

TOWN OF FORT FRANCES

By-Law No. 57/05

(Being a by-law to provide for the licensing and regulation of various businesses.)

WHEREAS, pursuant to the provisions of Part IV of the *Municipal Act, 2001*, as amended, the Council of The Corporation of the Town of Fort Frances may pass by-laws for licensing, regulating and governing businesses;

AND WHEREAS Section 150 of the *Municipal Act, 2001* allows a municipality to license, regulate and govern any business wholly or partially carried on within the Municipality, even if the business is being carried on from a location outside the Municipality;

AND WHEREAS the licensing powers conferred on a municipality by Section 150 of the *Municipal Act, 2001* provides for the licensing, regulating, governing and classifying by by-law of persons who carry on the business of towing motor vehicles;

AND WHEREAS the licensing powers conferred on a municipality by Section 150 of the *Municipal Act, 2001* provides for the licensing, regulating, governing and classifying by by-law of persons who own and/or drive taxicabs;

AND WHEREAS sections 390-400 of the *Municipal Act 2001*, as amended enable municipalities to pass by-laws for imposing fees or charges for permits and services provided or done by them;

AND WHEREAS in accordance with Section 150(4)(a) and (b), proper notice of a public meeting was given, and a public meeting was held at which any persons who attended had an opportunity to make representation with respect to this By-law;

AND WHEREAS pursuant to Section 150 of the *Municipal Act 2001* the Council of the Corporation of the Town of Fort Frances is exercising its licensing powers under this Section, including imposing conditions, for the following reasons:

- (i) Health and Safety; and/or
- (ii) Nuisance Control; and/or
- (iii) Consumer Protection

AND WHEREAS, pursuant to Section 150(2) of the *Municipal Act, 2001*, the following businesses are licensed for the following reasons:

ADULT LIVE ENTERTAINMENT PARLOURS, for the purposes of protecting the health and safety of the attendants, to ensure that the business is not a nuisance to the surrounding properties and neighbourhood, and the consumers protection of those individuals who attend and partake in services of the parlour.

AUCTIONEER, for the purposes of consumer protection to ensure that the auction items are being sold by an individual with no criminal record, and to ensure the business is not a nuisance to the surrounding properties and neighbourhood.

BOWLING ALLEYS, for the purposes of protecting the health and safety of the customers, to ensure that the business is not a nuisance to the surrounding area.

EATING ESTABLISHMENT AND FOOD SHOP, for the purposes of protecting the health and safety of the customers and to ensure the protection of the consumer.

ELECTRICAL CONTRACTORS AND MASTER ELECTRICIANS, for the purpose of consumer protection to ensure that those that are practicing the trade have the qualifications to perform the work to the industry standard.

HAIRSTYLING SHOP, for the purpose of protecting the health and safety of the consumer, and to ensure that the business is not a nuisance to the surrounding properties and neighbourhood.

HAWKER-PEDDLER, for the purpose of ensuring the vendor is following all required health regulations to ensure that the consumer does not become ill, to ensure that the business is not a nuisance by hindering vehicles or pedestrian traffic and/or causing a hazard in any way and/or having a negative aesthetic impact on the Municipality, and to protect the consumer who is purchasing the products being sold.

LODGING HOUSE, for the purpose of protecting the health and safety of the persons residing in the house by ensuring that the fire code regulations are met, the required essentials such as plumbing and water are provided, for ensuring that the lodging house does not create a nuisance to the adjoining property or surrounding lands, and for consumer protection such that the persons residing in the house know who to contact in the case of a problem or emergency with the building.

MOTOR VEHICLE TOWING AND STORAGE, for the purpose of consumer protection such that a consumer will know who to contact in the case that their vehicle has been towed and/or stored to allow them to retrieve the same.

PARKING FACILITY, for the purpose of consumer protection such that a consumer will know who to contact in the case of fees charged or difficulties faced by the consumer in the parking facility.

PLACE OF AMUSEMENT, for the purpose of health and safety of the people who enter a place of amusement, and to ensure that the business is not a nuisance to the surrounding landowners, and to ensure the protection of the consumer for goods and/or services purchased.

PLUMBING CONTRACTORS AND PLUMBERS, for the purpose of consumer protection to ensure that those that are practicing the trade have the qualifications to perform the work to the industry standard.

OTHER TRADES NOT SPECIFICALLY LISTED ELSEWHERE IN THIS BY-LAW, for the purpose of consumer protection to ensure that those that are practicing the trades have the qualifications to perform the work to the industry standard where applicable and to otherwise perform the work to minimum standards and/or code prescribed by the province or town.

PUBLIC HALL, for the purpose of the health and safety of persons who enter the hall and to ensure that the business is not a nuisance.

REFRESHMENT VEHICLES, for the purposes of health and safety and ensuring that the vendor is following all required health regulations, and to ensure that the consumer does not become ill, and to ensure that the vendors are not hindering vehicle or pedestrian traffic and/or causing a hazard in any way and/or having a negative aesthetic impact on the Municipality which would fall under nuisance control.

SECONDHAND DEALER AND SECONDHAND SHOP, PAWN SHOP AND SALVAGE YARD, for the purposes of protecting the consumer purchasing items and to ensure that the building/yard is safe and healthy for the persons who enter.

TATTOO PARLOUR, BODY PIERCING, ELECTROLYSIS for the purpose of protecting the health and safety of the consumer, and to ensure that the business is not a nuisance to the surrounding properties and neighbourhood.

THEREFORE the Municipal Council of The Corporation of the Town of Fort Frances enacts as follows:

**SHORT TITLE  
BUSINESS, TRADES AND TAXI LICENSING BY-LAW**

**Part 1**

**DEFINITIONS**

**1.1 Definitions**

Unless otherwise specifically defined in any Part of this by-law:

**Business - defined**

"Business" includes:

- (a) trades and occupations;
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
- (c) the sale or hire of goods or services on a continuous, intermittent or one-time basis and the activities of a transient trader; and
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire;

but does not include:

- (a) a manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail;
- (b) the sale of goods by wholesale; or
- (c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources;

and for purposes of this definition a business shall be deemed to be carried on within the Town if any part of the business is carried on within the Town even if the business is being carried on from a location outside the Town.

**Town– defined**

"Town" shall mean the Corporation of the Town of Fort Frances.

**Town Clerk – defined**

"Town Clerk" shall mean the Clerk of The Corporation of the Town of Fort Frances or a person delegated by him for the purposes of this by-law.

**Corporation – defined**

"Corporation" shall mean The Corporation of the Town of Fort Frances.

**Council – defined**

"Council" shall mean the Council of The Corporation of the Town of Fort Frances.

**Manager of Operations and Facilities – defined**

"Manager of Operations and Facilities" shall mean the Manager of Operations and Facilities of the Town of Fort Frances or a person delegated by him for the purposes of this by-law.

**Business Improvement Area – defined**

"Business Improvement Area" shall mean those lands in the Town designated in Schedule "A" of By-law No. 32/78, the Fort Frances Improvement Area By-law, as amended, or any successor thereto.

**Dwelling unit – defined**

"dwelling unit" shall mean a combination of rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside. It may include a modular home constructed in accordance with the Building Code and "dwelling unit" shall mean a combination of rooms in which a kitchen, living quarters and sanitary conveniences are C.S.A. A-277 Regulations.

**Fire Chief – defined**

"Fire Chief" shall mean the Chief of the Fire Department of the Town of Fort Frances or a person delegated by him for the purposes of this by-law.

**He, him and his - includes - she, her and hers**

"he, him and his" shall also include "she, her and hers".

**Highway - defined**

"highway" shall mean the traveled portion of a roadway and the untravelled portion of the roadway under the jurisdiction of the Town and includes the boulevard and the sidewalk.

**Hotel – defined**

"hotel" shall mean a building or part of a building that contains a general kitchen and dining room and other public rooms, the remaining rooms of which contain no provision for cooking, and are usually hired by transients as places of abode; and includes a hostel for men or women.

**Superintendent of Planning and Development - defined**

"Superintendent of Planning and Development" shall mean the Superintendent of Planning and Development of the Town of Fort Frances or a person delegated by him for the purposes of this by-law.

**Medical Officer of Health - defined**

"Medical Officer of Health" shall mean the Medical Officer of Health for the Northwestern Health Unit or a person delegated by him for the purposes of this by-law.

**Municipal Planner – defined**

"Municipal Planner" shall mean the Municipal Planner for the Corporation of the Town of Fort Frances

**Owner - premises - defined**

"owner" with respect to premises shall mean the registered owner of the land on which the premises is situated and includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land.

**Owner - trade, business, occupation - defined**

"owner" with respect to business shall mean the person, company or partnership that carries on the trade, business or occupation and whose name appears on the license issued by the Town for such trade, business or occupation pursuant to this by-law.

**Person - defined**

"person" shall include an individual, a partnership, a firm or a corporation.

**Police Chief - defined**

"Police Chief" shall mean the Detachment Commander of the Fort Frances detachment of the Ontario Provincial Police or any police officer of that Department so designated by him/her for purposes of this by-law.

**Property Standards Officer – defined**

"Property Standards Officer" shall mean a By-Law Enforcement Officer as provided in By-Law No. 2/80 of the Town of Fort Frances with responsibility for enforcement of the provisions of the Town's Maintenance and Occupancy Standards By-law.

**Sidewalk – defined**

“sidewalk” means any public walkway, or portion of a highway between the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of pedestrians.

**Part 2****GENERAL PROVISIONS****2.0 Council to exercise its Powers to License**

Council for the Town of Fort Frances by enacting this By-Law exercises its powers as limited by the provisions of the *Municipal Act, 2001* to license, regulate, and govern all business as business is defined herein in the Town of Fort Frances.

**2.1 Licensing – powers**

The power to license, regulate and govern a business includes the power,

- (a) to prohibit the carrying on of or engaging in the business without a license;
- (b) to refuse to grant a license or to revoke or suspend a license;
- (c) to fix the expiry date for a license;
- (d) to define classes of businesses and to separately license, regulate and govern each class;
- (e) to impose conditions as a requirement of obtaining, continuing to hold or renewing a license, including conditions,
  - (i) requiring the payment of license fees;
  - (ii) restricting the hours of operation of the business, and
  - (iii) allowing at any reasonable time, the municipality to inspect places or premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying on of the business;
  - (iv) prohibiting places or premises used for the business to be constructed or equipped so as to hinder the enforcement of the by-law;
  - (v) requiring the premises of the business, or part of the premises, to be accessible to persons with disabilities
- (f) to impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a license;
- (g) to impose conditions, including special conditions, as a requirement of continuing to hold a license at any time during the term of the license;
- (h) to license, regulate or govern the place or premises used for the business and the persons carrying it on or engaged in it;
- (i) to regulate or govern the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of or engaging in the business;
- (j) to exempt any business or person from all or any part of the by-law; and
- (k) without limiting anything in clauses (a) to (j), to require the payment by a licensed business of additional fees at any time during the term of the license for costs incurred by the municipality attributable to the activities of the business.

**2.2 Requirement for license**

Every person, prior to conducting business as business is defined herein in the Town of Fort Frances, shall obtain a license to do so from the Town Clerk pursuant to the provisions of this by-law.

**2.3 Administration - of by-law**

Unless otherwise indicated, the administration of this by-law is assigned to the Town Clerk who may delegate the performance of his functions under this by-law from time to time as occasion requires.

**2.4 Enforcement – of by-law**

The enforcement of this by-law is assigned to by-law enforcement officers under the supervision of the Superintendent of Planning and Development for the Corporation and members of the Fort Frances Detachment of the Ontario Provincial Police that are providing municipal police services pursuant to a contract for services with the Corporation.

**2.5 Part 2 applies to all other parts**

All of the regulations contained in this Part of this by-law shall apply to all licenses required under the provisions of this by-law.

**2.6 License – display**

No person holding a license issued pursuant to this by-law shall fail to:

- (a) with respect to premises, display the license in a conspicuous place in or on the said premises; or
- (b) with respect to a vehicle, display the license in a conspicuous place in or on the said vehicle; or
- (c) with respect to an individual, maintain the license on their person while conducting the activity for which the license was issued.

**2.7 License – application**

Applications for all licenses issued under the provisions of this by-law and applications for the renewal of such licenses:

- (a) shall be made to the Town Clerk on forms to be provided;
- (b) when received by the Town Clerk, will be stamped with the date and time of receipt and processed in the order in which they are received; and
- (c) will be processed giving priority to applications for renewal of licenses for a particular year provided the application for renewal is received by the Town Clerk on or before the last business day of the Corporation in the preceding year.

**2.8 License - application - full information – required**

Every applicant shall provide in full, at the time the application is submitted, all of the information requested on the application form as well as:

- (a) payment of the prescribed license fee as provided for in Town of Fort Frances By-Law No. 11/04 (the Fees By-Law) as may be amended from time to time or a successor by-law; and
- (b) any other document or information as may be required in any other Part of this by-law.

**2.9 License - application - subject to approval**

Every application will be subject to investigations approvals from such municipal or provincial departments or agencies as the Town Clerk deems necessary, or as directed by Council, including but not limited to: Police Services, Northwestern Health Unit, Fire Department, Building Department, Planning Department, By-law Enforcement Department.

**2.10 Contravention - other laws – prohibited**

The issuance or renewal of a license is not intended and shall not be construed as permission or consent by the Corporation for the holder of the license to contravene or to fail to observe or comply with any law of Canada or Ontario or any by-law of the Corporation.

**2.11 Revocation - license - surrendered – voluntarily**

The Town Clerk may revoke a license which is voluntarily surrendered by the holder for revocation.

**2.12 License - property of Town- transfer – prohibited**

Every license, at all times, is owned by and is the property of the Corporation and is valid only in respect of the person and the premises or of the person named therein and for the nature of business stated in the license, and no license may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise encumbered.

**2.13 Information - held by Town Clerk - open to inspection**

Any application, comment, recommendation, information, document or thing in the possession of the Town Clerk pursuant to the provisions of this by-law shall be made available by the Town Clerk for an inspection:

- (a) by any person employed in the administration or the enforcement of this by-law; and
- (b) by any other person upon the consent, satisfactory to the Town Clerk, of the person, civic department, board, commission, authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing; subject only to the limitations imposed by the *Municipal Freedom of Information and Protection of Privacy Act*.

**2.14 Inspections - Fort Frances Police – By-Law Enforcement - other designated persons**

Subject to section 2.16 of this Part of this by-law, any member of the Fort Frances Detachment of the Ontario Provincial Police or By-Law Enforcement Officer or any other person designated by the Council to enforce this by-law may, at all

reasonable times and upon producing proper identification, enter and inspect any premises or any part of any premises licensed under the provisions of this by-law.

#### **2.15 No person - Obstruct - person who enforces**

No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.

#### **2.16 Inspections - dwelling - police - search warrant**

Except under the authority of a search warrant issued under *Provincial Offences Act* or in accordance with the provisions of the *Municipal Act, 2001*, a member of the Fort Frances Detachment of the Ontario Provincial Police or By-Law Enforcement Officer or any other person designated by the Council to enforce this by-law shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

#### **2.17 Records - to be kept - as required**

No person shall fail to keep any and all of the records required to be kept by him/her under the provisions of any section of any Part of this by-law.

#### **2.18 Deficiencies - specified - notice to – applicant**

Where any determination is made that any premises or person named in the application does not receive the approvals required by this by-law, the reasons for the lack of the required approvals shall be specified, and the Town Clerk shall notify the applicant of all such reasons.

#### **2.19 License - not to be issued or renewed - where by-law contravened**

No license shall be issued to any person in respect of any premises in which the carrying on or operation of the business for which the application is being made is in contravention of any by-law of the Corporation, or any applicable Provincial or Federal legislation.

#### **2.20 License - term of – expiry**

A license issued under the provisions of this by-law shall be valid only for the period of time for which it was issued. All licenses shall expire annually on December 31, at 11:59 p.m.

#### **2.21 License – administrative fee – license refused or withdrawn**

Business license fees are non-refundable if the application is refused for any reason or is withdrawn by the applicant prior to the issuance of a license.

#### **2.22 License – application deemed expired**

Any business license application that has not received approvals from all municipal or provincial departments or agencies as the Town Clerk deems necessary within 90 days from the date of the filing of the application, because of the applicant's inability to comply with the requirements to become licensed, be deemed to have expired unless the application is referred to Council under section 2.26 of this by-law.

#### **2.23 License – address – notification of change**

Every licensee shall notify the Town Clerk within 6 days of any change in his business or home address.

#### **2.24 Issuance, Renewal – Conditions**

Every license that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold, and renewing a license, all of which shall be performed and observed by the applicant, holder of the license or by the operator of the business:

- (a) the applicant or license holder shall pay the applicable license fee;
- (b) the applicant or license holder shall allow, at any reasonable time, the Corporation to inspect the places and premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying out of the business;
- (c) the applicant or license holder shall ensure that the places or premises used for the business are not constructed or equipped so as to hinder the enforcement of this by-law;
- (d) the conduct of the applicant or the license holder affords reasonable cause to believe that the applicant or license holder will not carry on or engage in the business in accordance with the law or with honesty and integrity;
- (e) the applicant or license holder, or an individual who is a member of a partnership that is the holder of the license, shall be a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;

- (f) where the applicant or license holder is a corporation, or a partnership of which a member is a corporation, the conduct of its officers or directors or of a shareholder who owns or controls 10 per cent or more of its issued and outstanding voting and non-voting shares shall not afford reasonable cause to believe that the applicant or license holder will not carry on or engage in the business in accordance with the law or with honesty and integrity;
- (g) where the applicant or license holder is a corporation, or a partnership of which a member is a corporation, a majority of the members of the board of directors shall be Canadian citizens or persons lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (h) where the applicant or license holder is a corporation, it shall, within 15 days after the event, notify the Town Clerk in writing where there is a change in an officer or director of the corporation or where there is a change in the controlling interest;
- (i) the premises in which the business is located shall be in accordance with the requirements of the *Building Code Act* and the Regulations thereunder, the *Fire Protection and Prevention Act, 1997* and the Regulations thereunder, and any by-law of the Corporation prescribing standards for the maintenance and occupancy of property within the Town;
- (j) where premises in which the business is located are altered and a building permit is required to carry out the alterations, the premises, as altered, shall be in accordance with the *Building Code Act* and the Regulations thereunder, the *Fire Protection and Prevention Act, 1997* and the Regulations thereunder, and any by-law of the Corporation prescribing standards for the maintenance and occupancy of property within the Town;
- (k) the use of the premises for the purpose of the business is permitted or conforms with the uses of the premises permitted under the applicable zoning by-law or is a legal non-conforming use;
- (l) the owner or operator shall have a contractual or proprietary interest in the lands and premises upon which the business is to be operated which will enable the owner or operator to carry on the business;
- (m) the applicant or license holder shall not carry on activities that are in contravention of this by-law;
- (n) the applicant or license holder shall not fail to pay any part of a fine for a contravention of this bylaw after the fine becomes due and payable under the *Provincial Offences Act*, including any extension of time for payment ordered under that section.

### **2.25 Licensing powers – Town Clerk – issue or renew**

The Town Clerk may issue or renew a license where the requirements and conditions of this by-law have been fulfilled.

### **2.26 Referral - Council - by Town Clerk**

- (a) At any time before the Town Clerk either issues or renews a license, or recommends to refuse to issue or to refuse to renew a license, he may, or he shall on the request of the applicant, refer the application for such issuance or renewal of a license to the Council.
- (b) Where there is a referral to the Council pursuant to this section, the Council shall hold a meeting for the purpose of directing the Town Clerk to issue or renew the license, or not to issue or renew the license, and the Council, when directing the Town Clerk, may require the imposition of conditions specific to the license regarding compliance by the applicant with any requirements of this by-law.

### **2.27 Refusal - suspension - revocation – notice of hearing - content**

Where the Town Clerk receives a written request for a hearing, the Town Clerk shall in compliance with s. 2.26(b), schedule a hearing before Council and shall provide notice of the hearing to the applicant or license holder. The notice of the hearing shall:

- (a) contain a reference to sections 150 and 252 of the *Municipal Act, 2001* under which the hearing will be held;
- (b) contain a reason or reasons for the proposed refusal, suspension or revocation;
- (c) specify the time, place and purpose of the hearing of Council at which the proposed refusal, suspension or revocation will be considered;
- (d) inform the affected applicant or the affected holder of the license that he is entitled to attend the hearing and make submissions regarding the proposal and that, in his absence, Council may proceed to consider the proposal, and the applicant or affected holder of the license will not be entitled to any further notice in the proceeding;
- (e) afford the affected applicant or the affected holder of the license a reasonable opportunity, before the hearing, to show or achieve compliance with all lawful requirements for the retention of the license; and
- (f) be given at least 10 days notice prior to the date of the Council hearing.

### **2.28 Refusal - suspension - revocation - by Council – hearing**

At the hearing, the Council may suspend, revoke or refuse to issue any license that may be issued under the provisions of any Part of this by-law:

- (a) for any reason that would disentitle the holder to a license if he were an applicant;
- (b) where the holder of the license or applicant is in breach of a condition of the license or of this by-law;
- (c) if a report is filed subsequent to the date of the issuance of the license or by any department or agency which provided its approval originally to the issuance of the license which indicates that a licensed premises no longer complies with any of the provisions of this by-law;
- (d) upon such grounds as are set out in this by-law;
- (e) if the conduct of the applicant or licensee affords reasonable cause to believe that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;
- (f) if, in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable cause to believe that the business will not be engaged in or carried on in accordance with the law or with honesty and integrity.

### **2.29 Suspension - interim - pending - during meeting**

Where there is a referral or request for a hearing to the Council, the Council may, where the Council considers it to be necessary in the public interest, immediately suspend the license for a period not exceeding 15 days.

### **2.30 Suspension - interim – extension**

The Council may, at the hearing mentioned in section 2.26 of this Part of this By-law, extend the interim suspension until the Council disposes of the proposed suspension or revocation.

### **2.31 Suspension - interim - notice - content**

The notice mentioned in section 2.27 of this by-law shall inform the holder of the license of any interim suspension and of the authority of the Council under sections 2.28 and 2.29 of this by-law.

### **2.32 Council - proceedings**

At a hearing, the Council:

- (a) shall afford the affected applicant or the holder of the license an opportunity, at the hearing, of making submissions in respect of the matter that is the subject of the Council's proceedings;
- (b) shall afford any person, civic department, board, commission, authority or agency given notice under section 2.27 of this by-law and in attendance at the hearing, or any other person in the discretion of the Council, an opportunity to make submissions in respect of the matter that is the subject of the Council's proceedings;
- (c) may close a portion of the hearing to the affected applicant or license holder only for the purposes of receiving confidential legal advice;
- (d) may close all or a portion of the hearing to the public if the Council is of the opinion that intimate financial or personal matters may be disclosed of such a nature, having regards to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest, outweighs the desirability of adhering to the principle that the hearing be open to the public;
- (e) shall give due consideration to the submissions made to it;
- (f) shall take such action to refuse, suspend or revoke the application or license, or not to refuse, suspend or revoke the application or license, as the Council considers proper in the circumstances; and
- (g) the Town Clerk shall give written notice of Council's decision to the applicant or to the license holder, and to any person, civic department, board, commission, authority or agency in attendance at the hearing.

### **2.33 Council - decision - immediate effect**

A decision of the Council refusing, suspending or revoking an application or license takes effect upon the rendering of such decision by the Council.

### **2.34 License - special events - exemption**

Notwithstanding any other provision of this by-law, any vendor selling products at special events only and not at any other location in the Town, and who has paid the appropriate fees under the "Town of Fort Frances Special Events Policy" shall be exempt from the requirement to obtain a license under the provisions of this by-law.

### **2.35 Standards - maintained**

No person licensed under the provisions of this by-law shall fail to maintain, on a continuous basis, the standards and requirements which were necessary to obtain the original approval of the license application, or have been imposed since the issuance of the license.

### **Part 3**

#### **ADULT LIVE ENTERTAINMENT PARLOUR**

##### **3.1 Definitions**

In this Part:

##### **Adult live entertainment parlour - defined**

"adult live entertainment parlour" shall mean any premises or part thereof in which, in pursuance of a business, a live performance appealing or designed to appeal to erotic or sexual appetites or inclinations is provided.

##### **Attendant - defined**

"attendant" shall mean any person other than a licensed owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult live entertainment parlour, and shall include an entertainer.

##### **Entertainment - defined**

"entertainment" shall mean any dance, exhibition, concert, show, variety programme, motion picture showing, public luncheon or dinner, game or sporting contest.

##### **Live performance - defined**

"live performance" shall mean any performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations:

(a) of which a principal feature or characteristic is the nudity or partial nudity of any person; and

(b) in respect of which the word "nude," "naked," "topless," "bottomless," "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any sign, advertisement, or advertising device; and without restricting the generality of the foregoing, includes any performance, exhibition or activity involving striptease dancers, go-go dancers, exotic dancers, table dancers, wet clothing contests or best body parts contests.

##### **Operator - defined**

"operator" shall mean a person who, alone or with others, operates, manages, supervises, runs or controls an adult live entertainment parlour, and "operates" has a corresponding meaning.

##### **3.2 Business - without valid license - prohibited**

No person shall, in the Town, carry on the business of an adult live entertainment parlour without holding a current valid license for such business issued under the provisions of this by-law.

##### **3.3 No Liquor License - person under 18 - prohibited**

Subject to section 3.4 of this Part of this by-law, no holder of an adult live entertainment parlour license nor operator of an adult live entertainment parlour shall permit any person under the age of 18 years to enter and remain in the adult live entertainment parlour where such adult live entertainment parlour is not licensed under the *Liquor License Act*.

##### **3.4 Liquor License - Person under 19 - prohibited**

No holder of an adult live entertainment parlour license nor operator of an adult live entertainment parlour shall permit any person under the age of 19 years to enter and remain in the adult live entertainment parlour during the hours of operation where the premises is licensed under the *Liquor License Act*, and it is a term and condition of that license that neither the holder of that license nor the operator of an adult live entertainment parlour shall not permit any person under or apparently under the age of 19 years to enter or remain upon licensed premises.

##### **3.5 License holder - employ person under 18 - prohibited**

No holder of an adult live entertainment parlour license nor operator of an adult live entertainment parlour shall employ a person under the age of 18 years to entertain in an adult live entertainment parlour.

##### **3.6 License holder - attendant - touching - prohibited**

No holder of a license nor operator of an adult live entertainment parlour shall, in respect of any adult live entertainment parlour operated by such persons, knowingly permit any attendant, while providing services as an attendant, to touch, or be touched by, or have physical contact with, any other person in any manner whatsoever involving any part of that person's body.

##### **3.7 License holder - attendant services - in view**

No holder of an adult live entertainment parlour license nor operator of an adult live entertainment parlour shall fail to ensure that all services provided by an attendant are within view of the main stage without obstruction by any wall, curtain or other enclosure.

### **3.8 Attendant - physical contact - prohibited**

No attendant shall, while providing services as an attendant at an adult live entertainment parlour, touch or have physical contact with any other person in any manner whatsoever involving any part of that person's body.

### **3.9 Public address system - outside premises - prohibited**

No holder of an adult live entertainment parlour license nor operator of an adult live entertainment parlour shall use or permit to be used a public address system, sound equipment, loud speaker or any similar device outside the premises in which an adult live entertainment parlour is located.

### **3.10 Verbal Promoting - outside premises - prohibited**

No holder of an adult live entertainment parlour license nor operator of an adult live entertainment parlour shall permit any person to carry on the activity outside the premises of shouting or speaking to or distributing handbills to persons passing by for the purpose of promoting the adult live entertainment parlour or soliciting persons passing by to patronize or enter the adult live entertainment parlour.

### **3.11 Poster advertising - outside premises - prohibited**

No holder of an adult live entertainment parlour license nor operator of an adult live entertainment parlour shall use any sign, advertising or advertising device, including any printed matter, posted or used outside the premises for the purpose of promoting the adult live entertainment parlour, or any photograph, drawing or other artistic rendering appealing to, or designed to appeal to, erotic or sexual appetites that shows:

- (a) the nipples or areolae uncovered of a female person or the pubic, perineal or perianal areas uncovered of a male or female person; or
- (b) the act, whether actual or simulated, of sexual intercourse, cunnilingus, fellatio, buggery, bestiality, masturbation, urination or defecation, or the bonding, flagellation, mutilation, maiming or murder of one or more human beings.

### **3.12 Designated locations -**

Notwithstanding subsection 150(12) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, no person shall operate an adult live entertainment parlour in the Town except:

- (a) in defined areas or locations designated by Council for the Corporation of the Town of Fort Frances
- (b) under the authority of a current license that is issued or renewed pursuant to this Part of this By-law and that is not suspended or revoked.

### **3.13 Number of licenses authorized - limited number**

The number of licenses authorized by this Part of this by-law for the operation of adult live entertainment parlours within the Town may be limited at any time by Council for the Corporation of the Town of Fort Frances and not more than one license shall be issued with respect to each Area designated from time to time as provided under section 3.12.

### **3.14 Application - license - renewal - requirements**

Every application for the issuance or renewal of an Adult Live Entertainment Parlour License shall be made to the Town Clerk and shall contain the following information, including any documentation supporting the information as required by the Town Clerk:

- (a) the full name, street address and mailing address of the applicant;
- (b) whether or not the applicant is a sole proprietorship, partnership or corporation;
- (c) where the applicant is a sole proprietorship or partnership, the full name, street address, mailing address, occupation, date of birth, citizenship or immigration status, and marital status of the individual comprising the sole proprietorship or of each individual who is a member of the partnership;
- (d) where the applicant is a corporation or a partnership of which a member is a corporation, the date and jurisdiction of incorporation, and the full name, street address, mailing address, occupation, date of birth, citizenship or immigration status, and marital status of each officer, director and shareholder of record, the total number of shares held by each shareholder, and the number of voting shares held by each shareholder;
- (e) particulars of the nature of business or employment during the previous 3 years of the individual comprising the sole partnership or of each member of the partnership or of each officer, director and shareholder of the corporation;

(f) the full name and address of any individual or corporation whose name is not otherwise disclosed and who has any financial interest beneficially in or otherwise exercises control or direction over the applicant;

(g) particulars of any conviction, except one in respect of which a pardon has been granted, or any proceedings currently pending under the *Criminal Code (Canada)* or under this by-law involving the applicant or any person whose name is disclosed in the application;

(h) the name under which the adult live entertainment parlour is to be operated;

(i) the street address at which the adult live entertainment parlour is to be operated;

(j) the current zoning of the premises in which the adult live entertainment parlour is to be operated and, where the use of the premises for that purpose is not permitted or does not conform to the current zoning, the particulars of any minor variance or legal non-conforming use allowing the use of the premises for that purpose; and

(k) the class of any license issued in respect of the premises under the *Liquor License Act* and particulars of any special terms and conditions attached thereto;

(l) evidence that the owner or operator has an interest in the lands and premises upon which the adult live entertainment parlour is to be operated which will enable the owner or operator to carry on the business.

### **3.15 Individuals - corporations - Canadian citizenship - directors**

In addition to the requirements in section 3.14 of this Part of this By-law, the following requirements apply to an individual or to a corporation applying for an Adult Live Entertainment Parlour License:

(a) where any individual or corporation:

(i) not being the holder of the license;

(ii) not being a member of a partnership that is the holder of the license; and

(iii) not being an officer, director or shareholder of a corporation that is the holder of the license, has any financial interest beneficially in or otherwise exercises control or direction over a sole proprietorship, partnership or corporation that is the holder of the license:

(iv) such individual shall be a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada, and the conduct of such individual shall not afford reasonable grounds for belief that the business of the adult live entertainment parlour is being carried on contrary to law; or

(v) the majority of the members of the board of directors of such corporation shall be Canadian citizens, or persons lawfully admitted to Canada for permanent residence and ordinarily resident in Canada, and the conduct of its officers or directors or of a shareholder who owns or controls 10 per cent or more of its issued and outstanding voting and non-voting shares shall not afford reasonable grounds for belief that the business of the adult live entertainment parlour is being carried on contrary to law;

### **3.16 Application - owner - operator - not same person**

Where the owner and operator of an adult live entertainment parlour are not the same person, "applicant" in section 3.14 of this by-law shall be read and construed as "owner."

### **3.17 Application - incomplete - information missing**

Every application for the issuance or renewal of an adult live entertainment parlour license shall be accompanied by:

(a) a sworn statement of the applicant stating that he has knowledge or has informed himself of the facts set out in the application and that he believes those facts to be true;

(b) the prescribed license fee as provided for in the Fees By-Law as may be amended from time to time ;

(c) the information required under section 3.14 and any documentation supporting that information as required by the Town Clerk, and the application is incomplete so long as the sworn statement is lacking, any fees due are unpaid, or any information required under section 3.14, and any documentation supporting that information as required by the Town Clerk, has not been provided.

### **3.18 Application - to appropriate officials - by Town Clerk**

The Town Clerk shall provide a copy of every application for the issuance or renewal of an adult live entertainment parlour license to:

(a) the Chief Building Official;

(b) the Municipal Planner

(c) the Fire Chief;

(d) the Chief of Police;

(e) the Medical Officer of Health; and

(f) such other civic departments, boards, commissions, authorities or other agencies as the Town Clerk considers may have an interest in the application; who shall submit comments or recommendations to the Town Clerk in respect of the application within such time as the Town Clerk may specify.

**3.19 Issuance - renewal - rejected - conditions**

The Town Clerk shall issue an adult live entertainment parlour license or renewal thereof to an applicant, except where:

- (a) the applicant, or an individual who is a member of a partnership that is the applicant, is not a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (b) the past conduct of the applicant, or an individual who is a member of a partnership that is the applicant, affords reasonable grounds for belief that the business of the adult live entertainment parlour will not be carried on in accordance with law;
- (c) the applicant is a corporation or a partnership of which a member is a corporation and:
  - (i) a majority of the members of the board of directors are not Canadian citizens or persons lawfully admitted to Canada for permanent residence and ordinarily resident in Canada; or
  - (ii) the past conduct of its officers, or directors, or of a shareholder who owns or controls 10 per cent or more of its issued and outstanding voting and non-voting shares, affords reasonable grounds for belief that the business of the adult live entertainment parlour will not be carried on in accordance with law;
- (d) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this by-law;
- (e) the premises in which the adult live entertainment parlour is, or will be, located do not comply with the provisions or requirements of this by-law;
- (f) in the case of an application for a license, all licenses authorized by this Part of this by-law have been issued or renewed and are outstanding;
- (g) the application therefor is incomplete.

**3.20 License certificate - issued - by Town Clerk**

The Town Clerk is authorized to provide one or more certificates to the holder of a license as evidence of the issuance or renewal of the license held by him.

**3.21 Conditions - restrictions**

- (a) Every license that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold and renewing a license all of which shall be performed and observed by the holder of the license or by the operator of an adult live entertainment parlour:
  - (i) the holder of a license or the operator of an adult live entertainment parlour shall not present a live performance in the adult live entertainment parlour:
    - (1) on Good Friday or Christmas Day; or
    - (2) at any other time except between 12 noon to 2 a.m. of the following day on Monday to Saturday;
  - (ii) subject to section 3.21(a)(iii) of this Part of this By-law, the holder of a license or the operator of an adult live entertainment parlour shall not permit any person under the age of 18 years to enter and remain in the adult live entertainment parlour where such premises is not licensed under the *Liquor License Act*;
  - (iii) the holder of a license or the operator of an adult live entertainment parlour shall not permit any person under the age of 19 years to enter and remain in the adult live entertainment parlour during the hours of operation where the premises are licensed under the *Liquor License Act*, and it is a term and condition of that license that the holder of that license shall not permit any person under or apparently under the age of 19 years to enter or remain upon licensed premises;
  - (iv) the holder of a license or the operator of an adult live entertainment parlour shall ensure that evidence as to the age of the person, satisfactory to the license holder, is obtained prior to permitting a person apparently under the age of 18 years to enter or remain on premises mentioned in section 3.21(a)(ii) of this Part of this by-law, or under the age of 19 years to enter or remain on premises mentioned in section 3.21(a)(iii) of this Part of this by-law during hours of operation;
  - (v) the holder of a license or the operator of an adult live entertainment parlour shall not employ a person under the age of 18 years to entertain in an adult live entertainment parlour;
  - (vi) the holder of a license or the operator of an adult live entertainment parlour shall, at the request of a person carrying out an inspection pursuant to this by-law, or a police officer, request evidence as to the age of any person in the adult live entertainment parlour whom the inspector or police officer believes may be under the age mentioned in sections 3.21(a)(ii), 3.21(a)(iii) and 3.21(a)(v) of this Part of this by-law;
  - (vii) the holder of the license or the operator of an adult live entertainment parlour shall not refuse entry to a person carrying out an inspection pursuant to this by-law or to a police officer in the course of his duties at any time during the hours of operation;
  - (viii) the holder of a license or the operator of an adult live entertainment parlour shall not construct or equip the premises in which an adult live entertainment parlour is located so as to hinder or prevent entry by a person carrying out an inspection pursuant to this by-law, or by a police officer in the course of his duties, at any time during the hours of operation;
  - (ix) the holder of a license or the operator of an adult live entertainment parlour shall not permit any person to carry on the activity, outside the premises of shouting or speaking to or distributing handbills to persons passing by for the purpose of promoting the adult live entertainment parlour or soliciting persons passing by to patronize or enter the adult live entertainment parlour;
  - (x) the holder of a license or the operator of an adult live entertainment parlour shall not use any public address system, sound equipment, loud speaker or similar devices outside the premises in which an adult live entertainment parlour is located;

(xi) the holder of a license or the operator of an adult live entertainment parlour shall not use any sign, advertising or advertising device, including any printed matter, posted or used outside the premises for the purpose of promoting the adult live entertainment parlour, nor any photograph, drawing or other artistic rendering appealing to, or designed to appeal to, erotic or sexual appetites that shows:

- (1) the nipples or areolae uncovered of a female person or the pubic, perineal or perianal areas uncovered of a male or female person; or
- (2) the act, whether actual or simulated, of sexual intercourse, cunnilingus, fellatio, buggery, bestiality, masturbation, urination or defecation, or the bonding, flagellation, mutilation, maiming or murder of one or more human beings;

(b) Every license that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold and renewing a license all of which shall be performed and observed by the holder of the license:

- (i) the holder of the license, or an individual who is a member of a partnership that is the holder of the license, shall be a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (ii) the conduct of the holder of the license or an individual who is a member of a partnership that is the holder of the license shall not afford reasonable grounds for belief that the business of the adult live entertainment parlour is being carried on contrary to law;
- (iii) where the holder of the license is a corporation, or a partnership of which a member is a corporation, the conduct of its officers or directors or of a shareholder who owns or controls 10 per cent or more of its issued and outstanding voting and non-voting shares shall not afford reasonable grounds for belief that the business of the adult live entertainment parlour is being carried on contrary to law;
- (iv) where the holder of the license is a corporation, or a partnership of which a member is a corporation, a majority of the members of the board of directors shall be Canadian citizens or persons lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (v) where the holder of the license is a corporation, it shall, within 15 days after the event, notify the Town Clerk in writing where there is a change in an officer or director of the corporation or where there is a change in the controlling interest;
- (vi) the premises in which an adult live entertainment parlour is located shall be in accordance with the requirements of the *Building Code Act* and the Regulations thereunder, the *Fire Protection and Prevention Act, 1997* and the Regulations thereunder, and any by-law of the Corporation prescribing standards for the maintenance and occupancy of property within the Town;
- (vii) where premises in which an adult live entertainment parlour is located are altered and a building permit is required to carry out the alterations, the premises, as altered, shall be in accordance with the *Building Code Act* and the Regulations thereunder, the *Fire Protection and Prevention Act, 1997* and the Regulations thereunder, and any by-law of the Corporation prescribing standards for the maintenance and occupancy of property within the Town;
- (viii) the use of the premises for the purpose of an adult live entertainment parlour is permitted or conforms with the uses of the premises permitted under the applicable zoning by-law or is a legal non-conforming use;
- (ix) the premises in which an adult live entertainment parlour is located shall be constructed so that the entertainment cannot be seen or heard outside the premises;
- (x) the use of any licensed premises for the purposes of an adult live entertainment parlour shall not extend to any part of the premises used for residential purposes and no lodging unit or dwelling unit in a building licensed as an adult live entertainment parlour shall be employed for any live performance as defined under this Part of the by-law;
- (xi) no entrance to any residential use in a building licensed under this by-law shall be through any part of the premises used for purposes of the adult live entertainment parlour.
- (xii) the owner or operator shall have a contractual or proprietary interest in the lands and premises upon which the business is to be operated which will enable the owner or operator to carry on the business.
- (xiii) the holder of a license or the operator of an adult live entertainment parlour shall ensure that no services or live entertainment are visible from outside the premises in which the adult entertainment parlour is located.

### **3.22 Amendment - sections 3.23 to 3.28 - Defined**

Any reference to amending this Part of this by-law and any process relating thereto that is described in sections 3.23 to 3.28, inclusive, of this Part of this by-law shall apply only to:

- (a) an amendment to increase the maximum number of licenses authorized by this by-law; or
- (b) an amendment to designate any property in the Town as a defined area in which an adult live entertainment parlour is allowed.

### **3.23 Amendment - to by-laws - request - to Town Clerk**

Any request for an amendment to this Part of this by-law shall be made to the Town Clerk and shall be accompanied by a fully completed application for the issuance of an Adult Live Entertainment Parlour License.

### **3.24 Amendment - circulation - appropriate authorities**

The Town Clerk shall provide notice and particulars of the request to:

- (a) the Chief Building Official;
- (b) the Municipal Planner;
- (c) the Fire Chief;
- (d) the Chief of Police;
- (e) the Medical Officer of Health;
- (f) and such other civic departments, boards, commissions, authorities or other agencies as the Town Clerk considers may have an interest in the application; who shall submit comments and recommendations to the Town Clerk in respect

of the request within such time, which shall not be less than 30 days from the notice by the Town Clerk of the request, as the Town Clerk may specify in the notice.

### **3.25 Amendment - submission - to Planning Advisory Committee**

The comments and recommendations received by the Town Clerk in response to his notice, together with any additional information that he considers necessary:

(a) shall be submitted to the Planning Advisory Committee with any comments, recommendations or information which are of a confidential nature being identified as such; and

(b) shall be made available to the requester, and may be made available to any other person, except any comments, recommendations or information which are of a confidential nature.

### **3.26 Amendment - meeting - public participation**

Before an amendment to this Part of this By-law is passed, the Planning Advisory Committee shall hold at least one meeting that is open to the public, for the purpose of affording an opportunity to the requester and any other person who attends the meeting to make submissions in respect of the request.

### **3.27 Amendment - notice of meeting**

Notice of the Planning Advisory Committee's public meeting shall be given at least 15 days prior to the date of the meeting:

(a) by personal service or prepaid first class mail, to every person assessed in respect of land:

(i) in the defined area to which the amendment to this by-law would apply; and

(ii) within 120 metres (400 feet) of the defined area to which the amendment to this Part of this By-law would apply; as shown on the last revised assessment roll of the Town at the address shown on the roll, but where the Town Clerk has received written notice of a change of ownership or occupancy of land, notice shall be given only to the new owner or occupant, as the case may be, at the address set out in the written notice;

(b) by posting a notice of the meeting, clearly visible and legible from a public highway or other place to which the public has access, at the property in the defined area to which the amendments to this by-law would apply, or, where posting on the property is impractical, at a nearby location chosen by the Town Clerk;

(c) by publication once in a newspaper that is, in the Town Clerk's opinion, of sufficiently general circulation in the vicinity where the property is located to give the public reasonable notice of the meeting;

(d) by personal service or prepaid first class mail to every person and agency that has given the Town Clerk a written request for such notice at the person's or agency's address.

### **3.28 Planning Advisory Committee - proceeding - duties**

The Planning Advisory Committee:

(a) shall give due consideration to the comments, recommendations and information submitted to it;

(b) shall, during a portion of the meeting that is open to the public, afford the requester and any other person who attends the meeting an opportunity to make submissions in respect of the request;

(c) may close a portion of the meeting to the public and to the requester only for the purpose of receiving confidential legal advice;

(d) shall recommend to the Council whether or not to make an amendment to this by-law.

### **3.29 Non Renewal/Termination of License - Defined Location - Clerk to Report**

Where the Town Clerk reasonably believes that during any period of six (6) consecutive calendar months no adult live entertainment has been provided in an adult live entertainment parlour in respect of which,

(a) a license issued under this Part of this By-law has expired or has been terminated before or during such period; and

(b) the license has not been renewed or no new license has been issued prior to the end of such period, the Town Clerk shall report such belief to the Council for the purpose of the Council giving consideration to whether or not the location of the adult live entertainment parlour should be deleted as a defined area or location mentioned in paragraph (a) of section 3.12 of this Part of this by-law.

## **Part 4**

### **AUCTIONEER**

#### **4.1 Definitions**

In this Part:

**Auctioneer - defined**

"auctioneer" shall mean a person carrying on the business of selling or putting up for sale, goods, wares, merchandise or effects by public auction.

**4.2 Operation - without valid license - prohibited**

No person shall, in the Town:

- (a) carry on any activity as an auctioneer; or
- (b) sell, or put up for sale, goods, wares, merchandise or effects, by public auction, without holding a current valid license for such business issued under the provisions of this by-law.

**4.3 Exemption - from license requirement**

This Part of this by-law shall not apply to:

- (a) a sheriff or bailiff offering for sale goods or chattels seized under a writ of execution or distrained for rent;
- (b) a sale of land by auction; and
- (c) any person who intends to sell, or put up for sale, goods, wares, merchandise or effects by public auction, if such person has engaged the services of a licensed auctioneer to conduct the sale.

**Part 5****BOWLING ALLEYS****5.1 Definitions**

In this Part:

**Bowling alley - defined**

"bowling alley" shall mean a building, room or area which is devoted to the offering of facilities for the game of bowling.

**5.2 Operation - without valid license - prohibited**

No person shall, in the Town, operate a bowling alley without holding a current valid license for such premises or business issued under the provisions of this by-law.

**Part 6****EATING ESTABLISHMENTS AND FOOD SHOPS****6.1 Definitions**

In this Part:

**Eating establishment - defined**

"eating establishment" shall mean a restaurant where food is prepared and offered for retail sale and where facilities are provided for the consumption of such food on the premises, but does not include a hotel.

**Food shop - defined**

"food shop" shall mean any place wherein food stuffs intended for human consumption are made for sale, offered for sale, stored or sold, but is not intended to be a place where food stuffs are consumed on the premises.

**6.2 License - classes - eating establishments**

The following classes of eating establishment are hereby established:

- Class 1 is an eating establishment with a seating capacity of 50 or more people.
- Class 2 is an eating establishment with a seating capacity of 20 to 49 people.
- Class 3 is an eating establishment with a seating capacity of fewer than 20 people.

**6.3 Operation - without valid license - prohibited**

No person shall, in the Town, operate an eating establishment or food shop without holding a current valid license for such business issued under the provisions of this by-law.

**Part 7****ELECTRICAL CONTRACTORS**

## **MASTER ELECTRICIANS**

### **7.1 Definitions**

In this Part:

#### **Electrical contractor - defined**

"electrical contractor" shall mean a person who is licensed to operate an electrical contracting business under Ontario Regulation 570/05, under the *Electricity Act, 1998*, and, as principal, servant or agent, by himself or his associates, employees servants or agents, performs, engages to perform or offers to perform for another person, for or without remuneration or gain, any work in respect of an electrical installation or any other work to which any Regulation under the *Electricity Act, 1998*, or to which the *Electrical Safety Code* applies, save and except any person or persons who are employees of a public service commission or public service corporation.

#### **Journey person electrician - defined**

"journeyperson electrician" shall mean a person who has been issued a certificate of qualification under the *Trades Qualification and Apprenticeship Act, 1998* in the trade of construction and maintenance electrician by the Province of Ontario;

#### **Master electrician - defined**

"master electrician" shall mean a person who is licensed under Ontario Regulation 570/05, under the *Electricity Act, 1998*, to assume responsibilities on behalf of an electrical contractor, for the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules, and regulations governing the same, and who himself, or by journeyperson electricians in his employ, performs electrical work.

### **7.2 Operation - without valid license - prohibited**

No person shall carry on any activity as an electrical contractor in the Town without holding a current valid license for such business issued under the provisions of this by-law.

### **7.3 Liability Insurance - Workplace Insurance Safety Board coverage**

No person shall in the Town carry on any activity as an electrical contractor without filing with the Town Clerk with an initial application for an electrical contractor's business license and for each such renewal thereof:

(a) proof of liability insurance in the amount of \$2,000,000.00 inclusive of public liability and property damage; and

(b) where the electrical contractor employs persons other than himself/herself, a certificate of clearance from the Workplace Safety Insurance Board.

### **7.4 Special license - experts - specialists - required**

A special license may be issued with the approval of the Council to permit a qualified expert or specialist to install special wiring and connections for electrical experiments, research work or new inventions at a specified location, provided that the other provisions of this by-law are complied with.

### **7.5 License - not required - public services**

This Part of this by-law shall not apply to employees of Hydro One, of a Hydro Electrical Commission or of a corporation supplying public utilities.

### **7.6 License - not required - visiting theatrical companies**

Electricians employed by visiting theatrical or performing companies may work without a license as assistants to and under the supervision of an electrician certified by the Province of Ontario or licensed under this by-law.

### **7.7 Name - use - other than licensed - prohibited**

No holder of an Electrical Contractor's License shall advertise, promote or carry on such business under any name other than that appearing on the license.

### **7.8 Change in information - reported - licensee - duty**

Any change in the membership of an electrical contracting firm or in the management or controlling ownership of a corporation, or in the identity of a licensed master electrician with either a firm or corporation, shall be promptly reported to the Town Clerk, as well as every change in business address.

## **Part 8**

### **HAIRSTYLING SHOP**

**8.1 Definitions**

In this Part:

**Hairstylist - defined**

"hairstylist" shall include hairdresser, hairstylist and barber.

**Hairstyling shop - defined**

"hairstyling shop" shall include any premises used as a hairdressing establishment, barber shop or hairstyling shop.

**8.2 Operation - without valid license - prohibited**

No person shall, in the Town, operate a hairstyling shop without holding a current valid license for such business issued under the provisions of this by-law.

**8.3 Qualification - certificate - apprentice registration**

No holder of a hairstyling shop license issued under the provisions of this by-law shall do any work usually performed by a hairstylist, or permit any person to work in such licensed hairstyling shop as a hairstylist, or to do any work usually performed by a hairstylist, unless such holder or person:

(a) holds a current valid certificate of qualification issued pursuant to the provisions of the *Apprenticeship and Certification Act, 1998* and the Regulations passed thereunder; or

(b) is an apprentice hairdresser, duly registered under the *Apprenticeship and Certification Act, 1998*, or is a person to whom authority, in writing, to work on probation as a hairdresser has been issued under the said Act or the Regulations passed thereunder.

**8.4 Communicable disease - employee with - prohibited**

No holder of a hairstyling shop license issued under this by-law, shall employ any person, or allow any person, to do any work as a hairstylist, or any work usually performed by a hairstylist, in the licensed hairstyling shop, who has any communicable disease which, in the opinion of the Medical Officer of Health, is injurious, or likely to be injurious, to the health of the persons patronizing such establishment.

**8.5 Premises - clean - sanitary condition**

Every holder of a Hairstyling Shop License issued under this by-law shall keep the premises used for a hairstyling shop and all the utensils, equipment and supplies therein, in a clean and sanitary condition, to the satisfaction of the Medical Officer of Health.

**Part 9****HAWKER - PEDDLER - INCLUDING FLEA MARKET, LOCAL RETAILER****CRAFT SHOW - ANTIQUE SHOW****9.1 Definitions**

In this Part:

**Hawker - peddler – defined**

"Hawker" or "Peddler" includes:

(a) any person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the Town afterwards; and

(b) any retailer which has an employee or agent who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the Town afterwards;

(c) but excludes a consumer show open to the public or a trade show open by invitation or registration only, the primary purposes of which are the display of goods and products and not the direct sale of them.

**Local Retailer - defined**

"Local retailer" shall mean any individual or business which provides for the selling or offering for sale of goods or services at a building or structure located within the Town of Fort Frances which is subject to property tax in the Town

**Registered Charitable Organization - defined**

"Registered charitable organization" shall mean any charity that is registered or is eligible to be registered with the Federal Government and has a registered charity number that has been issued.

**9.2 License - classes**

The following classes of "hawker" or "peddler" are hereby established:

Class 1 - "Day Sales" (A) shall include the sale of goods such as, but not limited to, flowers, and fresh produce, for a one to three day period from one specific location such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot where the use is permitted in the Zoning By-law. (B) shall include if not inconsistent with any other law, the sale of fireworks for a one to seven day period from one specific location such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot where the use is permitted in the Zoning By-law.

Class 2 - "Seasonal Sales" shall include temporary businesses such as, but not limited to, gardening product sales and Christmas tree sales for one period of up to three months from one specific location such as, but not limited to, a parking lot or a vacant commercial lot and may include the use of a temporary structure such as a greenhouse or sales office where the use is permitted in the Zoning By-law.

Class 3 - "Door-to-Door Sales" shall include any business, person or organization that has sales conducted on his/her or its behalf by door-to-door solicitation.

Class 4 - "Door-to-Door Sales Person" shall include any person involved with the sale of goods on a door-to-door basis including sales persons or agents and any person supervising or managing the sale or sales persons.

Class 5 - "Antique/Collectible shall include the exhibiting or offering for sale, on a Show" temporary basis, at one location, antique or collectible goods, wares or merchandise.

Class 6 - "Craft Show" shall include the exhibiting or offering for sale, on a temporary basis, at one location by Canadian crafts people, goods, wares or merchandise which they themselves have produced.

Class 7 - "Trade Show" shall include the exhibiting or offering for sale, on a temporary basis, at one location by several manufacturers or distributors, goods, wares or merchandise which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer; but, excludes a consumer show open to the public or a trade show open by invitation or registration only, the primary purpose of which is the display of goods and products and not the direct sale of them, and also excludes a consumer show or trade show operating as an integral part of a convention or conference.

Class 8 - "Flea Market" shall include the exhibiting or offering for sale, on a temporary basis, at one location by two or more vendors, a variety of goods, wares or merchandise, but does not include a sale that consists of one type of goods, wares or merchandise; and also does not include a Flea Market that is in business on a permanent basis and for which business taxes are being paid for the current year.

Class - 9 - "General" shall include any "hawker" or "peddler" excluding classes 1 to 8 as defined in section 9.2.

**9.3 Operation - without valid license – prohibited**

No person shall, in the Town:

- (a) carry on the business of hawker or peddler; or
- (b) be engaged in services to the public in connection with the business of a hawker or peddler; or
- (c) operate a flea market, a craft show or an antique show or operate a place where others may offer for sale and sell goods, wares or merchandise to the public contrary to this Part of this bylaw; without holding a current valid license for such business issued under the provisions of this by-law, or
- (d) carry on the business of local retailer

**9.4 License - of employee - transferable**

Notwithstanding section 2.12 of this by-law, the license of an employee of a hawker or peddler requiring their own license shall be transferable to another employee upon the return of the original license issued by the Town Clerk and upon the completion of an application form by the new employee.

**9.5 Exemption - from license - flea market - antique show**

Notwithstanding any other section of this by-law, a person who, if it were not for this section, is otherwise required to be licensed under this by-law, and who offers for sale or sells goods, wares, or merchandise to the public at a flea market, craft show or antique show or place which is licensed under this by-law, is not required to be licensed under this Part for the purposes of offering for sale or selling goods, wares or merchandise to the public at such flea market, craft show, antique or collectible show, trade show or place.

**9.6 Exemption - from license - other circumstances**

Notwithstanding section 9.3 of this by-law, no Hawkers and Peddlers License shall be required for hawking, peddling or selling goods, wares or merchandise:

(a) to wholesale or retail dealers in similar goods, wares or merchandise; or

(b) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the Town in respect of premises used for the sale of such goods, wares or merchandise; or

(c) existing local retailers are exempt from obtaining a hawker or peddler's license and paying a license fee for "day sales" or "seasonal sales" if the temporary selling activity is an extension of the existing business at that location; or

(d) local farm growers are exempt from obtaining a hawker or peddler's license and paying a license fee for "day sales" or "seasonal sales" if the produce they are selling is being sold from their own property and has been grown and harvested by them.

(e) if the goods, wares or merchandise are hawked, peddled or sold at a Special Event as defined by Town Policy and for which a Special Events Permit has been obtained.

### **9.7 Exemption - from license - onus - on person charged**

In a prosecution for a breach of this Part of this by-law, the onus of proving that he does not, for any of the reasons mentioned in section 9.5 or section 9.6 of this by-law, require to be licensed is upon the person charged.

### **9.8 Public park - permit - Corporation**

No person licensed, or required to be licensed, as a "hawker" or "peddler" shall carry on the business of a hawker or peddler in any public park in the Town except under a permit of the Corporation.

### **9.9 Exemption from License Fees**

(a) Registered charitable organizations shall be required to obtain a hawker or peddler license for "day sales" or "seasonal sales" but shall be exempt from paying the appropriate license fee.

(b) Existing local retailers shall be required to obtain a hawker or peddler license for "day sales" or "seasonal sales" if the retailer is operating at an alternate temporary location but shall be exempt from paying the appropriate license fee".

## **Part 10**

### **MOTOR VEHICLE TOWING**

#### **10.1 Definitions**

In this Part,

#### **Motor vehicle - defined**

"motor vehicle" shall mean an automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*, as amended.

#### **Person - business of towing motor vehicles - defined**

"person carrying on the business of towing motor vehicles" shall mean a person who, for gain or hire, tows motor vehicles.

#### **Tow and Towing— defined**

"tow" and "towing" shall mean to hook, lift, or connect a vehicle to a tow truck or otherwise convey a motor vehicle by utilizing an attached tow truck and includes conveying a motor vehicle on the flat bed of a truck designed for the purpose of carrying a single motor vehicle.

#### **10.2 Operation - without valid license - prohibited**

No person shall, in the Town:

(a) carry on the business of towing motor vehicles where the business, or any part of it, involves the towing of any motor vehicle from any place within Town whether with or without the consent of the owner or operator of such vehicle.

without holding a current valid license for such business issued under the provisions of this by-law.

### **10.3 Application - license - renewal - requirements**

Every application for the issuance or renewal of a towing company license shall be made to the Town Clerk and shall contain the following information:

- (a) the full name, street address and mailing address of the applicant;
- (b) whether the applicant is a sole proprietorship, partnership or corporation;
- (c) where the applicant is a sole proprietorship or partnership, the full name, street address, and mailing address of the individual comprising the sole proprietorship or of each individual who is a member of the partnership;
- (d) where the applicant is a corporation or a partnership of which a member is a corporation, the full name, street address and mailing address of the corporation;

### **10.4 Application - circulation - to appropriate authorities**

The Town Clerk shall provide a copy of every application for the issuance or renewal of a license to such civic departments, boards, commissions, authorities or other agencies as the Town Clerk considers may have an interest in the application, which such shall submit comments or recommendations to the Town Clerk in respect of the application within a time specified by the Town Clerk.

### **10.5 License - ownership - privilege - limitation**

The privilege to operate a towing business conferred by a license issued under this Part of this by-law may be enjoyed only by the person named in the license or renewal certificate as the holder of the license.

### **10.6 License - property of Town- transfer - other - prohibited**

Every license issued under this Part of this by-law at all times is owned by and is the property of the Corporation and no license may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized, distrained or otherwise dealt with.

## **Part 11**

### **PLACE OF AMUSEMENT**

#### **11.1 Definitions**

In this Part:

##### **Adult person - defined**

"adult person" shall mean a person who has attained the age of 18 years or more.

##### **Place of amusement - defined**

"place of amusement" shall mean a building, room or area or premises or separate part of a premises:

- (a) wherein for profit or gain, two or more amusement machines are provided for use by the public, or
- (b) which is devoted to the offering of facilities for the play of:
  - (i). more than three games of chance; or
  - (ii). more than three games of mixed chance and skill for the amusement of the public, which is not contrary to the *Criminal Code of Canada* but does not include premises in which the only amusement facilities offered are pool tables, billiard tables or bowling alleys.

#### **11.2 Operation - without valid license - prohibited**

No person shall, in the Town, operate a place of amusement without holding a current valid license for such premises or business issued under the provisions of this by-law.

#### **11.3 Permitted Location**

A place of amusement must be located in accordance with any applicable zoning by-law, including Zoning By-Law No. 8/98 or any successor thereto.

#### **11.4 Information - requirements - application form - duty**

In addition to all other information required on the application form for a Place of Amusement License, where the applicant is an individual, the following information shall also be provided:

- (a) all addresses at which the applicant has resided or carried on business during the past 2 years;
- (b) other names by which the applicant has carried on business or has been known within the past 2 years.

#### **11.5 Hours of operation - restrictions**

No person who is a holder of a Place of Amusement License shall operate a place of amusement:

- (a) on any day which is a "holiday" under the *Retail Business Holidays Act*, except between the hours of 1:00 o'clock in the afternoon of that day and 11:00 o'clock in the afternoon of the same day (local time); or
- (b) on any Friday or Saturday that is not a "holiday" under clause (a) above except between the hours of 9:00 o'clock in the forenoon and 12:00 o'clock midnight (local time);
- (c) on any other day that is not subject to clause (a) or clause (b) above except between 9:00 o'clock in the forenoon and 11:00 o'clock in the afternoon of the same day (local time).

#### **11.6 Lighting - sufficient - safe use by public**

No person who is a holder of a Place of Amusement License shall fail to have every part of the place of amusement sufficiently lighted so as to permit the safe use of the facility by the public.

#### **11.7 Waste receptacles - location - accessible to users**

No person who is a holder of a Place of Amusement License shall fail to locate within the place of amusement waste receptacles accessible to users of the premises.

#### **11.8 Supervision - by adult person - at all times**

No person who is a holder of a Place of Amusement License shall fail to have the place of amusement supervised by an adult person who shall remain on the premises at all times when the premises are open in accordance with this by-law.

### **Part 12**

#### **PLUMBERS**

##### **12.1 Definitions**

In this Part:

##### **Plumbing - defined**

"plumbing" shall mean:

- (a) a system of connected piping, fittings, valves and appurtenances that receives water from a private source of supply or from a public water main and conveys the water into and within a building or to a place of use on a property;
- (b) fixtures and fixture trim;
- (c) drainage piping, including all traps, fittings and appurtenances, within a building;
- (d) storm drainage piping within a building; and
- (e) a venting system, including all fittings and appurtenances.

##### **Plumbing Contractor - defined**

"plumbing contractor" shall mean any person who as principal, servant or agent, by himself or his associates, employees, servants or agents, performs for another person, for or without remuneration or gain any plumbing work.

##### **Plumbing work - defined**

"plumbing work" shall mean plumbing which is done by a person to premises other than his own residence but does not include the replacement of a hot water heater.

##### **Journeyman plumber - defined**

"journeyman plumber" shall mean a person who has been issued a certificate of qualification in the trade of plumber under the *Trades Qualification and Apprenticeship Act, 1998*.

##### **12.2 Operation - without valid license - prohibited**

No person shall carry on any activity as a plumbing contractor in the Town without holding a current valid license for such business issued under the provisions of this by-law.

### **12.3 Licensing requirements - plumbing contractor**

Only persons who are qualified journeyperson plumbers or who have in their employ a person qualified as a journeyperson plumber may be licensed under this part as a plumbing contractor.

### **12.4 Plumbing contractor - liability insurance - WSIB certificate**

No person shall in the Town carry on any activity as a plumbing contractor without filing with the Town Clerk an initial application for a plumbing contractor's business license and for each such renewal thereof:

- (a) proof of liability insurance in the amount of \$1,000,000.00 inclusive of public liability and property damage; and
- (b) where the plumbing contractor employs persons other than himself/herself, a certificate of clearance from the Workplace Safety Insurance Board.

### **12.5 Exemption - from license - requirement**

The following shall be exempt from the requirements to be licensed under the provisions of this Part of this bylaw:

- (a) a person who contracts to construct a new dwelling unit may contract to provide the plumbing for such dwelling unit so long as all such work is done under a building permit by a plumbing contractor licensed under this Part;
- (b) a person who holds a certificate of qualification under the *Trades Qualification and Apprenticeship Act* in the trade of plumber as a journeyperson or apprentice plumber may do plumbing work or drainage work while working in the service of and under the direction of a person who is a plumbing contractor licensed under this Part.

### **12.6 Journey person - apprentice - provincial papers - required**

No person who is qualified as a journeyperson or apprentice plumber shall fail to carry a copy of his provincial papers with him at any time that he is doing plumbing or drainage work and shall not fail to produce the papers upon the demand of a municipal inspector.

### **12.7 Journeyperson - apprentice - permitted work - conditions**

A person who holds a certificate of qualification under the *Trades Qualification and Apprenticeship Act* in the trade of plumber as a journeyperson or apprentice plumber may do plumbing work or drainage work:

- (a) while working in the service of and at the direction of a plumbing contractor licensed under this Part or
- (b) as a journeyperson plumber while working in the service of his employer within premises which are owned and occupied by such employer for the employer's own business purposes, [or](#)
- (c) as an apprentice while working under the direct supervision of a journeyperson

## **Part 13**

### **PUBLIC GARAGE (AUTOMOTIVE RENTAL, SALES, AND SERVICE)**

#### **13.1 Definitions**

In this Part,

#### **Motor vehicle service station - defined**

"motor vehicle service station" shall mean a building, place or structure where gasoline, propane, natural gas, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs, batteries and automotive accessories for motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, and where mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed.

#### **Motor Vehicle – defined**

"motor vehicle" includes an automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*, as amended.

#### **Public garage - defined**

"public garage" includes any of the classes of public garage established in section 13.2 of this by-law.

#### **13.2 License - classes - public garage**

The following classes of public garage are hereby established:

Class 1 shall include a building or place where motor vehicles are hired or kept or used for hire;  
 Class 2 shall include a building or place where motor vehicles are stored or kept for sale;  
 Class 3 shall include a place being an open lot only where motor vehicles are stored or kept for sale;  
 Class 4 shall include a building or place where gasoline or oil products are stored or kept for sale;  
 Class 5 shall include a building or place used as a motor vehicle repair shop;  
 Class 6 shall include a building or place used for washing or cleaning motor vehicles; and  
 Class 7 shall include an motor vehicle service station.

### **13.3 Operation - without valid license - prohibited**

No person shall, in the Town, operate a public garage without holding a current valid license for such premises or business issued under the provisions of this by-law.

### **13.4 No operation - contrary to this Part of by-law**

No person shall operate a public garage contrary to this Part of this by-law.

### **13.5 License - limited - specific uses**

Any Public Garage License issued under the provisions of this by-law may be for all or any of the purposes or classifications which are included in section 13.2 of this by-law, but the license shall be limited to the purposes of the class designated therein.

### **13.6 Classification of garage - designated - in application**

Every applicant for a Public Garage License shall indicate on the application form the class or classes of the proposed business as provided in section 13.2 of this by-law.

### **13.7 Signs - posted - conspicuous - size - requirements**

No person who is an owner or operator of a public garage shall fail to keep affixed upon such public garage, in a conspicuous place, at all times visible to the public, a sign upon which shall be legibly printed in letters 7.6 centimetres (3 inches) or more in height, the name of the owner or operator of such public garage.

## **Part 14**

### **PUBLIC HALL**

#### **14.1 Definitions**

In this Part:

#### **Premises - defined**

"premises" shall include cloak rooms, washrooms, kitchens and other service rooms used in connection therewith.

#### **Public hall – defined**

"public hall" shall mean a building, including a portable building or tent, with seating capacity for over one hundred persons, that is offered for use or is 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.

#### **14.2 Operation - without valid license - prohibited**

No person shall, in the Town, use, or offer for use, any building or part thereof as a public hall without holding a current valid license for such premises or business issued under the provisions of this by-law.

#### **14.3 Exemption - from license - requirement**

No Public Hall License shall be required under this by-law by any religious organization by reason that its hall or building may be used for entertainment given or held by it, but every such hall shall, in all other respects, comply with this by-law.

#### **14.4 Maximum capacity - Prohibited to exceed**

No owner, lessee, licensee or occupant of a public hall shall allow a greater number of persons to enter and to be in the hall at any one time than is stated to be the maximum capacity of the hall on the license.

#### **14.5 Electric wiring - Hydro One - certification**

Every applicant for a Public Hall License shall provide the Town Clerk with a certificate, dated within 3 months of the application, signed by an inspector of Hydro One, certifying that the electric wiring has been inspected and is satisfactory.

**Part 15****REFRESHMENT VEHICLES****15.1 Definitions**

In this Part:

**Refreshment vehicle - defined**

"refreshment vehicle" shall mean any vehicle from which refreshments are sold for consumption by the public and includes, without limiting the generality of the foregoing, carts, wagons, trailers and trucks, irrespective of the type of motive power employed to move the refreshment vehicle from one point to another.

**Waste - defined**

"waste" includes food, disposable eating utensils, paper, wood, cardboard, plastic, glass or metal products used in the preparation, serving or consumption of the food or beverages offered for sale from a refreshment vehicle.

**15.2 License- categories - refreshment vehicles**

The following categories of refreshment vehicle are hereby established:

Category 1 shall include a hand cart or peddled vehicle from which food products are sold from one location on a daily, weekly or annual basis, and where the food products are prepared or cooked on the vehicle or elsewhere.

Category 2 shall include a hand cart or peddled vehicle from which food products are sold and that is moved from one location to another location upon the completion of each sale, and where the food products are prepared or cooked on the vehicle or elsewhere.

Category 3 shall include a vehicle or trailer from which food products are sold from any one location for more than 15 days, not necessarily consecutive, in total in one calendar year, and where the food products are prepared elsewhere.

Category 4 shall include a vehicle or trailer from which food products are sold from various locations but not more than a total of 15 days, not necessarily consecutive, from any one location in one calendar year, and where the food products are prepared elsewhere.

Category 5 shall include a vehicle or trailer from which food products are sold from any one location for more than 15 days, not necessarily consecutive, in total in one calendar year, and where the food products are prepared on the vehicle or trailer.

Category 6 shall include a vehicle or trailer from which sales are conducted from various locations but not more than a total of 15 days, not necessarily consecutive, from any one location in one calendar year and the food products are prepared on the vehicle or trailer.

**15.3 Operation - without valid license - prohibited**

No person shall, in the Town, operate a refreshment vehicle without holding a current valid license issued under the provisions of this by-law.

**15.4 Operator - responsibility - matters - prohibited**

No person shall:

(a) operate a refreshment vehicle on a site located on municipal property without first obtaining the written permission of the respective superintendent or manager of the municipal property;

(b) fail to produce for inspection a written permission obtained as required in (a) of this section when asked to do so by any by-law enforcement officer, police officer or other person enforcing this by-law;

(c) operate a refreshment vehicle within the 200 Block of Scott Street on any day between the hours of 1:00 a.m. and 7:00 a.m.

(d) operate a refreshment vehicle without the vehicle having the name of the licensee displayed on each side thereof in letters at least 10 centimetres (4 inches) in height;

(e) fail to affix a refreshment vehicle license plate issued under the provisions of this Part of this by-law in a conspicuous place on a refreshment vehicle for which it was issued;

(f) fail to display the Refreshment Vehicle License number in figures at least 15 centimetres (6 inches) high on a refreshment vehicle;

(g) allow waste to accumulate at the site from which the refreshment vehicle is operating during the hours of operation of the said refreshment vehicle.

(h) operate a refreshment vehicle which uses propane fuel for the preparation and/or heating of food products without an annual safety certification of such propane components of the vehicle by a certified and registered gas fitter in accordance with the guidelines of the Technical Standards and Safety Authority.

**14.5 Refreshment Vehicle License - separate - each vehicle**

Each refreshment vehicle shall have a separate license pertaining specifically to that refreshment vehicle.

**14.6 Certificate - issued - plate - affixed to vehicle**

The Refreshment Vehicle License consists of a paper certificate of license and a license plate. The license plate shall be affixed to the refreshment vehicle in a conspicuous place.

**14.7 License number - affixed to vehicle - size requirement**

In addition to the requirements of section 14.6 of this Part of this by-law, the license number shall be affixed to the refreshment vehicle in figures at least 15 centimetres (6 inches) high.

**14.8 Health considerations - licensee - responsibility**

Every person to whom a Refreshment Vehicle License is issued under the provisions of this by-law shall, at all times in respect of the premises or the vehicle for which the license has been issued hereunder:

(a) keep the same, together with all utensils and equipment therein, in a clean and sanitary condition to the satisfaction of the Medical Officer of Health;

(b) when requested by the Medical Officer of Health to do so, procure and produce to him a certificate of an approved qualified physician, certifying the good health of any person employed in or occupying the said premises or vehicle, that said person is free from infection or communicable disease; and after a request referred to above, no person in respect of whom such request has been made shall be employed in, be in or occupy the said premises or vehicle without a certificate of the Medical Officer of Health that all requirements have been met.

**Part 15****SECOND-HAND DEALER – SHOP, PAWN SHOP, SALVAGE YARD****15.1 Definitions**

In this Part:

**Salvage yard - defined**

"salvage yard" includes but is not limited to a place where motor vehicles are wrecked or disassembled and resold; a place where second-hand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and a place where used lumber and used building materials are stored for sale or resale.

**Second-hand dealer - defined**

"second-hand dealer" includes a person who goes from house-to-house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods and includes a pawnbroker as defined in the *Pawnbrokers Act*.

**Second-hand goods - defined**

"second-hand goods" includes but is not limited to waste paper, rags, bones, bottles, bicycles, motorcycles, automobile tires, appliances, furniture, clothing, books, jewellery, photographic equipment, computers, electronic equipment, old metal and other scrap material and salvage.

**Second-hand shop or store - defined**

"second-hand shop or store" includes any premises carrying on the business of purchasing, selling, collecting, exchanging or otherwise dealing in second-hand goods and includes a pawn shop.

**15.2 Operation - without valid license - prohibited**

No person shall, in the Town:

- (a) operate any salvage yard for the purchase, sale or exchange of salvage or second-hand goods; or
- (b) operate any shop, including a pawn shop, or store for the purchase, sale or exchange of second-hand goods; or
- (c) except those required to be licensed under sections 15.2 (a) and 15.2 (b) of this Part of this bylaw, carry on the business of purchasing, selling, collecting, exchanging or otherwise dealing in second-hand goods, without holding a current valid license for such premises or business issued under the provisions of this by-law.

**15.3 Partnerships - licensing - application - requirements**

Where a license is applied for under this Part of this by-law by a partnership, the name and address of each member of the partnership shall be given on the application and entered on the license.

**15.4 Class - limitation - goods - upon application**

Upon any application for a license, the Council may limit any license which may be issued, by authorizing the licensee to deal in one class only of salvage or second-hand goods and, in such case, the license shall specify the class or classes of salvage or second-hand goods with which such licensee shall be entitled to deal by virtue of such license, and the licensee shall not be entitled to deal in any other class or classes of salvage or secondhand goods.

#### **15.5 Obliterated serial number - notice - to Police**

No person licensed as an owner or keeper of a salvage yard, shop, store or other premises for the purchase, sale or exchange of salvage or second-hand goods, or as a dealer in salvage or second-hand goods, shall purchase or acquire, from any person, any article or object on which the serial number has been obliterated or mutilated, without first having given the Police Chief 24 hours prior notice of such intended purchases or acquisitions.

#### **15.6 Minors - transactions - prohibited - exception**

No person to whom a license has been issued under the provisions of this Part of this by-law shall acquire directly or indirectly, by purchase, exchange or otherwise, any goods or articles from any minor appearing to be under the age of 18 years, without written authority from a parent or guardian of such minor.

#### **15.7 Suspicious goods - circumstances - information - false**

Every person to whom a license has been issued under the provisions of this Part of this by-law, who has reasonable and probable grounds to believe that a person offering any goods or articles is unable to satisfactorily account for them, or is wilfully giving false information as to the same, or that such goods or articles are stolen or have been illegally obtained, shall refuse to purchase, exchange or otherwise deal with such goods or articles, and shall attempt to obtain the name and address of such person and at once report the same to the Police Department of the Town.

#### **15.8 Premises - yards - maintenance - requirements**

No holder of a Second-Hand - Salvage Yard License or a Second-Hand Shop License shall fail, at all times, to keep and to maintain the premises in respect of which he is so licensed in a manner and condition as shall not violate any provisions of any by-law of the Corporation, or of any law in force in the Town.

#### **15.9 Second-hand goods - confined to licensed premises**

No holder of a Second-Hand - Salvage Yard License or a Second-Hand Shop License shall at any time, leave, place, store, exhibit or expose any salvage or second-hand goods in any place other than within the limits of the premises so licensed.

#### **15.10 Road allowance - restrictions - storage - prohibited**

No holder of a Second-Hand - Salvage Yard License or a Second-Hand Shop License shall store any salvage or second-hand material at any time on any highway.

#### **15.11 Storage - within building - yard - fenced**

No holder of a Second-Hand - Salvage Yard License or a Second-Hand Shop License shall fail to store all offroad vehicles governed by the *Highway Traffic Act* and the Regulations thereunder, or machines of any nature, used in the operation of the licensee's business, where it is practicable to do so, within a building, but where it is not practicable to do so, within the fenced area mentioned in section 15.16 of this by-law.

#### **15.12 Record - maintained - all transactions**

No person licensed, or required to be licensed, pursuant to this Part of this by-law shall fail to keep an accurate record of all goods collected, obtained, purchased or taken in exchange.

#### **15.13 Record - of transaction - made immediately**

No person licensed, or required to be licensed, pursuant to this Part of this by-law shall fail to make the record referred to in section 15.12 of this by-law at the time of the transaction, or immediately thereafter, and such record shall include:

- (a) the date and place of the transaction;
- (b) a full description of the article and serial number, if applicable;
- (c) the consideration given therefor; and
- (d) the name and address of the person from whom the article was acquired.

#### **15.14 Record - open to inspection - Police**

No person licensed, or required to be licensed, pursuant to this Part of this by-law shall fail to make the record referred to in section 15.12 of this by-law open to inspection, at any reasonable time, by any member of the Fort Frances Police Force or any person designated by the Council to enforce this by-law.

**15.15 Material - storage - salvage - second-hand**

No person licensed, or required to be licensed, pursuant to this Part of this by-law shall fail to store salvage and second-hand materials wholly within the limits of the lands fenced in accordance with the requirements of section 19.16 of this by-law and, where it is practical to do so, shall store such salvage and second-hand material within a building.

**15.16 Fence - erected - maintained - minimum requirements**

Notwithstanding any other by-law, regulation, or provision of the Council to the contrary, no person licensed, or required to be licensed, pursuant to this Part of this by-law shall fail to erect and maintain a solid fence having a minimum height of 2.44 metres (8 feet) on all boundaries of a salvage yard to obscure the yard from outside view.

**15.17 Premises - abutting residential zone - trees - planted**

No holder of a Second-Hand - Salvage Yard License or a Second-Hand Shop License shall, where a salvage yard abuts property in a residential zone and in residential use, fail to provide for planting strip consistent with the requirements of the current Zoning By-Law along the outside of the boundaries abutting the said residential property; except that this provision shall not apply where any property abutting a salvage yard is rezoned residential.

**15.18 Building - fence - doors - gates - lockable**

No holder of a Second-Hand - Salvage Yard License or a Second-Hand Shop License shall operate a salvage yard unless every building and fenced area referred to in sections 15.15 and 15.16 of this Part of this by-law is equipped with doors or gates, as the case may be, which shall be kept locked except for the times when in actual use.

**15.19 Salvage pile - height restriction**

No holder of a Second-Hand - Salvage Yard License or a Second-Hand Shop License shall maintain in any salvage yard a salvage pile that exceeds 12.19 metres (40 feet) in height.

**15.20 Premises - abutting residential zone - trees - planted**

No person licensed, or required to be licensed, pursuant to this Part of this by-law shall fail to ensure that where a salvage yard abuts property in a residential zone and in residential use, a row of shrubs or trees of a fastgrowing species:

(a) shall be planted at the earliest possible planting season and maintained along the outside of these boundaries abutting the said residential property;

(b) shall be of 2.44 metres (8 feet) minimum height at planting;

(c) shall be capable of reaching a height of not less than 3.66 metres (12 feet) at maturity; and

(d) shall be planted and maintained at intervals not exceeding 3.05 metres (10 feet);

except that this provision shall not apply where any property abutting a salvage yard is rezoned residential.

**15.21 Salvage pile - height restriction - calculation**

Notwithstanding section 15.19 of this by-law, no person licensed, or required to be licensed, pursuant to this Part of this by-law shall fail to ensure that where any property in a residential zone is within 91.44 metres (300 feet) of a salvage yard, the height of a salvage pile does not exceed the lesser of 12.19 metres (40 feet) or the vertical distance between the ground and the extension of the hypotenuse of a right angle at the property line of the salvage yard:

(a) the vertical side of which triangle is in length either 2.44 metres (8 feet) or the height of the fence at the property line, whichever is greater; and

(b) the horizontal side of which triangle is in length 20.12 metres (66 feet) measured in perpendicular distance from the property line.

**Part 16****OWNERS AND DRIVERS OF AUTOMOBILES, TAXICABS AND LIMOUSINES USED FOR HIRE****16.1 Definitions**

In this Part:

**License – defined**

“license” includes an owner’s license or an operator’s license as may be applicable to the context where used.

**License Inspector – defined**

“License Inspector” is the Superintendent of Planning and Development for the Corporation or a person or persons delegated by him for purposes of this Part.

**Limousine – defined**

“limousine” includes a vehicle other than a taxicab kept or used for hire for the conveyance of passengers whether wholly within the Town or to any point not more than five (5) kilometres beyond the Town’s limits but shall not include a bus, ambulance, funeral hearse or vehicles rented or leased without operators.

**Operator’s license – defined**

“operator’s license” is a license granted by the Town Clerk to drive in the Town of Fort Frances a taxicab or limousine.

**Owner’s license – defined**

“owner’s license” is a license granted by the Town Clerk to operate in the Town of Fort Frances one (1) or more taxicabs and or limousines.

**Taxicab – defined**

“taxicab” includes a cab, taxi, motor or other vehicle having a normal seating capacity of not more than seven persons, exclusive of the driver, kept or used for hire for the conveyance of passengers whether wholly within the Town or to any point not more than five (5) kilometres beyond the Town’s limits but shall not include a bus, ambulance, funeral hearse or vehicles rented or leased without operators.

**Town – defined**

“Town” includes, in addition to the definition attributed to Town elsewhere in this by-law, the Fort Frances Municipal Airport.

**16.2 License Inspector – powers, duties**

The License Inspector shall perform the following:

- i) make all necessary inquiries concerning applications for licenses or transfers of same and to make a recommendation thereon;
- ii) inspect every taxicab, limousine and the necessary equipment thereof of every applicant for a license prior to making a recommendation thereon, including renewal, new or transfer applications.
- iii) inspect periodically, or as may be required by the Council, any taxicab at any time and/or any operator during a conveyance of passengers or parcels.
- iv) recommend to the Town Clerk to suspend or revoke any license for any infraction of any of the terms of this by-law.
- v) prosecute all persons who shall offend against any of the provisions of this Part.

**16.3 License Issuer – powers, duties**

The License Issuer shall perform the following:

- a) receive all license applications and upon receipt of the recommendation of the License Inspector, may approve and issue such licenses or may refer such applications to the Council;
- b) furnish each person receiving a license one copy of this by-law, each driver with a badge or other means of identification and each taxi a tariff card.

**16.4 Requirement for license – owner’s**

No person shall own or maintain, by himself or in partnership with any other person, a taxicab or limousine without having obtained an owner’s license and such person shall, prior to obtaining his license, pay to the Town Treasurer such fee as set out in the Schedule of Fees attached to and forming part of the Town’s Fees By-law. The names, addresses and titles of all owners and officers of the Company shall be set out in all applications.

**16.5 Requirement for license – operator’s**

No person shall drive, or act as a driver of, any taxicab or limousine without having obtained an operator’s license and such person shall, prior to obtaining his license, pay to the Town Treasurer such fee as set out in the Schedule of Fees attached to and forming part of the Town’s Fees By-law.

**16.6 Owner - not employ driver who is not licensed**

No licensed owner of any taxicab shall employ any driver for such taxicab or permit anyone to drive such taxicab other than a driver who has been issued an operator’s license.

**16.7 application on form provided by the Corporation**

Applications for licenses shall be made on an application in form supplied for such purpose by the Corporation and is to be submitted to the License Inspector.

**16.8 License Inspector may require applicant to tender information**

The License Inspector may require any applicant for an operator’s license to tender with his or her application for such license, a copy of his or her finger prints and any other information considered necessary. To facilitate the gathering of

information under this part and the making of a recommendation pursuant to Section 16.3 (a), the License Inspector may require applicants to furnish in support of their license application a Police Records Search Certificate completed by the Ontario Provincial Police Service.

#### **16.9 Council may refuse or cancel license**

Licenses may be refused or cancelled by the Council in its discretion and it shall not be bound to give any reasons for refusing or canceling any license.

#### **16.10 Council to approve granting new license**

In the event of any license being cancelled the previous holder thereof shall not be entitled to a new license unless the Council approve of granting such new owner's license or operator's license.

#### **16.11 For license to have force and be in effect**

No license shall have any force and effect until:

- a) the requisite fee has been paid,
- b) the license is signed by the issuer, and
- c) the license is in the possession of the applicant.

All licenses issued shall expire on the 31st day of December of the year for which it was issued.

#### **16.12 Owner's license - requirements**

Every application for an owner's license, including renewal, new or transfer applications, shall be accompanied by proof of public liability insurance coverage in a minimum amount of One Million Dollars (1,000,000.00) and a Certificate of Mechanical Fitness, in the form as prescribed by the Ontario Highway Traffic Act, for each taxi. Every owner shall maintain the required insurance coverage for each taxi, so long as they have an owner's license for each taxi. Every owner shall be at least eighteen years of age.

#### **16.13 Operator's license - requirements**

No operator's license shall be granted except upon proof that the applicant is at least eighteen years of age, who possesses a knowledge of the geography of the town, is in possession of an Ontario driver's license required to operate a taxi and capable of operating a motor vehicle.

#### **16.14 No license if convicted under Liquor License Act**

Unless the Council rules otherwise no person shall be granted a license who has been convicted of any criminal offence or for any breach of the Liquor License Act of Ontario, and the license of any person so convicted while holding a license shall be revoked.

#### **16.15 Licensed operator issued driver's badge**

Each person issued an operator's license shall be furnished by the Corporation of the Town of Fort Frances (the Corporation) with a driver's badge, for which a deposit in accordance with the Schedule of Fees attached to and forming part of the Town's Fees By-Law shall be made. Said deposit to be refunded by the Corporation to the licensee when he no longer requires same and returns said badge to the Corporation in reusable condition. The Badge, at all times, remains the property of the Town of Fort Frances. Said badge shall be openly displayed on his person by the holder of an operator's license at all times while driving a taxicab.

#### **16.16 Information to be displayed in taxicab**

All taxicabs shall:

- (a) at all times openly display within the cab in a manner visible to all passengers carried therein, the badge number of the licensed operator, the name of the owner and the name and photograph of the driver. The photograph is to be obtained at the expense of the driver.
- (b) on the exterior of the cab have no less than the following information attached or printed on the driver's side and on the passenger's side of the vehicle, so as to be easily read, in letter and number size of no less than five (5) centimetres:
  - i) the name of the taxicab company, and
  - ii) a 'unit number' assigned exclusively to that particular taxicab, e.g. – UNIT 2
- c) be of the same outside body paint colour(s), exclusive to each local taxi company.

#### **16.17 Operator – not possess or use intoxicating liquor**

No operator shall take, consume or have in his possession any intoxicating liquor while he is in charge of a taxicab, nor shall the use or consumption of liquor by him be apparent while he is in charge of such taxicab.

#### **16.18 Owner or operator - use of cabstands**

No owner, or driver shall use as a cabstand or stopping place for business, excluding the discharge of passengers, with or without his car, any location on a public highway other than such as has been authorized and assigned as a stand for

cabs.

#### **16.19 No solicitation**

No owner or driver or other person employed by him shall solicit any person to take or use his cab but the person wishing to use or engage such cab shall be left to choose without interruption or solicitation.

#### **16.20 No loitering or cruising**

No operator shall loiter or cruise about the streets with his cab.

#### **16.21 Vehicle interior to be clean**

The driver of any cab shall make certain that the interior of the cab is in a clean condition and in good repair so that the comforts of the traveling public may be assured.

#### **16.22 To notify of change of address**

Every owner or driver shall, upon changing his address, notify the License Inspector within six (6) days of such change of address and the new address.

#### **16.23 To take due care of property**

Every owner or driver shall take due care of all property delivered or entrusted to and accepted by him for conveyance or safekeeping, and every driver of a taxicab immediately upon termination of any hiring or engagement, shall search his taxicab for any property left or lost therein, and all property or money left in his taxicab shall be forthwith delivered over to the person owning the same, or if the owner cannot be at once found, then to the police department together with all information in his possession regarding the same.

#### **16.24 Maintain log book**

Every owner shall provide and maintain a log book or other record book into which shall be entered the number of persons hiring his taxicab, the fare charged and the fare metered, if different from the fare charged, together with the time, date and point of commencement and destination of every hiring or engagement and every driver shall enter such details in such log book or other record immediately after completion of each hiring or engagement and such log book or other record book shall be open for inspection at any time upon request by any police officer or by-law enforcement officer.

#### **16.25 Information to give to police**

The owner or driver shall give full information to any Police Officer or By-Law Enforcement Officer on being requested so to do, with reference to the address of the house or place to or from which he has driven any passenger with the description, name and address of such passenger, if known to him.

#### **16.26 Not to use deception**

No owner or driver shall induce any person to employ him by knowingly, wantonly or willfully misinforming, misleading or deceiving such person as to the time or place of the arrival or departure of any railroad train, or other public conveyance, or the location or distance from any part of this Town of any railway station, hotel, public place, or private residence, nor shall he in any manner or form, impose upon or deceive, or in any way insult, abuse or illtreat any person employing him.

#### **16.27 To be punctual and keep appointments**

Every owner and driver shall punctually keep all his appointments and engagements and shall, while on duty, unless his cab has been previously engaged, serve at any place within the Town and at any specific time whether by day or night any person who may require his cab and he shall not neglect to fulfill his appointment or engagement, except for reasons beyond his control, or not be punctual to the time for his appointment. The discharging of passengers shall be at a point convenient to passengers provided such point is not in contravention of any law.

#### **16.28 To give name, address, operator's license number**

The driver of any taxicab shall, upon request of any passenger, give in writing his name, address, operator's license number and the license number of his cab, also the name and address of the owner of said cab.

#### **16.29 Owner responsible for performance of operators**

The owner of every taxicab shall be responsible to the Council for the due performance of all drivers employed by him. The owner and/or driver shall incur the penalties provided for any violation of this by-law unless at the time the vehicle was in possession of some person other than the owner or his chauffeur, without the owner's consent, and the driver of the taxicab, not being the owner, shall incur the penalties for such violations.

#### **16.30 Taxicabs to be equipped with meters**

All taxicabs shall be equipped with a taximeter of a standard type approved by the License Inspector, and so placed on the taxicab as to be conveniently seen at all times by the passenger or passengers thereof. The said taximeters shall be installed in a manner and condition as may be approved of by the License Inspector and shall be set to register the rates in conformity with the tariff as provided in Schedule "A" attached to and forming part of this by-law, which shall be the

rates and the only rates charged for transportation from one point in the Town to any other point in the Town or to any point within a distance of five (5) kilometres from the municipal limits of the Town provided an owner and a customer may enter into a contract for services to extend for the duration of any period on runs between fixed points at an agreed tariff between the owner and the customer and further provided that the taximeter shall be operated at all times on business runs, so that, in any event, the customer shall not be charged an amount greater than that shown on the taximeter.

The charging of a non-metered rate in accordance with the above criteria is not permitted unless the owner has recorded in a log book or other record book the details of such pre-negotiated rates between the owner and the customer. The information shall contain, but not necessarily be limited to, the following information:

- (a) date and time of agreement;
- (b) name and address of customer;
- (c) rate to be charged;
- (d) address of pick-up and destination;
- (e) date and time of pick-up; and
- (f) signature of owner.

This record shall be kept on the premises of the taxicab business and shall be open for inspection at any time upon request by any police officer or by-law enforcement officer.

For the purposes of this section only of the by-law 'owner' may be interpreted and read as 'owner and/or manager' provided that any such manager has been named and identified as an officer of the company within the application for an owner's license required by Section 16.5. of this Part.

### **16.31 Onus on owners and operators**

The owners and drivers of taxicabs are responsible for the following:

- (a) make certain that their taxi-meters actually register the current distance traveled by their taxicabs.
- (b) If a taxi-meter becomes out of order the taxicab shall cease operating as such until the meter is repaired or replaced.
- (c) Every taxi-meter shall be inspected by an officer of the Town Police Force to ensure that it registers correctly and the officers shall attach thereto a seal and no person shall tamper with the meter or seal except as authorized by the Chief of Police or other authorized officer.
- (d) While every taxi-meter should be accurate, the tolerance thereon shall not exceed the following:

On distance tests (road tests) with respect to computed distance actually traveled, a tolerance of eighteen (18) metres short of a kilometer and 3.6 metres for each additional .2 kilometers thereafter.  
Meter rates chargeable within the Town shall be as per Schedule "A" as set out in this Part.

### **16.32 Not entitled to fare or charge**

No owner or driver shall be entitled to recover or receive any fare or charge from any person or persons from whom he shall have demanded any fare or charge greater or less than those authorized by this by-law or to whom he has refused to show his card or tariff.

### **16.33 Shall furnish receipt**

Any person employing any taxicab may require the driver thereof to furnish him with a receipt for charges made and paid, indicating thereon the distance traveled and the driver shall furnish such receipt upon request together with his name, address and license number of his cab.

### **16.34 Only authorized rates**

No owner or driver shall publish or use a tariff or demand or receive rates and charges other than those authorized in this by-law.

### **16.35 Time basis**

Any owner operating a cab shall be permitted to operate on a time basis at the request of a passenger at the time rate specified in Schedule "A" as set out in this Part.

### **16.36 To display tariff card**

A tariff card furnished by the License Issuer showing the Tariffs as set out in Schedule "A" shall be placed and kept by the driver in or upon his cab in a position clearly visible to the passenger and no driver shall use any tariff card or exhibit on or about his car any tariff other than that shown on the said card, and no person shall lend, exchange, or otherwise dispose of his tariff cards.

### **16.37 Taxicabs operating outside boundary of Fort Frances**

All taxicabs operating outside the boundary of the Town of Fort Frances, shall if operating inside the said boundary be covered by the same fees and by-law as described herein, except in the case of the round trip fares originating from outside the boundary of the Town of Fort Frances.

**16.38 Round trip**

For the purpose of this by-law, a round trip fare shall be the conveyance of passenger or passengers from inside/outside the Town to a destination out of/into the Town and the return of the same passenger or passengers.

**16.39 Own or operate limousine requires agreement**

No person shall own or operate a limousine in the Town of Fort Frances without an agreement or license from the Town of Fort Frances.

**16.40 Opportunity to appeal**

An act done by or by the authority of the License Inspector under any provisions of this by-law shall be subject to an appeal to the Council by any person aggrieved.

**16.41 Breach of provisions**

The license issued under this by-law of any person found by the Council to be guilty of any breach of the provisions of this by-law may be revoked by the Council.

**Schedule "A" - TAXI METER RATES**

1. Three Dollars and Sixty-Five Cents (\$3.65) for the first .25 kilometres or part thereof;
2. Ten Cents (\$.10) for each .046 kilometres or part thereof thereafter;
3. For waiting time, the charge shall be at the rate of Thirty-Two Dollars and Fifty Cents (\$32.50) per hour;
4. Luggage and packages will be transported free of charge with passengers. Where a taxicab is hired for the purpose of carrying luggage or packages only, the charge shall be the meter rate plus Fifty Cents (\$.50) for each piece of luggage or package.
5. For any deliveries, the charge will be the meter rate with a minimum of Three Dollars and Fifty Cents (\$3.50) for each delivery.
6. The meter rates set out herein are inclusive of the Goods and Services Tax (GST).

**Part 17****TATTOO – BODY PIERCING – ELECTROLYSIS****17.1 Requirement for a License**

No person shall carry on the business of a tattoo parlour, body piercing or electrolysis without first obtaining a license from the Town Clerk.

**17.2 Application to be supported by a report from Northwestern Health Unit**

Every application for a license under this Part must be supported by a report issued by the Northwestern Health Unit on an inspection completed by it to ensure that the applicant is in compliance with regulations, guidelines or protocols established by them.

**17.3 Clerk may forward application to other departments**

The Town Clerk may forward each application for a license under this Part for review by the Building Department and Planning Department and report thereon.

**PART 18****TRADES OTHER THAN THOSE SPECIFICALLY LISTED ELSEWHERE IN THIS BY-LAW****18.1 Definitions**

In this part:

**Other Trades – defined**

“other trades” shall mean those trades not specified elsewhere in this by-law including, but not limited to, general construction, heavy construction, road construction, drain laying construction, sheet metal work, carpentry, brick and stone masonry, stucco installation, painting, dry-walling, steam-fitting, heating/ventilating/air-conditioning, glazing, automotive mechanic, heavy duty equipment mechanic, landscaping contractor and general contractor all of which may or may not be subject to certification by the Province through the *Trades Qualification and Apprenticeship, 1998*.

**General Contractor – defined**

“general contractor” shall mean any person who provides for remuneration or gain personally including through his employees, or indirectly through agents or subcontractors licensed under this by-law, services in the general nature of construction trades including but not limited to plumbing, electrical, carpentry, engineering, heating and ventilation and landscaping.

**18.2 Licensing requirements – other trades**

No person shall carry on any activity as a tradesperson in any of the other trades in the Town of fort Frances without first obtaining a license to do so as provided in this by-law.

**18.3 When license not required**

A license in a trade is not required under this Part if the person engaging in the activity of a trade is employed by another person who is currently holder of a license issued by the Town Clerk in that trade.

**Part 19****TRAILERS****19.1 Definitions**

In this part:

**Trailer – defined**

“trailer” shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle even if the vehicle (trailer) is jacked up or has its running gear removed, but does not include any vehicle designed for the living, sleeping or eating accommodation of persons therein.

**19.2** Except as specifically exempted and provided for in section 19.3 of this section, no business or persons carrying on or engaged in a business shall:

- (a) store or warehouse anything in or on a trailer; nor
- (b) have a trailer in or on which to store or warehouse anything.

**19.3** A business which, as an integral part of its operations:

- (a) stores or parks trailers, buses, or semi-trucks/tractors, for commercial purposes; or
- (b) leases or rents trailers, buses or semi-trucks/tractors, for hire for commercial purposes,

and to which a license has been granted by the municipality permitting the business to do the things provided for in this section, is exempted from section 19.2 of this Part.

**19.4** Notwithstanding that a business may have been exempted by section 19.3 of this Part, the persons carrying on or engaged in such exempted business shall nonetheless:

- (a) keep all trailers and surrounding area clean and clear of all waste, mess and unsightly clutter and litter; and
- (b) ensure that all trailers and the things so stored or warehoused in or on the trailers are maintained, parked, and otherwise kept in a manner that is:
  - (i) safe; and
  - (ii) not a danger to the health and safety of the inhabitants of the Town; and
- (c) not permit trailers or things stored in or on them to be, or become a public nuisance.

**19.5** It shall be a condition of the obtaining, continuing to hold, or renewing a license granted by the municipality under this by-law (permitting the business to do the things provided in section 19.3 (a) and (b) of this Part) that the persons carrying on or engaged in a business exempted from section 19.2 of this Part shall allow the municipality at any reasonable times to inspect places and premises used in the carrying on of the business and the trailers, vehicles, and other personal property used or kept for hire in connection with the carrying on of the business.

**Part 20****ENFORCEMENT****20.1 Fine - for contravention - Part 3**

Every person who contravenes Part 3, Adult Live Entertainment Parlour, of this by-law or any of the General Provisions in Part 2 of this by-law that apply to the operation of a business licensed under Part 3 of 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 not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both.

## **20.2 Fine - for contravention - other Parts**

Every person who contravenes a Part of this by-law, other than Part 3, 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 not exceeding \$25,000.

## **20.3 Fine - for contravention - corporation**

Where a corporation is convicted of an offence under sections 20.1 or 20.2 of this by-law, the maximum penalty that may be imposed on the corporation is \$50,000, and not as provided in those sections.

## **20.4 Premises closed - operating without license - two years**

Where an owner is convicted of knowingly carrying on or engaging in a trade, business or occupation on, in or in respect of any premises or any part of any premises without a license required by this by-law, the court may order that the premises or part of the premises be closed to any use for any period not exceeding two years.

## **20.5 Premises closed - other contraventions - two years**

Where a person is convicted of a contravention of this by-law, other than carrying on or engaging in a trade, business or occupation without a license so to do, and the court determines that the owner or occupant of the premises or part thereof in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject matter of the conviction or of any pattern of similar conduct, the court may order that the premises or part thereof be closed to any use for a period not exceeding two years.

## **20.6 Continuation - repetition - prohibited - by order**

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

## **20.7 Integrity of by-law - severability**

Notwithstanding that any Part or Parts, section or sections of this by-law, a part or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such Part or Parts, section or sections or a part or parts thereof shall be deemed to be severable, and all other sections of this by-law, or parts thereof, are separate and independent therefrom and enacted as such.

## **20.8 Notice - unpaid licensing fine**

If any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time for payment ordered under that section, the Town Treasurer or his or her agent may give the person against whom the fine was imposed written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice, by delivering the notice or causing it to be delivered to that person at the person's residence or place of business.

## **20.9 Distress - unpaid licensing fine**

If the fine referred to in section 20.8 of this Part of this by-law remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of Section 351 of the *Municipal Act, 2001*, as amended.

## **20.10 Application of s. 351 - Municipal Act**

Section 351 of the *Municipal Act, 2001*, as amended, applies with necessary modifications to the distress for an unpaid licensing fine under this by-law.

## **20.11 Defect in notice - not to invalidate subsequent proceedings**

No defect, error or omission in the form or substance of the notice required by section 20.8 of this Part of this by-law invalidates any subsequent proceedings for the recovery of a fine.

## **Part 21**

### **REPEAL - ENACTMENT**

#### **21.1 By-law - previous**

By-law No. 53/05 is hereby repealed.

#### **21.2 Effective date**

This by-law comes into force and effect on May 1, 2006.

**Read a First time only in open meeting this 19<sup>th</sup> day of December 2005.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Read a Second and Third time and Finally Passed in open meeting this 27<sup>th</sup> day of March 2006.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk