, the Building Renovator's name;
 - (b) have printed or otherwise impressed on all business stationery, forms, invoices, statements and advertising materials, the Building Renovator's name, business address and telephone number;
 - (c) provide a written contract which shall be signed by the Licensee 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;
 - (d) give a copy of the contract referred to in subsection 1(c) to the person for whom the work is being done;
 - (e) where required, obtain all necessary permits prior to the commencement of any work, and, procure all requisite inspections from the Town;
 - (f) only employ persons to do building work where such person is qualified, or undertaking relevant training;
 - (g) not 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;
 - (h) not permit the operation of any equipment between the hours of 7:00 p.m. and 7:00 a.m. of the following day that is likely to disturb those inhabiting neighbouring properties without first obtaining a Noise Exemption permit, other than emergency work required to address an immediate safety concern;
 - (i) ensure that their vehicles do not obstruct sidewalks or roads;
 - (j) ensure that all debris, mud, garbage or stone tracked onto the sidewalks or roads is removed at the end of each day;
 - (k) maintain all equipment in a safe condition and in good working order;
 - (l) ensure properties function properly with respect to drainage;
 - (m) ensure that they do not create any flooding/ponding on neighbouring property, or a municipal right of way;
 - (n) ensure that they do not create any public safety concerns, including impacts on existing pool enclosures on abutting properties; and
 - (o) not undertake any activity that negatively impacts the use and function of a municipal right of way; and
 - (p) replace any damaged sod, ground cover, pavement, property of the Town within 48 hours of the completion of the building renovation.

SCHEDULE 11: DONATION BOX OPERATOR

1. In addition to the licensing requirements set out in Schedule 1 of this By-law, a completed Application for a Licence shall be accompanied by:
 - a) a list of the number and locations of all of Donation Boxes owned by the Licensee within the Town;
 - b) a Canada Revenue Agency Registered Charity number, if applicable;
 - c) a site plan of the location of the Donation Box, showing where on the property the Donation Box is to be located; and
 - d) written permission from the Owner of every property consenting to the placement of a Donation Box on their property.
2. Every Donation Box Operator shall:
 - a) ensure the Donation Box is located wholly on private property;
 - b) ensure the Donation Box is not placed in any location where it may create a visual obstruction for vehicular or pedestrian traffic;
 - c) ensure the Donation Box does not obstruct access to egress from any property;
 - d) ensure the Donation Box does not obstruct a fire route or a fire hydrant;
 - e) purchase a validation sticker from the Clerk's department, bearing the identification number, the location for which the Donation Box has been approved, and the expiry date of the Licence;
 - f) affix and maintain the validation sticker on a conspicuous part of the Licence for each Donation Box during the period for which the Licence is valid;
 - g) only operate a Donation Box at the location for which a validation sticker has been issued;
 - h) display the name of the Donation Box Operator in a conspicuous place on the Donation Box, in lettering of a contrasting colour and no smaller than 100 millimetres x 75 millimeters;
 - i) if not a Registered Charity, display the words: "NOT a Registered Charity" immediately below the name of the operator, in lettering no smaller than 80 millimeters x 60 millimeters, and of a contrasting colour;
 - j) correctly display on the Donation Box wording approved by the Licensing Commissioner regarding the Donation Box Operator's charitable status;
 - k) if any of the items collected by means of the Donation Box is used to benefit a charity, Community Organization or religious institution, immediately below the message described in (e), in lettering no smaller than 80 millimetres x 60 millimeters, and of a contrasting colour, state the amount, as a percentage of sales, dedicated to charities, Community Organizations or religious institutions;
 - l) not permit the pickup of donation items between the hours of 7:00 p.m. and 7:00 a.m. of the following day that is likely to disturb those inhabiting neighbouring properties

- m) ensure the Donation Box is not located within any property zoned residential; and,
 - n) ensure that the Donation Box is clean, in good repair and is free of graffiti and shall ensure that all areas immediately adjacent to the Donation Box are clean and free of litter and other debris.
3. No Person shall allow a Donation Box without a validation sticker to remain on their property.
4. No Donation Box shall be located on any property in the Town if the Donation Box or the Donation Box Operator fails to comply with the terms of this schedule.

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SCHEDULE 12: DRAIN LAYING CONTRACTOR

1. Every Licensee shall:

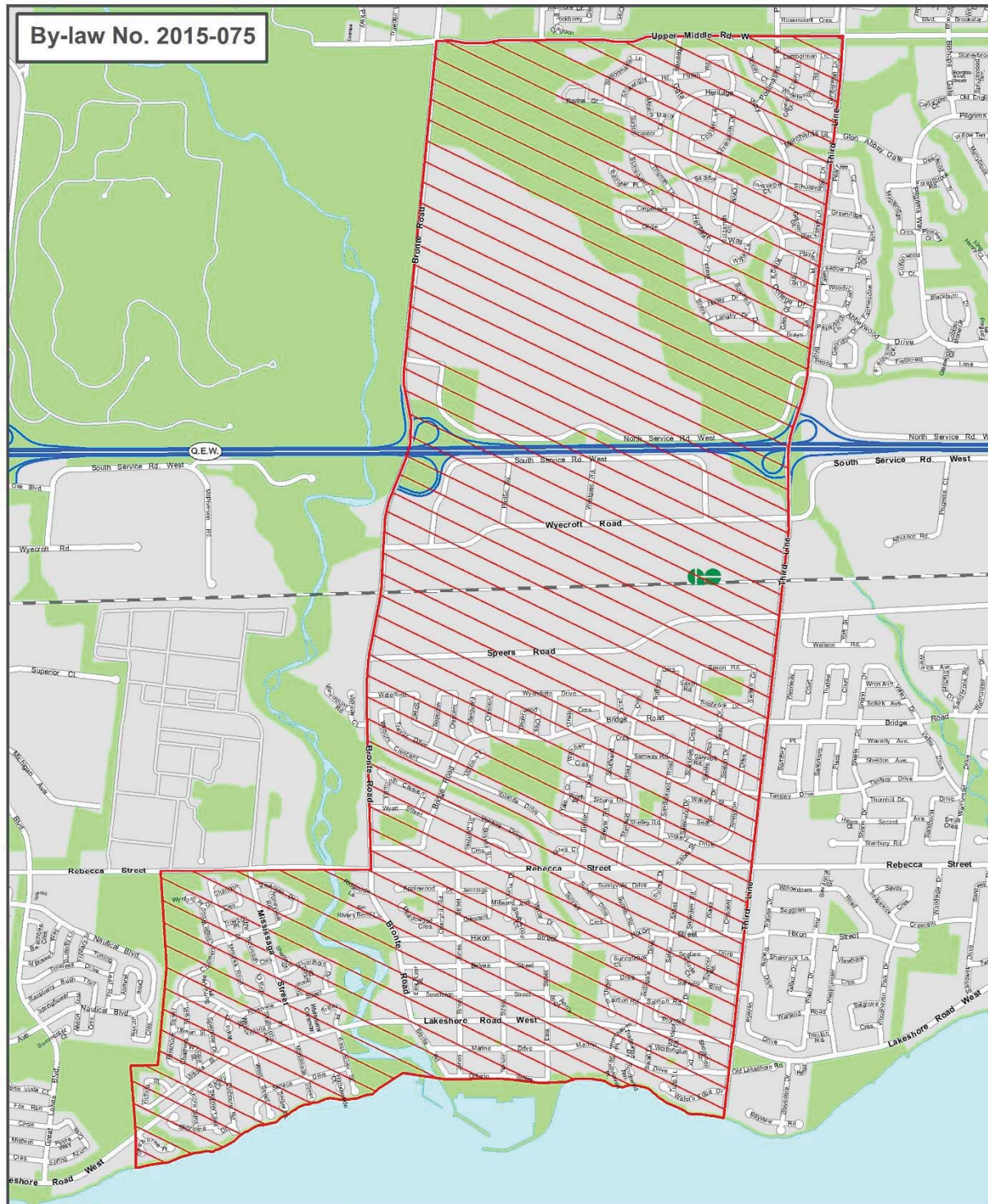
- (a) have printed or otherwise displayed on both sides of all vehicles owned, leased or used by the Drain Laying Contractor in the course of business, in figures/letters no less than 4 inches in height and in contrasting colours to the colour of the vehicle, the Drain Laying Contractor;
- (b) only employ persons to do drain work where such person is qualified, or undertaking relevant training;
- (c) not back-fill or cover any drain work until such work is inspected and approved by the Town; and
- (d) obtain all necessary permits prior to the commencement of any work and, procure all requisite inspection from the Town.

SCHEDULE 13: DRIVING SCHOOL - OPERATOR / INSTRUCTOR / VEHICLE

1. In addition to the requirements prescribed in Schedule 1 to this By-law, a completed application for a licence or for renewal of a licence shall be accompanied by:
 - (a) proof that the vehicle to be used as a driving school vehicle is no more than 7 years old, the age of the vehicle being calculated from July 31st of the original model year, or has accumulated no more than 300,000 kilometres, whichever comes first.
2. No driving school operator shall:
 - (a) cause or permit instruction to be given to any student driver who fails to produce a current Ontario Driver's Licence, a current Ontario motor vehicle operators' licence, or, in the case of a student driver who has not resided in Ontario for more than 30 days, a subsisting driver's licence in accordance with the laws of the province;
 - (b) employ any instructor to teach persons to operate a motor vehicle who is not the holder of an Ontario Driving School Instructor licence pursuant to the *Highway Traffic Act* and a holder of a Town of Oakville licence;
 - (c) operate or permit the operation of a driving school vehicle when the municipal plate is not affixed firmly to the rear of the vehicle and in a conspicuous place;
 - (d) operate or permit the operation of the driving school vehicle if the vehicle cannot be identified as a driving school vehicle as provided for in subsection (c) above;
 - (e) operate or permit the operation of any vehicle in the business of operating a driving school without first licensing the vehicle in accordance with this By-law;
 - (f) advertise driving school service or instruction unless such person operates from the address advertised;
 - (g) use or permit to be used in their business any vehicle bearing any number, sign, card or plate other than those described in this By-law; or
 - (h) use driving school instructors not employed or under contract by the Driving School.

3. No driving school operator or driving instructor shall conduct or permit driving instruction:
 - (a) in any Town park;
 - (b) upon any street abutting and within 152.40 metres (500 feet) of a school or a children's playground;
 - (c) anywhere in the Town of Oakville within the prohibited areas as prescribed in the By-law, and identified in the map included in Appendix 1 to this Schedule which form part of this By-law; or
 - (d) in a vehicle not properly licensed and identified as prescribed in the By-law.
4. Every driving school operator and driving instructor shall:
 - (a) advise the Licensing Commissioner of all vehicles to be used to give driving instruction, identifying such vehicles by the make, model, vehicle identification number and attached Ontario vehicle plate number;
 - (b) at the request of the Licensing Commissioner submit any such driving school vehicles for inspection at such time and place as may be designated;
 - (c) ensure that any vehicle used at any time for the purpose of teaching persons to operate a motor vehicle is equipped with a sign or signs of such nature, size and location on the vehicle as to be readily legible at a distance of at least 15 metres both from the front and the rear of the vehicle, which shall bear the business name, address and telephone number of the operator or business, and which sign must not obstruct the clear view of the plate referred to in subsection 3(d) above;
 - (d) ensure that any motor vehicle which is used at any time for the purpose of teaching persons to operate a motor vehicle has affixed firmly to the rear of the vehicle, the metal plate issued by the Town;
 - (e) provide proof of ownership of the vehicle to be used as a driving school vehicle, and in the case of a leased vehicle, a copy of the leasing agreement; and
 - (f) submit a current vehicle safety certificate and appropriate insurance.

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, Wyecroft, Bronte,
 Lakeshore, and Rebecca.



SCHEDULE 14: DRY CLEANER / LAUNDERETTE

1. Every Licensee shall:
 - (a) post in a conspicuous place in all premises licensed under this By-law where coin operated washing machines and dryers are kept, a sign in clearly legible letters setting out the name, address and telephone number of the person responsible for the operation of the business;
 - (b) keep all licensed premises in a neat, clean, sanitary and tidy condition;
 - (c) maintain all equipment in a safe condition and in good working order;
 - (d) be responsible for the orderly conduct of all patrons at all times while they are upon the premises; and
 - (e) not permit undue noise.
2. Within a licensed premises or around the immediate outside area of the licensed premises, no Licensee shall cause or permit any:
 - (a) person to loiter, create a disturbance or cause undue noise; or
 - (b) activity contrary to the protection of public health and safety.

SCHEDULE 15: EXHIBITION

1. In addition to the requirements prescribed in Schedule 1 to this By-law, a completed application for a licence or for renewal of a licence shall be accompanied by:
 - (a) a list of things to be exhibited, the merry-go-rounds, ferris wheels, and other like contrivances to be set up, and the various games, shows and stalls to be set up or held.
2. No Licensee shall:
 - (a) permit any illegal gambling, illegal drinking, prostitution, obscene show or the short-changing or cheating of the public;
 - (b) permit any person while operating an amusement device to smoke or hold lighted tobacco; or
 - (c) operate an exhibition before 8:00 a.m. and after 11:00 p.m.
3. Every Licensee shall reduce the volume of noise or other amplified sound after 9:00 p.m. to a level unlikely to disturb those inhabiting neighbouring properties.
4. Within a licensed premises or around the immediate outside area of the licensed premises, no Licensee shall cause or permit any:
 - (a) person to loiter, create a disturbance or cause undue noise; or
 - (b) activity contrary to the protection of public health and safety.

SCHEDULE 16: FIREWORKS VENDOR

1. No Licensee shall sell Consumer Fireworks 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, 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 shall be available immediately beside the fireworks in any fireworks storage and/or display; and
 - (f) the building in which the Consumer Fireworks are displayed has two separate exits from the floor area leading directly outdoors.
2. No Licensee shall:
 - (a) set up display boards using live fireworks, even if the fuses are removed;
 - (b) sell Consumer Fireworks or possess Consumer Fireworks for sale, except on 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 each of the 7-days immediately preceding;
 - (c) permit any employee to sell Consumer Fireworks without first instructing such employee in the regulations of this By-law and ensuring that such employee complies with these regulations;
 - (d) sell fireworks from a Mobile Sales Premise;
 - (e) sell fireworks to any person under the age of 18 years;
 - (f) sell, possess or discharge anything other than Consumer Fireworks; or
 - (g) possess any Display Fireworks or Pyrotechnic Special Effects 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.
3. Every Licensee shall ensure that any unsold Consumer Fireworks shall be returned to the manufacturer within 7 days immediately following 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.

4. Every Licensee shall notify the Licensing Commissioner of their intention to sell Consumer Fireworks at least 10 days prior to any religious or cultural celebrations where fireworks are used to celebrate the religious or cultural event.

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SCHEDULE 17: FLYER DISTRIBUTER

1. No Licensee shall leave distributed flyers or pamphlets on doorsteps, entrances or in any place where they are likely to litter public or private property.
2. All flyers distributed shall be placed only in mail slots or like receptacles.

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SCHEDULE 18: FOOD SHOP/RESTAURANT & FOOD SHOP/ANCILLARY USE & SPECIAL EVENT FOOD SHOP

1. Every Licensee shall:
 - (a) post the Certificate of Inspection of food safety (Food Safety Summary Inspection Report) in a conspicuous place clearly visible to the public, at or near the entrance;
 - (b) comply with the Region of Halton's requirements for mandatory food handler certification and public disclosure of food safety inspection reports; and
 - (c) comply with the standards for food temperatures, food handling, sanitation, dishwashing and personal hygiene practices required by the *Health Protection and Promotion Act*, R.S.O. 1990, c.H.7 ("*Health Protection and Promotion Act*").
2. Every Food Shop/Ancillary Use where tobacco, cigars, cigarettes or other smoking materials are also sold shall:
 - (a) display in a prominent place a sign with letters not less than 2.54 centimetres (one inch) high reading: "It is unlawful for persons under the age of 19 years to purchase or be in possession of tobacco; and
 - (b) comply with all legislation pertaining to the storage and selling of tobacco or smoking material.
3. 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.
4. A Food Shop/Restaurant at a special event not already licensed in accordance with this By-law is required to be either licensed as a Special Event Food Shop or operating in accordance with a Town permit or contract.
5. All Food Shops already licensed in accordance with this By-law are not required to be licensed as a Special Event Food Shop in order to operate at a special event, but may be subject to additional Town permits or contracts.

6. Within a licensed premises or around the immediate outside area of the licensed premises, no Licensee shall cause or permit any:
- (a) person to loiter, create a disturbance or cause undue noise; or
 - (b) activity contrary to the protection of public health and safety.

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SCHEDULE 19: H.V.A.C. CONTRACTOR

1. In addition to the requirements prescribed in Schedule 1 to this By-law an H.V.A.C

Contractor must:

- (a) have in their employ at least one of the following installers: H.V.A.C – Refrigeration Installer, H.V.A.C Gas Fitter Installer, H.V.A.C. Sheet Metal Worker Installer, or any installer otherwise qualified and licensed or registered to do so under the laws of the Province of Ontario.

2. Every Licensee shall:

- (a) only employ persons to do H.V.A.C. 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;
- (b) only permit Installers to perform work in accordance with the contractor's licence;
- (c) notify the Licensing Commissioner in writing that an Installer has been employed;
- (d) within five days of the date upon which any Installer ceases to be employed by them, notify the Licensing Commissioner of the fact and submit their H.V.A.C. contractor's licence for endorsement;
- (e) have printed or otherwise displayed on both sides of all vehicles owned, leased or used by the H.V.A.C. Contractor in the course of business, in figures/letters no less than 4 inches in height and in contrasting colours to the colour of the vehicle, the H.V.A.C. Contractor's name.
- (f) provide a written contract which shall be signed by the Licensee 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
- (g) give a copy of the contract referred to in subsection 2(f) of this Schedule to the person for whom the work is being done.

SCHEDULE 20: LANDSCAPING/PROPERTY MAINTENANCE CONTRACTOR

1. Every Licensee 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 figures no less than 4 inches in height, the landscaping or property maintenance company's name;
 - (b) have printed or otherwise impressed on all business stationery, forms, invoices, statements and advertising materials, the landscaping or property maintenance company's name, business address and telephone number;
 - (c) provide a written contract which shall be signed by the Licensee 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;
 - (d) give a copy of the contract referred to in subsection 1(c) of this Schedule to the person for whom the work is being done;
 - (e) where required, obtain all necessary permits prior to the commencement of any work, and, procure all requisite inspections from the Town;
 - (f) only employ persons to do landscaping or property maintenance work where such person is qualified, or undertaking relevant training;
 - (g) not 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;
 - (h) not permit the operation of any equipment between the hours of 7:00 p.m. and 7:00 a.m. of the following day that is likely to disturb those inhabiting neighbouring properties without first obtaining a Noise Exemption permit, other than snow removal or emergency work required to address an immediate safety concern;
 - (i) ensure that their vehicles do not obstruct the municipal right of way;
 - (j) ensure that all debris, mud, garbage or stone tracked onto a municipal right of way is removed at the end of each day;
 - (k) maintain all equipment in a safe condition and in good working order;
 - (l) ensure properties function properly with respect to drainage;
 - (m) ensure that they do not create any flooding/ponding on neighbouring property, or a municipal right of way;
 - (n) ensure that they do not create any public safety concerns, including impacts on existing pool enclosures on abutting properties;
 - (o) not throw, pile, store, or cause snow or ice to be thrown, piled or placed across or on a municipal right of way;
 - (p) not construct, plant or maintain any form of garden or plant material within a municipal right of way;
 - (q) not undertake any activity that negatively impacts the use and function of a municipal right of way; and

- (r) replace any damaged sod, ground cover, pavement, property of the Town within 48 hours of the completion of the landscaping or property maintenance work.
2. Notwithstanding the prohibitions set out in Section 2 of this By-law, work performed by a person providing neighbourly assistance, is not required to be licensed under this By-law.

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SCHEDULE 21: LIMOUSINE - OWNER / DRIVER / SPECIAL OCCASION

1. LIMOUSINE DRIVER LICENSING PREREQUISITES

In addition to all requirements prescribed in Schedule 1 to this By-law, every applicant for a Limousine driver's licence shall provide:

- (1) proof of being at least 19 years of age;
- (2) upon request of the Licensing Commissioner, a certificate of a medical practitioner that the driver is fit to perform a Limousine driver's functions; and
- (3) a photograph that presents a true likeness of their current appearance and provide a new photograph when requested to do so.

2. LIMOUSINE DRIVER DUTIES

Every licensed Limousine driver shall:

- (1) on each shift before driving, examine the vehicle for mechanical or other defects and similarly examine it at the end of each shift and report forthwith to the owner any mechanical defects;
- (2) 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. The trip sheet shall contain the following information:
 - (a) the Limousine number;
 - (b) the Limousine driver's name and licence number; and
 - (c) the date, time and location of the beginning and termination of each trip;
- (3) 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 office of 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;
- (4) 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;
- (5) give a passenger a receipt showing the Limousine driver's and owner's name

and licence number;

- (6) 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 vehicle;
- (7) keep the interior and exterior of the Limousine clean, dry and in good repair; and
- (8) drive the most direct route to the point of destination unless the passenger designates another route.

3. LIMOUSINE DRIVER PROHIBITIONS

(1) No Licensee 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 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 in a Limousine a greater number of persons than the manufacturer's rated seating capacity of the vehicle;
- (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 from entering the same for the purpose of inspecting such vehicle;
- (k) recover or receive any fare or charge other than as set out in the tariff filed with the Licensing Commissioner by the Limousine owner; or
- (l) charge, publish or advertise any fare less than the minimum fare set out in this Schedule.

4. LIMOUSINE OWNER LICENSING PREREQUISITES

In addition to all requirements prescribed in Schedule 1 to this By-law, every applicant for a Limousine owner's licence shall:

- (1) provide the tariff of all rates, including hourly rates, to be charged for limousine service; and
- (2) submit a Class “A”, Class “B” or Class “C” limousine to be licensed for inspection and approval by the Licensing Commissioner.

5. LIMOUSINE OWNER DUTIES

Every licensed Limousine owner shall:

- (1) ensure that the Limousine:
 - (a) has a plate issued by the Licensing Commissioner bearing an identifying number securely affixed on the vehicle in a position approved by the Licensing Commissioner;
 - (b) has 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;
 - (c) is equipped with an extra tire, wheel and jack ready for use for that vehicle;
 - (d) has a heater in good working order;
 - (e) in the case of a Class “A” and Class “B” Limousine, has an air conditioner in good working order;
 - (f) as to its interior is:
 - i. clean;
 - ii. dry; and
 - iii. in good repair;
 - (g) as to its exterior is:
 - i. clean;
 - ii. in good repair;
 - iii. free from rust and body damage; and
 - iv. presentable;
- (2) notify the Licensing Commissioner in writing of any change in the tariff rates, including hourly rates, to be charged for Limousine service, such notice to be given at least seventy-two (72) hours prior to the effective date of such change;
- (3) maintain an up-to-date list of all drivers operating Limousine for that owner, which list shall show the name, address, telephone number and current licence number of each driver which shall be furnished to the Licensing Commissioner upon request;
- (4) promptly repair any mechanical defect in the Limousine observed by the owner

- or reported to the owner by a licensed driver or the Licensing Commissioner;
- (5) submit the Limousine for inspection at any time required by the Licensing Commissioner;
 - (6) keep a trip record 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;
 - (7) retain all trip records for at least six months and make them available for inspection at the request of the Licensing Commissioner or any police officer;
 - (8) if a corporation or partnership, 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;
 - (9) ensure that every person employed by that owner as a driver of a Limousine shall, during working hours, be properly attired in an appropriate uniform approved by the Licensing Commissioner, be neat and clean in person, maintain a courteous attitude and provide such reasonable assistance to all passengers and baggage as is required at no additional fee;
 - (10) provide, in compliance with applicable regulations set out in the applicable Town's Zoning By-law, for off-street parking for every limousine operated by the owner; and
 - (11) notify the licensing Commissioner when the effect of any collision or other occurrence will prevent a limousine under this By-law from being operated for more than 5 days.

6. LIMOUSINE OWNER PROHIBITIONS

No Licensee shall:

- (1) permit a Limousine to be used for any unlawful purpose whatsoever;
- (2) permit a Limousine to be used for any other commercial purpose;
- (3) permit the installation of any radio dispatching or receiving facilities in a Limousine;
- (4) permit any person not licensed as a Limousine driver under this By-law to drive a Limousine;
- (5) 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;
- (6) permit or require a Limousine driver licensed under this By-law to work when that person's ability to perform his or her duties is impaired by fatigue, illness or other reason;

- (7) 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*;
- (8) maintain any facilities connected or affiliated with any taxicab broker or other similar brokerage;
- (9) 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;
- (10) 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;
- (11) 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;
- (12) use any number plate or duplicate number plate other than one issued under this By-law;
- (13) provide Limousine service or solicit fares on other than a pre-arranged basis;
- (14) 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;
- (15) permit a Limousine to be driven with luggage or other material therein obstructing the driver's view;
- (16) at any time when the vehicle is not employed, prevent or hinder the Licensing Commissioner from entering the same for the purpose of inspecting such vehicle;
- (17) recover or receive any fare or charge from any person other than as set out in the tariff filed with the Licensing Commissioner by the Limousine owner;
- (18) charge, publish or advertise any fare less than the minimum fare set out in this schedule; or
- (19) purport to assign his/her license so as to detract or derogate from his/her obligations under this By-law.

7. MINIMUM FARE

- (1) The fare which shall be charged for any trip within the Town or to any point beyond its limits in a Class "A" or Class "C" Limousine shall be a minimum two (2) hour duration at a charge of not less than fifty dollars (\$50) for the first hour and thirty dollars (\$30.00) for each additional hour.

- (2) The fare which shall be charged for any trip within the Town or to any point beyond its limits in a Class “B” Limousine shall be a minimum of sixty dollars (\$60.00) for the first hour or any part thereof and thirty dollars (\$30.00) for each additional hour.

8. AGE OF VEHICLE

- (1) No vehicle more than six (6) model years old may be licensed as a Class “B” limousine.
- (2) No vehicle more than ten (10) model years old may be licensed as a Class “A” limousine.
- (3) Any vehicle used as a Class “B” limousine shall be no more than two (2) model years old at the time when it is first used as a Class “B” limousine, and for the purpose of this By-law, the age of said motor vehicle shall be calculated from July 31st of the model year of said motor vehicle.

9. RIGHT TO INSPECT

The Licensing Commissioner may require at any time that an owner or driver submit their vehicle for inspection at an appointed place.

10. GROUNDS FOR REFUSAL TO ISSUE OR TO RENEW A LICENCE

Subject to section 4 of the By-law, an applicant is entitled to be licensed and a Licensee is entitled to have a licence issued or renewed except where:

- (1) at any time within three years prior to the application, the applicant or Licensee has been prohibited from driving due to a conviction under any applicable statute of Ontario or has ever been convicted of an offence under the Criminal Code, the *Narcotics Control Act* or the *Food and Drug Act* provided the conviction directly affects the applicant’s or Licensee’s ability to competently and responsibly carry on the business of driving a limousine or owning or operating a limousine or compromises the Licensee’s ability to comply with the provisions of this By-law;
- (2) the Licensee does not meet or ceases to meet the licensing criteria specified in this By-law
- (3) the issuance of the licence or renewal of the licence would contrary to the public interest
- (4) in the opinion of the Licensing Commissioner the conduct, past or present, of the applicant affords reasonable cause to believe that the applicant will not carry on or engage in the business in accordance with the law or with honesty or integrity
- (5) the applicant or Licensee’s Ontario drivers record shows 10 demerit points

- (6) the applicant or Licensee is carrying on activities that are or will be, if the applicant is licensed, in contravention of this By-law; or
- (7) the applicant or Licensee fails to successfully complete any testing, training, educational or awareness program required by the Licensing Commissioner.

11. REFUND OF FEE ON REFUSAL TO ISSUE OR TO RENEW A LICENCE

When an application for a licence or for or for a renewal is refused, the licence fee paid shall be fully refunded

12. REFUND OF FEE ON REVOCATION OF A LICENCE

- (1) When a licence is revoked, the Licensee is entitled to apply to the Appeals Committee for a refund of that part of the licence fee that is proportionate to the unexpired part of the term for which the licence was issued, unless the licence was revoked at the Licensee's request.
- (2) The provisions of subsection (1) do not apply when the unexpired part of the term is less than four (4) months.

13. RETURN OF THE LICENCE AFTER CANCELLATION, REVOCATION OR SUSPENSION

- (1) When a licence has been cancelled, revoked or suspended, the holder of the licence shall return the licence and, if applicable, the owner's plate or licence sticker to the Licensing Section within one (1) business day of service of written notice of the decision of the Appeals Committee.
- (2) The Licensing Commissioner may enter upon the business premises or into the vehicle(s) of the Licensee for the purpose of receiving, taking or removing the licence, owner's plate or licence sticker.
- (3) When a person has had their licence cancelled, revoked or suspended under this By-law, they shall not refuse to deliver up the licence, the owner's plate or licence sticker, nor shall they in any way obstruct or prevent the Licensing Commissioner from obtaining the licence, the owner's plate or licence sticker in accordance with subsection (1) and (2).

14. SPECIAL OCCASION LIMOUSINE

In addition to all requirements prescribed in Schedule 1 to this By-law, every applicant for a Special Occasion Limousine licence shall provide:

- (1) A contract or itinerary for clients as to the type of occasion and duration, date and time of service for the limousine.

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SCHEDULE 22: LODGING HOUSE

1. In addition to the requirements prescribed in Schedule 1 to this By-law, a completed application for a licence or for renewal of a licence shall be accompanied by:
 - (a) a statutory declaration prepared for the Chief Building Official or their designate stating 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, and
 - (b) a letter from the Electrical Safety Authority stating that the condition of the electrical wiring and electrical fixtures in such building are satisfactory and setting out any recommendations in connection therewith.
2. Every Licensee shall:
 - (a) ensure that a register is kept in the lodging house detailing the name and previous residence of every lodger who occupies the premises and shall ensure such register is open to inspection at any reasonable time, by any person authorized to enforce this By-law;
 - (b) ensure that the licence issued pursuant to this By-law is posted in a prominent position inside the building near the front entrance to the lodging house;
 - (c) not permit a person to occupy for sleeping purposes any cellar or any space used as a lobby, hallway, closet, bathroom, laundry, stairway or kitchen;
 - (d) not permit a room to be used for sleeping purposes unless it contains a window which opens directly to the outside air, having an area equal to or not less than 5% of the floor area of the room and having an unobstructed openable ventilation area to the outdoors of 1.5 square feet per occupant unless such room is otherwise ventilated by mechanical means in accordance with the regulations passed thereunder;
 - (e) not permit any cooking appliance of any kind in any room used for sleeping purposes;
 - (f) not 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 regulations made under the *Building Code Act*;
 - (g) maintain the lodging house in a clean, safe and sanitary condition in accordance with the Town's Property Standards 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 weatherproof and free from dampness;

- iii. keep all heating equipment in good repair;
 - iv. have the heating equipment and chimneys inspected at least once every 12 months between June and September by a qualified H.V.A.C. inspector to ensure that they are safe and in good repair;
 - v. remove rubbish, garbage, ashes, any flammable material and other debris and ensure that the premises are kept free of vermin insects and other pests; and
 - vi. not permit the use of any bathroom for laundry purposes;
- (h) provide a secure area in the lodging house for the personal belongings of the resident if requested;
- (i) ensure the Chief Building Official, the Medical Officer of Health, the Chief of Police and the Licensing Commissioner, be permitted to enter any lodging house at any reasonable time for the purpose of inspecting the premises and no person shall prevent or obstruct any such officials from so entering the premises; and
- (j) ensure an emergency safety plan is posted in a conspicuous manner by the main entry door.
3. The requirement to obtain a lodging house licence does not apply to:
- (a) a student residence owned or operated by a university or college;
 - (b) any program requiring a Custodian Declaration issued by the Department of Citizenship and Immigration 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 lodging units, where the owner of the property resides within as their principal residence.

SCHEDULE 23: MOBILE SIGN LESSOR

1. No Licensee shall:

- (a) locate or permit the location of a mobile sign on or overhanging public property unless a permit to do so has been obtained under the Town's Sign By-law;
- (b) locate or permit the location of a mobile sign that does not:
 - i. have the name and phone number of the applicant clearly affixed to the mobile sign;
 - ii. use only electrical cords with Canadian Standards Association (CSA) approval or Ontario Hydro Electrical Safety Code approval;
 - iii. bear a certification mark indicating that the sign complies with either the Canadian Standards Association (CSA) or the Ontario Hydro Electrical Safety Code; and
 - iv. come equipped with a timer or dimmer control to turn off or increase the lighting intensity;
- (c) locate or permit the location of a mobile sign which exceeds 1.8 meters high by 3.6 metres wide (6 feet high x 12 feet wide);
- (d) locate or permit the location of a mobile sign where it could obstruct the view of any driver of a motor vehicle or obstruct the visibility of any traffic sign or devices or where it could interfere with vehicular traffic so that it could endanger any person;
- (e) locate or permit the location of a mobile sign within 15 metres (50 feet) of another mobile sign;
- (f) fail to turn off or decrease the light from an illuminated mobile sign between the hours of 10:00 p.m. and 8:00 a.m. if requested to do so by the Licensing Commissioner or Chief Building Official;
- (g) locate or permit the location of a mobile sign within 10 metres (32 feet) of the intersection of two streets;
- (h) locate or permit the location of a mobile sign for which a permit has not been issued; or
- (i) locate or permit the location of a mobile sign that does not comply with the rules and regulations set out in the Town's Sign By-law.

2. Licensees may purchase a mobile sign permit for resale only to a person satisfying all requirements for mobile sign permit issuance under the Town's Sign By-law.

3. Applications for mobile signs shall be processed in order of receipt, and in the event that applications are submitted simultaneously and insufficient opportunities for the display of a mobile sign exist, priority shall be established by means of a draw conducted by the Designated Official.
4. Mobile Sign permits purchased by Licensees shall be valid only for the year in which they are purchased.

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SCHEDULE 24: MOTOR VEHICLE FACILITY

1. Every Licensee shall report to the Halton Regional Police Services when a motor vehicle is left on the premises for a period of twenty-four hours, if the motor vehicle has been left without permission of the Licensee, or when the Licensee may have reason to believe that the motor vehicle is either stolen or abandoned.

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SCHEDULE 25: NIGHTCLUB

1. Every Licensee shall:
 - (a) ensure that queues formed for the purpose of gaining entrance to such place, have a uniformed attendant present whenever any such queue is formed, for the purpose of regulating such queue and prohibiting undue obstruction or encumbering of any exit door, walkway, driveway, street or highway by such queue; and
 - (b) provide suitable storage facilities and garbage containers for refuse from the operation of the business.
2. Within a licensed premises or around the immediate outside area of the licensed premises, no Licensee shall cause or permit any:
 - (a) person to loiter, create a disturbance or cause undue noise; or
 - (b) activity contrary to the protection of public health and safety.

SCHEDULE 26: OUTDOOR MARKET

1. In addition to the requirements prescribed in Schedule 1 to this By-law, a completed application for a licence or for renewal of a licence shall be accompanied by:
 - (a) a layout plan including where vendors will be located;
 - (b) a parking management plan to the satisfaction of the Director of Planning Services, or designate;
 - (c) written proof that the owner and occupant of the property on which the outdoor market is to be held consents, and
 - (d) a description of the goods, wares or merchandise to be offered for sale.
2. Every Licensee shall:
 - (a) maintain a record of the vendors, their names, addresses and phone numbers, together with a description as to the type of items to be sold;
 - (b) ensure that the licensed premises are in a clean and sanitary condition and do not present a fire hazard or other hazard to public health or safety;
 - (c) reduce the volume of music or other amplified sound after 5:00 p.m. to a level unlikely to disturb those inhabiting neighbouring properties;
 - (d) not operate outside the hours of 7 a.m. to 7 p.m. if adjacent to a residential property;
 - (e) ensure orderly conduct is maintained at the licensed premises;
 - (f) ensure that queues which form for the purpose of gaining entrance to the licensed premises do not obstruct sidewalks or roads;
 - (g) provide access to a minimum of one accessible washroom facility (or portable toilet and handwash station) or washroom facilities in an amount to the satisfaction of the Region of Halton; and
 - (h) ensure that refuse or litter containers are made available, kept clean and sanitary at all times, and collected prior to closing the market each day.
3. Notwithstanding the prohibitions set out in Section 2 of this By-law, an outdoor market that is operating pursuant to an approved minor variance that predates this By-law, is not required to be licensed under this By-law.

SCHEDULE 27: PERSONAL SERVICES ESTABLISHMENT

1. Every Licensee shall:
 - (a) ensure that the premises are kept in a clean and sanitary condition;
 - (b) ensure that all persons performing any treatments on the premises are performed or offered by persons duly qualified, licensed or registered to do so under the laws of the Province of Ontario;
 - (c) ensure that all equipment used on the premises is sterilized and/or disinfected;
 - (d) comply with the Infection Prevention and Control in Personal Services Settings Protocol published by the Minister of Health and Long-term Care and the requirements of the Medical Officer of Health;
 - (e) provide a continuous supply of hot water;
 - (f) ensure proper lighting and ventilation;
 - (g) ensure all furnishings are kept in a sanitary condition;
 - (h) ensure proper sanitary conveniences for all employees; and
 - (i) ensure that tanning equipment is not used on a person under 18 years of age.

SCHEDULE 28: PET SHOP/KENNEL

1. No Licensee shall:
 - (1) obtain a licence for a pet shop or kennel having been convicted under the Criminal Code for animal abuse;
 - (2) confine incompatible genus or species of animals in the same cages;
 - (3) sell or offer for sale any animal before its normal weaning age (8 weeks for cats and dogs);
 - (4) 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;
 - (5) keep for sale, sell, or offer for sale:
 - (a) any primate;
 - (b) any North American animal, excluding fish, that is wild by nature, unless it has been legally bred and raised in captivity;
 - (c) any exotic animal, that has not been legally imported into Canada; or
 - (d) 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).
 - (6) sell or offer for sale any animal that is known to be sick or diseased; or
 - (7) sell or offer for sale any animal that exhibits any signs of the following as verified by a veterinarian:
 - (a) infectious disease;
 - (b) nutritional deficiencies;
 - (c) severe parasitism sufficient to influence the general health of the animal; or
 - (d) fractures or congenital deformities affecting the general health of the animal.

REGULATIONS – PET SHOPS

2. Every owner of a pet shop shall comply with and ensure compliance with the following requirements in the operation of a pet shop:
 - (1) the pet shop shall be maintained at all times in a sanitary, well-ventilated, clean condition;
 - (2) every animal shall be kept in sanitary, well-bedded, well-lighted, clean quarters, kept at a temperature appropriate for the health requirements of the type of species of animal housed therein;

- (3) all cages, tanks, containers or other enclosures in which animals are housed on the premises shall be located in such a way as to provide maximum comfort to satisfy the known and established needs for the particular species so housed and shall be provided with the safeguards to prevent extreme environmental changes and to prevent undue, direct, physical contact with such animals by the general public;
- (4) 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;
- (5) every cage or other container used for the keeping or housing of any animal shall:
 - (a) be of adequate size to permit any such animal to stand normally to its full height, to turn around, and to lie down in a fully extended position;
 - (b) in the case of all other cages or containers, have a floor 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:
 - i. all spaces in wire mesh shall be smaller than the pads of the foot of any animal confined therein;
 - ii. any such wire mesh shall be of a thickness and design adequate to prevent injury to any such animal; and
 - iii. such floor shall be of sufficient strength to support the weight of any such animal.
- (6) water, in an amount sufficient for the well-being of each animal kept in the pet shop, shall be provided daily;
- (7) animals shall be fed periodically each day in accordance with the particular food requirements for each type or species of animal kept in the said pet shop;
- (8) light in the premises shall be appropriate for the species kept there: and.
- (9) only obtain a dog and or cat for the purpose of selling or offering for sale from the following:
 - (a) municipal animal shelter;
 - (b) registered humane society; or
 - (c) Animal Rescue Group.

REGULATIONS – KENNELS

3. No kennel shall be constructed or used except in accordance with the following regulations:

(1) The construction of any kennel shall conform to the requirements of the Ontario Building Code;

(2) No kennel shall be used unless the following standards are met:

(a) DOGS

- i. Dogs shall be housed in individual enclosures unless the pet owner expresses a specific wish for their pets to be housed in an open setting;
- ii. Each enclosure shall be well ventilated and large enough to permit any dog enclosed therein to move freely and, in particular, shall be maintained at a minimum of 15 degrees Celsius;
- iii. Floors of the individual enclosure shall be of dense concrete or similar material and shall be adequately sloped to drains;
- iv. Walls of the individual enclosure shall be non-porous, watertight and easily cleaned; and
- v. Outside exercise facilities shall be provided which shall be fenced in such a manner as to keep the dogs securely enclosed and to mitigate noise. Each dog shall be provided access to such facilities at least twice in every 24-hour period. Dogs must be supervised by sufficient personnel at all times to mitigate noise. The outdoor exercise facility shall be cleared of all waste between use by each animal. No dog shall be placed in such facility during extreme weather conditions.

(b) CATS

- i. Cats shall be housed in individual enclosures except in the case of kittens less than 3 months of age with or without the mother cat unless the pet owner expresses a specific wish for their pets to be housed together;
- ii. Each enclosure for an adult cat shall be well ventilated and not be less than 0.67 metres x 0.67 metres x 0.67 metres and, in the case of a cat with a litter, not less than 0.75 metres x 0.75 metres x 0.75 metres high;
- iii. Inside temperature shall be maintained at a minimum of 15 degrees Celsius; and
- iv. Cages or enclosures shall be constructed of a non-porous, watertight material with a smooth finish that can be easily cleaned.

PET SHOP AND KENNEL PERSONNEL

4. Every pet shop or kennel owner shall:

- (1) permit only persons to operate or manage a pet shop or kennel 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;
- (2) permit only persons to attend to the care, feeding and cleaning of animals in the pet shop or kennel, who have been adequately trained, commensurate with their responsibilities, by the pet shop or kennel owner, and who demonstrate that they are able to discharge their responsibilities in a positive, caring manner;
- (3) maintain a training manual approved by the Executive Director of the Oakville and District Humane Society;
- (4) provide for a sufficient number of employees to provide for the care of animals and maintenance of facilities during normal business hours, on weekends and holidays; and
- (5) keep posted in a conspicuous place for employees, instructions issued to all personnel for the cleaning, care and feeding of animals.

HOUSING AND FACILITIES

5. Every pet shop owner shall:

- (1) keep all animals in a constant and comfortable environment to ensure their health and well-being;
- (2) at all times provide litter pans containing clean litter for kittens and cats;
- (3) keep birds in cages having removable metal or impermeable bottoms of adequate size;
- (4) permit no more than 20 dogs to be housed in the Pet Shop without the prior filing and maintenance of a care program approved by a veterinarian, with the municipality;
- (5) permit no more than 15 budgerigars or canaries or 20 finches to be housed in a single cage with minimum dimensions of 60 cm. (24") x 35cm. (14") x 40cm. (16");
- (6) 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;
- (7) 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, protection from

- extreme environmental changes, and prevention of undue direct or disturbing physical contact with the general public;
- (8) make available within the pet shop, an exercise area and separate suitable area that permits segregation of animals which require special observation or attention;
 - (9) clean and wash the floors of cage bottoms thoroughly, at least once each day, or more often as may be necessary to comply with sections 5(1) and 3(2);
 - (10) clean and sanitize runs and exercise areas by periodic removal of soiled materials, application of suitable disinfectants and replacement with clean surface materials;
 - (11) provide for an ongoing effective program for the control of vermin infestation; and
 - (12) provide a rapid communication system in case of an emergency, with names and telephone numbers of contact persons prominently posted readily accessible to security and fire personnel.

VETERINARY CARE

6. Every pet shop owner shall establish and maintain programs of disease prevention and control including:
- (1) appointing and retaining the services of a consulting veterinarian with the name and telephone number posted in a conspicuous place easily accessible to all personnel;
 - (2) prompt examination and treatment or humane euthanasia of any animals suspected of being sick or injured, by a veterinarian or other qualified person under the supervision of a veterinarian;
 - (3) segregation of any apparently sick or injured animal to a separate area; and
 - (4) proper and lawful disposal of deceased animals forthwith.

7. RECORDS

- (1) The pet shop owner shall keep a legible register of all animal sales and purchases in good condition for a period of 12 months after each transaction, and the register shall be made immediately available for inspection by the Officer upon verbal request.
- (2) The animal register shall contain the following information entered at the time the animals come into the possession of the pet shop owner:
 - (a) name and address of supplier or other person from whom the animals were purchased or otherwise obtained;

- (b) date of purchase or other acquisition;
 - (c) in the case of dogs and cats, description of each individual animal;
 - (d) medical record if animal has been isolated; and
 - (e) with animals other than dogs and cats, a description of each shipment.
- (3) The pet shop owner shall provide to each person who purchases an animal from the pet shop with a receipt containing the following information:
- (a) name and address of the vendor and purchaser;
 - (b) date of sale;
 - (c) description of the animal, including sex, age, colour or placing of markings, if any; and
 - (d) description of breed or cross-breed when the animal is a dog or cat.
- (4) When the animal purchased is a dog or cat, the purchaser shall also be given:
- (a) a valid certificate of health and vaccination from a veterinarian since the arrival of the cat or dog at the store; and
 - (b) an application for a municipal licence and a copy of all related animal by-laws.
8. No licence shall be required for the following operations:
- (1) an animal shelter operated by or on behalf of a public authority;
 - (2) a veterinary hospital or clinic;
 - (3) any facility in which animals are placed for care pursuant to the *Pounds Act*, R.S.O. 1990, c. P.17, or
 - (4) any training facility operated by Dog Guides Canada.

SCHEDULE 29: PLUMBING CONTRACTOR

1. Every Licensee shall:
 - (a) have in their regular full-time employ one or more qualified plumber;
 - (b) only employ persons to do plumbing work where such person is qualified, or undertaking relevant training;
 - (c) obtain all necessary permits prior to the commencement of any work, and upon completion, procure an inspection from the Town;
 - (d) within five days of the day upon which any qualified plumber ceases to be employed by them, notify the Licensing Commissioner and submit their plumbing contractor's licence for endorsement;
 - (e) before allowing any qualified plumber to undertake any plumbing work, furnish the name of such qualified plumber to the Licensing Commissioner and submit their plumbing contractor's licence for endorsement;
 - (f) 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;
 - (g) at any time while engaged in plumbing work, produce forthwith at the request of the Licensing Commissioner or Chief Building Official, their licence issued pursuant to this By-law; and
 - (h) have printed or otherwise displayed on both sides of all vehicles owned, leased or used by the Plumbing Contractor in the course of business, in figures/letters no less than 4 inches in height and in contrasting colours to the colour of the vehicle, the Plumbing Contractor's name.
2. A person licensed as a plumber contractor under this By-law shall also be considered to be licensed as a drain laying contractor for the purposes of this By-law.

SCHEDULE 30: POOL INSTALLATION CONTRACTOR

1. Every Licensee 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 figures no less than 4 inches in height, the Pool Installation Contractor's name;
 - (b) have printed or otherwise impressed on all business stationery, forms, invoices, statements and advertising materials, the Pool Installation Contractor's name, business address and telephone number;
 - (c) provide a written contract which shall be signed by the Licensee 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;
 - (d) give a copy of the contract referred to in subsection 1(c) of this Schedule to the person for whom the work is being done;
 - (e) where required, obtain all necessary permits prior to the commencement of any work, and, procure all requisite inspections from the Town;
 - (f) only employ persons to do pool installation work where such person is qualified, or undertaking relevant training;
 - (g) not 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;
 - (h) not permit the operation of any equipment between the hours of 7:00 p.m. and 7:00 a.m. of the following day that is likely to disturb those inhabiting neighbouring properties without first obtaining a Noise Exemption permit, other than emergency work required to address an immediate safety concern;
 - (i) ensure that their vehicles do not obstruct the municipal right of way;
 - (j) ensure that all debris, mud, garbage or stone tracked onto the municipal right of way is removed at the end of each day;
 - (k) maintain all equipment in a safe condition and in good working order;
 - (l) ensure properties function properly with respect to drainage;
 - (m) ensure that they do not create any flooding/ponding on neighbouring property, or a municipal right of way;
 - (n) ensure that they do not create any public safety concerns, including impacts on existing pool enclosures on abutting properties;
 - (o) not undertake any activity that negatively impacts the use and function of a municipal right of way; and
 - (p) replace any damaged sod, ground cover, pavement, property of the Town within 48 hours of the completion of the pool installation.

SCHEDULE 31: PUBLIC HALL

1. No Licensee shall permit the licensed premises to be open to the public unless:
 - (a) a person over the age of 18 years is present to supervise the use of the licensed premises; and
 - (b) the licensed premises are in a clean and sanitary condition and do not present a fire hazard or other hazard to public health or safety.
2. Within a licensed premises or around the immediate outside area of the licensed premises, no Licensee shall cause or permit any:
 - (a) person to loiter, create a disturbance or cause undue noise; or
 - (b) activity contrary to the protection of public health and safety.

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SCHEDULE 32: REFRESHMENT VEHICLE – OWNER / OPERATOR / SPECIAL EVENT

1. In addition to the requirements prescribed in Schedule 1 to this By-law, a completed application for a licence or for renewal of a licence shall be accompanied by:
 - (a) proof that the Class “A” refreshment vehicle is licensed as a commercial vehicle as defined under the *Highway Traffic Act*.
2. No Licensee shall:
 - (a) sell or permit the selling of food from a refreshment vehicle in Town parks or upon other Town property except pursuant to a contract or permit issued by the Town of Oakville and subject to any conditions attached thereto;
 - (b) sell or permit the selling of food from a refreshment vehicle unless:
 - i. the food has been prepared, assembled and wrapped in accordance with the *Health Protection and Promotion Act*;
 - ii. the persons engaged in the handling and selling of food comply with the *Health Protection and Promotion Act*;
 - iii. the Region of Halton’s requirements for mandatory food handler certification and public disclosure of food safety inspection reports have been complied with; and
 - iv. all persons operating the refreshment vehicle are licensed by the Town to do so under the provisions prescribed in this By-law.
 - (c) 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;
 - (d) operate or permit the operation of a refreshment vehicle unless the municipal plate is affixed to the rear of the vehicle;
 - (e) stop for the sale of refreshments within 30 metres (100 feet) of the entrance or exit to any school grounds, public park, dock, wharf, or intersection;
 - (f) operate or permit the operation of a refreshment vehicle which is not neat and clean in appearance;
 - (g) stop on a roadway for the sale of refreshments unless necessary to service a construction site or work crew, and in no case shall the duration of such stop exceed 10 minutes;
 - (h) sell refreshments from a vehicle drawn by an animal;
 - (i) operate a refreshment vehicle prior to 8:00 a.m. or after 9:00 p.m. unless otherwise specified in a Town permit;

- (j) operate a refreshment vehicle without permission from the property owner;
and
- (k) operate at more than four Special Events at any one location within a calendar year.

3. Every Licensee shall ensure that:

- (a) the vehicle from which the refreshments are sold shall be of a type approved by the Licensing Commissioner;
- (b) the body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things;
- (c) the floor of the vehicle shall be of a suitable hard, impervious material, free from holes, cracks or crevices and the surface shall be readily washable and kept clean and in good condition;
- (d) at the request of the Licensing Commissioner, present such vehicle for inspection at such time and place as may be designated;
- (e) every person selling or handling refreshments shall wear clean clothes, be clean and neat in appearance and have clean hands;
- (f) the municipal plate issued in respect of the licence for each vehicle is securely affixed to the rear of the vehicle and in a conspicuous place;
- (g) no amplification of any sound, ringing of any bells or chimes, or other means of recognition shall be used;
- (h) no person is served any refreshment while standing on a traveled portion of any highway;
- (i) every refreshment vehicle is operated in a way that is safe for the public;
- (j) prior to departing from any stop made for the sale of refreshments or other products that all wrappers or other related refuse are disposed of in a proper garbage/recycling container;
- (k) a motorized refreshment vehicle is equipped with a broad band back-up warning device; and
- (l) that each refreshment vehicle 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.

4. Refreshment Vehicles Class “A” and “B” may operate on private property for special events and in all zones except residential.

5. Every owner of a Class “C” refreshment vehicle shall ensure that the operator of such vehicle is physically capable of handling the same under all conditions.
6. All refreshment vehicles and operators not already licensed in accordance with this By-law are required to be either licensed as a Special Event Refreshment Vehicle/Operator or operating in accordance with a Town permit or contract.
7. Refreshment vehicles and operators already licensed in accordance with this By-law are not required to be licensed as a Special Event Refreshment Vehicle/Operator in order to operate at a special event, but may be subject to additional Town permits or contracts.

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SCHEDULE 33: SALVAGE YARD

1. A licence shall not be issued if at any time within three years prior to the application the person has been convicted of any offence relating to fraudulent practices, stolen goods, theft or burglary under the *Criminal Code*.
2. No Licensee shall:
 - (a) receive from any person or persons any article or goods which the Licensee 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) purchase, take in exchange, or receive directly or indirectly, any goods, article or thing from any minor person who appears to be under the age of 18 years without written authority from a parent or guardian of such minor;
 - (c) purchase, take in exchange, or receive directly or indirectly, any goods, article or thing from any person who appears to be under the influence of drugs or alcohol; or
 - (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 seven days and during these seven 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 Services.
3. Every Licensee shall:
 - (a) maintain a register in a form approved by the Licensing Commissioner in which shall be entered in the English language:
 - i. a description of all goods taken in exchange or otherwise obtained, including make, serial number and model number;
 - ii. the date on which the goods were taken in; and
 - iii. the name, address and telephone number of the person from whom the goods were obtained and if the goods were delivered or conveyed by a motor vehicle, the licence number of that vehicle;
 - (b) notify the Halton Regional Police Services 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) open the register to inspection at all times during regular business hours by the

Licensing Commissioner and the Halton Regional Police Services, who may remove the register from the premises for the purposes of photocopying or for use in any court or other proceedings; and

(d) ensure that the salvage yard be enclosed with a fence meeting the following standards:

- i. the fence shall be of tight board construction so as to completely screen the salvage yard from view;
- ii. the fence shall be at least 1.83 metres (6 feet) in height with posts at least 2.44 metres (8 feet) apart and sunk into the ground at least 1.07 metres (3.5 feet) into the ground;
- iii. the fence shall be painted a uniform colour and be kept in good condition;
- iv. the fence shall be equipped with a proper gate or entrance of the same material which shall be kept locked when the business is not in actual operation;
- v. no salvage goods shall, under any circumstances, be stored or kept on the property outside the fence;
- vi. no material for sale be kept on the property outside the fence and no part of the property outside the fence shall be used for any purpose except employee and customer parking or for landscaped area; and
- vii. no scrap and waste material and salvage goods inside the fence be piled to a height greater than the height of the fence.

SCHEDULE 34: SECOND-HAND GOODS SHOP

1. A licence shall not be issued if at any time within five years prior to the application the person has been convicted of any offence relating to fraudulent practices, stolen goods, theft or burglary under the *Criminal Code*.
2. No Licensee shall:
 - (a) receive from any person or persons any article or goods which the Licensee 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) purchase, take in exchange, or receive directly or indirectly, any goods, article or thing from any minor person who appears to be under the age of 18 years without written authority from a parent or guardian;
 - (c) purchase, take in exchange, or receive directly or indirectly, any goods, article or thing from any person who appears to be under the influence of drugs or alcohol; or
 - (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 seven days and during these seven 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 Services. Where the goods come exclusively from donations to charitable organizations, a Licensee is not required to comply with this provision.
3. Every Licensee shall:
 - (a) maintain a register in a form approved by the Licensing Commissioner in which shall be entered in the English language:
 - i. a description of all goods taken in exchange or otherwise obtained, including make, serial number and model number;
 - ii. the date on which the goods were taken in; and
 - iii. the name, address and telephone number of the person from whom the goods were obtained and if the goods were delivered or conveyed by a motor vehicle, the licence number of that motor vehicle;

- (b) notify the Halton Regional Police Services 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; and
 - (c) open the register to inspection at all times during regular business hours by the Licensing Commissioner or the Halton Regional Police Services, who may remove the register from the premises for the purposes of photocopying or for use in any court or other proceedings.
4. Notwithstanding the prohibitions set out in Section 2 of this By-law, a person dealing in second-hand goods for charitable, religious or not-for-profit purposes only, or a person dealing in second hand books or antique furniture only, is not required to be licensed under this By-law.

SCHEDULE 35: SPECIAL SALE

1. In addition to the requirements prescribed in Schedule 1 to this By-law, a completed application for a licence or for renewal of a licence shall be accompanied by:
 - (a) a detailed list of the goods, wares or merchandise to be offered for sale, including the cost price to the owner thereof 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 and the applicant;
 - (d) particulars of any damages or other deterioration caused to the goods by fire, smoke, water or any other means; and
 - (e) particulars of the information to be included in 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.
2. A licence for a special sale issued under this By-law shall expire thirty (30) days after the date of issue, provided that a 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 it is revoked in accordance with this By-law.
3. Every Licensee shall:
 - (a) produce such books, records or other documents or information as the Licensing Commissioner considers necessary to corroborate any of the statements contained in the application; and
 - (b) ensure that all advertising material distributed or published relating to a special sale, including each radio or television broadcast, shall contain 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.
4. 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 refused to produce any books, documents, records or other information or refuses to permit inspection of any goods or premises requested under this By-law.
5. Notwithstanding the prohibitions set out in Section 2 of this By-law, 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, is not required to be licensed under this By-law.

SCHEDULE 36: TAXICAB OWNER / BROKER / DRIVER

1. Issue of Licence or 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 an owner, issue an owner's plate and/or a licence sticker;
 - (b) for a taxicab broker, issue a brokerage licence; and
 - (c) for the holder of a Non-transferable Special Wheelchair Accessible Plate, issue a Non-transferable Special Wheelchair Accessible Plate and/or a licence sticker;
 - (d) for a driver, issue a taxicab driver's licence;
- all of which shall set out the expiry date of the licence.

(2) A person who is the owner of more than one vehicle shall take out a separate licence for each vehicle that is to be used as a taxicab in the Town.

2. Licensing Prerequisites New Application

(1) In addition to the general licensing requirements set out in Schedule 1 of this By-law, every applicant for a taxicab driver's licence shall submit to the Licensing Section:

- (a) proof of either:
 - i. Canadian citizenship,
 - ii. landed immigrant status, or
 - iii. a valid work permit issued by the Government of Canada;
- (b) upon request of the Licensing Commissioner, a certificate prepared by a duly qualified medical practitioner which states that the applicant is fit and able to drive a taxicab; and
- (c) 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. Time for Renewal

(1) Every application for renewal of a licence shall be delivered in accordance

with the requirements of this By-law to the Licensing Section before the expiry date of the licence, failing which, the Licensee shall not be permitted to operate as a taxicab driver, owner or broker.

- (2) Notwithstanding subsection (1), when an application for renewal of a taxicab owner, driver or broker's licence is delivered to the Licensing Section within 40 days after the date of expiry of the licence, the application shall be processed by the Licensing Section as a renewal.
- (3) When no application for renewal of a licence is delivered to the Licensing Section within the time periods prescribed in subsections (1) and (2), the licence or owner's plate shall be cancelled and the applicant shall be required to apply for any subsequent licence as a new applicant.

4. Licence Not Transferable

- (1) The licence issued to a taxicab driver or taxicab broker under this By-law shall not be transferable.
- (2) Notwithstanding the general prohibition against the transfer of licences, owner's plates, other than Non-Transferable Special Wheelchair Accessible Plates, are transferable in accordance with the terms of this Schedule.

5. Testing and Training Courses

- (1) Every applicant for a taxicab driver's licence shall successfully complete, within one year of any new application, training courses as may be approved by the Licensing Commissioner dealing with defensive driving, sensitivity training and taxicab driver training.
- (2) Every applicant for a taxicab driver's licence shall, in addition to satisfying the licensing prerequisites for a driver, successfully complete written tests in English approved by the Licensing Commissioner relating to the following sections:
 - (a) the provisions of this By-law;
 - (b) the geography of the Town; and/or
 - (c) the location of specific sites such as hospitals and public transportation terminals.

- (3) Every applicant shall be deemed to have successfully completed the written test if the applicant:
 - (a) receives a mark of at least seventy-five percent (75%) on the first attempt in each section;
 - (b) receives a mark of at least eighty-five percent (85%) on the second attempt in each section; or
 - (c) receives a mark of at least ninety percent (90%) on the third or any subsequent attempt in each section.
- (4) Every applicant or Licensee requested by the Licensing Commissioner to attend any additional testing, training, educational or awareness program shall attend such testing or program at the appointed date, time and place. Failure to attend such additional testing, training, educational or awareness program shall result in the denial of the application for a licence or the revocation or suspension of the Licensee's licence.

6. Retraining Requirements

- (1) The Licensing Commissioner shall require a licensed taxicab driver at any time to complete the driving course when:
 - (a) complaints have been received against the taxicab driver which, in the opinion of the Licensing Commissioner, are not frivolous or vexatious;
 - (b) relevant convictions have been registered on the taxicab driver's provincial driving record; and/or
 - (c) the Licensing Commissioner is of the opinion that it would be in the public interest to require the taxicab driver to complete the defensive driving course.
- (2) Where a valid customer complaint has been received by the Licensing Section relating to a licensed taxicab driver's ability to transport a passenger with a disability which, in the opinion of the Licensing Commissioner, is not frivolous or vexatious, the Licensing Commissioner shall require the Licensee to complete a Sensitivity Training Course. Failure to satisfactorily complete the course shall result in the revocation or suspension of the Licensee's licence.
- (3) Where a valid customer complaint has been received by the Licensing Section relating to a licensed taxicab driver's knowledge of the geography of

the Town or the provisions of this By-law which, in the opinion of the Licensing Commissioner, is not frivolous or vexatious, the Licensing Commissioner shall require the Licensee to successfully complete, with a mark of at least eighty-five percent (85%), a written test approved and set by the Licensing Commissioner. Failure to obtain such a grade shall result in the revocation or suspension of the Licensee's licence.

- (4) A decision made by the Licensing Commissioner under subsections (1), (2) or (3) may be appealed to the Appeals Committee in accordance with the provisions of this By-law.

7. Inspection of Taxicab

The Licensing Section may carry out random inspections and shall carry out mandatory inspections of licensed taxicabs and temporarily suspend the licence of any vehicle found to be mechanically unfit until such time as the condition has been rectified to the satisfaction of the Licensing Commissioner.

8. Licence required

No person shall permit a vehicle which is owned or leased by that person to be used as a taxicab unless that person is the holder of an owner's plate issued in respect of that vehicle under this By-law.

9. Eligibility to Hold Non-transferable Special Wheelchair Accessible Plates

- (1) Licensed taxicab brokers providing taxicab brokerage are eligible to hold Non-transferable Special Wheelchair Accessible Plates issued under this By-law.
- (2) Unassigned Non-transferable Special Wheelchair Accessible Plates may be issued by the Licensing Commissioner to eligible taxicab brokers based on the following criteria:
 - (a) If only one taxicab broker is providing accessible taxicab service using Non-transferable Special Wheelchair Accessible Plates, then first priority shall be given to creating competition by offering the plates to taxicab brokers not holding Non-transferable Special Wheelchair Accessible Plates;
 - (b) If sufficient plates are available for assignment, second priority shall be to ensure that each holder of Non-transferable Special Wheelchair

Accessible Plates has at least two Non-transferable Special Wheelchair Accessible Plates; and

- (c) If the criteria in subsections 2(a) and (b) do not result in the selection of a single taxicab broker, or if the Licensing Commissioner is not satisfied that the eligible taxicab broker is willing and able to provide service in accordance with the requirements of this By-law, the Licensing Commissioner shall determine the issue of the assignment of the plates, subject to ratification by Council.

- (3) Non-transferable Special Wheelchair Accessible Plates shall be cancelled by the Licensing Commissioner upon the holder of the plate(s) ceasing to be qualified to hold such plate(s). Notwithstanding such cancellation, the Licensing Commissioner may make such temporary arrangements as are necessary and appropriate in the opinion of the Licensing Commissioner to maintain the continuity of service pending the reassignment of the accessible taxi plates, such temporary arrangements not to exceed three months without the approval of Council.

- (4) The holders of Non-transferable Special Wheelchair Accessible Plates are subject to the provisions of this By-law generally applicable to owners, unless such provisions conflict with specific provisions applicable to Non-transferable Special Wheelchair Accessible Plates.

10. Owner's Licensing Prerequisites

Every applicant for an owner's licence shall ensure that the owner's vehicle meets the requirements relating to vehicle approval as set out in section 15 of this Schedule.

11. Taxicab Owner's Duties

Every licensed owner of a taxicab shall:

- (1) ensure that the taxicab:
- (a) is equipped with an extra tire, wheel and jack ready for use for that vehicle;
 - (b) meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation Vehicle Inspection Report or meets the standards for the issue of a Safety Standard Certificate of mechanical fitness;
 - (c) interior is:

- i. clean,
 - ii. dry, and
 - iii. in good repair;
 - (d) exterior is:
 - i. clean,
 - ii. in good repair,
 - iii. free from exterior body damage,
 - iv. possesses a well maintained exterior paint finish, and
 - v. equipped with four (4) identical hubcaps;
 - (e) is equipped with two doors on both sides, a taxicab meter and manufacturer's rated seating capacity of not less than five and not more than eight adult persons and the interior dimensions of the rear passenger compartment shall equal or exceed the following:
 - i. Head Room: 93.98 cm (37 inches)
 - ii. Shoulder Room: 139.70 cm (55 inches)
 - iii. Hip Room: 129.54 cm (51 inches)
 - iv. Leg Room: 88.90 cm (35 inches).
- (2) keep at all times in the vehicle for which the person is the licensed owner, the original or a photostat copy of the original of each of the following documents:
 - (a) the current Ontario Ministry of Transportation and Communications Passenger Motor Vehicle Permit issued for that licensed vehicle;
 - (b) the current owner's licence permit issued under this By-law; and
 - (c) the certificate of liability insurance for the vehicle in accordance with this By-law;
- (3) have in or on the taxicab:
 - (a) the owner's plate firmly affixed to the right rear trunk or at a location and manner approved by the Licensing Commissioner;
 - (b) the owner's plate number for that taxicab, in numbers of at least 15 centimeters in height, affixed to the rear of both front fenders not more than 8 centimeters below the top of the fenders and on the back of the vehicle 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;
 - (c) 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 plate number of the taxicab;

- (d) a taxicab meter approved by the Licensing Commissioner mounted in a position that is clearly visible to the passengers in the front and rear seats of the taxicab; and
 - (e) an electrically illuminated roof sign which is securely attached to the top of the taxicab in a manner approved by the Licensing Commissioner and wired to the taxicab meter and working in conjunction with the taxicab meter so that it is not illuminated when the taxicab meter is engaged and is illuminated when the headlights are on and the taxicab meter is in a vacant status;
- (4) employ or use only the services of drivers who are licensed under this By-law; provide the Licensing Section and, where applicable, any licensed taxicab broker with whom the owner may be associated, with the name of any licensed driver operating the taxicab within two (2) business days of the time when the licensed driver has commenced to operate the said taxicab;
- (5) retain all trip sheets for at least twelve (12) months and make them available for inspection at the request of an inspector or the Licensing Commissioner;
- (6) promptly repair any mechanical defect in the taxicab observed by the owner or reported to the owner by a licensed driver or the Licensing Commissioner;
- (7) notify the Licensing Commissioner when the effect of any collision or other occurrence will be to prevent a taxicab licensed under this By-law from being operated for more than five days;
- (8) if holding multiple licences, ensure that all the taxicabs are available on a continuous twenty-four hour basis to the satisfaction of the Licensing Commissioner;
- (9) upon request of the Licensing Commissioner produce the owner's licence issued under this By-law and such other documentation as is requested upon an inspection;
- (10) if holding a licence for an accessible taxicab:
 - (a) only operate an accessible vehicle which complies with this By-law;
 - (b) take such steps as may be required to ensure that accessible taxicabs are available to passengers with disabilities on a continuous twenty-four hour basis to the satisfaction of the Licensing Commissioner;
- (11) keep accurate records of the number of trips made monthly for all passengers, including passengers with disabilities using the accessible taxicab; and
- (12) enter into a written contract with all licenced drivers operating that owner's taxicab and a copy of each contract shall be provided to the Licensing

Commissioner upon request.

12. Taxicab Owner's Prohibitions

No licensed taxicab owner shall:

- (1) permit a vehicle not owned by the owner to be operated in any manner under the authority of the owner's plate;
- (2) permit the owner's taxicab to be operated with mechanical defects of which the owner is aware;
- (3) operate or permit the operation of the owner's vehicle as a taxicab without the owner's plate or licence sticker for that vehicle affixed thereto;
- (4) operate or permit the operation of the owner's vehicle as a taxicab if it is not a licensed taxicab under this bylaw;
- (5) use or permit the use of the owner's vehicle as a taxicab if the useable trunk capacity of the vehicle has been reduced such that the vehicle is incapable of accommodating a wheelchair, walker or similar device used to aid persons with disabilities;
- (6) fail to actively operate a vehicle for which the owner has been issued an owner's plate as a taxicab for more than forty (40) days in any period of six consecutive months;
- (7) permit the taxicab to be operated without a heater in working condition;
- (8) permit the taxicab to be operated without an air conditioning system in working condition;
- (9) display any owner's plate, decal or sticker issued by any other municipal licensing authority or purporting to be issued by such municipal licensing authority;
- (10) allow or permit the taxicab to be operated when it has exterior body damage or rust for more than thirty (30) days following notice in writing by the Licensing Commissioner or a police officer;
- (11) put 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;
- (12) 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;
- (13) operate a taxicab which has the same distinctive colour scheme being used

- by any taxicab broker with whom the owner is not affiliated;
- (14) operate the taxicab in affiliation with a taxicab broker who is not licensed under this By-law;
 - (15) display any sign, emblem, decal, ornament or advertisement on or in the taxicab except in a form and location approved by the Licensing Commissioner;
 - (16) tamper with any taxicab meter so that it does not reflect the appropriate tariff set out in Appendix “1” of this Schedule;
 - (17) operate or permit the taxicab to be operated unless the taxicab meter is a type approved by the Licensing Section and has been tested by an inspector;
 - (18) put any taxicab into service without first having properly affixed to the vehicle the owner’s plate, the roof light and the side numbers;
 - (19) affix any material to the windows of the taxicab without the permission of the Licensing Commissioner; or
 - (20) permit a taxicab operating under a Non-transferable Special Wheelchair Accessible Plate to operate outside the boundaries of the Town between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, except for the purpose of transporting a passenger with a disability.

13. Disposal of Taxicab

When a licensed taxicab owner disposes of or otherwise ceases to use as a vehicle licensed as a taxicab under this By-law, the owner shall remove the following items from that vehicle immediately upon the vehicle ceasing to be used as a taxicab and prior to any disposal of the vehicle:

- (1) the roof light;
- (2) taxicab meter;
- (3) all identifying decals or markings;
- (4) fender numbers; and
- (5) all other items which make the vehicle appear to the public to be a taxicab.

14. Insurance

- (1) When a licensed owner ceases to have a current valid Ontario standard automobile insurance policy in good standing and properly endorsed in accordance with the provisions of this By-law, the licence shall be deemed to be suspended as of the date on which the cessation of insurance occurred, and the licence shall only be reinstated on there being delivered to the Licensing

Commissioner written proof of insurance in accordance with the provisions of this By-law.

- (2) When the licensed owner has had the owner's licence suspended under subsection (1), the owner shall forthwith remove the owner's plate and return or relinquish the owner's plate and the licence to the Licensing Commissioner.
- (3) When a licensed owner cancels the owner's current insurance before the expiry date of the policy, the owner must produce a certificate of newly acquired insurance properly endorsed in accordance with the provisions of this By-law, or return the owner's plate and licence to the Licensing Commissioner on the date and time of cancellation.
- (4) Every licensed owner shall file with the Licensing Commissioner at least five (5) working days prior to the expiry date of the current insurance policy all insurance renewal policies or certificates of insurance.

15. Vehicle Approval

- (1) An applicant for an owner's licence shall, before using the vehicle to be licensed as a taxicab under this By-law:
 - (a) attend at the Licensing Section and produce and file the following documents:
 - i. a copy of the current passenger motor vehicle permit in good standing issued by the Ministry of Transportation and Communications issued in the plate owner's name;
 - ii. a copy of the current Ontario Standard Automobile Insurance Policy endorsed to show the vehicle being registered; and
 - iii. a Safety Standard Certificate issued under the *Highway Traffic Act* within the previous thirty-six (36) days;
 - (b) pay the appropriate fee; and
 - (c) submit the vehicle to be licensed for inspection and approval by the Licensing Commissioner.
- (2) A licensed owner shall file with the Licensing Section all documents required by the Licensing Commissioner to report any change related to the vehicle ownership within one (1) business day of such change of vehicle ownership.
- (3) An owner licensed under this By-law who disposes of their vehicle licensed as a taxicab or otherwise ceases to use the taxicab for the purposes permitted under this By-law and acquires another vehicle for the purposes permitted under this By-law, before using the vehicle shall comply with subsection(1) and (2).

- (4) For the purposes of the inspection required under subsections (1) and (3), the vehicle to be used shall be submitted for inspection by the Licensing Commissioner during normal business hours and shall not be used until the inspection has taken place, the approval given and the other provisions of subsections (1) and (3) have been satisfied.
- (5) When the vehicle inspection has taken place as required under subsections (1) or (3), and the vehicle has been approved, the vehicle shall be deemed to be licensed as a taxicab.

16. Model Year Restrictions

- (1) No motor vehicle more than four (4) model years old shall be licensed as a taxicab.
- (2) The renewal of a taxicab licence will not extend to a vehicle more than seven (7) model years old.
- (3) Notwithstanding the provisions of subsection (2), an owner may, on written request to the Licensing Section and on payment of the fee, obtain a one-year extension on the model year of the existing taxicab, such extension not to exceed beyond ten (10) years of the model year of the vehicle.
- (4) For the purposes of this By-law, the age of a motor vehicle shall be calculated from July 31st of the model year.

17. Taxicab Meter Testing and Approval

When the Licensing Commissioner is not available to test the taxicab meter as required because the services have been requested outside the regular business hours of the Licensing Section, the licensed taxicab owner or licensed taxicab driver who has had the taxicab meter altered, repaired or replaced in the taxicab, may operate the taxicab for a period of one (1) business day that Town Hall is open for business, provided that the licensed taxicab driver has in the driver's possession a certificate or receipt for the alteration, repair or installation of the taxicab meter signed and dated by the person who made the alteration, repairs or installation.

18. Mandatory Taxicab Inspections

- (1) The Licensing Commissioner shall give notice to the licensed taxicab owner of two mandatory inspections a year for each taxicab.
- (2) Upon receipt of notice of inspection under subsection (1) each licensed taxicab owner or the owner's driver shall attend with the vehicle at the appointed time and place and shall bring a Safety Standards Certificate issued under the

Highway Traffic Act within thirty-six (36) days of the date of attendance. Failure to attend shall result in the taxicab being suspended from operation until an inspection can be completed. A re-inspection fee will apply.

- (3) If a taxicab is removed from service due to a significant failure of the inspection required under subsection (1) which could affect public safety, a re-inspection fee will apply.
- (4) When a vehicle has been inspected under Section 18 within thirty (30) days of the date set out in the notice of mandatory inspection referred to in subsection (1), the taxicab owner shall not be required to have the vehicle re-inspected as required by the notice.

19. Transfer of Taxicab Owner's Licence

- (1) No taxicab owner shall transfer or otherwise dispose of a licence unless the owner:
 - (a) has held that licence as a taxicab owner for at least three years if issued from the Waiting List, or for one year if transferred from a previous owner;
 - (b) follows the procedure set 19(2); and
 - (c) pay the appropriate fee.
- (2) A taxicab owner transferring their taxicab owner's plate licence shall:
 - (a) complete and file with the Licensing Section a declaration provided by the Licensing Section;
 - (b) provide a fully detailed contract of sale for the taxicab owner's plate; and
 - (c) return to the Licensing Section the owner's plate and licence sticker issued in the owner's name which is being transferred.
- (3) Notwithstanding the provisions of subsection (1)(a), the holder of a taxicab owner's licence may request a hearing before the Appeals Committee to permit the transfer or other disposition of a licence plate before the expiry date of the prescribed time protocol.
- (4) When there is a transfer or other disposition of shares of a corporation which is duly licensed as a taxicab owner under this By-law, such that after such transfer or disposition the person who controlled (within the meaning of subsection 1(5) of the *Business Corporations Act*, R.S.O. 1990, c. B.16) the corporation prior to the transfer or disposition no longer controls the corporation, it shall be deemed to be a transfer of a taxicab owner's licence and the provisions of subsections (1) and (2) shall apply.
- (5) When a transfer is approved by the Licensing Section, the new taxicab owner must submit the vehicle for examination in accordance with this By-law before

the licence and an owner's plate or licence sticker is issued.

- (6) No person shall sell, lease, rent, transfer or otherwise dispose of a Non-transferable Special Wheelchair Accessible Plate.

20. Transfer of Deceased Taxicab Owner's Licence

- (1) The provisions of Sections 19(1), (2), (3) and (4) do not apply where the licence becomes an asset of the estate of a deceased owner.
- (2) Where the owner of a taxicab dies, the licence shall be suspended and the plate or licence sticker shall be removed forthwith.
- (3) Subject to subsection (2), on the death of a taxicab owner the plate or licence sticker shall be returned to the Licensing Section and after filing documentation sufficient to prove that the licence is an asset of the estate, the licence may be transferred to the estate of the deceased taxicab owner and may be held in the name of the estate until disposition to a person qualified under this By-law.
- (4) Notwithstanding the provisions of subsection (3), if the licence is transferred into the name of the estate of a deceased owner it can only be held in the name of the estate for a period of one year from transfer and if it not disposed of in that period it shall be revoked by the Licence Commissioner unless such period is extended by the Appeals Committee.
- (5) To effect transfer of an owner's licence to the estate of a deceased owner the following must be filed:
- (a) proof that the persons disposing of the property have the legal status to effect the transfer;
 - (b) proof of insurance in the name of the estate; and
 - (c) proof of ownership of the motor vehicle in the name of the estate.
- (6) When the owner's licence is transferred to a spouse, it will not be a prerequisite that a taxicab driver's licence be obtained.

21. Taxicab Broker Duties

Every licensed taxicab broker shall:

- (1) maintain an office within the Town from which the taxicab brokerage business is conducted which provides adequate telephone, radio and dispatch facilities and off-street parking;
- (2) 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, and

- shall produce a file sample of the roof sign with the Licensing Section;
- (3) provide a file sample of any roof sign used by the brokerage to the Licensing Section;
 - (4) provide the Licensing Section with 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;
 - (5) Upon request, provide the Licensing Section on a monthly basis with dispatch order counts which record the number of trips each vehicle has made for all passengers, including passengers with disabilities;
 - (6) Upon request, provide the Licensing Section each year with the annual dispatch order counts within one (1) month of the end of each calendar year;
 - (7) notify the Licensing Section in writing within ten (10) days of any additions or deletions from the list provided under subsection (4);
 - (8) 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;
 - (9) keep a record of each taxicab dispatched on a trip, the time and date of receipt and dispatch of the order, and the pickup location, and shall retain the records for a period of at least six months, and make them available to the Licensing Commissioner upon request;
 - (10) supply the Licensing Section with a copy of the taxicab broker's Federal Radio Licence call sign and frequency number, if any;
 - (11) upon request, inform any customer of the anticipated length of time required for a taxicab to arrive at the pickup location;
 - (12) when volume of business is such that service will be delayed to a prospective customer, the broker shall inform the customer of the approximate time of the delay before accepting the order;
 - (13) 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;
 - (14) file a list of the taxicab brokerage rules and procedures including the terms and conditions of payment by owners or their agents with the Licensing Section, and abide by the rules and procedures and display the same list filed prominently in the taxicab brokerage office;
 - (15) carry on the business only in the name in which the broker is licensed;

- (16) if there is more than one broker licensed by the Town, where service requested is of a type which would require an accessible taxicab and the broker does not dispatch to accessible taxicabs or 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 brokerages licensed by the Town offering such service; and
- (17) where the brokerage provides accessible taxicabs and such service is requested by a person with a disability, provide priority service for such person.

22. Taxicab Broker Prohibitions

No licensed taxicab broker shall:

- (1) charge dispatch fees or increase dispatch fees unless the broker has first:
 - (a) submitted in writing a notice of intent to the Licensing Commissioner at least one (1) month prior to the proposed effective date of any increase or imposition of fees; and
 - (b) prominently displayed in the brokerage office a copy of the notice of intent for at least one (1) month prior to the proposed effective date of any increase or imposition of fees;
- (2) when implementing any change in the rules and procedures referred to in Section 21(14) ensure it is filed with the Licensing Section and displayed prominently in the brokerage office for one month prior to the change taking effect;
- (3) accept orders for, or dispatch or direct orders to a taxicab:
 - (a) where the service requested of the broker or driver is prohibited under this By-law, or any other municipal By-law or provincial or federal statute;
 - (b) where the owner of the taxicab is not licensed under this By-law, unless otherwise approved by the Licensing Commissioner; or
 - (c) where the amount charged is less than the fare permitted under this By-law, except in the case of a pre-arranged trip;
- (4) be permitted to have exclusive rights to any taxicab stand in the Town or enter into or become a party to any exclusive concession agreement;
- (5) require any driver to accept any order necessitating an expenditure of money by the driver on behalf of the customer;
- (6) make any charge or financial demand, directly or indirectly, of a taxicab owner

- or driver of a taxicab other than dispatch fees;
- (7) dispatch to any person a taxicab which is not on the list provided under Section 21(4);
 - (8) charge a tariff or enter into an agreement to charge a tariff or advertise a tariff which is not in accordance with the approved tariff set out in Appendix “1” of this Schedule, with the exception of pre-arranged trips for school children;
 - (9) possess or use on premises associated with the brokerage, or have anywhere in the broker’s possession, a scanner or radio that is capable of monitoring a taxicab broker’s radio frequency other than the broker’s own radio frequency;
 - (10) dispatch calls to any taxicab if the licensed owner or licensed driver, in the opinion of the Licensing Commissioner, is in contravention of any section of this By-law;
 - (11) permit any person or dispatcher to use obscene, abusive, foul, racist or threatening language in the course of transmitting or receiving messages or orders on any radio system or telephone system used in conjunction with the brokerage;
 - (12) dispatch a taxicab operating under a Non-transferable Special Wheelchair Accessible Plate on a call requiring the taxicab to operate outside the boundaries of the Town 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; or
 - (13) charge the owner of an accessible taxicab a higher dispatch fee than the dispatch fee applicable to other taxicabs.

23. Taxicab Driver’s Duties

Every licensed driver shall:

- (1) examine the vehicle for obvious mechanical defects and interior or exterior damage to the vehicle each day before commencement and after completion of the operation of the vehicle, and shall report forthwith any defects found to the owner of the vehicle;
- (2) carry their Ontario driver’s licence at all times while operating the vehicle;
- (3) display at all times while operating the vehicle and in a location approved by the Licensing Commissioner, their current taxicab driver’s identification card with coloured photograph issued by the Licensing Section;
- (4) apply to the Licensing Section for a replacement of their taxicab driver’s identification card if it is defaced, destroyed or lost, and pay the appropriate

- fee;
- (5) be civil, courteous, and refrain from using profanity;
 - (6) be well groomed, neat and clean in dress and person, properly dressed in pants, blue jeans, walking shorts (no sweatpants) or skirt, shirt or blouse with collar, and socks and shoes. All clothing and footwear is to be free of obvious deterioration from wear or use;
 - (7) offer to assist every passenger particularly when it is evident that the passenger is a person with a disability, is elderly, or is in need of enhanced service;
 - (8) if requested give a passenger a receipt bearing the name of the taxicab company, the date of the fare, the taxicab plate number, the amount paid and the tax (HST number clearly thereon);
 - (9) except where there is a previous order or engagement, serve the first person requiring the service of the taxicab at any place within the Town, at any time by day or night, except when the person:
 - (a) is intoxicated or disorderly;
 - (b) refuses to give the person's destination;
 - (c) is in the possession of an animal other than a medical aid animal;
 - (d) is eating or drinking any food or beverage;
 - (e) has not paid a previous fare;
 - (f) is, in the opinion of the driver, unable or unwilling to pay the fare and has been unable or unwilling to satisfy the driver that they have the funds to pay the fare; or
 - (g) is a grossly unclean person.
 - (10) punctually keep all appointments, and not make any appointment if a previous engagement would prevent the driver from fulfilling it;
 - (11) take due care of all property delivered or entrusted to the driver for conveyance or safekeeping, and, immediately upon the termination of any hiring engagement, shall examine the interior of the taxicab for any property left therein, and all property left in the taxicab shall be forthwith delivered over to the person owning the property and where the owner is unavailable, the driver shall deliver the property to the nearest police station with all the information in the driver's possession regarding the property and report their actions to the brokerage;
 - (12) take the most direct available route to the destination requested by the passenger unless the passenger directs otherwise;
 - (13) display at all times while operating the vehicle and in a location approved by

the Licensing Commissioner, a current tariff card as set out in Appendix “1” of this Schedule and the card shall be made available to a passenger upon request;

- (14) keep a trip sheet of all trips made by the taxicab during a shift and shall turn it in to the owner at the end of the shift. The trip sheet shall contain the following information:
 - (a) the name of the driver, the date and the taxicab owner’s plate number;
 - (b) the starting location and destination of every trip made; and
 - (c) the amount of the fare collected for each trip.
- (15) only enter a taxicab stand by taking the position at the end of any line formed by the taxicabs already on the stand;
- (16) 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 subsection 22(8) of this Schedule is applicable;
- (17) at the conclusion of the trip, place the taxicab meter in the time off status and, after payment, place it in the vacant status;
- (18) turn off any radio, tape player, compact disc player or any other sound-producing mechanical device in the taxicab and turn down the volume on the two-way radio upon being requested to do so by any passenger, and having done so, leave such devices in the off position or, if two-way radio, turned down, until termination of the trip with that passenger;
- (19) only operate a vehicle which:
 - (a) is equipped with an extra tire, wheel and jack ready for use for that vehicle;
 - (b) 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;
 - (c) as to its interior is:
 - i. clean,
 - ii. dry, and
 - iii. in good repair;
 - (d) as to its exterior is:
 - i. clean,
 - ii. in good repair,
 - iii. free from exterior body damage, and
 - iv. possessing a well maintained exterior paint finish; and
 - (e) is equipped with two doors on both sides, a taxicab meter and

manufacturer's rated seating capacity of not less than five and not more than eight adult persons and the interior dimensions of the rear passenger compartment shall equal or exceed the following:

- v. Head Room: 93.98 cm (37 inches)
- vi. Shoulder Room: 139.70 cm (55 inches)
- vii. Hip Room: 129.54 cm (51 inches)
- viii. Leg Room: 88.90 cm (35 inches).

- (20) if operating an accessible taxicab, only operate an accessible vehicle which complies with the definition of such a vehicle as set out in this By-law;
- (21) if operating an accessible taxicab, securely fasten all wheelchairs or any other passenger aids so that they are prevented from moving while the accessible vehicle is in motion; and
- (22) upon request of the Licensing Commissioner, produce their licence issued under this By-law and such other documentation as may be required and set out in this Schedule.

24. Taxicab Driver Prohibitions

No licensed driver shall:

- (1) operate a taxicab unless they comply with the Taxicab Driver's Dress Code set out in Section 23(6) of this By-law;
- (2) carry in any vehicle a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such vehicle;
- (3) operate a vehicle with luggage or any object placed in, hung on or attached to the vehicle in such a manner as will obstruct the driver's view of the highway;
- (4) take, consume or have in their possession any alcohol, drugs or intoxicants while operating a taxicab, or operate a taxicab while under the influence of alcohol, drugs or intoxicants, regardless of whether the level of intoxication meets or exceeds the standards otherwise prescribed by law;
- (5) use any tariff card, other than that obtained from the Licensing Section, or remove, exchange, lend or otherwise dispose of the tariff card;
- (6) take on any additional passengers after the vehicle has departed with one or more passengers from any one starting point except under the following circumstances:
 - (a) when done at the request of a passenger already in the vehicle;
 - (b) in an emergency situation;
 - (c) when operating a vehicle which is being used exclusively for the transportation of children to and from school; or

- (d) when operating an accessible taxicab which is being used pursuant to a prearranged contract for transportation of passengers with disabilities;
- (7) leave any passenger at any location other than the destination requested by the passenger unless:
 - (a) the driver is unable to take the passenger to the requested destination by reason of;
 - i. the taxicab being incapable of being operated safely;
 - ii. the driver being incapable of operating the taxicab safely; or
 - iii. the conduct of the passenger being such that the driver can no longer operate the vehicle safely;
 - (b) the driver has requested the attendance of another taxicab or the police at the location; and
 - (c) the other taxicab or the police have arrived at the location;
- (8) while waiting at a taxicab stand or at any public place:
 - (a) obstruct or interfere in any way with the normal use of the taxicab stand or public place, or interfere with the surrounding traffic patterns;
 - (b) make any loud noise or disturbance;
 - (c) fail to have the taxicab under observation at all times by not being sufficiently close to the vehicle;
 - (d) wash the taxicab; or
 - (e) make repairs to the taxicab, unless the repairs are immediately necessary;
- (9) pick up any passenger within sixty (60) metres of a taxicab stand when there are one or more taxicabs waiting in line at the stand:
 - (a) unless an arrangement has been previously made with the passenger to pick them up at that location; or
 - (b) unless the passenger exhibits a preference for that taxicab and the chosen taxicab driver notifies the driver of the first taxicab at the taxicab stand;
- (10) operate a vehicle with mechanical defects of which the driver is aware;
- (11) operate a vehicle as a taxicab that is not a licensed taxicab;
- (12) operate a Non-transferable Special Wheelchair Accessible Plate taxicab outside the boundaries of the Town between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, except for the purpose of transporting a passenger with a disability;
- (13) accept an order for taxicab services from anyone other than a taxicab broker licensed under this By-law, unless an owner/driver is not affiliated with a taxicab broker, and provided this shall not prevent a driver from accepting a

- direct request from a passenger who, while present at the same location as the taxicab, has either hailed or approached the taxicab;
- (14) if affiliated with a taxicab broker, accept direct requests for taxicab service from a passenger who has not used the services of that taxicab broker, provided this shall not prevent a driver from accepting a direct request from a passenger, who while present at the same location as the taxicab, has either hailed or approached the taxicab;
 - (15) permit a passenger to stand in the vehicle while the vehicle is in motion;
 - (16) recommend hotels or restaurants or other like facilities unless requested to do so by the passenger;
 - (17) operate a taxicab when the taxicab meter has not been adjusted in accordance with the existing current rates set out in the By-law;
 - (18) operate a taxicab when the taxicab meter does not operate properly;
 - (19) tamper with a taxicab meter so that it does not correspond with the appropriate tariff set out in Appendix “1” to this Schedule;
 - (20) operate a taxicab whose meter does not correspond with the appropriate tariff set out in Appendix “1” to this Schedule;
 - (21) operate a taxicab without:
 - (a) an owner’s plate;
 - (b) side numbers; and
 - (c) a roof light, in accordance with the provisions of this Schedule;
 - (22) induce any person to enter their vehicle by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by that person;
 - (23) publish or use any tariff, or demand or receive rates and charges other than those authorized by this By-law, except in the case of a pre-arranged trip;
 - (24) subject to subsection 22(8) of this Schedule and except for a tip, gratuity, credit card service charge or reimbursement of expenses incurred at the direction of the passenger, recover or receive any fare or charge from any passenger or persons who had demanded the driver’s services which is greater or less than the tariff authorized by this By-law under Appendix “1”, except in the case of a pre-arranged trip;
 - (25) recover or receive any fare or charge from any person to whom the driver has refused to show the tariff card;
 - (26) make any charge for time lost through defects or inefficiency of the vehicle or the incompetence of the driver;
 - (27) make any charge for the time elapsed due to early arrival of the vehicle or the

- incompetence of the driver;
- (28) operate a vehicle for which there is no proof of insurance filed in accordance with this By-law;
 - (29) enter into or become a party to an exclusive concession agreement;
 - (30) agree to pay, accept a fee or consideration or do any other act or thing pursuant to an exclusive concession agreement;
 - (31) use or permit to be used a two-way radio or monitoring device in the taxicab which enables the driver to transmit and/or receive any frequency of a taxicab broker licensed under this By-law with whom the driver is not affiliated;
 - (32) use any radio system or communication system to speak to anyone other than a dispatcher while a passenger is in the vehicle except in the case of an emergency;
 - (33) speak in an obscene, foul, boisterous, racist, loud, threatening or abusive manner to any person, including a dispatcher, while carrying on the business of a taxicab driver;
 - (34) have any sexual contact with a passenger or initiate such contact by making or responding to sexual advances;
 - (35) transport a child under the age of twelve years old in the front seat of the taxicab;
 - (36) be required to accept any order when the expenditure of money by the licensed taxicab driver is required on behalf of the passenger; and
 - (37) be required to provide change for any note larger than twenty dollars (\$20.00) unless the fare is at least one half (1/2) the value of the note.

25. Exemptions

- (1) Notwithstanding the provisions of section 23(9) of this Schedule, a licensed driver may refuse to serve a passenger if the driver has a disability, impairment or allergy and has filed with the Licensing Commissioner a certificate from their doctor confirming the driver's disability, impairment or allergy and their inability to serve the passenger by reason of the disability, impairment or allergy.
- (2) When a licensed driver is unable to service a passenger for the reasons set out in subsection (1), the licensed driver shall make proper arrangements for the service of that passenger before proceeding to the driver's next engagement.
- (3) For the purposes of this Schedule, an infant two years of age or younger, carried by an adult and sitting in the lap of the adult while in the vehicle, shall

not be included in the calculation of manufacturer's rating of seating capacity for such vehicle.

26. Flat Rate

- (1) When a driver picks up a passenger within the Town for a trip with the destination outside the Town, the driver and the passenger may agree before the commencement of the trip to a flat rate.
- (2) When the driver under subsection (1) drives a taxicab, the driver shall engage the taxicab meter while the taxicab is within the Town.

27. Medical Certificate

The Licensing Commissioner may require a taxicab driver to provide a certificate prepared by a duly qualified medical practitioner attesting as to whether or not the taxicab driver is fit and able to operate a taxicab and the taxicab driver's licence will be suspended pending the production of the certificate.

28. Ontario Driver's Licence Suspended & Demerit Points

- (1) When a licensed taxicab driver has had their driver's licence issued under the *Highway Traffic Act* cancelled, revoked or suspended or where such driver's licence has expired, the licence issued under this By-law shall be deemed to be suspended as of the date of cancellation, revocation, suspension or expiration of the licence issued under the *Highway Traffic Act* and the driver shall immediately return to the Licensing Section the licence issued under this By-law.
- (2) When a licensed taxicab driver's Ontario Driver's record shows six (6) demerit points, the driver is required to notify the Licensing Commissioner immediately, attend the Licensing Section for an interview, and will produce a further Ontario Driver's record within six months of the interview.
- (3) When a licensed taxicab driver's Ontario Driver's record shows eight (8) demerit points, the driver will be required to take a driver training course approved by the Licensing Commissioner.
- (4) When a licensed taxicab driver's Ontario Driver's record shows ten (10) demerit points, the taxicab driver's licence will be suspended and the driver shall immediately return to the Licensing Section the licence issued under this By-law.
- (5) When a licensed taxicab driver's licence has been suspended as set out herein, the driver may not apply for re-issuance of a taxicab driver's licence

under this By-law until their Ontario Driver's record shows less than six (6) demerit points.

29. Refusal to issue or renew a licence

A Licensee is entitled to have a licence renewed except where:

- (1) at any time within three years prior to the application, the applicant or Licensee has been prohibited from driving due to a conviction under any applicable statute of Ontario or has ever been convicted of an offence under the Criminal Code, the *Narcotics Control Act* or the *Food and Drug Act* provided the conviction directly affects the applicant's or Licensee's ability to competently and responsibly carry on the business of driving a taxicab, owning or operating a taxicab or operating as a taxicab broker or the applicant's or Licensee's ability to comply with the provisions of this By-law;
- (2) on an application for a renewal by a taxicab driver, a valid customer complaint has been received relating to the driver's knowledge of the geography of the Town and the Licensing Commissioner requires the Licensee to successfully complete a written test approved and set by the Licensing Commissioner prior to having the Licensee's licence renewed, and the Licensee does not obtain a mark of at least eighty-five percent (85%);
- (3) the applicant or Licensee's Ontario Driver's record shows 10 demerit points;
- (4) the applicant or Licensee is carrying on activities that are or will be, if the applicant is licensed, in contravention of this By-law;
- (5) the applicant or Licensee fails to successfully complete any testing, training, educational or awareness program required by the Licensing Commissioner;
or
- (6) does not provide the information required for renewal of a licence under this By-law

30. Refund of Fee on Refusal to Issue or to Renew a Licence

When an application for a licence or for renewal of a licence is refused, an applicant can apply to the Licensing Commissioner for a partial refund of the licence fee.

31. Issuance of a Licence on Terms and Conditions

Notwithstanding any other provision of this By-law, the Licensing Commissioner shall issue a licence or renew a licence subject to such terms and conditions as are necessary to give effect to this By-law if first consented to by the applicant or Licensee;

or if recommended by the Appeals Committee after a hearing.

32. Revocation or Suspension of a Licence

The Licensing Commissioner shall revoke or suspend a licence where the Licensee would be disentitled to a renewal of a licence, and shall advise the Licensee of their right to appeal.

33. Refund of Fee on Revocation of a Licence

- (1) When a licence is revoked, the Licensee is entitled to apply to the Licensing Commissioner for a refund of that part of the licence fee that is proportionate to the unexpired part of the term for which the licence was issued.
- (2) The provisions of subsection (1) do not apply when the unexpired part of the term is less than four (4) months.

34. Cancellation of a Licence

- (1) A licence issued to a taxicab owner may be cancelled by the Licensing Commissioner for non-compliance with the provisions of this By-law unless the taxicab owner can show to the satisfaction of the Appeals Committee just cause for such failure to comply.
- (2) A licence issued to a taxicab owner under this By-law may be cancelled by the Licensing Commissioner at any time if the owner fails to actively operate the vehicle for which the owner's plate has been issued for more than forty (40) days in any six consecutive months unless the owner can show to the satisfaction of the Appeals Committee just cause for such failure.
- (3) A licence issued to a taxicab broker under this By-law may be cancelled by the Licensing Commissioner at any time if the taxicab broker fails to actively operate for a continuous period of sixty (60) days the taxicab brokerage for which the licence has been issued unless the taxicab broker can show to the satisfaction of the Appeals Committee just cause for such failure.
- (4) A licence issued to a taxicab driver under this By-law may be cancelled by the Licensing Commissioner at any time if the taxicab driver commits any violation of the regulations of this By-law.
- (5) Any licence issued under this By-law may be cancelled by the Licensing Commissioner at any time upon the written request of the Licensee.
- (6) Where a licence is cancelled under this section, the Licensee is not entitled to any refund of the licensing fee or any other fee.

35. Return of the Licence after Cancellation, Revocation or Suspension

- (1) When a licence has been cancelled, revoked or suspended, the holder of the licence shall return the licence and, if applicable, the owner's plate or licence sticker to the Licensing Section within one (1) business day of service of written notice of the decision of the Appeals Committee.
- (2) The Licensing Commissioner may enter upon the business premises or into the vehicle(s) of the Licensee for the purpose of receiving, taking or removing the said licence, owner's plate or licence sticker.
- (3) When a person has had their licence cancelled, revoked or suspended under this By-law, they shall not refuse to deliver up the licence, the owner's plate or licence sticker, nor shall they in any way obstruct or prevent the Licensing Commissioner from obtaining the licence.

36. Limitation of Number of Owner's Licences Issued

- (1) In addition to taxicab owner's licences, a maximum of 6 Non-transferable Special Wheelchair Accessible Plates shall be issued.
- (2) Non-transferable Special Wheelchair Accessible Plates shall be deemed to be taxicab owner's plates, the vehicles licensed pursuant to such plates shall be deemed to be taxicabs, and holders of such plates shall be deemed to be owners under this By-law, except as specifically set out in this By-law.
- (3) No person shall sell, lease, rent, transfer or otherwise dispose of a Non-transferable Special Wheelchair Accessible Plate.
- (4) When Council deems it advisable to issue Non-transferable Special Wheelchair Plates, the requirements set out in section 10 of this Schedule shall apply.

Appendix 1 - TAXICAB TARIFF

(1) By Distance:

For the initial 130 metres or part thereof: \$4.50

For each additional 130 metres or part thereof: \$0.25

(2) Waiting Time:

For each 30 seconds of waiting time while taxicab meter engaged: \$0.25

(3) Reduction for Senior Citizens: 10%

- Upon proof of age
- Flat rate trips not included
- Discount not applied on rates below \$10.00

Appendix 2 - CUSTOMER'S BILL OF RIGHTS

Every taxicab customer is entitled to receive:

- (1) prompt and reliable service;
- (2) a courteous, knowledgeable driver who is neat and clean in appearance;
- (3) a safe and comfortable ride in a clean car, both inside and out, in good mechanical condition;
- (4) assistance when required;
- (5) assistance at all times with groceries, luggage and parcels;
- (6) a silent ride upon request; and
- (7) a receipt upon request.

The driver has the right to refuse a fare where the fare:

- (1) is obnoxious or disorderly;
- (2) under the influence of alcohol;
- (3) is in the possession of an animal other than a medical aid animal;
- (4) is eating or drinking any food or beverage;
- (5) has not paid a previous fare;
- (6) refuses to give the destination; or
- (7) is an unclean person.

The driver cannot be required to provide change for any note larger than twenty dollars (\$20.00) unless the fare is at least one half (1/2) the value of said note.

SCHEDULE 37: TOBACCONIST

1. Every Licensee shall:
 - (a) display in a prominent place a sign with letters not less than 2.54 centimetres (one inch) high reading: "It is unlawful for persons under the age of 19 years to purchase or be in possession of tobacco; and
 - (b) comply with all legislation pertaining to the storage and selling of tobacco or smoking material.

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