

**CONSOLIDATED**

# **LICENSING BY-LAW 2001-31**

**As amended by By-laws**

**2001-67**

**2002-181**

**2003-92**

**2006-99**

**2007-13**

## **INDEX**

		PAGE NO.s
PART I	DEFINITIONS	4
PART II	LICENCES	7
PART III	ISSUANCE, RENEWAL OR REFUSAL OF LICENCES	9
PART IV	PRODUCTION AND POSTING OF LICENCE	10
PART V	INSPECTIONS	11
PART VI	POWER TO SUSPEND, REVOKE OR IMPOSE CONDITIONS	11
PART VII	GENERAL PROVISIONS	13
PART VIII	OFFENCES AND PENALTIES	14
PART IX	NOTICE	15
PART X	CONFLICTS	15
PART XI	SEVERABILITY	15
PART XII	EFFECTIVE DATE & TRANSITION	15

## **SCHEDULES**

Schedule 1	LICENCE FEES AND EXPIRATION DATES
Schedule 2	AMUSEMENT PLACE, ETC.
Schedule 3	AUCTIONEERS
Schedule 4	BAKE SHOPS
Schedule 5	BARBER SHOPS, HAIR DRESSING AND ESTHETICIAN ESTABLISHMENTS
Schedule 6	BILL AND SIGN POSTING AND INSTALLATION
Schedule 7	BILLIARD, BAGATELLE AND POOL ESTABLISHMENTS
Schedule 8	BOWLING ALLEYS

- Schedule 9 BUTCHERS
- Schedule 10 CAMPING ESTABLISHMENTS
- Schedule 11 COMMERCIAL PARKING LOTS
- Schedule 12 DEALERS IN OLD GOLD OR OTHER PRECIOUS METALS
- Schedule 13 DRIVING SCHOOLS AND DRIVING INSTRUCTORS
- Schedule 14 EXHIBITIONS, ETC.
- Schedule 15 FLEA MARKETS
- Schedule 16 FOOD PREMISES
- Schedule 17 LAUNDRYMEN, LAUNDRY COMPANIES, DRY CLEANERS, ETC.
- Schedule 18 MOTELS
- Schedule 19 PAWN BROKERS
- Schedule 20 PEDLARS
- Schedule 21 PHOTOGRAPHERS
- Schedule 22 PUBLIC GARAGES, AUTOMOBILE SERVICE STATIONS
- Schedule 23 PUBLIC HALLS
- Schedule 24 REFRESHMENT VEHICLES
- Schedule 25 RESTAURANTS
- Schedule 26 SPECIFIC LOCATION DAILY SALES
- Schedule 27 TATTOO AND BODY PIERCING PARLOURS
- Schedule 28 THEATRES
- Schedule 29 THERAPEUTIC MASSAGE ESTABLISHMENTS
- Schedule 30 TOURIST HOMES, BED & BREAKFASTS
- Schedule 31 TRANSIENT TRADERS - Repealed by By-law 2001-67

## **CITY OF NIAGARA FALLS**

### **A CONSOLIDATED BY-LAW**

Being **By-Law No. 2001-31** as amended by:  
By-laws 2001-67, 2002-181, 2003-92, 2006-99, 2007-13

**being a By-law respecting the issuance of licences in the City of Niagara Falls.**

**WHEREAS** section 257.2 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that the Council of a local municipality may pass by-laws for licensing, regulating and governing any business carried on within the municipality.

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS HEREBY ENACTS AS FOLLOWS:**

#### **PART I      DEFINITIONS**

1. In this By-law:

- (1) "applicant" means a person who is required to be licensed pursuant to this By-law, or who has made application for a licence under this By-law and shall include a Licensee;
- (2) "application" means an application in the form provided by the Clerk and accompanied by the appropriate fee(s);
- (3) "Building Inspector" means a Building Inspector of the Municipality, or a person designated to act on his behalf;
- (4) "business" means a trade, business or occupation, and includes the sale or hire of goods or services on an intermittent or one-time basis, the showing for the purpose of sale or hire of samples, patterns or specimens of any goods and any activity or thing a local municipality may licence, but does not include,
  - (a) a manufacturing activity or an industry, except to the extent that it sells its products or raw materials by retail;
  - (b) the selling of goods by wholesale; or
  - (c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources;
- (5) "Chief of Police" means the person who may from time to time be appointed by the

Niagara Regional Police Services Board to the position of Superintendent of Division No. 22 of The Niagara Regional Police Force, or a person designated to act on his behalf;

- (6) "Chief Building Official" means the person who may from time to time be appointed by Council to the position of Chief Building Official of the Municipality in conformity with the provisions of the Building Code Act, and amendments thereto, or his designate;
- (7) "Clerk" means the Clerk of the Corporation of the City of Niagara Falls, or a person designated to act on his behalf;
- (8) "City Solicitor" means the Solicitor for the Corporation of the City of Niagara Falls, or a person designated to act on his behalf;
- (9) "Council" means the Municipal Council of the Corporation of the City of Niagara Falls;
- (10) "Director of Finance" means the Director of Finance of the Municipality, or a person designated to act on his behalf;
- (11) "electrical inspector" means an inspector employed by the Inspection Branch of the Ontario Hydro Electric Power Commission, or successor entities;
- (12) "Fire Chief" means the person who may from time to time be appointed by Council to the position of Fire Chief of the Municipality, or a person designated to act on his behalf;
- (13) "Fire Prevention Officer" means the person who is appointed Fire Prevention Officer under the provisions of the Municipal by-law which governs and regulates the Fire and Emergency Services Department of the Municipality;
- (14) "guide dog" means a dog trained to lead a blind person or other person requiring guidance of an animal for health reasons;
- (15) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (16) "home occupation" means an occupation, trade, business, profession or craft carried on as an accessory use of the dwelling as the private residence of the person carrying on the occupation, trade, business, profession or craft;
- (17) "letter of credit" means an irrevocable letter of credit which shall be drawn on a

chartered Canadian Bank and deemed to be automatically extended without amendment for one year from the present or any future expiration date thereof, unless (30) thirty days prior to any such date the Bank shall notify the Municipality in writing by registered mail that the Bank elects not to consider this letter of credit renewed for any such additional period;

- (18) "licence" means a City of Niagara Falls business licence issued pursuant to this By-law;
- (19) "Licensee" means a person to whom a licence is issued under the provisions of this By-law, either in the current calendar year or in a previous calendar year, and shall include an applicant;
- (20) "Medical Officer of Health" means the Medical Officer of Health for the Regional Municipality of Niagara;
- (21) "month" means calendar month;
- (22) "Municipal Law Enforcement Officer" means a person who may from time to time be appointed by Council to the position of Municipal Law Enforcement Officer, or a person designated to act and to enforce the Municipality's by-laws;
- (23) "Municipality" means The Corporation of the City of Niagara Falls;
- (24) "N.F.P.A." means the National Fire Protection Association, and may refer to its handbook and directives;
- (25) "occupant" means any person or persons over the age of eighteen (18) years in possession or occupation of property;
- (26) "operator" means any person who alone or with others operates, manages, supervises, runs or controls a business and "operate", "operation" or other words of like import or intent shall be given a corresponding meaning;
- (27) "Ontario Hydro Inspector" means a person who may be appointed by the Ontario Hydro Commission for the Region of Niagara, or his designate;
- (28) "owner" means a person who alone or with others has the right to possess or occupy a property and includes:
  - (a) the person for the time being managing or receiving the rent of the land or premises, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
  - (b) a lessee or occupant of the property;

- (29) "person" includes an individual, firm, corporation, association, partnership, trust, unincorporated organization, firm and/or the heirs, executors, administrators or other legal representatives of a person;
- (30) "police officer" means an officer of the Niagara Regional Police Service;
- (31) "premises" means land, including any and all buildings or other structures thereon, and includes any vehicle or conveyance used in the operation of the business;
- (32) "sidewalk" means that portion of the highway along the roadway set apart for use by pedestrians, to which the general public has access and that is characterized by a distinct, man-made structure;
- (33) "Treasurer" means the Treasurer of the Municipality, or a person designated to act on his behalf;
- (34) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car; and
- (35) "Zoning Administrator" means a person who may be appointed from time to time by Council to the position of Zoning Administrator for the Municipality.

## **PART II LICENCES**

- 2. Every person who carries on, conducts, operates, maintains or keeps any of the trades, businesses, occupations, callings, objects, amusements, vehicles, places or premises set forth in any part of this By-law shall procure and maintain a licence from the Municipality in accordance with this By-law.
- 3. No person shall carry on or engage in any trade, calling, business or occupation listed in Section 2 within the boundaries of the Municipality unless he or she has a valid licence permitting him or her to do so.
- 4. (1) On an application for a licence, or the renewal thereof, the applicant shall provide to the Clerk:
  - (a) a completed application form(s);
  - (b) such information as Council may direct;
  - (c) the fee(s) for licences prescribed by Schedule 1 of this By-law;

- (2) where any premises are to be used for a purpose requiring authorization by licence, the application shall include a sufficient description of such premises, or of the part to be authorized to be so used, and a separate application shall be made with respect to each separate premises to be so used.
  - (3) where a motor vehicle is to be used for a purpose requiring authorization by licence, the application shall include a sufficient description of such vehicle, including the name of the manufacturer, the model and the serial number.
- 5. All first-time licence applications require, in addition to the fee(s) for licences prescribed by Schedule 1 of this By-law, a \$25.00 processing fee for administration purposes. This processing fee is due and payable at the time the application for a license is made, and is not refundable, notwithstanding that the application for a licence maybe withdrawn or refused for any reason.
- 6. Should an application for a licence be withdrawn or refused for any reason, only the licence fee is refundable.
- 7. No licence of any class issued under this By-law may be transferred to any other person.
- 8. The requirement of obtaining a licence under this By-law is in addition to, and not in substitution for, any other requirement to obtain a licence or licences or other regulatory approval under any other federal, provincial or municipal regulation.
- 9. No person licensed under this By-law shall, because of race, colour or creed discriminate against any member of the public in the carrying on, conducting, operating, maintaining or keeping of such trade, business, occupation, calling, object, amusement, vehicle, place or premises in respect of which the licence is issued.
- 10. All licences granted under this By-law, unless they are expressed to be granted for a shorter period or they are revoked or suspended sooner, shall be for the current year of issuing, and shall expire on the dates listed in Schedule 1 to this By-law.
- 11. Where two or more persons carry on or engage in a partnership requiring a licence under this By-law, the licence will be issued in the name of each partner, and the name and address of each member of the partnership shall be set out in the application.
- 12. Where a corporation requires a licence under this By-law, the corporation shall provide:
  - (a) a copy of the most recent corporate filing with the Ministry of Consumer and Commercial Relations listing all directors and officers and the address of the head office of the corporation;
  - (b) a resolution of the directors of the corporation authorizing the application for a licence;



- (c) the name and address of every person having responsibility for the management or operation of the business, and the licence shall be issued to the corporation.
13. Every Licensee who changes his or her address shall, within four (4) days after such change, attend at the office of the Clerk and notify the Clerk of such change of address and produce his or her licence for the change to be entered thereon.
14. It shall be a condition of every licence that the Licensee shall, in carrying on the business:
- (a) comply with the provisions of this By-law and ensure such compliance by every other person involved in the carrying on of such business; and
  - (b) comply with the provisions of Zoning By-law No. 79-200, and any amendments thereto.

### **PART III ISSUANCE, RENEWAL OR REFUSAL OF LICENCES**

15. Upon receipt of an application for a licence required by this By-law, the Clerk shall:
- (a) make or cause to be made all investigations which are required;
  - (b) determine whether or not any applicant has been convicted of an offence relating to this or any other by-law; and
  - (c) where a report is required from the Medical Officer of Health, Building Inspector, Chief of Police, Fire Inspector, Hydro Inspector, or any department of the Municipality, cause such report to be obtained.
16. Upon completion of the investigations and searches set out above, the Clerk shall issue or renew a licence provided that:
- (a) the provisions of the particular licence applied for have been complied with;
  - (b) the applicant has not been convicted of an offence under this or any other by-law relating to licenses;
  - (c) no adverse comment is received from any of the agencies to which the application was circulated; and
  - (d) each applicant is eighteen (18) years of age or older.
17. (1) In the event that the Clerk does not issue the licence, the Clerk shall notify the applicant of the Clerk's decision by sending the applicant a Notice of Refusal by ordinary mail at the address noted in the application.

- (2) The Clerk, in delivering any notice under subsection (1), shall give reasons for the decision.

18. Where,

- (a) the reason(s) for refusal of the licence does not deal with non-compliance with the Municipality's Zoning By-law; and
- (b) the applicant has returned the Notice of Refusal to the Clerk indicating a desire to have the matter heard before Council,

then prior to Council exercising its powers under this section, the applicant shall be given a notice of hearing, and the applicant shall be entitled to attend the hearing and adduce evidence and make submissions either personally or through a representative, in accordance with law, including the procedures of Council.

19. (1) The Council shall, in accordance with applicable law, hear the matter and shall:

- (a) grant the licence to the applicant;
- (b) refuse to grant the licence to the applicant; or
- (c) grant the licence and impose conditions on the licence at the time it is granted, including a restriction on the hours of operation,

and Council's decision shall be final.

- (2) The Council shall give its reasons, in writing, for any decision made under paragraphs (1)(b) or 1(c).
- (3) Council may notify the Alcohol and Gaming Commission of Ontario, or any other licensing authority or person, as it considers appropriate, if any action is taken under this section of the By-law.

20. No person shall enjoy a vested right in the continuance of a licence, and upon the issue, renewal, cancellation or suspension thereof, the value of a licence shall be the property of the Municipality.

21. No person licensed to carry on business under this By-law shall advertise or promote or carry on such business under any name other than the name endorsed upon the licence.

#### **PART IV PRODUCTION AND POSTING OF LICENCE**

22. The Clerk shall on behalf of Council issue all licences required by this By-law and his name shall be printed or mechanically reproduced upon each licence issued, which shall be in such form as Council may from time to time designate.
23. Every person licensed under this By-law shall produce the licence whenever it may be demanded by the Chief of Police, Clerk, Municipal Law Enforcement Officer, police officer, Justice of the Peace, or other person duly authorized to demand its production.
24. Every person who obtains a licence which pertains to the occupation of that person, shall carry the licence while engaged in the occupation for which the licence is issued.
25. Every person who obtains a licence which pertains to a certain premises, shall post the licence in a conspicuous place on the premises where the business is carried on, and such licence shall remain posted during the time it is in force.

#### **PART V INSPECTIONS**

26. (1) Any person duly authorized by the Municipality may, at all reasonable times, inspect,
  - (a) any vehicle;
  - (b) as much of any house, place or premises as is used for the carrying on, conducting, operating, maintaining or keeping of any trade, business, occupation, calling, object or amusement in respect of which any person has or is required to have a licence under this By-law; and
  - (c) any goods, articles, books, records and other documents of or relating to any such trade, business, occupation, calling, object or amusement.
- (2) No person who has or is required to have a licence under this By-law shall obstruct or hinder the inspection or cause or permit the inspection to be obstructed or hindered.

#### **PART VI POWER TO SUSPEND, REVOKE OR IMPOSE CONDITIONS**

27. Council may, at any time, in accordance with the provisions of the Municipal Act,
  - (a) suspend any licence;
  - (b) revoke any licence; or
  - (c) impose conditions on any licence issued pursuant to this By-law.

The Council shall issue written reasons for its exercise of a power under this section.

28. Prior to Council exercising its powers under Section 27 above, the Licensee shall be given a notice of hearing, and the Licensee shall be entitled to attend the hearing and adduce evidence and make submissions either personally or through a representative, in accordance with law, including the procedures of Council.
29. (1) The Council shall, in accordance with applicable law, hear the matter and shall:
  - (a) confirm the decision represented by the notice; or
  - (b) allow the application to proceed, or grant the licence, as the case may be, and the Council's decision shall be final.(2) Council shall give its reasons, in writing, for any decision made under paragraph (1)(a).
30. The following are the grounds upon which a licence may be refused, revoked or suspended; upon which an application may be refused or not proceeded with; or in respect of which the Council may impose conditions, including special conditions, as a requirement to the issuing or holding of a licence:
  - (a) that the applicant, Licensee, any partner, officer or director of the applicant or Licensee, any employee or agent of the applicant or Licensee, has not complied with or satisfied any requirement of this By-law;
  - (b) the conduct of the applicant, Licensee, any partner, officer or director of the applicant or Licensee, any employee or agent of the applicant or Licensee, affords reasonable grounds for belief that they, or any of them, have not or will not carry on the trade, calling, business or occupation in accordance with the law or with honesty and integrity;
  - (c) the Licensee breaches any condition of the licence;
  - (d) that the Licensee has been convicted of contravening any provision or provisions of this By-law within the previous twelve (12) months; or
  - (e) the furnishing of any false, misleading or incomplete information to the Clerk, or the failure to provide all information and documents required to be provided to the Clerk under this By-law, including any changes to such information or documents within four (4) days of their occurrence.
31. Council may notify the Alcohol and Gaming Commission of Ontario or any other licensing authority or person, as it considers appropriate, if any action is taken under Section 27 of this By-law.
32. If a licence is revoked under Section 27 of this By-law, the former Licensee is entitled to a refund of that part of the licence fee proportionate to the unexpired part of the term for which it is granted.

## **PART VII GENERAL PROVISIONS**

33. Wherever any time is referred to in this By-law, it shall be considered to be Eastern Standard Time, and where "Daylight Saving Time" has been generally adopted in the Municipality for any period of the year under any Statute, Order-in-Council, or By-law, time shall be deemed to be Daylight Saving Time for such period in any reference to time in this By-law.
34. The Clerk shall keep a Licence Register in which shall be recorded the full name and address of each Licensee, the address of the place or premises licensed, the make, model, year and provincial licence number of each vehicle licensed, the licence number, date of issue and the type of licence.
35. The Clerk shall mark or stamp the word "Renewal" on each application for renewal of a licence.
36. In the event that a licence issued under this By-law is lost or destroyed, the Clerk shall, upon production of satisfactory proof of such loss or destruction, and upon payment of the sum of \$10.00 per licence, issue a duplicate of the original licence upon which there shall be stamped or marked the word "Duplicate" and a corresponding entry shall be made in the Licence Register.
37. (1) Notwithstanding any of the provisions of this By-law which require a licence and prohibit any performance, exhibition, show or amusement without a licence, no licence fee need be paid for a temporary and occasional performance for a religious, charitable, philanthropic or patriotic purpose, provided:
  - (a) the organization holding such performance has satisfied the Mayor of the Municipality that the performance, exhibition, show or amusement is of a temporary and occasional nature for a religious, charitable, philanthropic or patriotic purpose ; and
  - (b) the organization has furnished the Municipality with a certified copy of a policy of insurance, upon terms and conditions satisfactory to the Municipality protecting and indemnifying the organization and the Municipality against any claims for damage, for bodily injury to persons or property or for the loss of life occurring in or about the premises used by the organization.
- (2) Upon having satisfied both paragraphs (a) and (b) above, the Mayor of the Municipality may issue a letter to the Clerk confirming such satisfaction.
38. Every person licensed under this By-law, in addition to any other requirements expressed elsewhere in this By-law, shall:
  - (a) at all times maintain and keep clean, safe, in good condition and repair any object, amusement, vehicle, place or premises for which a licence has been issued under this By-law;

- (b) not cause, suffer, or permit nuisance to arise in connection with the object, amusement, vehicle, place or premises for which licence was issued;
- (c) not cause, suffer or permit shouting, noise or other disturbance on, in or in connection with the object, amusement, vehicle, place or premises for which a licence was issued which is unnecessary, unreasonable or contrary to any By-law prohibiting same, and if any such shouting, noise, or other disturbance shall occur, the Licensee shall at once take steps to cause the same to be abated forthwith;
- (d) not cause, suffer or permit an obstruction on any highway, sidewalk, lane or public place in front of or adjoining the place or premises for which a licence was issued;
- (e) not cause, suffer or permit profane, offensive or abusive language or disorderly conduct, in connection with any vehicle, place or premises for which the licence was issued; or
- (f) not cause, suffer or permit a breach of any by-law of the Municipality or of any statute, order-in-council or regulation of the Legislature of the Province of Ontario, or of the Parliament of Canada, upon or in connection with the object, amusement, vehicle, place or premises for which the licence was issued.

39. In this By-law, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine.

## **PART VIII OFFENCES AND PENALTIES**

40. (1) Every person who contravenes this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.00, or to imprisonment for a term not exceeding one year, or to both pursuant to subsection 329(1) of the Municipal Act, R.S.O. 1990, c. M.45, as may be amended from time to time.
- (2) Where a Corporation is convicted of an offence to this By-law, the maximum fine that may be imposed on the Corporation is \$50,000.00 pursuant to subsection 329(2) of the Municipal Act, R.S.O. 1990, c. M.45, as may be amended from time to time.
41. No person shall furnish a false or intentionally misleading recital of a fact, statement or representation in any application under this By-law.

## **PART IX NOTICE**

42. Any notice required by this By-law to be given to an applicant or to a Licensee may be given,
- (a) by mailing a copy of the Notice by pre-paid ordinary post to the residence address of the applicant or Licensee, as the case may be, listed on the most recent application for a licence;
  - (b) by delivering a copy of the Notice personally to the applicant or the Licensee;
  - (c) by leaving a copy of the Notice at the residence address of the applicant or the Licensee as listed on the most recent application for a licence; or
  - (d) by leaving a copy of the Notice at the address of the applicant's proposed employer or at the Licensee's employer listed on the most recent application for a licence.
43. Any notice served by pre-paid ordinary post in accordance with section 42 shall be deemed to have been received by the applicant or Licensee on the fourth day following mailing.

## **PART X CONFLICTS**

44. In the event of any conflict between the provisions of this By-law and any other general or special by-law, the provisions of this By-law shall prevail.

## **PART XI SEVERABILITY**

45. If a Court of competent jurisdiction should declare any section of this By-law or part thereof, or any provision in the Schedules to be invalid, such section, part or provision in the Schedules shall not be construed as having influenced Council to pass the remainder of the By-law or the Schedules hereto, and it is hereby declared that the impugned section or provision in the Schedules shall be severable and distinct from the remainder of this By-law and the remainder of the By-law or Schedules shall be valid and shall remain in force.

## **PART XII EFFECTIVE DATE AND TRANSITION**

46. (1) By-law No. 76-102, as amended, is repealed.
- (2) This By-law shall come into effect immediately upon the repeal of the said By-law No. 76-102, as amended, so that there shall be a continuity of licensing jurisdiction over matters covered by both laws.
- (3) The provisions of this By-law shall be deemed to be substituted, by re-enactment, amendment and revision, for the relevant provisions of repealed By-law No. 76-102, as amended.

**CITY OF NIAGARA FALLS**

**By-law No. 2007 - 13**

A by-Law to continue and re-enact By-law 2001-31 of the Corporation of the City of Niagara Falls.

**WHEREAS** under the *Municipal Act, 2001* licensing by-laws had an expiry date of five years; and

**WHEREAS** the Council of the Corporation of the City of Niagara Falls passed By-law 2006-99, because it was not in the public interest for the business licensing scheme to expire;

**WHEREAS** section 82 of the *Municipal Statute Law Amendment Act, S.O. 2006 c. 32*, repeals Part IV of the *Municipal Act, 2001* requiring business licence by-laws to expire after five years; and

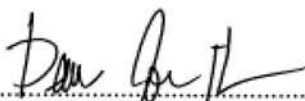
**WHEREAS** By-law 2006-99 is no longer necessary; and

**WHEREAS** it is in the public interest for By-law 2001-31 to be continued and re-enacted.

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS  
AS FOLLOWS:**

1. By-law 2001-31 is hereby re-enacted, unchanged as to form and content.
2. By-law 2006-99 is hereby repealed.

Passed this twenty-second day of January, 2007.

  
.....  
DEAN IORFIDA, CITY CLERK

  
.....  
R.T. (TED) SALCI, MAYOR

First Reading: January 22, 2007.  
Second Reading: January 22, 2007.  
Third Reading: January 22, 2007.

47. The Short title of this By-law is the Licensing By-law.

(By-law 2001-31) Passed this twenty-ninth day of January, 2001.

"E.C. WAGG"  
.....  
E. C. WAGG, CITY CLERK

"WAYNE THOMSON"  
.....  
WAYNE THOMSON, MAYOR



First Reading:	January 29th , 2001.
Second Reading:	January 29th , 2001.
Third Reading:	January 29th , 2001.

**SCHEDULE 1 TO BY-LAW 2001-31**  
**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

<b>DESCRIPTION OF LICENCE</b>	<b>FEES</b>	<b>EXPIRATION DATE</b>
Amusement Place, Etc.	\$45.00	April 30
Auctioneers	\$65.00	December 31
Bake Shops	\$30.00	December 31
Barber Shops, Hair Dressing and Esthetician Establishments	\$30.00	December 31
Bill and Sign Posting and Installation	\$100.00	December 31
Billiard, Bagatelle and Pool Establishments	\$70.00 + \$20.00 per table	December 31
Bowling Alleys	\$20.00 per lane	December 31
Butchers	\$30.00	December 31
Camping Establishments	\$110.00	April 30
Commercial Parking Lots	\$100.00	December 31
Dealers in Old Gold or Other Precious Metals	\$110.00	December 31
Driving Schools	\$60.00	December 31
Driving Instructors	\$25.00	December 31
Exhibitions, Etc.	\$45.00	April 30
Flea Markets	\$650.00 first 3 consecutive days + an additional \$100.00 per day (to a max. of \$1,150.00 in one calendar yr)	
Food Premises	\$30.00	December 31
Laundrymen, Laundry Companies, Dry Cleaners, Etc.	\$30.00	December 31
Motels	\$40.00 + \$5.00 per room	April 30
Pawn Brokers	\$110.00	December 31
Pedlars		
(1) Resident	\$110.00	December 31
(2) Non-Resident	\$650.00	December 31
Photographers		
(1) Resident	\$65.00	December 31
(2) Non-Resident	\$140.00	December 31
Public Garages, Automobile Service Stations		
(1) Garages	\$30.00	December 31
(2) Auto Service Stations	\$30.00	December 31

DESCRIPTION OF LICENCE	FEES	EXPIRATION DATE
Public Halls		December 31
(1) Grade I - Capacity 1,000 +	\$45.00	
(2) Grade II - Capacity 600-999	\$40.00	
(3) Grade III - Capacity 300-599	\$35.00	
(4) Grade IV - Capacity 299-under	\$30.00	
Refreshment Vehicles		
(1) Motorized	\$185.00	April 30
(2) Non-Motorized	\$100.00	April 30
Restaurants	\$40.00	April 30
Specific Location Daily Sales		
(1) Resident	\$150.00	
(2) Non Resident	\$500.00 first day + an additional \$100.00 per day (to a max. fee of \$1,000.00 in one calendar yr.)	
(3) Charitable Groups		
1st 3 days	\$325.00	
Additional days	\$50.00 per additional day (to a max. fee of \$575.00 in one calendar yr.)	
Tattoo and Body Piercing Parlours	\$100.00	December 31
Theatres	\$110.00	December 31
Therapeutic Massage Operator	\$75.00	December 31
Massagist (R.M.T.)	\$25.00	December 31
Tourist Homes, Bed & Breakfasts	\$65.00	April 30

**AMUSEMENT PLACE, ETC.**

**Schedule 2 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. Every person who keeps, maintains or exhibits for gain or profit any of the following:
  - (1) miniature golf course or golf driving range;
  - (2) water slide;
  - (3) video arcade;
  - (4) merry-go-round, go-carts, switchback railway, carousel, bungee jumping, amusement rides or other like amusement device(s);
  - (5) acrobatic or gymnastic performance or exhibition of circus riding, rope or wire walking, dancing, tumbling, sparring, boxing, wrestling, sleight of hand, legerdemain, juggling or otherwise;
  - (6) circus;
  - (7) ice or roller skating rink;
  - (8) shooting gallery or booth where objects are thrown at targets for prizes; or
  - (9) a place of amusement not otherwise specified in this By-law;

shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law, and the provisions contained in this Schedule shall apply to those places, provided that the amusement is not that of a travelling show or performance held in a licensed theatre or public hall, and is not provided for elsewhere in this By-law.
2. Every Licensee to whom this Schedule relates shall keep good order in or at any building or premises in respect to which a licence has been issued, including the maintenance of queues for the purpose of gaining entrance to the amusement and, at his own expense, shall keep a sufficient staff of employees or servants for that purpose.
3. Every Licensee to whom this Schedule relates shall, upon being ordered to by the Municipality, cease to publish, display or circulate any poster, handbill, card, novelty, notice, newspaper advertisement or other matter used to advertise his business or any show or other performance, and shall forthwith obliterate, withdraw, remove or destroy any such poster, handbill, card, novelty, notice, advertisement or other matter.
4. Every Licensee to whom this Schedule relates shall, for each amusement for which he holds a

licence, procure a policy of insurance endorsed to the effect that the Municipality will be given at least 30 days notice in writing of any cancellation, expiry or variation in the amount of the policy, insuring in at least the following amounts, and deposit a certified copy or current Certificate of Insurance thereof with the Clerk:

- (a) In the case of bodily injury or death, to a limit of at least \$1,000,000.00 for any one accident (exclusive of interest and costs) against all claims for personal injury, including injury resulting in death and property damage, with an inclusive limit of not less than \$1,000,000.00.
- 5. Every building or premise licensable under this Schedule shall maintain proper exit widths and fire extinguishers in accordance with the requirements contained in the Ontario Building Code and the Ontario Fire Code, or as are required by the Fire Chief.
- 6. Every person operating any merry-go-round, switchback railway, carousel, amusement rides or other like amusement devices shall submit with their application for licence an Amusement Device Licence issued from the Ministry of Consumer and Commercial Relations Technical Standards Division, and shall submit a Renewal Permit therefor annually.
- 7. No licence shall be issued under this Schedule until all requirements of the Fire Chief relating to the fire safety of the premises in which the business is to be located have been met.
- 8. No licence shall be issued under this Schedule until the Medical Officer of Health has inspected the premises and the premises are found to be in compliance with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, or successor legislation.

## AUCTIONEERS

### Schedule 3 to By-law No. 2001-31

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule
  - (1) "auction" means a public sale to persons in which bids on goods, articles, merchandise, affects, etc. are received by an auctioneer, and where each bid offers more than the last previous bid, the article being put up being sold to the highest bidder, but shall not include a "mock auction", "silent auction" or "Chinese auction", as those terms are defined herein;
  - (2) "mock auction" means an imitated sale by auction of goods, articles, merchandise, effects, etc. to persons;
  - (3) "silent auction" means an auction conducted by means of written bids given on displayed goods, wares or merchandise with the final declaration of sale being made to the last individual having submitted a bid on the specified bid sheet for that item;
  - (6) "Chinese auction" means an auction conducted by means of predetermining a set price on an item, thence receiving verbal bids on such an item. The final declaration of sale shall be made to the highest bidder who shall then pay the price, based on the difference between the predetermined price and the highest bid; and
  - (7) any person selling or putting up for sale goods, wares, merchandise or effects by public auction, shall be deemed an "auctioneer" within the meaning of this Schedule, and shall obtain a licence and pay an annual licence fee in accordance with Schedule1 to this By-law.
2. Every person who exercises the calling or business of an auctioneer, shall at the place of each auction, prominently display his name and business address and shall, in all public advertisements of any nature used by him in the course of his business, include his name and business address in such advertisement.
3. Every auctioneer shall keep proper books of account of the business transacted by him as an auctioneer, which books shall give the names and addresses of the owners of the goods, wares or merchandise to be sold, the description of same, the price for which same may be sold, and the names and addresses of the persons purchasing such goods, wares or merchandise, or any portion thereof, account for the proceeds and pay same to the person or persons entitled to such proceeds, less his proper and legal commissions and charges, and he shall, in the case where no sale is made of such goods, on payment of his proper costs and charges, return such goods to the person or persons entitled to receive same on proper demand being made therefore. Provided that nothing contained in this Section or Schedule shall in any way affect or invalidate the claim of any auctioneer for goods warehoused with him, and on which he shall have made advances.

4. No auctioneer shall:

- (1) permit any disorder in his auction room or offices;
- (2) conduct or permit to be conducted any mock auction;
- (3) knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale by him;
- (4) give away articles or sell them for nominal amounts for the purpose of stimulating bidding;
- (5) do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he pays for any article or articles;
- (6) avail himself of the service 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
- (7) sell or put up for sale by auction any goods, wares, merchandise or effects on a reserve-bid basis without first having announced clearly to those in attendance at the auction the fact of such reserve bid.

5. The provisions of this Schedule shall not apply to a Sheriff or Bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

## **BAKE SHOPS**

### **Schedule 4 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule, "bake shop" means any building, premises, workshop, room or place in which bread and/or baked goods intended for human consumption are made for sale or are sold.
2. Every person who owns or operates a bake shop shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law, and the provisions in this Schedule shall apply to the operation of the said bake shop.
3. The Medical Officer of Health, or his designate(s), are hereby appointed as inspectors for the purpose of enforcing the provisions of this Schedule.
4. No licence to which this Schedule relates shall be issued until the Medical Officer of Health has given a certificate that all regulations and conditions under this Schedule have been or are being fully complied with, which certificate shall be filed with the application for a licence.
5. An inspector or a Municipal Law Enforcement Officer may examine and inspect, at any reasonable time, the premises, vehicles, public places or shops in which baked goods are manufactured, transported, delivered to or from or offered for sale to ensure compliance with this Schedule.
6. Where the Medical Officer of Health finds that any condition exists in any bake shop that is or may become dangerous to health or which may hinder in any manner the prevention, mitigation or suppression of disease, the Medical Officer of Health may order the bake shop to be closed and remain closed until the condition has been rectified, and upon receipt of such an order the Licensee shall forthwith close the bake shop.
7. Where a bake shop has been closed upon the order of the Medical Officer of Health, the Municipality may, upon notice from the Medical Officer of Health, revoke the licence of the bake shop.
8. Every building or premise used as a bake shop shall be provided with fire extinguishers as required by the Fire Chief.



## **BARBER SHOPS, HAIR DRESSING AND ESTHETICIAN ESTABLISHMENTS**

### **Schedule 5 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule:
  - (1) "barber" means any person who with his hands, or by the use of any mechanical contrivance or appliance, engages in the occupation of:
    - (a) shaving or trimming the beard or moustache;
    - (b) cutting, trimming, singeing, styling, shampooing, or dressing the hair of any person;
    - (c) giving a facial massage or scalp treatment to any person;
    - (d) manicuring the nails of any person; or
    - (e) honing or stropping a razor;
  - (2) "esthetician" means any person who engages in the manicuring of fingernails or the pedicuring of the toes of any person;
  - (3) "hairstylist" means any person who, with his hands, or by the use of any mechanical contrivance or appliance, engages in the occupation of dressing, waving, cold waving, permanently waving, cleansing, bleaching, dyeing or similar work upon the hair of any person including the cutting of hair of any person or, who by the use of hands or any mechanical contrivance or appliance or any cosmetic preparations, antiseptics, tonics, lotions, creams or similar preparations or compounds, engages in any one of the following processes:
    - (a) manicuring, trimming, polishing etc. of the fingernails; or
    - (b) massaging, cleaning or beautifying the scalp or face of any person;
  - (4) "manicuring" means trimming, polishing, etc. of the fingernail of any person;
  - (5) "owner" means any person who operates a barbershop or hairstyling establishment, esthetician parlour, and "own" or "owned" has a corresponding meaning;
  - (6) "pedicuring" means trimming, polishing, etc. of the toenails of any person;
2. Every person who owns or operates a barber shop, hairstyling establishment or esthetician parlour shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law for each establishment owned or operated by him, and a separate licence shall be

obtained for each such barbershop, hairdressing establishment or esthetician parlour.

3. Each applicant for a licence or renewal governed by this Schedule shall, in addition to any other material or information required by this By-law, file with his application the following material:
  - (1) a certificate from the Medical Officer of Health certifying that the premises for which the licence is applied for are clean and sanitary and provided with proper conveniences; and
  - (2) a current Certificate of Qualification as a barber, hairdresser or esthetician, as the case may be, issued in his name, or in the name of the proprietor, pursuant to the Regulations made under the Trades Qualification and Apprenticeship Act, R.S.O. 1990, c. T.17, or any successor legislation.
4. No person licensed under this By-law shall cause, suffer or permit,
  - (1) any person other than:
    - (a) a holder of a current Certificate of Qualification as a barber, hairdresser or esthetician, as the case may be, issued pursuant to the Regulations made under the Trades Qualification and Apprenticeship Act, or any successor legislation;
    - (b) a person registered with the Director of Apprenticeships as an apprentice barber, hairdresser or esthetician, as the case may be, under the Trades Qualification and Apprenticeship Act, or any successor legislation; or
    - (c) a holder of a letter from the Director of Apprenticeships authorizing such person to work as a barber, hairdresser or esthetician, as the case may be,to do any kind of work on the hair, scalp, face or neck of any other person in the premises for which the licence was issued.
  - (2) himself or any person employed by him or in partnership with him to do any of the acts performed by a barber, hairdresser or esthetician on any other person outside the premises for which the licence was issued, except:
    - (a) where the person served is so ill or physically incapacitated as to be unable to attend at the owner's establishment;
    - (b) to dress the hair of members of a bridal party on the day of a wedding; or
    - (c) to dress the hair of models of a fashion show.
5. Every Licensee under this Schedule shall cause the following regulations to be observed and

complied with in respect to the premises for which he is licensed:

- (1) all regulations under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended, and any successor legislation, and any orders or regulations issued thereunder or under the authority of any other statute, regulation or by-law by the Medical Officer of Health; and
  - (2) all electrical equipment used in any premises licensed hereunder shall bear a label of the Canadian Standards Association.
6. This Schedule is subject to the provisions of the Industrial Standards Act, R.S.O. 1990, c.I.6, as amended, and if there is any conflict between this Part and such Act, the latter shall prevail.

## **BILL AND SIGN POSTING AND INSTALLATION**

### **Schedule 6 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. Every person who carries on the business of a bill poster, advertising sign painter, bulletin board painter, sign poster, sign installer, or bill distributor within the Municipality shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law.
2. For the purposes of this By-Law, a person who, from a location outside the Municipality, carries on the business of bill poster, advertising sign painter, bulletin board painter, sign poster, sign installer or mobile sign leasing shall be deemed to be carrying on business in the Municipality if the person locates or permits the location of his sign(s) in the Municipality.
3. No licence shall be required by a person who works only as an employee of the person licensed.
4. No bill distributor in the pursuance of a trade, business or occupation shall distribute or cause to be distributed any handbill, circular or other paper (other than a newspaper or magazine) within the Municipality by depositing the same in or upon any motor vehicle parked or standing in any public place, or by handing the same to any person upon a public highway, road or on any sidewalk, boulevard or foot path adjacent thereto in the Municipality.
5. All handbills, circulars and other printed matter (other than newspapers or magazines) delivered by or on behalf of a bill distributor to residential or other premises shall deposit them anywhere except in the mailbox or slot provided for the delivery of mail to such premises, or between the inside and outside doors of a building in a secured manner so they cannot fall or be blown away from such premises.
6. No person distributing bills or posting signs shall post up or distribute posters, pictures or hand bills that are indecent or tend to corrupt morals.

## **BILLIARD, BAGATELLE AND POOL ESTABLISHMENTS**

### **Schedule 7 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule, "proprietary club" shall mean all clubs other than those in which the use of any billiard, pool or bagatelle table is only incidental to the main objects of the club.
2. Every person who for hire or gain, and every proprietary club that directly or indirectly keeps, or has in their possession, or on their premises, more than two billiard, pool or bagatelle tables, or keeps or has more than two such tables, whether used or not, in a house or place of public entertainment or resort shall obtain a licence and pay the annual licence fee in accordance with Schedule 1 to this By-Law.
3. No person, licensed pursuant to this by-law shall permit any billiard, pool or bagatelle table to be used between the hours of 3:00 a.m. and 10:00 a.m. of each Monday to Sunday, so long as these hours do not contravene any applicable laws.
4. No person under the age of 14 years shall be permitted in any billiard, pool or bagatelle table room, unless in the company of an adult.
5. The Licensee shall ensure that within the licensed premises there are no payoffs, betting or offering of any article or thing as a prize in contravention of the Criminal Code.
6. The Chief of Police or other Law Enforcement Officer may, at any time, enter upon the business premises in which they have reason to believe there is kept any billiard, pool or bagatelle table contrary to the provision herein and may, at any time, enter upon premises licensed for billiard, pool or bagatelle tables when they have reason to believe that anyone in the premises is gambling, aiding or abetting gambling therein.

## **BOWLING ALLEYS**

### **Schedule 8 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule, "bowling alley" means a business or premises for use by the public which is designed for the rolling or delivering of a ball toward pins.
2. Every person who owns or keeps a bowling alley shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law, and the provisions of this Schedule shall apply to the said operation.
3. No person shall be granted a licence to own or keep a bowling alley until the premises in respect of which a licence is desired are approved by the Medical Officer of Health.
4. Any premises licensed under this Schedule shall be ventilated by mechanical equipment of sufficient capacity to keep the air in the premises fresh at all times.
5. Every building or premise licensed under this Schedule shall be provided with fire extinguishers as required by the Fire Chief, and no licence shall be issued under this Schedule until all requirements of the Fire Chief relating to the fire safety of the premises in which the business is to be located have been met.
6. The Fire Chief shall be notified when bowling alleys/lanes are to be resurfaced. Resurfacing of bowling alleys/lanes and refinishing of pins shall be conducted in accordance with the Ontario Fire Code.

## **BUTCHERS**

### **Schedule 9 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule, "butcher" means a person who sells or offers for sale fresh meat in quantities less than a quarter carcass.
2. Every person who conducts the business of a butcher shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law.
3. No person licensed as a butcher under this Schedule shall purchase, use, sell, offer for sale or have in his possession any meat unless such meat has been inspected and bears on the carcass the inspection legend of the Department of Agriculture of Canada or of the Medical Officer of Health, or one approved by either Department.
4. No licence shall be issued under this Schedule until the Medical Officer of Health has completed an inspection and the premises are in compliance with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, or successor legislation.
5. Every person who operates a meat shop and sells or offers for sale fresh meats, poultry and/or fish shall:
  - (1) protect all meat, meat products, fish and dressed poultry on display by storing same behind a glass guard, except in cases where product is tightly wrapped in waterproof material that is to be removed before the product is eaten by the consumer; and
  - (2) place all meat, meat products, poultry or fish displayed in any store window in a glass container artificially refrigerated and maintained at a temperature not exceeding 5 degrees Celsius.

## **CAMPING ESTABLISHMENTS**

### **Schedule 10 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule:

- (1) "Adequate Sewage Facilities" means a sewage disposal system provided by a Municipal Public Works Department or, alternatively, a lagoon, or a package disposal plant or a septic tank in accordance with approved engineering principles, Health Department specifications and Part VII of the Environmental Protection Act.
- (2) "Camping Establishment" means a tourist establishment comprising land used or maintained as grounds for camping or parking recreational vehicles with a service building or buildings and may include those retail facilities required to serve the guests of and visitors to the establishment. A Summer Camp within the meaning of the regulations under the Public Health Act or a camp operated by a charitable organization within the meaning of The Charitable Institutions Act, are not deemed camping establishments for the purpose of this By-law.
- (3) "Camping Lot" means the part of a camping establishment that is to be occupied by a recreational vehicle, cabin or tent and the guest's vehicle.
- (4) "Guest" means the person who contracts for accommodation in a camping establishment and includes all the members of his party.
- (5) "Laundry Unit" means a complete automatic washer and dryer or a unit consisting of not less than one double laundry tray and one clothes washing machine, located in a separate sound-proof room of a service building or in a separate building.
- (6) "Potable Water Supply" means water supply furnished by the Municipality.
- (7) "Dump Station" is a facility provided for the emptying of the waste holding tanks of recreational vehicles with cold water hoses for cleaning.
- (8) "Tent" is a collapsible shelter of canvas or other material stretched and sustained by poles, ropes or other means and used for camping outdoors.
- (9) "Cabin or Kabin" means a hard wall and roofed shelter for temporary sleeping use where there is no plumbing or fixtures and shall not exceed a floor area of 25 square metres.
- (10) "Recreational Vehicle" is a portable structure intended as a temporary accommodation



for travel, recreational or vocational use. Such structures include travel trailers, motorized homes, slide-in campers, chassis-mounted campers and tent trailers as defined herein:

- (a) "a travel trailer" means a vehicular portable structure built on a chassis, which is CSA (Canadian Standards Association) approved (or equivalent), and is capable of being licensed by the appropriate authority;
- (b) "a slide-in camper" means an accommodation body that is affixed to a standard vehicle and is capable of being licensed by the appropriate authority;
- (c) "a chassis-mounted camper" means an accommodation body that attaches onto a truck chassis and is not intended for removal;
- (d) "a tent trailer" means a vehicular portable structure built on its own chassis, having a rigid or canvas top and side walls which may be folded or otherwise condensed for transit;
- (e) "a motorized home" means a vehicular portable structure being of self-propelled design, which is CSA (Canadian Standards Association) approved (or equivalent), and is capable of being licensed by the appropriate authority.

2. General Prohibition:

- (1) No person shall operate or maintain a camping establishment on any land in the Municipality without first having obtained a licence for such establishment from the Municipality, and then only on those lands described in Appendix "A" hereto, said Appendix forming a portion of this Schedule.
- (2) No land for a new camping establishment shall be considered for inclusion in Appendix "A" hereto unless such proposed camping establishment is located within a zone in which camping establishments are permitted by the Zoning By-laws in force in the Municipality.

3. Minimum Performance Standards for All Camping Establishments

- (1) Each camping establishment site shall:
  - (a) have an area of at least 15 acres (6.1 ha) provided that all sanitary facilities or other plumbing fixtures are connected to municipal sewer and water facilities, or have an area of at least 24 acres (9.71 ha) provided that all sanitary facilities or other plumbing fixtures are connected to adequate sewage facilities;
  - (b) be serviced with a potable water supply;
  - (c) be located such that the boundaries of the establishment are not less than 550

feet (167.64 m) from the boundaries of any salvage yard;

- (d) the minimum area requirement of 15 acres (6.1 ha) shall not apply to the lands described in item 4 of Appendix "A" on which a camping establishment was operated prior to the 20th day of January, 1964;
  - (e) the minimum area requirement of 24 acres (9.71 ha) shall not apply to the lands described in item 7 of Appendix "A" on which a camping establishment was operated prior to the 20th day of January, 1964;
  - (f) The earth encompassing the sewer outlet shall be sloped in such a manner as to prevent any rain water from entering the municipal sewers through the sewer outlet in accordance with the Municipality standard (drawings NF-1008.1, 1008.2, 1008.3 attached to this Schedule) or approved equal. In cases where an existing service connection to be is to be extended, the proposed extension must be connected to the existing sewer by means of a water tight coupling.
  - (g) Every sewer outlet on any camping lot that is connected to a municipal sewer shall be securely capped or plugged so as to prevent any rain water from entering the municipal sewer through the sewer outlet unless such sewer outlet is connected to a trailer, camper or motorized home on the camping lot.
  - (h) In the event that infiltration is detected, the camping establishment owner will repair the said, defect within a reasonable time frame as stipulated by the Director of Municipal Works. Failure to repair the defect would be just cause for the camping establishment licence to be immediately revoked.
  - (i) In cases where the camping establishment is serviced by a Municipal sanitary sewer system, the camping establishment owner will provide a sanitary manhole at the property line or approved equal.
  - (j) ensure that any public swimming pool or wading pool be operated in accordance with provincial regulations under the Health Protection and Promotion Act, 1983.
- (2) Each camping lot shall:
- (a) abut upon a driveway at least 12 feet (3.66m) wide if such driveway has suitable signs posted directing one-way traffic and at least 20 feet (6.1m) wide if such driveway is used for two-way traffic. Every driveway leading to a public street shall be at least 20 feet (6.1m) wide.
  - (b) have a minimum width of 25 feet (7.62m) and a minimum area of 1,600 square feet (148.6sq.m);
  - (c) be identified by a number and the boundaries be defined by suitable markings;

- (d) be within 500 feet (152.4m) of a service building. This clause shall not apply to camping lots used by recreational vehicles making direct connection to sewer, water and electrical power services provided on the lot;
- (e) shall be located at least 200 feet (61m) from a residential zone boundary or any existing residential lot boundary.
- (f) Notwithstanding clause 3(2)(e) of Schedule 10 of By-law No. 2001-31, a camping lot located lawfully under this By-law No. 2001-31 shall not be rendered unlawful by the subsequent introduction of a residential zone or residential lot boundary within 200 feet (61 m) of the camping lot so located.

Notwithstanding the requirements of this Section, the dimensional requirements shall not be applicable to driveways and entrances or camping lots which existed at the date of the passing of this by-law. In addition, clause 2(a) shall not apply to lots which existed prior to the passing of this by-law;

- (3) All driveways and roads within a camping establishment shall provide unobstructed access at all times when in use, and shall be constructed and maintained with at least a 6" (15cm) stone base over the entire width on the roadway as determined in Clause 2 (a) of this Section and shall be maintained in a dust free condition.
- (4) Each camping establishment shall provide, in a service building or buildings, flush type toilet fixtures and other sanitary facilities in accordance with the following table and standards:
  - (a) toilet fixtures and wash basins, at least one of which is handicap accessible in each category must be provided to the amount noted below. (Handicap accessible shall apply to newly constructed campgrounds or renovations to existing campgrounds.) This clause shall not apply to camping lots used by recreational vehicles making direct connection to sewer, water and electrical power services provided on the lot;

No. of Camping Lots	Female	Male	Male/Female	
	Flush Toilets	Urinals	Flush Toilets	Wash Basins
1 - 9	1	1	2	3
10 - 17	2	1	2	5
18 - 25	2	1	3	6
26 - 35	3	1	4	7
36 - 45	3	1	5	8
46 - 55	4	2	5	8
56 - 65	5	2	6	9
66 - 75	5	3	7	10
76 - 85	5	3	8	11
86 - 100	6	4	8	12

For establishments having more than 100 camping lots, additional facilities will be provided for each additional lot over 100 according to the ratios expressed in the above table. The figures shown above for toilet fixtures and wash basins are total requirements. They shall be divided equally as nearly as possible between men's washrooms and women's washrooms.

- (b) shower bath: a minimum of one separate shower bath, which is handicap accessible, for each sex is to be provided. In addition to the foregoing, shower baths shall be provided at the ratio of one shower bath for each sex for each unit of 20 camping lots or fraction thereof. This clause shall not apply to camping lots used by recreational vehicles making direct connection to sewer, water and electrical power services provided on the lot;
  - (c) laundry units: provide one laundry unit for each unit of 35 camping lots or fraction thereof;
  - (d) dump-station: provide one dump-station for each unit of 100 camping lots or fraction thereof. This clause shall not apply to camping lots used by recreational vehicles making direct connection to sewer and water services provided on the lot.
- (5) Service buildings shall:
- (a) have masonry exterior walls of brick, concrete block or stone and interior partition walls of sound-resistant masonry materials. The interior walls shall have a ceramic tile facing, or equivalent, for easy cleaning. Floors shall be of concrete, quarry or clay tile construction and adequately sloped to floor drains. All materials and methods of construction must be approved by the Building Inspector;
  - (b) have sound resistant walls separating male and female toilet facilities;
  - (c) include separate compartments for each bathtub, shower or toilet fixture;
  - (d) be located 25 feet (7.6m) or more from any camping lot;
  - (e) have heating facilities adequate to maintain a minimum indoor air temperature of 68 degrees F. (20 degrees C) and to supply adequate hot water during time of peak operations;
  - (f) have all rooms well ventilated, with all openings effectively screened;
  - (g) be adequately lighted and maintained in a clean and sanitary condition.

- (6) For the purposes of this By-law the standards and requirements of the Ontario Building Code (as revised from time to time) shall apply to all buildings and structures erected or located on any camping establishment.
- (7) Every camping establishment shall adhere to the following regulations pertaining to refuse disposal:
  - (a) all refuse shall be stored in flytight, watertight, rodent proof refuse containers which are of sufficient capacity to properly store all refuse;
  - (b) all refuse shall be collected daily. Where suitable collection service is not available, from municipal or private agencies, the camping establishment operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.
- (8) Every camping establishment operator shall:
  - (a) not permit the removal of the running gear from a recreational vehicle, or the jacking or blocking up of a recreational vehicle so that the recreational vehicle does not rest on its own running gear other than as may be required temporarily for repairs to the running gear;
  - (b) provide 100 feet (30.5m) of « inch (1.3cm) (inside diameter) garden hose with adjustable nozzle, mounted no more than 200 feet (61m) apart and so placed that any part of the camp site could be reached by a garden hose. Not less than a 2A10BC type fire extinguisher must be provided at each hose location which shall be adequately signed for easy recognition with operating instructions posted;
  - (c) be responsible for the instruction of their staff in the use of fire protection equipment and in their specific duties in the event of fire or other emergency;
  - (d) not permit a person accommodated to light or build a fire except in areas previously approved and marked on each lot by the Fire Prevention Officer;
  - (e) regulations in respect to the lighting or building of fires must be provided at the time of registration;
  - (f) instructions and location of fire fighting equipment must be provided at time of registration;
  - (g) take such precautions as are necessary to prevent cooking and heating devices from endangering the health or safety of persons accommodated by:
    - (i) the exhaustion of oxygen from the air;

- (ii) the production of carbon monoxide or other noxious gas or smoke;
    - (iii) contact with hot surfaces;
    - (iv) being too close to vehicles, recreational vehicles, tents or anything liable to ignite;
  - (h) not permit the use of fireworks or firecrackers;
  - (i) provide a telephone that shall be readily available at all times, the location shall be illuminated and emergency telephone numbers posted;
  - (j) maintain the grounds of the establishment orderly, tidy, and free from litter;
  - (k) keep all grass and herbage cut to present a neat appearance;
  - (l) have in attendance at all times during its operation at least one adult employee conversant with the operation of the establishment.
- (9) All service buildings, driveways, roads, intersections and walkways within a camping establishment shall be provided with lighting brackets and fixtures sufficient to maintain adequate illumination.

#### 4. Licences

- (1) An application for a camping establishment licence shall be made to the Clerk on forms to be provided by him, and every application shall be in five (5) copies accompanied by four (4) copies of a development plan or plans of the said establishment showing:
- (a) the area and dimensions of the tract of land including the total acreage used for camping establishment purposes, as well as a legal description according to a plan of survey prepared by an Ontario Land Surveyor;
  - (b) the number, location and size of all camping lots;
  - (c) the location and width of roadways and walkways together with details of grading and landscaping of the entire camping establishment;
  - (d) the location of service buildings and any other proposed structures;
  - (e) the location of water, sewer, surface drainage, electrical and lighting facilities;
  - (f) plans and specifications of all buildings and other improvements constructed or to be constructed within the camping establishment;

- (g) notwithstanding the requirements contained in (a) to (f) enumerated above, it shall not be necessary for the applicant to submit the copies of the plan or sketch of the camping establishment, or the legal description of the property to be so licensed if the application is of a renewal nature and where, in the opinion of the Camping Establishment Inspector significant changes have not been made to the camping establishment since the issue of the previous licence;
  - (h) the location of camp fire sites;
  - (i) the location of water hoses and fire extinguishers.
- (2) No licence shall be issued by the Municipality until reports on the application have been received from:
  - (a) Camping Establishment Inspector;
  - (b) Electrical Inspector;
  - (c) Fire Prevention Officer;
  - (d) Public Health Inspector;
  - (e) Plumbing Inspector;
  - (f) Director of Municipal Works; and
  - (g) any other reports which in the opinion of Council are deemed advisable.
- (3) Any licence issued in accordance with this Schedule shall be a licence to operate a camping establishment according to particular plans approved by Council or with revisions approved by Council, in accordance with the provisions of this Part.
- (4) Every person who owns or operates a camping establishment shall pay an annual licence fee in accordance with Schedule 30 of this By-Law.
- (5) The licence shall be displayed in a conspicuous place in the office area used for the registration of guests.

## 5. Occupancy

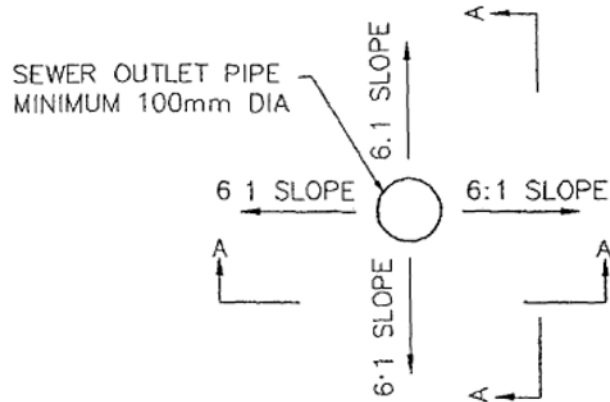
- (1) Any recreational vehicle which is not CSA approved (or equivalent), and is capable of being licensed by the appropriate authority, and any commercial tractor trailer even

though the same is capable of being used for the living, sleeping or eating accommodation of persons, shall not be permitted to be parked in a camping establishment.

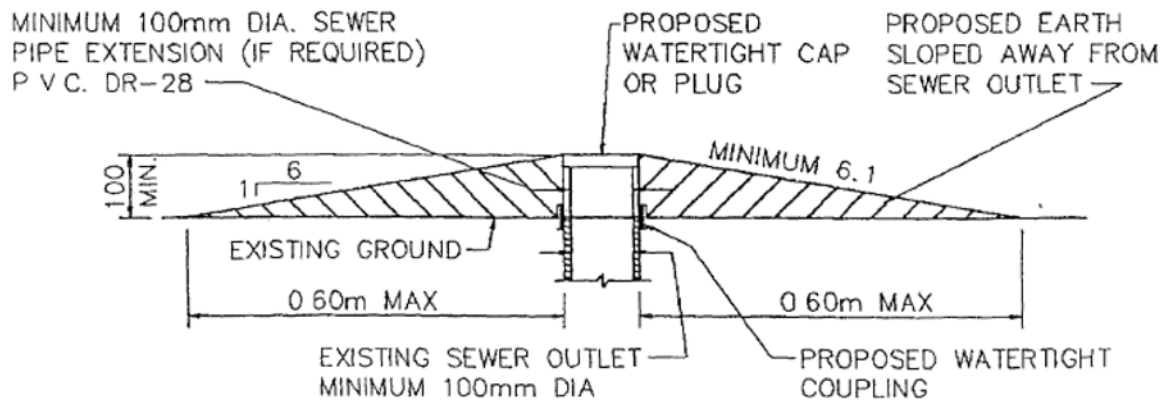
- (2) No guest shall occupy a camping lot in a camping establishment in the Municipality for a period in excess of 6 months.
- (3) The owner, proprietor or manager of a camping establishment shall maintain a complete register of guests of such establishment specifying the name, address, date of arrival, period of stay, and date of departure of each guest, which register shall be at all times open to inspection by the Clerk, Licensing Clerk or Camping Establishment Inspector.



SCHEDULE "A"  
to SCHEDULE 10




PLAN VIEW

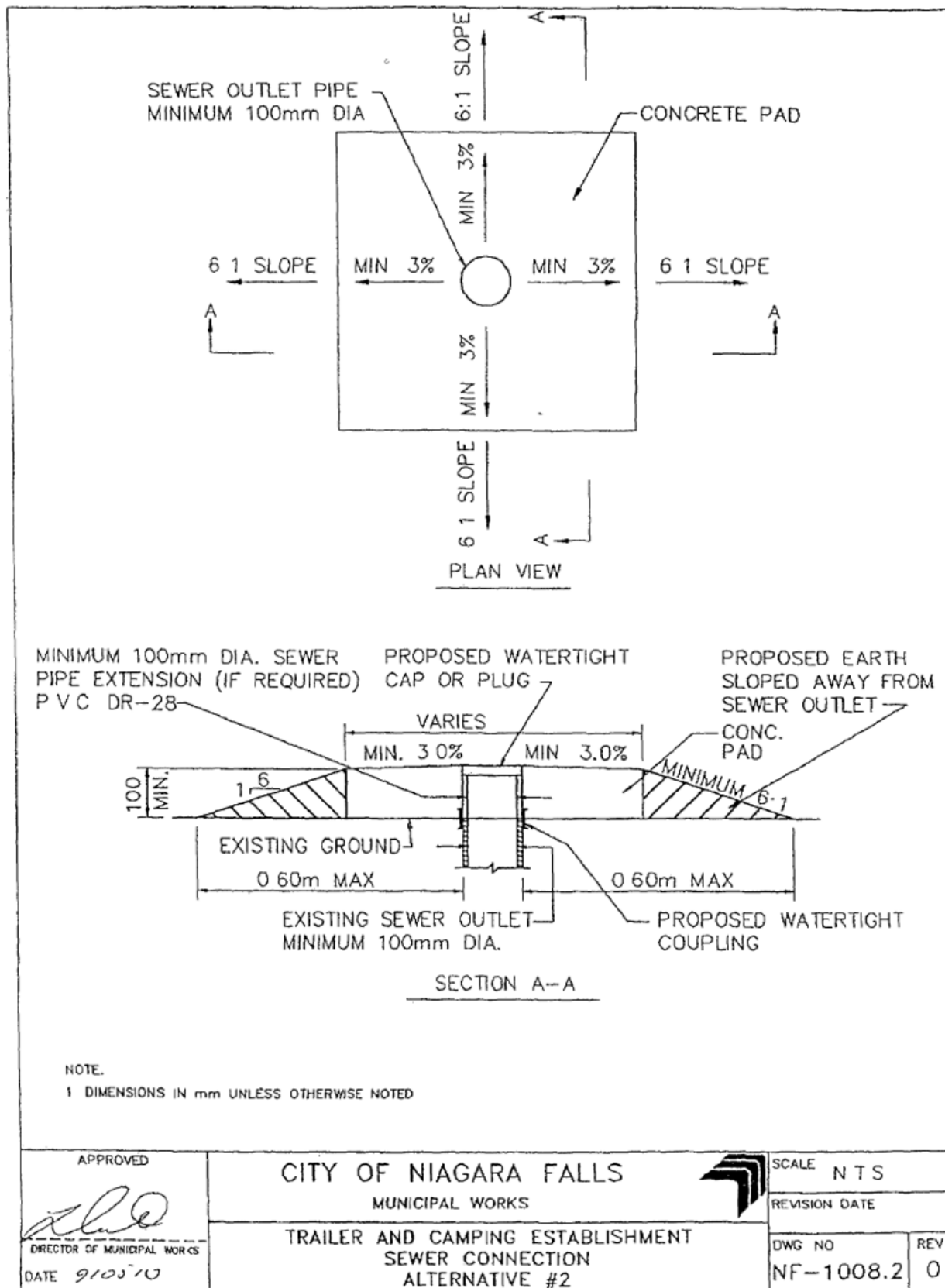


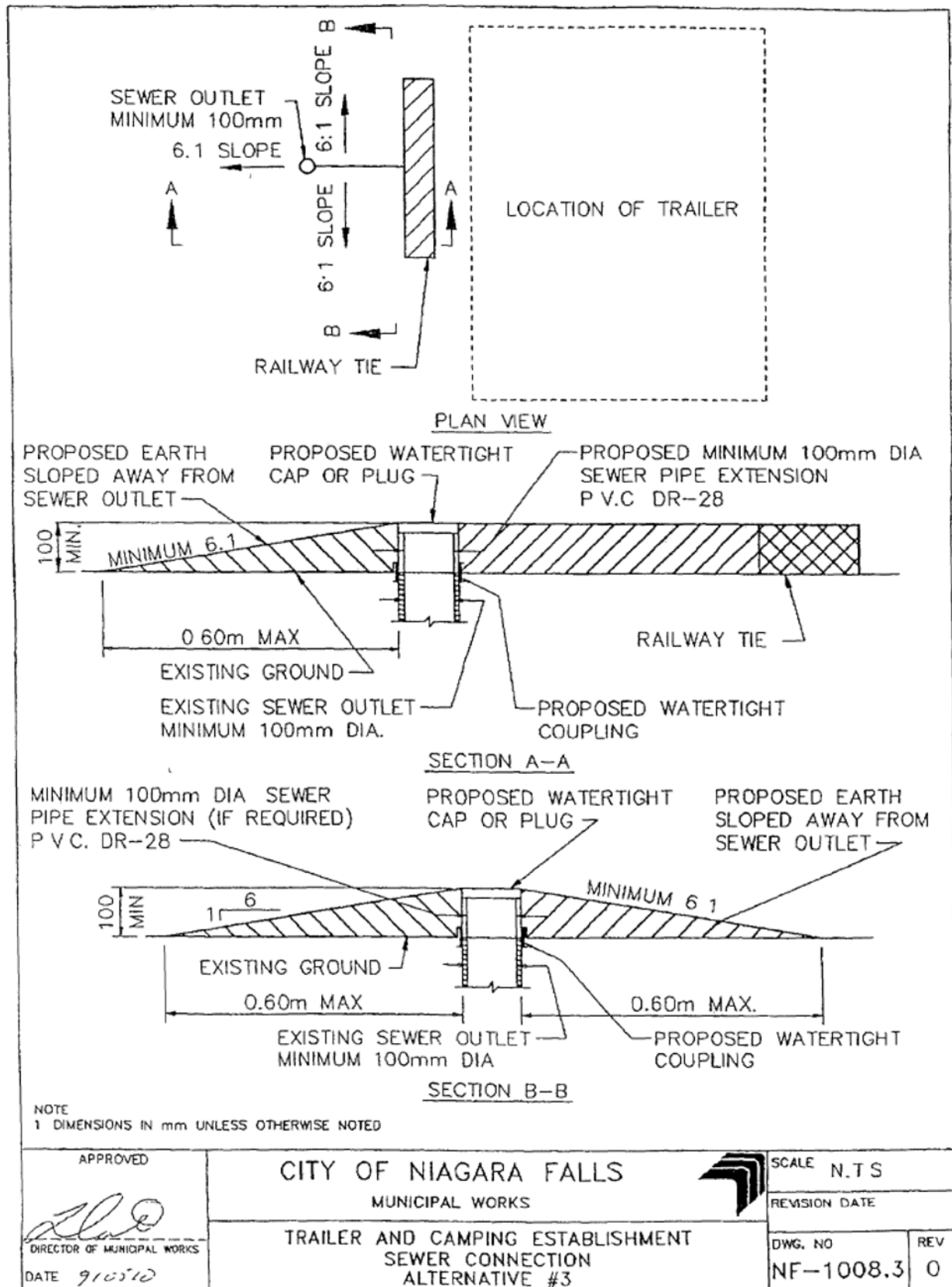
SECTION A-A

NOTE:

1 DIMENSIONS IN mm UNLESS OTHERWISE NOTED

APPROVED	CITY OF NIAGARA FALLS MUNICIPAL WORKS	SCALE N T S
 DIRECTOR OF MUNICIPAL WORKS		
DATE 9/03/10	TRAILER AND CAMPING ESTABLISHMENT SEWER CONNECTION ALTERNATIVE #1	REVISION DATE
DWG. NO NF-1008.1 REV 0		





## COMMERCIAL PARKING LOTS

### Schedule 11 to By-law No. 2001-31

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule:
  - (1) "commercial parking lot" means a privately owned parcel of land, building or structure in which space is hired for gain or profit for the purpose of storing or parking a vehicle but does not include a parking area required under the provisions of section 4.19.1 of the By-law 79-200, being the Zoning By-Law and any amendments thereto.
  - (2) "Director of Municipal Works" means the Director of Municipal Works of the Municipality or a person designated to act on his behalf.
  - (3) "operator" means a person who, alone or with others, carries on, conducts, operates, maintains, controls, or keeps the business of a commercial parking lot, and "operate", "operations", and other words of like import or intent shall be given a corresponding meaning.
2. Every person who operates a commercial parking lot within the Municipality shall first apply for and obtain an annual licence to do so for each such commercial parking lot.
3. Nothing in this Schedule shall relieve or exempt any person from the obligation to comply with the requirements of any other by-law of the Municipality in force from time to time or from the obligation to obtain any licence, permit, authority or approval required under any other by-law of the Municipality.
4. Every person so licensed shall be subject to the provisions of this Schedule.
5. An application for a commercial parking lot licence shall be made in writing, filed with the Clerk, and:
  - (1) shall show the applicant's name and postal address, the name and address of the commercial parking lot or proposed commercial parking lot, and a full legal description of the premises used or proposed to be used, together with sufficient particulars of arrangements for carrying on the business, together with six true copies;
  - (2) save where a similar licence was in force for the previous year with respect to the same premises and there is no change in the relevant information, the application shall be accompanied by a satisfactory site plan signed by the applicant, with six true copies. The plan shall be drawn to a scale of 1:200 (metric scale) where the area of the site is 2300 square metres or less, and otherwise to a scale of 1:500 (metric scale). The plan shall be substantially in accordance with the form of a site plan and showing:

- (a) location of the premises, position of adjacent street lines, sidewalks, boulevards, fire hydrants, poles and driveways, and the position and type of use of adjacent buildings, structures and premises, all according to scale and including an indication of the north point;
    - (b) the drainage system and type and specifications of surfacing of all outdoor areas to which motor vehicles will have access, together with complete grade levels and the location and dimensions of all catch basins and other drainage facilities, the location and dimensions of all islands, barriers, signs, poles, lighting, trees, buildings, structures and things above the level of the paving and all access driveways, manoeuvring space and parking spaces, entrances, exits and ramps;
    - (c) in the case of any building or structure, the location of the vehicular and pedestrian entrances and exits, the entrance and exit driveways, the location and grade of ramps within the premises giving access to or from the ground level, the location and size of receiving and exit areas, and where parking tickets are to be issued, the location and nature of ticket-issuing points; and,
    - (d) landscaping where such is required by the Zoning By-law, and any amendments thereto, including any requirements set forth through site plan control;
  - (3) save where a similar licence was in force for the previous year with respect to the same premises and there is no change in the relevant information, the application shall be accompanied by complete plans and specifications, including the plans and specifications of the construction of all signs and their supporting framework, signed by the applicant, with six true copies.
6. Every person operating a commercial parking lot shall:
- (1) submit to the Clerk, prior to the issuance or renewal of a licence under this Schedule, proof of a policy of comprehensive public liability insurance on an occurrence basis against claims for personal or bodily injury, death, property damage, or other claim, in the amount of at least \$2,000,000.00, exclusive of interest and all costs, in respect of any one occurrence.
  - (2) give at least 30 days notice in writing to the Clerk of any cancellation, expiry or variation in the amount of the policy set out in subsection 6(a) above.
7. Every commercial parking lot shall be so designed, constructed and equipped as to be suitable in all respects for the purposes for which it is used or intended to be used, and, without restricting the generality of the foregoing:
- (1) all outside areas to which motor vehicles will have access shall be suitably surfaced with:
    - (a) hot-mix asphalt on granular base; or

- (b) asphalt penetration top on granular base; or
  - (c) concrete; or
  - (d) crushed stone or slag suitably treated so as to make it dust-free, and to prevent it from spilling or spreading into any street or other adjoining land; or,
  - (e) other suitable material, as determined by the Director of Municipal Works.
- (2) save as may be otherwise lawfully authorized by a licence to use part of a property, all parking spaces and outside areas accessible to vehicles, except exits and entrances, shall be provided with curbing, placed at least three metres from adjacent properties, so designed, constructed, located and otherwise suitable as to prevent any part of a motor vehicle from projecting over any part of a street, public lane or other public place, or within eight centimetres of the boundary of any other adjoining land. The curbing must meet, or exceed Ontario Provincial Standards (O.P.S.) specifications, or be deemed suitable by the Director of Municipal Works;
- (3) parking facilities meet the requirements of By-Law, No. 94-262 being the Disabled Parking By-law, and any amendments thereto;
- (4) there shall be displayed in a conspicuous place, where it may readily be seen by every driver of a motor vehicle about to enter the premises, a suitable sign no nearer to the ground than one and a half metres, and not farther from the ground than three and a half metres, bearing in clear and legible letters and figures no less than ten and no more than thirty centimetres high, the name of the operator, the days and hours of operation, and rates for the parking of motor vehicles and the licence number of the licence issued by the Clerk for the operation of the subject commercial parking lot;
- (5) all signs posted by, or on behalf of the commercial parking lot are in conformity with By-law No. 6661, 1964, being the Sign By-law, and any amendments thereto, including obtaining any permits required by the Sign By-Law;
- (6) the commercial parking lot shall be sufficiently illuminated so that an average level of lighting be maintained between 1.0 and 2.0 lumen.
- (7) lighting fixtures are of a type and are arranged as to cause no nuisance or distraction to passing traffic or to adjoining properties;
- (8) garbage receptacles, properly constructed of steel, or another suitable material, as determined by the Director of Municipal Works and be placed at central locations, in the numbers prescribed by the following table:

Capacity of Parked Vehicles	Receptacles Required
1 to 50	1
each additional 50 vehicles	+1

8. The operator of every commercial parking lot shall ensure:
- (1) that all signs and required facilities are maintained in conformity with all applicable provisions hereinbefore set forth;
  - (2) that every entrance, exit, and access aisle is kept unobstructed for its full length and width, and that all entry, parking and discharge of vehicles is conducted only as indicated on the plans submitted with the application for licence or as subsequently authorized, provided that this subsection shall not be deemed to prohibit a suitable ticket office or automatic control device which does not contribute to congestion or unreasonably obstruct any means of ingress or egress;
  - (3) that if the operator engages in driving, operating ,or moving motor vehicles parked or stored at or upon the licensed premises, that the operator be the holder of a valid driver's licence as defined under the Highway Traffic Act R.S.O. 1990 Chapter H. 8, as amended, and shall not employ any person or permit any employee to drive or operate such motor vehicle unless such person is the holder of a valid driver's licence, as defined under the Highway Traffic Act;
  - (4) that except in the case of a metered or automatically controlled commercial parking lot, a competent attendant is on duty at all times during business hours as indicated on the sign;
  - (5) that no soliciting occur, on any highway within the jurisdiction of the Municipality, on behalf of the licensed commercial parking lot;
  - (6) that no signs displayed on the licensed premises resemble or be constructed to resemble an official parking symbol used to designate municipal parking lots;
  - (7) that no person is allowed to loiter about the premises; and
  - (8) that the licensed premises be kept free from dirt, debris, snow, ice or other foreign substances and be kept in a clean and neat condition, and that any sidewalk or street upon which such premises abuts, be kept free from dirt, debris, snow, ice or other foreign substance derived from such premises or resulting from the use thereof.
9. No operator licensed under this Schedule shall:
- (1) remove or cause to be removed any dirt, debris, snow, ice or other foreign substances from the commercial parking lot premises to any sidewalk or roadway upon which such

premises abuts;

- (2) cause, or permit the drainage of surface water across any sidewalk upon which the licensed premises abuts;

- 10. Every operator licensed under this Schedule shall at all times permit any person authorized by Council to enter the licensed premises and make such inspection as they deemed necessary in order to ascertain whether or not the provisions of this Part are being complied with.
- 11. Every operator licensed under this Schedule shall pay an annual licence fee for each commercial parking lot so operated, in accordance with Schedule 1 to this By-law.



## **DEALERS IN OLD GOLD OR OTHER PRECIOUS METALS**

### **Schedule 12 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. Every person, who for hire or gain, shall deal in old gold or other precious metals, or in old jewellery or other similar articles shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law.
2. No person licenced under this Schedule shall purchase, take in exchange, or receive any gold or other precious metal or old jewellery or other articles from any person who is under the age of 18, or from any person under the influence of alcohol or drugs.
3. No person shall alter, repair, dispose of, or in any way part with any old gold or other precious metals or old jewellery or other similar articles purchased or taken in exchange until after the expiration of 10 clear days from the date of such purchase or exchange, and same shall be kept on the premises in respect to which the licence is issued and shall be subject to inspection at any time during business hours by any police officer or Municipal Law Enforcement Officer.
4. Every licenced dealer shall keep a record of all old gold or other precious metals or old jewellery or other similar articles purchased or taken in exchange or otherwise acquired. Each entry must be made at the time of purchase, or immediately thereafter, and shall include the date and hour of purchase or exchange, the full description of the article(s), the price paid therefor, and name and address and description of person from whom purchase or exchange was made.
5. Every licenced dealer shall deliver or caused to be delivered to the Niagara Regional Police Service not later than 9:00 a.m., on the day following, a trascipt of the transactions of the previous day.

**DRIVING SCHOOLS AND DRIVING INSTRUCTORS**  
**Schedule 13 to By-law No. 2001-31**  
**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule:
  - (1) "driving school operator" means a person who is licensed or is required to be licensed under this By-law to carry on the business of teaching persons to operate motor vehicles;
  - (2) "instructor" means a person who is licensed or is required to be licensed as a driving instructor under this By-law and who is employed or self-employed in the business of teaching persons to operate motor vehicles; and
  - (3) "employed" includes any business relationship between an operator and instructor, whether on a salary, hourly wage, commission or independent contractor basis, and the terms "employee" and "employment" have a corresponding meaning.
2. The Clerk of the Municipality may issue the following types of licences in connection with driving instruction:
  - (1) a driving school operator's licence; and
  - (2) a driving instructor's licence.
3. An applicant, if qualified under the provisions of this By-law, may be issued one or more of the said licences according to his qualifications.
4. The holder of one type of licence under section 2 of this Schedule shall not carry on the trade or business for which the other type of licence is required unless he holds such other type of licence under section 2.
5. Every person who carries on the business of a driving school operator shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law.
6. Every person who carries on the occupation of a driving instructor shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law.
7. An application for a licence as a driving school operator shall be made upon a form to be provided by the Municipality and shall be accompanied by:
  - (1) a list of the vehicle or vehicles to be used for such purpose together with their make and serial number;
  - (2) a Safety Standards Certificate corresponding to vehicle or vehicles to be used for the purpose of giving instruction; and

- (3) a Certificate of Insurance. Every driving school operator shall, in respect of each driving school vehicle which is used for the purpose of giving instruction, procure a policy of insurance endorsed to the effect that the Clerk will be given at least ten (10) days' notice in writing of any cancellation, expiry or change in the amount of the policy, insuring in at least the amount of \$1,000,000.00 (exclusive of interest and costs) against loss or damage resulting from bodily injury or death of one or more persons, or from loss of or damage to property resulting from any one accident, and the said policy shall make provision for passenger hazard in an amount not less than the foregoing.
8. An application for a driving instructor's licence shall be made in writing on a form provided by the Municipality and shall be accompanied by:
  - (1) a valid Ontario Driving Licence granted to the applicant under the provisions of The Highway Traffic Act;
  - (2) a valid Driving Instructor's Licence granted to the applicant by the Ministry of Transportation;
  - (3) one photograph, for filing with the Clerk.
9. Any driving school motor vehicle to be used for giving instruction in driving to student drivers shall be:
  - (1) equipped with dual control of clutch and brake if the automobile is equipped with standard transmission, and dual control of brake only if automatic transmission;
  - (2) marked on the said vehicle in large visible letters, the name of the Operator or Firm or Driving School; and
  - (3) kept in first-class mechanical condition at all times.
8. A driving school operator shall:
  - (1) employ only licensed driving instructors;
  - (2) not employ any driver whose ability is impaired from the use of alcohol or drugs;
  - (3) not permit any instructor employed in the business to work in contravention of The Industrial Standards Act;
  - (4) keep a record of each driving lesson given by him or by any driving instructor in his employ showing the name and address of the student driver, the number of his motor vehicle operator's licence or temporary instruction permit and the date and time of the giving of the lesson.

9. Every driving school operator and driving instructor shall while giving lessons:
- (1) refrain from giving instruction to any student driver when any person other than himself, the student driver and the owner of the business is in the vehicle in which the instruction is being given, except that group instruction may be given to students designated as a group to receive such instruction;
  - (2) refrain from giving instruction in any vehicle in which all operating equipment is not in good condition;
  - (3) refrain from giving instruction or causing or permitting instruction to be given to any student driver who fails to produce a motor vehicle operator's temporary instruction permit or a motor vehicle operator's licence issued by the Ministry of Transportation; and
  - (4) refrain from giving driving instructions to a student driver in those areas of the Municipality normally used by Examiners of the Ministry of Transportation and Communications for the purpose of conducting driving examinations.

## **EXHIBITIONS, ETC.**

### **Schedule 14 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. Every licensee who owns or keeps for profit an exhibition of wax works, a menagerie, an exhibition of paintings or sculptures, or other works generally classed as art, automobile exhibitions, or an exhibition of natural or artificial curiosities, freaks of nature or handcraft shall obtain a licence pay an annual licence fee in accordance with Schedule 1 to this By-law.
2. Every licensee to whom this Schedule relates shall keep good order in or at any building or premises in respect to which a licence has been issued, including the maintenance of queues for the purpose of gaining entrance to the exhibit and at his own expense shall keep a sufficient staff of employees or servants for that purpose.
3. Every licensee to whom this Schedule relates shall, for each exhibition for which he holds a licence, procure a policy of insurance endorsed to the effect the Municipality will be given at least 30 days notice in writing of my cancellation, expiry or variation in the amount of the policy insuring in at least the following amounts, and deposit a copy or current Certificate of Insurance thereof with the Clerk:
  - (1) in the case of bodily injury or death, to a limit of at least \$1,000,000.00 for any one accident (exclusive of interest and costs) against all claims for personal injury, including injury resulting in death and property damage, with an inclusive limit of not less than \$1,000,000.00.
  - (2) Every Licensee to whom this Schedule relates shall, upon being ordered to by the Municipality, cease to publish, display or circulate any poster, handbill, card, novelty, notice, newspaper advertisement or other matter used to advertise his business or any show or other performance, and shall forthwith obliterate, withdraw, remove or destroy any such poster, handbill, card, novelty, notice, advertisement or other matter.
  - (3) The admission price for any exhibition, sideshow, menagerie, hippodrome or any other show shall be posted outside the entrance thereto in a conspicuous place in letters and figures easily readable at a distance of 25 feet.
  - (4) No licence shall be issued under this Schedule until all requirements of the Fire Chief relating to the fire safety of the premises in which the business is to be located have been met.
  - (5) No licence shall be issued under this Schedule until all requirements of the Medical Officer of Health relating to the premises in which the business is to be located have been met.

## **FLEA MARKETS**

### **Schedule 15 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule, "flea market" means an area greater than 2,500 square feet, whether indoors or outdoors, where goods, wares or merchandise are displayed or offered for sale and where a vendor is charged a rental fee for the space, table or booth to display or sell goods, wares or merchandise at the flea market or where members of the public are charged a fee for admission.
2. Every resident or non-resident who holds, organizes or conducts a flea market, shall be required to obtain a licence and pay a licence fee in accordance with Schedule 1 to this By-law, and the provisions in this Schedule shall apply.
3. Every resident or non-resident who proposes to display or sell goods, wares or merchandise within a duly licenced flea market, shall not be required to obtain a licence or pay any licence fee to the Municipality.
4. Indoor flea markets shall be subject to the fire safety requirements, as established by the Fire Chief.
5. Persons conducting an indoor flea market shall submit a floor plan to the Fire Chief at the time of application. The floor plan shall include the following information:
  - (1) the name and address of the building;
  - (2) the date of proposed flea market; and
  - (3) the name of person or organization conducting the flea market;

The floor plan must:

- (4) reasonably represent the building or floor area(s) to be used for the flea market;
- (5) must include all relevant dimensions of the floor area(s);
- (6) locate all emergency exits;
- (7) provide the width of aisles providing access to emergency exits; and
- (8) locate all ancillary uses, such as refreshment tables, seating areas, entertainment areas, etc.,

and the flea market must be set up in accordance with the approved floor plan.

## **FOOD PREMISES**

### **Schedule 16 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. Every person who carries on the business of a retail food shop, take-out food or catering service, where foodstuffs intended for human consumption are made for sale, offered for sale, stored or sold shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law, and the provisions in this Schedule shall apply.
2. Before a licence is issued in respect to the premises containing the business regulated under this Schedule, the said premises shall be inspected and approved by the Medical Officer of Health.
3. All food on display shall be protected against filth, flies, dust, dirt, insects and any other contamination by means of enclosed cases, cabinets, shelves.
4. All goods prepared for sale shall be wrapped or packaged in such a manner as to prevent any form of contamination.
5. Food prepared and transported by a caterer shall be in enclosed containers or protected in such other manner to prevent contamination and to maintain the food at temperatures 5 degrees Celsius or lower or 60 degrees Celsius or higher.
6. No operator or employee shall smoke in any room where food is prepared, stored or displayed for sale.
7. The operator shall maintain adequate pest control measures to keep premises free of rodents and insects.
8. No live animal, bird or other fowl with the exception of a guide dog shall be permitted in any room where food is prepared, stored or displayed.
9. Every building or premises licenced under this Schedule shall be provided with a fire extinguisher as required by the Fire Chief.
10. Commercial cooking that produces grease laden vapours and smoke must be protected in accordance with N.F.P.A. #96 (National Fire Protection Association) - Standard for the Removal of Grease Laden Vapours and Smoke from Commercial Cooking Equipment, as required by the Ontario Building Code and Ontario Fire Code.

**LAUNDRYMEN, LAUNDRY COMPANIES, DRY CLEANERS, ETC.**

**Schedule 17 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. Every person who carries on the business in which laundry or dry cleaning, dry dyeing, cleaning and pressing, spotting, stain removing is done, received to be done or returned after being done, and any persons carrying on the business or making available to the public the use of any services or machines such as laundretorias, washing machines, dryers, dry cleaning machines, coin operated washing machines, dryers and dry cleaning machines shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law for each such premises operated.
2. Notwithstanding anything contained herein, a laundry or dry cleaning licence shall not be required for depots used exclusively for the purpose of receiving or returning articles on behalf of a licensed dry cleaner or laundry situated within the Municipality.
3. Every Licensee hereunder shall cause the premises in respect of which he is licensed together with its offices and appurtenances and any vehicles, wagons or carts used by him in his business to be kept in a clean and sanitary condition and shall not allow any of the workrooms used for the carrying on of the business to be used for sleeping.
4. The dry cleaning or laundry establishment premises shall be open to inspection by the Fire Chief at any time while the same is being operated, and the operator of such dry cleaning or laundry establishment shall immediately rectify any fire hazard which comes to his attention or which is pointed out to him by the Fire Chief.
5. No licence shall be granted to the owner or operator of any of the operations referred to in this Schedule until the Fire Chief has approved of the installation and location of all equipment to be used therein.
6. Where dry cleaning or laundry establishments are to be left unattended twenty-four hours a day, a key or keys for the room enclosing gas-fired units and storage areas shall be made available to the Fire Chief for the purpose of inspecting same.
7. No licence shall be granted to the owner or operator of any of the operations referred to in this Schedule until the Medical Officer of Health has inspected the premises and the premises are in compliance with the Health Protection and Promotion Act, R.S.O. 1990, c. H. 7 or successor legislation.



## **MOTELS**

### **Schedule 18 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule:
  - (1) "Cabin" means a cabin for sleeping that is not a cottage;
  - (2) "Cabin Establishment" means a tourist establishment comprising of two or more cabins;
  - (3) "Cottage" means a building to accommodate one or more guests that contains at least two rooms, that is at least partially furnished, and in which the guest is permitted to prepare and cook food;
  - (4) "Cottage Establishment" means a tourist establishment comprising of two or more cottages owned or leased by the same person;
  - (5) "Motel" or "Motor Hotel" means a tourist establishment that:
    - (a) may or may not have facilities for serving meals;
    - (b) is designed to accommodate the public for whom the automobile is the principal means of transportation.
2. In this Schedule Tourist Camps and Motels shall mean and include:
  - (1) Cabin; or
  - (2) Cabin Establishment; or
  - (3) Cottage; or
  - (4) Cottage Establishment; or
  - (5) Motel or Motel Hotel; or
  - (6) Tourist Establishments that have five or more rental units, and that are not included in subsection (1) and (5) above.
3. No licence to operate any Tourist Camp or Motel shall be granted unless all of the following are complied with:
  - (1) the full name of the proprietor and his address, and the name of the owner and manager and their addresses are given in full;

- (2) the portion of the building or buildings to be used for such purposes is specified;
  - (3) the classification of such establishment is specified;
  - (4) the buildings comply with the requirements of the Tourism Act, and amendments and regulations made thereto;
  - (5) The person applying for such licence has paid the required licence fee in advance.
4. The Owner, Proprietor or Manager of a Tourist Camp or Motel licensed under this Schedule shall:
- (1) display in each sleeping room in a prominent place a legible notice of the rate charged for that room; and
  - (2) display in each sleeping room a certificate certifying that the room has been duly inspected and is a properly licensed room according to this Schedule;
  - (3) maintain a complete register of guests of such establishment specifying the name, address, date of arrival, period of stay, and date of departure of each guest, which register shall be at all times open to inspection by any Officer of the Corporation; and
  - (4) keep the premises clean and sanitary at all times and keep the same open for inspection at all times by the Medical Officer of Health or any Officer of the Corporation working under him; and
  - (5) maintain the buildings in accordance with the rules from time to time made by the Department of Health; and maintain good order and conventional conduct of guests therein; and afford reasonable protection to guests using the establishment; and
  - (6) post a sign containing the words "No Vacancy" in a conspicuous position on the premises, attached to or in the vicinity of any sign advertising or calling attention to such Tourist Camp or Motel whenever the accommodation therein is filled or the proprietor or manager thereof decides not to take any more guests at that time.
5. No person licensed under this Schedule to operate a Tourist Camp or Motel shall:
- (1) erect or post any sign advertising or calling attention to such establishment except those for which a permit has been obtained under any By-laws of the Corporation relating to signs which are in force on the date of the application; or
  - (2) Serve meals without first having obtained a restaurant licence.
6. Every person who owns or operates a Tourist Camp or Motel as specified in Section 2 (1) to (5) above of this Schedule shall pay an annual licence fee.

7. Fire Safety Requirements

- (1) Tourist Cabins and Motels shall be subject to the fire safety requirements of the Ontario Fire Code or the Hotel Fire Safety Act, as determined by the use of the building(s).
  - (2) Each Tourist Cabin and Motel unit shall be equipped with smoke alarms as required by the Ontario Fire Code, Hotel Fire Safety Act, of the City of Niagara Falls By-Law 83-133 as determined by the Fire Prevention Officer.
8. It shall be the responsibility of the owner to install and maintain smoke alarms, in accordance with the applicable law referred to above.

## **PAWN BROKERS**

### **Schedule 19 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule:
  - (1) "pawn broker" means a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon; and
  - (2) "pawn shop" means the business or premises where the business of a pawn broker is carried out.
2. Every person who carries on the business of a pawn broker shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law, and the provisions in this Schedule shall apply.
3. No person shall by virtue of one licence keep more than one pawn shop, and a separate licence shall be obtained for each additional pawn shop kept by the pawn broker, but only one licence is necessary where two or more persons carry on trade as pawn brokers in partnership in the same shop.
4. Before receiving a licence, every pawn broker shall provide a cash security deposit to the Director of Finance in the sum of \$2,000.00 for the due observance of the provisions of The Pawn Brokers Act, R.S.O. 1990, c. P.6, as amended. Such monies are to be held in trust by the Director of Finance for the period the pawn broker is in operation.
5. Every Licensee shall comply at all times with all provisions of the Pawn Brokers Act, R.S.O. 1990, c. P.6, as amended.

## **PEDLARS**

### **Schedule 20 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. Every person, who goes from place to place in the Municipality with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the Municipality afterwards, shall obtain and be required to have a licence and to pay an annual licence fee in accordance with Schedule 1 to this By-law.
2. No person is required to obtain a licence for hawking, peddling or selling of goods, wares or merchandise in the Municipality in accordance with the following:
  - (1) by persons, or their agents or employees, who are wholesale or retail dealers in similar goods, wares or merchandise, and who operate in the Municipality; or
  - (2) by persons, who go from place to place in the Municipality and who can prove to the Clerk within 24 hours of a demand by any Municipal or Peace Officer that they have continuously resided within the Municipality for at least one year prior to the demand, and who can prove to the Clerk within 24 hours of a demand that they are peddling for a charitable or non-profit purpose.
3. Every person required to be licensed shall, at all times while carrying on his business, have the licence with him and shall upon demand, exhibit it to any police or Municipal Law Enforcement Officer, and if the person fails to do so is guilty of an offence, unless the same is accounted for satisfactorily.
4. Every person who is an agent or employee of a person required to be licensed under this Schedule shall exhibit his licence when required to do so by any police or Municipal Law Enforcement Officer.

## **PHOTOGRAPHERS**

### **Schedule 21 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. Every person who for hire or gain uses photographic cameras or other similar devices and goes from place to place, notwithstanding that any product is to be delivered in the Municipality afterwards, shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law.
2. This Schedule does not apply to photographers who take photographs for use in newspapers, magazines or other periodicals or in television broadcasts, or to photographers on specific assignment to local industries.

## **PUBLIC GARAGES, AUTOMOBILE SERVICE STATIONS**

### **Schedule 22 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. Every person within the limits of the Municipality who:
  - (1) owns or operates a public garage; or
  - (2) owns or keeps an automobile service station located or erected within any defined area or areas or on land abutting on any defined highway or part of a highway in which area or areas, or on which land the erection or location of garages to be used for hire or gain or gasoline and oil filling stations, is prohibited by a By-law of the Municipality shall procure an annual licence so to do and every person so licensed shall be subject to the provisions of this Schedule.
2. In this Schedule:
  - (1) "public garage" means and includes a parking station or a parking lot or a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles and an automobile service station other than as described in subsection (b) of Section 1 of this Schedule.
  - (2) "automobile service station" means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed, and shall include a business where the gasoline or oil are available on a self-serve basis, and is deemed to include the type of operation commonly known as a gas bar.
3. A public garage licence may be restricted to one or more of the following classifications:

<b>Classification</b>	<b>Description</b>
Class "A"	A parking station, a parking lot, a building or a place where motor vehicles are hired, used for hire.
Class "B"	A building or a place where used or new motor vehicles are sold or kept for sale.
Class "C"	A building or place used as an automobile service station.

Class "D"	A building or place used as a motor vehicle body repair shop.
Class "E"	A building or place used as a motor vehicle mechanical repair shop.
Class "F"	A building or place used for washing or cleaning motor vehicles.

4. Owners and operators of public garages, as designated in Classifications "A"-"G", inclusive, are subject to the following:
- (1) no person licensed under this Schedule shall store or park, or allow to be stored or parked, any trailer used for human habitation while so stored or parked;
  - (2) no person licensed under this Schedule shall remove or cause to be removed any snow from his public garage or automobile service station premises to any sidewalk or roadway upon which such premises abuts;
  - (3) every person licensed under this Schedule shall at all times permit any person authorized by Council to enter the licensed premises and make such inspection as may be deemed necessary in order to ascertain whether or not the provisions of this Schedule are being complied with;
  - (4)
    - (a) no person licensed under this Schedule shall permit the engine of a motor vehicle in any building to run, whether on a frame or in a motor vehicle, while stationary, unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes; and
    - (b) no public garage licence shall be issued under this Schedule in respect of a building for which no licence was issued in the previous year unless the applicant satisfied the Fire Chief that the Ministry of Labour for the Province of Ontario has approved the plans for providing adequate ventilation facilities in that part of the building where motor cars may be stored or repaired;
  - (5) An owner or operator of a public garage shall, forthwith upon receipt, produce to the Clerk of the Municipality a true copy of any and all garage licences issued by the Ministry of Transportation for the Province of Ontario which relate to the premises on which the public garage or service station proposes to operate.
  - (6) every owner or operator of a public garage licensed under this Schedule shall keep the licensed premises free from rubbish and in a clean and neat condition, and shall keep any sidewalk or street upon which such premises abuts, free from dirt or other foreign substance derived from such premises or resulting from the use thereof;
  - (7) every owner or operator of a public garage licensed under this Schedule shall prevent the drainage of surface water across any sidewalk upon which the licensed premises abuts;



- (8) every owner or operator of a public garage licensed under this Schedule shall not park, repair or store any motor vehicle on any highway upon which the licensed premises abuts;
- (9) nothing herein shall be deemed to authorize the location or erection of any automobile service station contrary to any zoning By-law in force under The Planning Act;
- (10) every owner or operator of a public garage or automobile service station licensed under this Schedule shall provide that all parking and manoeuvring areas are surfaced with hot mix asphalt, portland cement concrete or asphalt stone chip seal coat.

5. Owners and Operators of Public Garages as designated in Classification "F" are subject to the following:

- (1) No person licensed under this Schedule shall remove or cause to be removed any snow from his public garage or automobile service station premises to any sidewalk or roadway upon which such premises abuts.
- (2) Every person licensed under this Schedule shall at all times permit any person authorized by the Municipality Council to enter the licensed premises and make such inspection as may be deemed necessary in order to ascertain whether or not the provisions of this By-law are being complied with.
- (3) No person licensed under this Schedule shall permit the engine of a motor vehicle in any building to run, whether on a frame or in a motor vehicle, while stationary, unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes.
- (4) No public garage licence shall be issued under this Schedule in respect of a building for which no licence was issued in the previous year unless the applicant satisfies Council that the Ministry of Labour for the Province of Ontario has approved the plans for providing adequate ventilation facilities in that part of the building where motor cars may be stored or repaired.
- (5) No person licensed under this Schedule shall use or permit to be used any portion of the public garage for the washing of motor vehicles by mechanical or other means, unless:
  - (a) there are not more than two waiting lines;
  - (b) waiting lines are clearly defined by approved markings or barriers;
  - (c) the minimum inside turning radius for a waiting line is 20 feet;
  - (d) motor vehicles in the waiting line are prevented from having access to the gasoline pumps and other service facilities of the public garage, except that gasoline pumps may be installed for the sale of gasoline in conjunction with the

operation of a carwash;

- (e) one-way driveways are clearly signed at the street line;
  - (f)
    - (i) all external and internal drainage connected directly to sewers;
    - (ii) a sand trap is installed in each drain line connecting a wash area to the sewers.
  - (g) lighting fixtures are of a type and are so arranged as to cause no nuisance or distraction to passing traffic or to adjoining properties;
  - (h) signs are of such size, colour and design and are so placed as to cause neither distraction nor confusion to motorists or pedestrians;
  - (i) vehicles left for washing are stored on private property.
- (6) No person licensed under this Schedule shall park or store any motor vehicle on any highway upon which the licensed premises abuts.
- (7) Every owner or operator of a public garage used as a car washing establishment shall provide that all parking and manoeuvring areas are surfaced with hot mix asphalt, portland cement concrete or asphalt stone chip seal cost.

## **PUBLIC HALLS**

### **Schedule 23 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule:

- (1) "Owner" means person who has in respect of premises an estate for life or a greater estate, legal or equitable or a leasehold estate.
- (2) "Public Hall" means a building or portion of a building including a portable building or tent that is offered for use or used as a place of public assembly, but does not include a theatre within the meaning of The Theatres Act, or a building, except a tent, used solely for religious purposes.
- (3) "Fire Resistive Construction" means non-combustible construction having a fire-resistance rating of one hour or more.
- (4) "Exit" means that part of a means of egress that leads from the floor area it serves, including any doorway leading directly from a floor area to a public thoroughfare or to an approved open space.
- (5) "Floor Area" means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions but not including exits and vertical service spaces that pierce the storey.
- (6) "High Occupant Load" means an occupant load where the number of persons in a room or floor area is such that the area of floor per person is not more than 12 square feet in accordance with the Ontario Fire Code or Ontario Building Code.
- (7) "Occupant Load" means the number of persons for which a building or part thereof is designed.
- (8) "Means of Egress" means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility, or combination thereof for the escape of persons from any point in a building, floor area, room or contained open space to a public thoroughfare or other approved open space. Means of Egress includes exits and access to exits.
- (9) "Mezzanine" means an intermediate floor between the floor and ceiling of any room or storey. It shall not be considered as a storey in calculating building height provided:
  - (a) the aggregate area of the mezzanine floor does not exceed 40% of the area of the room or storey in which it is located;

- (b) it is used as an open floor area except as provided in sentence 3.3.2.9(2), of the Ontario Building Code; and
  - (c) the space above the mezzanine floor and the space above the floor beneath it has no visual obstructions more than 42 inches above such floors.
- 2. No owner shall operate a public hall or allow any building or part thereof to be used as a public hall unless he holds a public hall licence issued by the Clerk for which the fees payable shall be as outlined in Schedule 30 of this by-law:
  - Grade 1 - Licensed capacity of over 1,000 persons
  - Grade 2 - Licensed capacity of between 999 and 600 persons
  - Grade 3 - Licensed capacity of between 599 and 300 persons
  - Grade 4 - Licensed capacity of under 300 persons
- 3. No licence fee shall be payable under this Schedule in respect of any part of any school building or by any religious organization in respect of a public hall used for entertainment given or held only by such organization but every such hall shall in all other respects comply with this part and shall require a licence.
- 4. Every application for a public hall licence shall be accompanied by:
  - (1) a statement on the form provided by the Clerk giving such particulars as to the location, size and construction of the hall, and in the case of applications for renewals, any renovations or reconstruction, as may be required;
  - (2) a certificate signed by the Fire Inspector or Fire Prevention Officer, certifying that the building meets the minimum fire safety requirements of this Part and the Ontario Fire Code and stating how many persons should be allowed under the provisions of the Ontario Fire Code or Ontario Building Code.
  - (3) a certificate signed by the Chief of Police certifying that the operation of a hall in the location applied for is approved by him and that he is satisfied with the proposed use of the building or part thereof as a public hall and with the proposed methods of operation; and
  - (4) a certificate dated within three months of the application signed by the local inspector of the Hydro-Electric Power Commission of Ontario, certifying that the electrical wiring has been inspected and found satisfactory;
  - (5) a certificate signed by the Public Health Inspector stating that the hall has been inspected and whether he is or is not satisfied therewith.
- 5. Calculation of the "Occupant Load":

- (1) The owner of a public hall shall not allow a greater number of persons to enter and be in the hall at any one time than is stated to be the maximum capacity of the hall on the licence, which maximum capacity shall be determined as follows:
  - (a) The occupant load of every floor area or part thereof, shall be:
    - (i) the number of persons for which the floor area or part thereof is designed; but
    - (ii) not less than the number of persons that can be accommodated on the floor area or part thereof as determined from Occupant Load TABLE A;
  - (b) for the purpose of this article, mezzanines, tiers and balconies shall be regarded as part of the floor area;
  - (c) where a room or group of rooms is intended for two or more occupancies at different times, the value to be used from Occupant Load TABLE A shall be the value which gives the greatest number of persons for the occupancies concerned.

**Occupant Load TABLE A**

ITEM NO.	TYPE OF USE OF FLOOR AREA OR PART THEREOF	AREA/PERSON (Sq. Ft.)
<b>ASSEMBLY USES</b>		
1	Space with fixed seats	*
2	Space with non-fixed seats	8
3	Space with non-fixed seats and tables	10
4	Standing space	4
5	Stadia and grandstands	6
6	Bowling alleys, pool and billiard rooms	100
7	Classrooms	20
8	School shops and vocational rooms	100
9	Reading or writing rooms or lounges	20
10	Dining, beverage and cafeteria space	12
11	Laboratories in schools	50
12	Other assembly uses	15

\*The occupant load shall be based on the number of seats provided.

- (2) For the purposes of this Schedule, the floor area of a public hall shall not include the

floor areas of any platform, stage, washroom, kitchen, cloakroom, hallway, entranceway, stairway, stairwell or any other anteroom adjacent to or used in connection with such public hall.

- (3) The owner of every public hall shall display in a prominent place in the entranceway to the public hall and inside the hall adjacent to the entranceway, placards, received from the Clerk at the time of issuance of the licence. Such placards shall state the permitted maximum occupancy and the telephone number of the Fire Chief.

6.
  - (1) In every public hall having rows of fixed seats, there shall, in addition to the space at the front and the rear of the hall, be aisle space of at least 36 inches wide where serving seats on one side only and at least 42 inches wide when serving seats on both sides. The minimum width of such aisle shall be measured at the point farthest from an exit, cross aisle, or foyer and shall be increased in width by 1 1/2 inches for each 5 ft. in length toward the exit.
  - (2) Such exits, cross aisles or foyers, as mentioned in subsection 6-(1) shall be at least the required width of the widest aisle plus 50% of the total required width of the remaining aisles that it serves.
  - (3) The floor of every aisle shall have a gradient of not more than 1 to 8.
  - (4) In every public hall having rows of movable seats there shall, in addition to the space at the front and rear of the hall, be aisle space of not less than 44 inches in width for every 150 persons or fraction thereof for which the hall is licensed and no centre seating Section shall contain more than fourteen (14) seats in a row and no seating Section running to a side wall shall contain more than seven (7) seats in a row.
  - (5) In every public hall having chairs and tables, there shall, in addition to the space at the front and rear of the hall, and in addition to any space used for dancing or any entertainment, be clear aisle space of not less than 22 inches in width between rows of tables and chairs for not more than two (2) persons, thirty-six (36) inches between rows of tables and chairs for not more than four (4) persons and forty-four (44) inches in width between rows of tables for more than four (4) persons at an individual table.
  - (6) Movable seats shall not be permitted in balconies or galleries on which the floor is arranged in steps.
  - (7) Where an exit is located at the side of the hall having movable or fixed seats or chairs and tables, there shall be a cross aisle giving access to each such exit. The cross aisle shall conform to subsection (2) of this Section 6.
  - (8) Standing in the aisles, additional seats or additional chairs and tables, which would reduce the effective aisle width below the required minimum shall not be permitted.

7. (1) (a) Every public hall shall be served by not fewer than two exits except as provided in (b).
- (b) Floor areas intended for public halls in buildings not exceeding 2 storeys in building height, may be served by one (1) exit provided;
- (i) the floor area is not intended for more than 60 persons;
- (ii) the floor area does not exceed 2,000 sq. ft; and
- (iii) the travel distance from any point in the floor area whether subdivided or not, to the exit does not exceed 50 ft.
- (2) Where more than one (1) exit is required from a floor area, such exits shall be located so that the travel distance to at least one (1) exit shall not be more than 100 ft.
- (3) Where more than one (1) exit is required, every exit shall be considered as contributing not more than one-half (1/2) the required units of exit width.
- (4) Exits shall be located and arranged so that they are clearly visible or their locations are clearly indicated and they are accessible at all times.
- (5) The number of exits from each floor area in which there is a high occupant load shall conform to the following:

TOTAL NUMBER OF PERSONS (OCCUPANT LOAD)	MINIMUM NUMBER OF REQUIRED EXITS
60 - 600	2
601 - 1,000	3
Over 1,000	4

- (6) The clear width of every exit shall be at least 36 inches and the clear width of any corridor used as an exit shall be at least 44 inches.
- (7) (a) In determining the aggregate widths of required exits, the occupant load of every room or floor area of the considered building shall be determined according to Section 5 of this Part.
- (b) The aggregate width of exits from a room or floor area expressed in units of exit width (22 inches) shall be determined by dividing the occupant load of the prescribed area by the allowable number of persons per unit of exit width specified in subsection 7.(7).
- (c) In determining the width in units of an individual exit, width of an exit in inches shall be divided by 22. When the remainder is less than 12 inches, it shall not

be considered as contributing to the number of units. Where the remainder is 12 inches or more, it shall be considered as contributing 1/4 unit of exit width.

- (d) Where two or more exits converge, the aggregate required units of exit width shall be cumulative except that the width of an exit stair need not be cumulative where the floor areas that it serves:
  - (i) are one above the other; or
  - (ii) do not contain a high occupant load.
- (8) (a) In rooms or floor areas that have a high occupant load, the number of persons per unit of exit width shall be 90 for a ground level entrance and passageways at ground level and 60 for ramps, stairs and connecting passageways.
- (b) For all other occupancies the number of persons per unit of exit width shall be 60.
- (9) (a) Every means of egress shall have a headroom clearance of at least 7 feet.
- (b) The headroom clearance for stairways measured vertically above any landing or nosing of any stair tread shall be at least 6 ft. 9 in.
- (c) The headroom clearance for doorways shall be at least 6 ft. 8 in.
- (d) No device, such as a door closer, shall be installed so as to reduce the headroom clearance of a doorway to less than 6 ft. 6 in.
- (10) Every balcony or gallery in a public hall shall have at least two independent means of exit, either to the outside or to the main floor of the hall.
- (11) Rugs, carpets or other floor coverings shall be secured and maintained so that they will not ruck or so that they will not, in any way, impede egress.
- (12) Mats located at the entrance of the public hall shall be flush with the floors or have cambered or bevelled edges.
- (13) Articles which may create any obstruction shall not be located in or adjacent to the path of exit travel.
- (14) An area measuring six (6) feet from the near side of the exit is to be kept clear.



8.
  - (1) Every exit door shall open in the direction of exit travel.
  - (2) All exit doors including the main entrance door shall be equipped with panic-type hardware that enables a door to be opened easily upon the application of pressure from the inside. Panic hardware shall not be required on free swinging doors which are not equipped with any locking or latching devices.
  - (3)
    - (a) No revolving type of door or turnstile shall be used as an exit from a public hall except that a revolving type door or turnstile may be used from the first or ground floor provided that there is an exit door or doors of the swing type adjacent to and within at least fifteen (15) feet of the revolving door or turnstile.
    - (b) Revolving doors or turnstiles shall not be used at the foot of any stairway.
  - (4) Hooks, padlocks, chains and draw bolts other than the panic hardware type, shall not be permitted on doors.
  - (5) Whenever a public hall is to be used, the owner shall take all necessary steps to ensure that the doors open freely.
9.
  - (1) Above every exit or access to exit, every exit sign shall:
    - (a) be visible from the exit approach;
    - (b) have the word "EXIT" in plain legible letters as described in sentence (2) of this Section;
    - (c) be designed to be illuminated continuously while the public hall is occupied;
    - (d) be connected to an electric circuit separate from that furnishing any other electric service in the building and on a circuit from a point on the supply side of the service switch and provided with its own service box;
    - (e) the circuit must be identified;
    - (f) in lieu of electric current, an approved nuclear radiant sign may be used.
  - (2)
    - (a) Lettering on exit signs shall be at least 4 « inches high with the principal strokes 3/4 inch in width, red on a black or opaque background.
    - (b) Exit signs shall be internally illuminated.
10.
  - (1) The width of every exit stairway shall not be less than the exit door from which it leads and the width of every exit stairway that serves floor areas with a total occupant load exceeding 100 persons shall be at least 44 inches.

- (2) Treads and risers in every exit stair, except a fire escape stair, shall be proportioned so that the product of the rise and run in inches shall not be less than 70 and no more than 75; risers shall have maximum rise of 7-3/4 in. and a minimum rise of 5 in.; treads shall have a minimum run of 9 in. exclusive of nosing, provided where structural difficulties exist the Building Inspector may issue a permit in writing for a stairway having a slope of not greater than 45 degrees from the horizontal.
- (3) The finish for treads and landings of interior or exterior stairs and ramps accessible to the public shall have non-skid finish or be provided with non-skid strips.
- (4) An inclined ramp may be permitted in lieu of a stairway, provided such ramp shall have a slope not greater than one foot rise in 10 ft. of run.
- (5) Any exit stairway, connecting two or more floors, shall be enclosed at all floor levels with construction having a fire resistance of not less than one hour. Doors providing access to this enclosure shall have a fire resistance of not less than 3/4 hour and shall be equipped with self closers.
- (6) All exit stairway enclosures shall provide a protected means of egress to grade such that it would not be necessary to leave the stairway enclosure to reach an exterior door. A lobby or foyer may constitute part of the stair enclosure provided that it is enclosed in accordance with subsection (5) and provided that the distance of travel through the lobby to an exit does not exceed 50 feet.
- (7) Exit stairs from the first balcony or gallery above the main floor need not be enclosed provided that these stairs serve only the first balcony or gallery.
- (8) Every passageway or platform leading to or from an exit stairway shall be kept clear of all obstructions.
- (9) The space under stairs shall be left entirely open or shall be completely closed without any means of access.
- (10) In buildings over 2 storeys in building height, any part of an exit ramp or stair that continues past the exit door at ground level to a basement or cellar shall be clearly marked in some manner to indicate that it does not lead to an exit.

1. All combustible exit stairs and landings shall have their undersides protected by a one hour fire resistive ceiling.

11. (1) Every outside fire escape shall be of the stair type only and shall extend down to the ground or street level, provided that where a fire escape is situated on a street or travelled lane, the last Section may with the approval in writing of the Building Inspector, be the counter-balanced type. In no case shall the slope of the stairway exceed 45 degrees with the horizontal. The counter-balanced type must be serviced yearly. The area beneath the stairway is to be kept clear.

- (2) The stairs, platforms, supporting members and anchorage of every outside fire escape shall be designed to support, in addition to their own weight, a live weight of not less than 100 lbs./square foot of tread and platform.
  - (3) The maximum vertical distance between grade level and the second storey landing of an outside fire escape shall not exceed 14 feet and the maximum vertical distance between all other landings above the second storey shall not exceed 12 feet.
  - (4) Every stairway of an outside fire escape shall have a minimum tread width of 36 inches and all landings shall have a clear area of 12 square feet. Each stairway and landing shall be equipped with handrails.
  - (5) Every window beneath, within 15 ft. horizontally, and every window above, within 10 ft. vertically of any portion of an outside fire escape, shall be provided with wired glass fixed sash and every door other than the door serving the top floor, underneath and providing access to an outside fire escape shall be a one hour fire-rated door with a self-closer.
12. Before the public hall is used on any occasion, the owner shall clear every outside fire escape of snow, ice or any other obstruction.
  13. Every stairway, passageway, and fire escape shall be well, lighted whenever the public hall is in use and emergency lighting shall be installed where required in accordance with the Building By-law of the Municipality.
  14. False doors, windows, mirrors or other type of decoration which give the appearance of a door or exit where no door or exit exists, shall not be permitted.
  15. The owner shall see that any person using the public hall complies with the following with respect to decorations:
    - (1) Decorative paper, crepe paper, cardboard, corrugated display card, or other combustible materials being used have been fire-retardant treated during manufacturing. Proof must be submitted to the Fire Chief upon request.

N.F.P.A. Fire Protection Handbook (6-116) identifies that treating paper is difficult due to the questions of various paper finishes, sizing and colour fastness. It is preferable to purchase factory-treated materials.
    - (2) Plastic decorations or costumes shall not be used in any public hall.
    - (3) Curtains of combustible materials must be fire-retardant treated annually unless it can be shown to the satisfaction of the Fire Chief that the treatment will last longer.

- (4) Combustible stage properties must be fire-retardant treated before use.
  - (5) Vegetable produce such as wood, straw, corn stalks, etc., must be fire-retardant treated before use.
  - (6) Subsections (1), (3), (4) and (5) above must withstand a match test by the Fire Prevention Officer during his inspection. Failure of the test will require retreatment or removal.
  - (7) All material mentioned in subsections (1), (3), (4) and (5) above shall not be placed on an electric fixture or within three feet of an electric light bulb, stove, or heating appliance or the pipes in connection therewith.
  - (8) Candles shall not be used in any public hall.
  - (9) Subsections (1), (2), (3), (4), (5), and (8) above may be relaxed with the written permission of the Fire Chief.
16. Flammable liquids, fireworks or explosives, or other "FIREWORKS" substances dangerous to human life shall not be used, kept or stored in a public hall or in the building in which the public hall is located.
17. (1) The Fire Chief may permit smoking in a public hall or part thereof and "NO SMOKING" signs shall be posted in the hall or portion thereof where smoking is prohibited.
- (2) In the hall or portion thereof where smoking is permitted substantial ash trays or stands of non-combustible materials shall be placed so as to be of convenient access in such number as may be required by the Fire Chief.
- (3) Smoking, matches, open flames, or any device producing an exposed spark or flame shall not be used on any platform or stage in any public hall without the written permission of the Fire Chief.
18. (1) Every public hall shall be kept clean and clear of rubbish.
- (2) Metal containers with self-closing metal covers shall be provided and conveniently placed for the deposit of used paper towels and rubbish and the contents of every such container shall be emptied and placed outside of the building immediately following the use of the hall.
19. (1) Every year before using the heating equipment every public hall owner shall cause the furnace or stove, the pipes therefrom and the chimney to be examined, cleaned and put in a proper state of repair.
- (2) Every heating appliance placed in the auditorium of any public hall shall be protected with sufficient guards and insulation. Its location shall not interfere with the flow of exit travel, shall not be in any exit, and shall not be any closer than 8 feet measured

horizontally of a doorway used as a required exit.

- (3) Every room containing a fuel-fired heating appliance or fuel-fired service water heater in a building containing a public hall shall be separated from the remainder of the building by a fire separation having a fire resistance rating in accordance with the Building By-law of the Municipality. Any ducts passing through this enclosure shall be equipped with self-closing fire dampers equal to the rating of the enclosure.
- (4) Every fuel-fired heating appliance that is installed in a public hall shall be contained in an enclosure in accordance with subsection (3) except in a public hall located in a building not more than two storeys in height including basement or cellar and having an occupancy of less than 200 persons, with the written permission of the Fire Chief or Building Inspector.
  - (a) Two fuel-fired heating appliances of a type listed by a recognized testing laboratory, or
  - (b) Six sealed combustion system appliances of a type listed by a recognized testing laboratory may be installed without being enclosed.
- 20. (1) Every public hall shall be equipped with a standpipe and hose system, installed in accordance with and where required by the Building By-law of the Municipality. Portable fire extinguishers must be supplied and maintained in accordance with the Building By-law of the Municipality.
- (2) No combustible interior finishes such as combustible fibre tile or wallboard may be used. Where these have been installed prior to the passing of this By-law, the combustible finishes must be completely coated with a listed fire retardant paint, Underwriters Laboratories of Canada Standard or Equivalent.
- 21. (1) It shall be the duty of the Fire Chief, the Chief of Police and the Building Inspector to enforce this Schedule and to inspect every public hall in the Municipality from time to time as required to ensure that the requirements of this Schedule are being fully met.
- 22. (1) No owner of a public hall shall use a public hall or any part thereof or permit a public hall or any part thereof to be used for the purpose of conducting a bingo therein without first obtaining from the Bingo Lottery Licensee a valid copy of the Bingo Lottery Licence including the terms and conditions under which the Bingo Lottery Licence is issued.
- (2) No owner of a public hall shall use a public hall or any part thereof or permit a public hall or any part thereof to be used for the purpose of conducting a bingo therein otherwise than in conformity with the terms and conditions under which the Bingo Lottery Licence is issued.

- (3) No owner of a public hall shall counsel a Bingo Lottery Licensee to use a public hall or any part thereof for conducting a bingo otherwise than in conformity with the terms and conditions under which the Bingo Lottery Licence is issued.
  - (4) No owner of a public hall shall refuse to allow a public hall or any part thereof to be used for the purpose of conducting a bingo therein on the grounds that a Bingo Lottery Licensee has complied with or proposes to comply with the terms and conditions under which the Bingo Lottery Licence is issued.
  - (5) Council may revoke the licence of any owner of a public hall who contravenes any of the provisions of this Section 21A.
23. Where a public hall Licensee is convicted of an offence under this Schedule, the licence shall be suspended forthwith by Council and shall not be reinstated until the Fire Chief and the Police Chief certify, in writing, that the conditions resulting in its proposed operation comply with this Schedule.

## **REFRESHMENT VEHICLES**

### **Schedule 24 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule "refreshment vehicle" shall include any vehicle (truck, cart, barbeque) from which canteen services are provided, or from which sandwiches, confections, candies, red hots, hot dogs, hamburgers, potato chips, french fried potatoes, soft drinks, popcorn, peanuts, ice-cream, tea, coffee, cocoa or any other prepared foods, lunches or meals are sold for consumption by the public.
2. Every person who operates a motorized refreshment vehicle in the Municipality shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law. A separate licence and licence fee shall be required for each vehicle licensed as a motorized refreshment vehicle if more than one such vehicle is operated by any one owner.
3. Every person who operates a non-motorized refreshment vehicle in the Municipality shall obtain a licence pay an annual licence fee in accordance with Schedule 1 to this By-law. A separate licence and licence fee shall be required for each vehicle licensed as a non-motorized refreshment vehicle if more than one such vehicle is operated by any one owner.
4. An applicant for a licence shall file his application therefor with the Clerk and shall file therewith the written permission of the owner of that property to the applicant for the use of the property where he intends to operate his business, a clear photograph of the vehicle, approvals from Medical Officer of Health, Fire Inspector, Building Department and Ministry of Energy or suitable inspection authority for propane connections.
5. Every applicant for a licence shall submit a site plan, showing proposed location of the vehicle in relation to the property line, distance from buildings to the satisfaction of the Zoning Administrator.
6. This By-law shall not apply to the delivery vehicles operated in connection with a dairy business, a grocery business, a bakery business, or a soft drink business, when used for the delivery of their own products in the normal and usual state of such products, but a licence shall be required if prepared foods, refreshments, lunches or meals are served from such vehicles.
7. No person licensed under the provisions of this Schedule shall permit a refreshment vehicle to be parked within 200 feet of an establishment having a restaurant licence from the Municipality, and no person shall sell or deliver from a refreshment vehicle or solicit orders for food from a refreshment vehicle within 200 feet from an establishment having a restaurant licence from the Municipality.
8. No person licensed under this Schedule shall carry on his business on property owned by the Municipality unless participating in an event for which a Road Use Special Events Policy Permit has been obtained from Council.

9. No person shall be issued a licence for a refreshment vehicle unless the person proposes to operate the refreshment vehicle within the following zoning designations as provided for by By-Law No. 79-200, as amended:
  - (1) Neighbourhood Commercial (NC);
  - (2) General Commercial (GC);
  - (3) Planned Shopping Centre Commercial (SC);
  - (4) Central Business Commercial (CB);
  - (5) Tourist Commercial (TC);
  - (6) Automobile Service Station & Gasoline Bar Zone (AS);
  - (7) Prestige Industrial Zone (PI);
  - (8) Light Industrial Zone (LI);
  - (9) General Industrial Zone (GI);
  - (10) Heavy Industrial Zone (HI);
  - (11) Transportation Distribution Industrial Zone (TDI); or
  - (12) Extractive Industrial Zone (EI).
10. The Council may, by resolution, regulate the number of licences to be issued to operators or refreshment vehicles from time to time as it considers expedient.
11. Commercial cooking that produces grease laden vapours and smoke must be protected in accordance with N.F.P.A. #96 (National Fire Protection Association) - "Standard for the Removal of Grease Laden Vapours and Smoke from Commercial Cooking Equipment", as required by the Ontario Building Code and Ontario Fire Code, and:
  - (1) All new refreshment vehicles must comply with N.F.P.A. #96 - "Standard for the Removal of Grease Laden Vapours and Smoke from Commercial Cooking Equipment" before a licence is issued;
  - (2) All existing refreshment vehicles must comply with N.F.P.A. #96 - "Standard for the Removal of Grease Laden Vapours and Smoke from Commercial Cooking Equipment", within three (3) years from the passage of this By-Law.
12. Refreshment vehicles intending to be connected to the Municipality's electrical system shall be inspected by Ontario Hydro, for compliance with the Electrical Safety Code, and shall provide the Inspection Certificate from Ontario Hydro to the Clerk to be filed with the application for licence.



## **RESTAURANTS**

### **Schedule 25 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule "eating establishment" shall mean any premises where food is offered for sale or sold to the public for immediate consumption thereon, but does not include premises where no food other than bottled drinks is offered for sale or sold.
2. Every person who owns or operates an eating establishment where food is prepared and sold to be eaten therein, or a place for the refreshment of the public shall obtain a licence and pay an annual licence fee for each such premises so used in accordance with Schedule 1 to this By-law.
3. Before a licence is issued in respect to the premises containing the business regulated under this Schedule, the said premises shall be inspected and approved by the Medical Officer of Health, and any such licence can be revoked if it is reported by Medical Officer of Health that premises have become unsuitable for carrying on such business.
4. Commercial cooking that produces grease laden vapours and smoke must be protected in accordance with N.F.P.A. #96 (National Fire Protection Association) - "Standard for the Removal of Grease Laden Vapours and Smoke from Commercial Cooking Equipment", as required by the Ontario Building Code and Ontario Fire Code.
5. No live animal, bird or other fowl, with the exception of a guide dog, shall be permitted in any room where food is prepared, stored, displayed or served.

## **SPECIFIC LOCATION DAILY SALES**

### **Schedule 26 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule,
  - (1) "specific location daily sales licence" shall mean a licence issued to every person who proposes to sell goods, wares and merchandise from a specific location within the Municipality on a specific day or for a limited number of days in the calendar year, and such sales may be either direct or by way of a sample or catalogue for delivery later; and
  - (2) "charity or service club" shall mean an organization which performs services of public good or welfare without profit within the Municipality.
  - (3) "Specific location daily sales license for temporary fireworks sales" shall mean a license issued to every person who proposes to sell goods, wares and merchandise from a specific location within the Municipality for a limited number of days in the calendar year for specific civic holidays as noted herein and shall comply with the specific clauses 2, 5, 6, and 8 to 13, inclusive, of this schedule.
2.
  - (1) Every person, who proposes to conduct a daily sale in a specific location within the Municipality and who can prove to the Clerk within 24 hours of a demand by any Municipal Law Enforcement Officer or police officer that they have continuously resided within the Municipality for at least one year prior to the demand, shall be required to obtain a resident's specific location daily sales licence and pay a resident's licence fee in accordance with Schedule 1 to this By-law.
  - (2) Every person who is a non-resident and who proposes to conduct a daily sale in a specific location within the Municipality, shall be required to obtain a non-resident's specific location daily sales licence and pay a non-Resident's licence fee in accordance with Schedule 1 to this By-law.
  - (3) A charity or service club which holds, organizes or conducts a special sale for charitable purposes, may be permitted to obtain a charity or service club licence and pay a licence fee of \$325.00 for the first 3 days and \$50.00 for each additional day up to a maximum of \$575.00 provided that it provide to the Clerk its Charitable Registration Number or proof in the form of a statement under oath, which shows the return of funds to the benefit of the inhabitants of the Municipality within the previous year.
3. No person is required to obtain a licence for specific location daily sales in accordance with the following:
  - (1) by persons or their agents or employees who are wholesale or retail dealers in similar goods, wares or merchandise, and who operate in the Municipality; or

- (2) by persons who propose to conduct a daily sale in a specific location in the Municipality, who can prove to the Clerk within 24 hours of a demand by any Municipal Law Enforcement Officer or police officer that they have continuously resided within the Municipality for at least one year prior to the demand, and who can prove to the Clerk within 24 hours of a demand that they are selling for a charitable or non-profit purpose.
4. Notwithstanding section 3, every person not requiring a licence pursuant to section 3 is required to comply with this Schedule, as amended, and shall be required to obtain an identification card from the Clerk and shall carry such identification card on his person when engaged in selling goods, wares and merchandise.
5. Every person applying for a licence or required to obtain an identification card under this Schedule and who intends to carry on business on lands not owned by the Municipality or by the person shall provide to the Clerk a copy of the written permission from the owner of the lands, stating the municipal address of the lands upon which the person has been granted the right to use said lands and the days on which the person is permitted to use the said lands for carrying on business.
6. No more than three persons shall be issued a specific location daily sales licence or an identification card for a specific location, and no person shall be issued a specific location daily sales licence or an identification card within 200 metres of any business specializing, by a majority of its stock, in the selling of goods, wares, and merchandise similar to that of the proposed specific location daily sales Licence or the identification card.
7. No person required to be licensed or required to obtain an identification card under this Schedule shall carry on business on lands owned by the Municipality unless the person is participating in an event for which the Municipality has issued a "Road Use Special Events Policy Permit."
8. Every person required to be licensed or required to obtain an identification card under this Schedule shall at all times while carrying on his business have the licence or identification card with him and shall upon demand, exhibit it to any Municipal Law Enforcement Officer or police officer, and if the person fails to do so is guilty of an offence, unless the same is accounted for satisfactorily.
9. Every person required to be licensed or required to obtain an identification card under this Schedule shall at all times, while carrying on his business, have the written permission from the owner of the lands as required above with him, and shall, upon demand, exhibit it to any Municipal Law Enforcement Officer or police officer, and if the person fails to do so is guilty of an offence, unless the same is accounted for satisfactorily.
10. Every person, who is an agent or employee of a person required to be licensed or required to obtain an identification card under this Schedule, shall exhibit his licence or identification card when required to do so by any Municipal Law Enforcement Officer or police officer.

11. If a Municipal Law Enforcement Officer demands production of licence or identification card by any person to whom this Schedule applies, and the demand is not complied with, it is the duty of the Officer to issue a Part I under the Provincial Offences Act.
12. In a prosecution for a breach of this Schedule, the onus of proving that a licence is not required by any person charged for a reason mentioned in section 3 is upon that person.
13. “The specific location daily sales license for temporary fireworks sales” shall be available for only the four days immediately before the Victoria Day and the Canada Day civic holidays; and provided there is compliance with the following:
  - (1) All sales of fireworks shall occur after 9:00 a.m., but before 9:00 p.m.
  - (2) Every person prior to having issued to them a “specific location daily sales license for temporary fireworks sales” shall under this Schedule, provide proof of being in possession of a policy of comprehensive public liability insurance, on an occurrence basis against claims for personal or bodily injury, death, property damage or other claim; in the amount of a least \$5,000,000 naming the Corporation of the City of Niagara Falls as an additional insured but only with respect to its interest in the operations of the named insured. Such policy shall be in force for the time period for which the licensed is in force.
  - (3) Every applicant for a licence shall submit a site plan, showing the proposed location of the sales and storage of the fireworks in relation to the property line, existing buildings and parking spaces.
  - (4) Prior to the issuance of a “specific location daily sales license for temporary fireworks sales” approvals shall be obtained from the Niagara Falls Fire Department.
  - (5) No such site shall be the subject of an application for “specific location daily sales for temporary fireworks sales” unless the site is within an Industrial zone, in accordance to the City’s Comprehensive By-law or within a General Commercial or Tourist Commercial zone, in accordance to the City’s Comprehensive By-law and such sales area shall be located on the site in accordance to the minimum yard requirements of the Zoning By-law and shall not cause to eliminate required parking spaces for the use(s) presently being conducted on the site.
  - (6) Notwithstanding the provisions of the Zoning By-law, the sales areas and storage facilities may or may not involve a tent or a vehicle subject to the regulations / requirements of the City’s Fire Department and Building & Inspections Division.
  - (7) Storage procedures, transportation and handling of fireworks must adhere to the regulations dictated by the Explosives Regulatory Division, a branch of Natural Resources Canada.
  - (8) Council may, by resolution, regulate the number of licenses to be issued to such vendors from time to time as it considers expedient.

## **TATTOO AND BODY PIERCING PARLOURS**

### **Schedule 27 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule,
  - (1) "body piercing parlour" means a business or premises where parts of a body are punctured by a sharp-pointed instrument for the purpose of making a hole or opening through which an item may be attached to the body, but shall not include a premises which is operated solely for the purpose of piercing earlobes; and
  - (2) "tattoo parlour" means a business or premises where the skin of any individual is marked by puncturing it and inserting a pigment or pigments to make permanent marks or designs.
2. Every person who operates a tattoo and/or body piercing parlour shall obtain a licence and pay an annual licence in accordance with Schedule 1 to this By-law.
3. No person shall provide tattoo or piercing services to any person who is know or suspected of suffering from a contagious disease.
4. Prior to the issuance of a licence, all premises used as a tattoo and/or body piercing parlour must be inspected and approved by the Medical Officer of Health or Public Health Inspector, and be in compliance with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, or successor legislation.
5. There shall be displayed in each parlour so licensed a current certificate certifying that the premises have been duly inspected and is a properly licensed parlour according to this Schedule.
6. Every tattoo and/or body piercing parlour shall be open for inspection at all times in every part thereof by the Medical Officer of Health or any other Officer of the Municipality so designated.
7. Licensees shall comply at all times with the Ministry of Health Infection Control in Personal Services Settings Protocol, as amended from time to time.

## **THEATRES**

### **Schedule 28 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. Every person who operates a theatre shall obtain a licence and pay an annual licence in accordance with Schedule 1 to this By-law.
2. No licence shall be issued under this Schedule unless the theatre to be licensed has been issued a licence under The Theatres Act.
3. Every person who obtains a licence under this Schedule shall at all times adhere to the provisions of The Theatres Act, and regulations made thereunder.

## **THERAPEUTIC MASSAGE**

### **Schedule 29 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule:
  - (1) "therapeutic massage operator" means a person who is licensed or is required to be licensed under this By-law to carry on the business of providing therapeutic massages;
  - (2) "massagist" means a Registered Massagist Therapist, registered under the Drugless Practitioners Act, the Massage Therapy Act, 1991, or any other related Act recognized by the Province of Ontario; and
  - (3) "employed" includes any business relationship between an operator and instructor, whether on a salary, hourly wage, commission or independent contractor basis, and the terms "employee" and "employment" have a corresponding meaning.
2. The Clerk of the Municipality may issue the following types of licences in connection with the provision of therapeutic massage to the public:
  - (1) a therapeutic massage operator's licence; and
  - (2) a massagist's licence.
3. An applicant, if qualified under the provisions of this By-law, may be issued one or more of the said licences according to his qualifications.
4. The holder of one type of licence under section 2 of this Schedule shall not carry on the trade or business for which the other type of licence is required unless he holds such other type of licence under section 2.
5. Every person who carries on the business of a therapeutic massage operator shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law, and shall display in a prominent place on the premises a copy of the licence issued by the Municipality.
6. Every person who carries on the occupation of a massagist shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law.
7. Every applicant for a licence to act as a therapeutic massage operator and/or massagist shall submit with his application two photographs of himself, one of which photographs shall be attached to the licence and the other shall be filed with the Clerk. Upon application for renewal of any licence, the applicant shall furnish new photographs if required so to do by the Clerk.

8. No person operating a therapeutic massage establishment shall employ any person other than a massagist licensed under the provisions of this By-law to act as a massagist in such establishment.
9. Every operator of a massagist establishment shall, during the term of employment of any massagist, retain such massagist's licence in his possession, and shall display in a prominent place on the premises a copy of the massagist's licence issued by the Municipality.
10. Every therapeutic massage operator and massagist shall include, or have included, his name and business address in every advertisement of his massage business.
11. All premises used for the provision of therapeutic massage must be inspected and approved by the Medical Officer of Health or Public Health Inspector and be in compliance with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, or successor legislation.



## **TOURIST HOMES, BED & BREAKFASTS**

### **Schedule 30 to By-law No. 2001-31**

**Authority: Municipal Act, R.S.O. 1990, c. M.45, as amended**

1. In this Schedule, a "lodging house" means a house known as a tourist home or a bed and breakfast which is primarily intended to be used, or is used, as a dwelling catering to the travelling public, but shall not include a hotel, motel, private hospital, nursing home, or a tourist establishment having five or more rental units.
2. Every person who operates a lodging house shall obtain a licence and pay an annual licence fee in accordance with Schedule 1 to this By-law.
3. In making application for a licence, the full name and address of the proprietor of the proposed lodging house, the name and address of the owner of the premises, the location, number of rooms, and portion of the building or buildings intended to be used as a lodging house shall be stated thereon.
4. Prior to the issuance of a licence, all premises used as a lodging house must be inspected and approved by the Medical Officer of Health or Public Health Inspector and be in compliance with the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, or successor legislation.
5. There shall be displayed in each room so licensed a current certificate certifying that the room has been duly inspected and is a properly licensed room according to this Schedule.
6. There shall be displayed in a prominent and easily accessible spot in the office or hall of such licensed premises a list, either printed or clearly written in ink, stating thereon the fee to be charged for each licensed room, and there shall be displayed also in a prominent place in each licensed room a notice as to the fee to be charged and the check-out time for such licensed room.
7. No beds or bunks shall be placed one above another, and no one shall be permitted to sleep, lodge or dwell in a cellar or basement.
8. All mattresses shall be so arranged as to be at all times easily inspected. All beds, bed clothing, mattresses and pillows shall be kept clean at all times and free from vermin. Clean sheets and clean pillow cases shall be furnished for each bed and shall be changed as often as necessary to keep the same clean or as may be required by the Medical Officer of Health.
9. An adequate supply of clean towels and hot and cold water shall be provided for the lodgers free of charge. In each lodging house shall be provided one water closet for every seven persons, and all such water closets, wash basins and baths shall at all times be kept thoroughly clean and in good repair. Every lodging house shall be provided with a sufficient number of garbage pails to take care of all garbage and refuse.

10. Every lodging house shall provide a register in which all lodgers shall be registered and such register shall specify the date of entry of such lodger, the period of stay and the home address of such lodger, and such register shall be open for inspection by any Officer of the Municipality.
11. Every lodging house shall be open for inspection at all times in every part thereof by the Medical Officer of Health or any other Officer of the Municipality so designated.
12. No person shall erect or continue the erection or use of any sign, sign post, hanging or swinging sign or any other advertising device or post any notice on a building or vacant lot of the Municipality purporting to advertise a lodging house, or prices charged for accommodation therein, unless the proprietor of the lodging house purported to be advertised has received a permit from the Municipality allowing him to do so.
13. Any person wishing to convert an existing building for use as a lodging house shall contact the Municipality's Building Division regarding requirements for a Change in Use Permit and/or Building Permit in accordance with the Ontario Building Code.
14. All lodging houses in existence at the passage of this By-Law shall be subject to the requirements of the Ontario Fire Code or the policies of the Niagara Falls Fire Department respecting Lodging Houses.
15. All lodging houses in rural areas must comply with the Environmental Protection Act as it relates to waste disposal and water supply enforced by the Minister of Health or Regional Health Inspector.

-91-

**TRANSIENT TRADERS**

**Schedule 31 to By-law No. 2001-31**

REPEALED BY  
BY-LAW 2001-67