

This is an office consolidation of By-law #50-06 and amendments thereto. For accurate reference you should consult the original by-laws that are retained by the Clerk

**BY-LAW NUMBER 50-06 (As amended by #51-10 , #34-12 and 45-14)**

-of-

**THE CORPORATION OF THE COUNTY OF BRANT**

A By-law to provide for the licensing, regulating and governing of certain businesses within the County of Brant

**WHEREAS** Section 150 of the Municipal Act, 2001, S. O. 2001, c. 25 authorizes the Council of the Corporation of the County of Brant to pass by-laws for the licensing, regulating and governing of any business;

**AND WHEREAS** Section 151 of the Municipal Act 2001, S. O. 2001, c. 25 authorizes *Council* to pass by-laws to license and regulate *Adult Entertainment Establishments*;

**AND WHEREAS** the Council of the Corporation of the County of Brant approved By-law Number 34-01 on February 20, 2001 for the purpose of regulating certain businesses and further approved By-law Number 106-02 on the 7<sup>th</sup> day of May, 2002 to amend By-law Number 34-01;

**AND WHEREAS** pursuant to Section 150(13) of the Municipal Act, 2001, S. O. 2001, c. 25, every by-law passed under this authority expires five years after the date of the by-law coming into force;

**AND WHEREAS** Section 150(3) requires that any by-law passed under the authority of Section 150 must include an explanation as to the reasons why the municipality is licensing the business and how that reason relates to one of the required purposes being Health and Safety, Nuisance Control, or Consumer Protection;

**AND WHEREAS** it is deemed advisable to maintain the regulation of automobile wrecking yards to ensure compliance with fire, environmental, and health regulations for the protection of public health and safety, and to ensure compliance to property standards to reduce nuisance to neighbouring properties;

**AND WHEREAS** it is deemed advisable to maintain the regulation of Mobile Refreshment Sales to ensure compliance with fire and health regulations for the protection of public health and safety;

**AND WHEREAS** it is deemed advisable to maintain the regulation of the sale of goods and services transient in nature for the purpose of consumer protection;

**AND WHEREAS** pursuant to Section 150(4), prior to passing of this By-law Council gave notice in accordance with the County of Brant Public Notice By-law Number 26-03 and held a public meeting on Tuesday, January 24, 2006, granting an opportunity to any person in attendance to make representation with respect to the passing of this By-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS** as follows:

**DEFINITIONS**

1. For the purposes of this By-law and the attached schedules:

*“Adult Entertainment Establishment”* means any *premise* or any part of a *premise* where in the pursuance of a *business*, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations, are *provided*.

*“Automobile Wrecking Yard”* means any land or *premises* where, in the pursuance of a *business*, motor vehicles are stored for the purpose of salvaging parts for sale or other disposal;

*“Business”* means a trade or occupation; exhibition, concert, festival and other organized public amusement held for profit or otherwise; and includes the sale or hire of goods or services on an intermittent or one-time basis, the activities of a transient trader and the showing of samples, patterns or specimens 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 selling of goods by wholesale; or
- (c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources;

*“Committee”* means the Corporate Services Committee of the County of Brant;

*“County”* means the Corporation of the County of Brant;

*“Council”* means the Council of the Corporation of the County of Brant;

*“Individual”* means a natural person and does not include a corporation, partnership, or association;

*“License”* means the certificate or plate issued under this by-law as proof of licensing under this by-law;

*“Licensee”* means the *person* named in the *license*;

*“Licensing Officer”* means the *individual(s)* so appointed by the Council of the Corporation of the County of Brant;

*“License Tribunal”* means the tribunal appointed by *Council* to conduct *license* hearings.

“*Mobile Refreshment Sale*” means, in the pursuance of a *business*, the sale of *refreshments* for consumption by the public that are conducted from a *vehicle*, cart or other structure which has not been assessed as commercial and includes but is not limited to catering trucks, chip wagons, hot dog carts and *ice-cream vendors*, but does not include self serve vending machines.

“*Municipal Law Enforcement Officer*” means the *individual(s)* so appointed by the Council of the Corporation of the County of Brant;

“*Owner*” with respect to a *business licensed* under this by-law shall mean the *person*, company, or partnership that carries on the trade, *business* and whose name appears on the *license* issued by the *County* for such *business* pursuant to this by-law;

“*Peddle*” means to engage in the *business* of offering for sale goods or services or the taking of orders for future delivery of goods or services through a *specific location sale or by door to door sales*, but does not include the leaving of catalogues or advertising material upon a premise where no direct personal contact with any occupant occurs;

“*Person*” includes a corporation and its directors and officers, and the heirs, executors, and administrators or other legal representatives of a *person* and their respective successors and assignees;

“*Premises*” includes lands and any fences, buildings, sheds or similar structures situated thereon.

### **LICENSE REQUIRED**

2. (1) No *person*, without a *license* issued pursuant to this by-law, shall:
  - (a) own or operate an “*Adult entertainment establishment*”, or
  - (b) own or operate an “*Automobile Wrecking Yard*”, or
  - (c) conduct or permit a “*Mobile Refreshment Sale*”, or
  - (d) *peddle* goods or services, except where
    - (i) the sale is to wholesale or retail dealers in similar goods, or;
    - (ii) the goods, wares or merchandise are grown by an Ontario resident farmer who sells or offers for sale only the products of his own farm, or

- (iii) the sale is conducted as a fundraiser by or for a local charitable organization or non-profit group to support the charitable objects of the organization and the sales are conducted by volunteers receiving no compensation or commission for sales, or
  - (iv) the sale is conducted by vendors at a location which forms part of a properly zoned flea market operation, or
  - (v) the sale is conducted as part of an approved craft or trade show by a non-profit group or on Agricultural Society property during an annual fall fair, or
  - (vi) the sale is a garage sale as defined and in accordance with the zoning by-law, on a residential property and offering for sale only the used goods of the occupant; or
  - (vii) the sale is conducted by the owner of a *business* being operated from a commercial property within the municipality and the goods or services being *peddled* relate to the *business* and are being *peddled* by an employee or an agent of the *business*, or
  - (viii) the sale is conducted through a home party, by invitation, or by the leaving of samples at a *business* location with the permission of the owner or occupant of the premise
  - (ix) the sale, for profit, is conducted by vendors as part of a craft or trade show, and the craft, trade show or event organizer has been issued a specific location sale license for the premises.
  - (x) the sale is conducted as part of an event approved by Council and a Special Event Application has been filed by the event organizer in accordance with the Special Event Request Procedure.
- (2) The *licensee* shall not carry on *business* in a name other than the name in which the *business* is *licensed*.
  - (3) No *person* shall publish or cause to be published any representation that the *person* is *licensed* under this By-law if the *person* is not so *licensed*.
  - (4) For the purpose of this By-law a *business* shall be deemed to be carried on within the "*County*" if any part of the *business* is carried on in the "*County*", even if the *business* is being conducted from a location outside the "*County*".
  - (5) The *licensee* shall not operate the *licensed business* in contravention of the terms and conditions of the *license* as stated in the applicable schedule.

**DUTIES OF THE LICENSING OFFICER**

3. The “*Licensing Officer*” shall:
- (1) receive and process all applications for *licenses* and renewals of *licenses*; and
  - (2) issue all *licenses* when an application is made in accordance with the provisions of the By-law and the attached schedules; and
  - (3) maintain complete records showing all applications received and *licenses* issued; and
  - (4) generally perform all the administrative functions conferred by this By-law and the attached schedules.

**APPLICATION FOR A LICENSE AND FOR RENEWAL OF A LICENSE**

4. (1) An application for a *license* and an application for the renewal of a *license* shall be completed on the forms provided by the *County*.
- (2) Every new applicant shall apply in person with photo Identification and proof of age.’
- (3) Each application shall be submitted to the *Licensing Officer* and be accompanied by:
- (a) the fee in the appropriate amount as set out in the County of Brant Fees and Charges By-law.
  - (b) if the applicant is a corporation, a copy of the incorporating document and proof of active status and if a registered partnership, a copy of the registered declaration of partnership and a copy of the *business* name registration, and if a sole proprietorship, a copy of the *business* name registration if applicable.
  - (c) any other documentation as required in the applicable schedule.
- (4) An applicant must make a separate application for a *license* for each of the *premises* at which or vehicles from which the applicant carries on *business*.
- (5) Where an application for a *license* or for renewal of a *license* is refused, the fee paid pursuant to subsection 4(3)(a), minus a 25% administration fee, shall be refunded.

**AGE REQUIREMENT**

5. No *individual* shall be *licensed* under this By-law unless the *individual* is eighteen (18) years of age or over.

**GROUND FOR REFUSAL TO LICENSE, RENEW, SUSPEND OR REVOKE**

6. An applicant whose application meets all the requirements of this By-law and its schedules is entitled to a *license* or the renewal of a *license* except where:
  - (1) there are reasonable grounds for belief that any application or other document provided to the *Licensing Officer* by or on behalf of the applicant contains a false statement or provides false information; or
  - (2) the past or present conduct of the applicant, or of any partner in the case of an applicant which is a partnership, or of any director or officer of the corporation, affords reasonable grounds for belief that the *business* in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty; or
  - (3) there are reasonable grounds for belief that the applicant does not meet all the requirements of this By-law or any other *County* By-law, or that the *business* is carried on or intended to be carried on in an area of the *County* where the said *business* is prohibited by the By-law or by any other *County* By-law for being carried on, or in respect of which the issuing of a *license* in respect of the *business* is not permitted by this By-law; or
  - (4) the applicant has failed to pay the fine or fines imposed by a court as a sentence arising from convictions for breach of a by-law enacted by the *County*; or other breach of law where the fine is payable to the *County*; or
  - (5) there are reasonable grounds for belief that the building, *premises* or place or part thereof in which the *business* is carried on or intended to be carried on does not comply with the provisions of the By-law, or with any other law, or by-law, including any applicable zoning or building requirement, or is dangerous or unsafe; or
  - (6) there are reasonable grounds for belief that the equipment, *vehicles* and other personal property used or kept for hire in connection with the carrying on of or engaging in the *business licensed* hereunder is dangerous or unsafe, or
  - (7) there are a limited number of *licenses* available for issuance and the *County* has issued the permitted number of *licenses*; or

- (8) there are a limited number of *licenses* available for issuance and the *licensee* is not actively operating the *business* for which the *license* has been issued.

### **AUTHORITY TO REFUSE A LICENSE**

- 7.1 The *Licensing Officer* may refuse to issue or renew a *license* where an applicant or *licensee* has failed to file an application that meets the requirements of this by-law.
- 7.2 Where a *licensee* has filed a renewal application that does not meet all of the requirements of this by-law, and there are extenuating circumstances which prevent the *licensee* from meeting said requirements prior to the deadline date for renewal, the *Licensing Officer*, may issue the license subject to compliance with stated conditions within 60 days of the date of issue or may prepare a written notice as set out in section 7.4.
- 7.3 Where the *Licensing Officer* has reasonable grounds to believe that an applicant or *licensee* is not entitled to be licensed for any of the grounds set out in section 6, the *Licensing Officer* shall prepare a written notice as set out in section 7.4.

### **CONTENT OF WRITTEN NOTICE**

- 7.4 The written notice to be given under subsection 7.2 and 7.3 shall:
- 7.4.1 set out reasonable particulars of the grounds upon which the applicant or *licensee* is not entitled to be licensed;
- 7.4.2 be signed by the *Licensing Officer*, and
- 7.4.3 inform the applicant or *licensee* that he is entitled to a hearing before the *License Tribunal* if he delivers within seven (7) days after the date of service of the written notice, a written request for a hearing before the *License Tribunal*, together with the non-refundable fee set out in *County Fees and Charges By-law*.

### **SERVICE OF WRITTEN NOTICE**

- 7.5 Except as otherwise provided to the contrary, written notice referred to anywhere in this by-law is sufficiently served if delivered personally or sent by regular letter mail addressed to the person to whom service is required to be made according to the Licensing Department records.
- 7.6 When service is made by regular mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the written notice until a later date.

### **HEARING FEE & NOTICE**

- 7.7 Where the applicant fails to make a request for a hearing in accordance with subsection 7.4.3, the *Licensing Officer* may refuse to issue a *license*, refuse to renew a *license*, suspend a *license* or revoke a *license*.
- 7.8 Where a written request for a hearing is received in accordance with subsection 7.4.3, the *Licensing Officer* shall request a hearing before the *License Tribunal* and shall give the applicant or *licensee* reasonable written notice in accordance with the requirements of the *Statutory Powers Procedures Act, R.S.O. 1990, c S. 22*. Where the good character, propriety of conduct or competence of the applicant or *licensee* is an issue, the notice shall provide reasonable information of any allegations with respect thereto.
- 7.9 Where a notice is received pursuant to section 7.4.3 and a hearing date before the *License Tribunal* has been fixed and the applicant or *licensee* who has been given notice of the hearing does not attend the hearing, the *License Tribunal* may proceed in the absence of the applicant or *licensee* and the applicant or *licensee* will not be entitled to any further notice in the proceedings.

### **HEARING**

- 7.10 The hearing before the License Tribunal shall proceed in accordance with the *Statutory Powers Procedure Act, R.S.O. 1990, c S. 22*.

### **AUTHORITY TO REFUSE TO LICENSE, RENEW, SUSPEND OR REVOKE**

- 7.11 Where a *licensee* has filed a renewal application that does not meet all of the requirements of the by-law, and there are extenuating circumstances which prevent the *licensee* from meeting said requirements prior to the deadline date for renewal, the *License Tribunal* may order that a license be issued conditional upon meeting the requirement by a specified date or may order that the license be refused.
- 7.12 Where the *License Tribunal* finds that an applicant or *licensee* is not entitled to be licensed for any of the grounds set out in section 6, the *License Tribunal* shall order that the license be refused, suspended or revoked. Where a *license* is revoked or suspended by the *License Tribunal* the *license* fee shall not be refunded.
- 7.13 Where the *License Tribunal* finds that there are insufficient grounds to refuse a license for the reasons as set out in section 6, the *License Tribunal* shall order that the *license* be issued or that the *license* be issued conditional upon specified terms and conditions.

### **TERMS AND CONDITIONS OF A LICENSE**

7.14 Notwithstanding any other provisions of this By-law, the *License Tribunal* may impose conditions including special conditions as a requirement of continuing to hold a *license* at any time during the term of the *license*, and may 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* which may include, but are not limited to, conditions restricting the hours of *business* or condition that the *business* owner or operator have employees in attendance at the *business* location during the hours of operation to ensure public safety and comfort.

### **WRITTEN DECISION**

7.15 At the conclusion of a hearing the *License Tribunal* shall, as soon as practicable, give its final decision and any order in writing, and shall give reasons in writing if requested by a party to the hearing.

### **NOTICE OF DECISION**

7.16 The *License Tribunal* shall send the *licensee* or applicant or their representative, and the *Licensing Officer*, a copy of its final decision or order, including reasons, if any have been given, by regular letter mail, by electronic transmission, or by telephone transmission by facsimile.

### **DECISION FINAL**

7.17 The decision of the *License Tribunal* is final.

### **INSPECTION**

8. On receipt of an application for a *license* or for renewal of a *license* or as a condition of the continuation of a *license*, the applicant or *licensee* is required to allow the municipality, at any reasonable time, to enter the *business premises* to inspect the premise, equipment, *vehicle*, or personal property used in connection with the *business*.

### **RIGHT TO INSPECT BOOKS AND RECORDS**

9. Upon an inspection under Section 8, the inspector is entitled to inspect all books of account, vouchers, correspondence and the records of the *person* being inspected that are relevant to the purposes of the inspection.

### **OBSTRUCTION OF INSPECTOR**

10. No *person* shall obstruct the inspector performing an inspection pursuant to Section 8 or withhold, destroy, conceal or refuse to furnish any information or thing required by the inspector or construct or equip a place or premise used for the *business* so as to hinder the enforcement of this by-law.

### **DISPLAY OF LICENSE**

11. (1) Every *Licensee* shall prominently display the *license* at the location of the *licensed business* at all times and shall produce the *license* upon request by a *Licensing Officer, Municipal Law Enforcement Officer, or peace officer*.
- (2) Where the *licensee* does not have *licensed premises*, the *licensee* shall carry the *license* at all times when the *licensee* is engaged in the activity for which the *license* has been issued and shall produce the *license* upon request by a *Licensing Officer, Municipal Law Enforcement Officer, or peace officer*.

### **LICENSE NOT TRANSFERABLE**

12. A *license* issued under this By-law is not transferable.

### **CHANGE OF LICENSE**

13. No *person* to whom a *license* has been issued under this By-law shall alter, erase or modify or permit the alteration, erasure or modification of that *license* or any part thereof, unless approved by the *Licensing Officer*.

### **TERM OF LICENSE**

14. Every *license* expires on February 28th of the calendar year next following the year it was issued.

### **REQUIREMENT TO NOTIFY OF CHANGES**

15. (1) Prior to implementing any change in the *licensed activity* as detailed in the *license certificate*, every *licensee* shall notify the *Licensing Officer*. Changes to the *licensed activity* include but are not limited to:
- (a) any change in the *licensee's business address*;
  - (b) any change in the number or composition of officers or directors, if a corporation, or partners, if a partnership; or
  - (c) any change in *business name*; or
  - (d) any change in *business location*
  - (e) any change to the *licensed vehicle*

- (2) Where a change as indicated in section 16(1) has occurred every *licensee* shall produce upon request by the *Licensing Officer*, any information required to process approval of the amendment and pay any required fee.
- (3) The granting of any amendment is subject to the approval of the *Licensing Officer*.
- (4) Upon approval of any amendment, the licensee shall return the current *license* to the *Licensing Officer*.

### **RETURN OF LICENSE**

16. (1) Where a *license* has been revoked, the holder of the *license* shall return the *license* to the *Licensing Officer* within twenty-four (24) hours of receipt of notification of revocation.
- (2) Where the *license* is not returned within twenty-four (24) hours as set out in subsection 16 (1), a *Licensing Officer, Municipal Law Enforcement Officer, or a peace officer* may enter upon the *premises* of the holder of the *license* for the purpose of receiving or taking the said *license* and no *person* shall refuse to deliver or in any way obstruct or prevent a *Licensing Officer, Municipal Law Enforcement Officer, or peace officer* from obtaining the *license*.

### **ORDER TO COMPLY**

17. Where a *licensee* has contravened any provisions of this By-law or its schedules a *Licensing Officer, Municipal Law Enforcement Officer, or peace officer* may:
  - (1) serve a written notice on the *licensee* advising of the contravention and directing compliance; or
  - (2) Pursuant to section 427 of the Municipal Act, 2001, S.O. 2001, c. 25, direct in a written order that a thing or matter is required to be done and in default of such matter or thing being done, the matter or thing will be done at the *licensee's* expense and the *County* will recover the expense by action or in like manner as municipal taxes; or
  - (3) Pursuant to section 150 (8) (k) of the Municipal Act, 2001, S.O. 2001, c. 25, require the payment by a *licensee* of additional fees at any time during the term of the *license* for cost incurred by the municipality attributable to the activities of the *business*;

**NOTICE**

18. (1) Any notice or order required to be given or served under this By-law shall be sufficiently given or served if delivered personally or sent by registered mail, addressed to the *person* to whom delivery or service is required to be made at the last address for service appearing on the *license* records.
- (2) Where service is made by registered mail, the service shall be deemed to be made on the seventh day after the date of mailing, unless the *person* on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice or order until a later date.

**PENALTY**

19. (1) Pursuant to section 161 (2) of the Municipal Act, 2001, S.O. 2001, c. 25, every *person* who contravenes a provision of this by-law, and every director or officer of a corporation who concurs in the contravention of a provision of this by-law by the corporation, other than a provision regulating and governing an *adult entertainment establishment*, is guilty of an offence and upon conviction is liable to a fine not exceeding \$25,000.
- (2) Pursuant to section 161 (2) of the Municipal Act, 2001, S.O. 2001, c. 25, every *person* who contravenes a provision of this by-law regulating and governing an *adult entertainment establishment*, and every director or officer of a corporation who concurs in the contravention of a provision of this by-law regulating and governing an *adult entertainment establishment* by the corporation, is guilty of an offence and upon conviction is liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both
- (3) Where a corporation is convicted of an offence under subsection (1) or (2), the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided in those subsections.

**ORDER CLOSING PREMISES**

20. (1) Pursuant to section 432 (1) of the Municipal Act, 2001, S.O. 2001, 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 a period not exceeding two years.

- (2) Pursuant to section 432 (2) of the Municipal Act, 2001, S.O. 2001, where a *person* is convicted of a contravention of this by-law, other than a conviction described in subsection (1), and the court determines that the owner or occupant of the *premises* or part of the *premises* in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject matter of the conviction or of any pattern of similar conduct, the court may order that the *premises* or part of the *premises* be closed to any use for a period not exceeding two years.

### **EXEMPTIONS**

21. Notwithstanding any other provisions of this By-law, the following *businesses* or *persons* are exempt from all or such parts of this by-law as are indicated below:
  - (1) The Burford Agricultural Society
  - (2) The Paris Agricultural Society
  - (3) Any *person* conducting *business* on land owned by the Burford Agricultural Society or the Paris Agricultural Society

### **VALIDITY**

22. (1) If a court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of *Council* that the remainder of the By-law shall continue to be in force.
- (2) The schedules annexed to this By-law in respect of the various *licenses* set out in this By-law are hereby incorporated into and form a part of this By-law.

### **INTERPRETATION**

23. (1) Words importing the singular number or the masculine gender only, include more *persons*, parties or things of the same kind than one and females as well as males and the converse.
- (2) A word interpreted in the singular number has a corresponding meaning when used in the plural.

**SHORT TITLE**

24. This By-law may be referred to as the Business Licensing By-law.

**READ** a first and second time, this 7<sup>th</sup> day of February, 2006.

**READ** a third time and finally passed in Council, this 7<sup>th</sup> day of February, 2006.

**THE CORPORATION OF THE COUNTY OF BRANT**

---

Mayor

---

Clerk

**BY-LAW NUMBER 50-06**

**SCHEDULE 1 – MOBILE REFRESHMENT SALES**

**1. Definitions**

- 1.1 Fuel Safety Branch means the Fuel Safety Branch of the Ministry of Consumer and Commercial Relations.
- 1.2 Medical Officer of Health means the Medical Officer of Health of the Brant County Health Unit or their designate.
- 1.3 Refreshment means any item of food or drink for human consumption.
- 1.4 Vehicle includes a motor vehicle, trailer, cart, bicycle and any vehicle capable of being drawn, propelled or driven by any kind of power including muscular power.
- 1.5 Ice cream Vendor means a *person* who sells single serving ice and ice cream products from a pedal driven *vehicle*.

**2. Exemption**

A Mobile Refreshment Sales License is not required if:

- 2.1 the sale is conducted by a non-profit organization or as part of an event approved by Council and proof of approval has been provided; and*
- 2.2 the food is prepared using a C.S.A. or U.L. approved non-commercial barbeque, sold for normal household use; and*
- 2.3 the sale is in compliance with the County Zoning By-law; and*
- 2.4 proof that the Brant County Health Unit has been advised of the date(s) and time(s) of the event has been provided.*

**3. Exemption**

A Mobile Refreshment Sales License is not required if the sale is conducted as part of an event approved by Council and a Special Event Application has been filed by the event organizer in accordance with the Special Event Request Procedure.

**4. Separate License Required**

A separate *license* is required for each *vehicle* or fixed sale location and such *license* shall be known as a “*Mobile Refreshment Sale License*”.

5. **Zoning Requirements**

The *licensee* must operate in compliance with the zoning by-law and where the operation is from a fixed location, the applicant, upon first application for that location, must provide a zoning certificate verifying that the proposed location does not contravene the applicable Zoning By-law.

6. **Outstanding Orders**

The applicant must satisfy any outstanding orders against the *vehicle* or *premises* prior to the issuance of a *license*.

7. **Health Unit Certification**

Every applicant must provide annually, certification from the *Medical Officer of Health* stating that the food premise for which the *license* is being sought, meets the applicable requirements for food *premises* contained in Ontario Regulation 562/90 pursuant to the Health Protection and Promotion Act, R.S.O. 1990, as amended.

8. **Propane Certification**

Where propane fueled appliances are used in the operation of the *business*, the applicant must provide annually, certification from a Certified Propane Fitter, who is or is employed by a contractor registered by the *Fuel Safety Branch* of the Ministry of Consumer and Commercial Relations, that the appliances have been inspected in the past thirty (30) days and have been installed and are operating in compliance with the propane storage handling regulation, Technical Standards and Safety Act 2000, S.O. 2000, c. 16, O. Reg. 211-01.

9. **Fire Code Compliance**

Where the *business* is equipped with combustible fueled appliances or where otherwise required by the Chief Fire Official, the applicant shall submit to an annual inspection of the fire extinguishing system and comply with any directions issued by the Chief Fire Official or their designate.

10. **Fire Separation Compliance**

The *licensee* must ensure that any *vehicle* equipped with combustible fuelled appliances, is not operated within ten feet of any structure, door, window, or opening including any alcove or alley.

11. **Sale Location on Municipal Property**

*Council* approval is required when the proposed sale location is on municipally owned property.

**12. Insurance Requirements (Sales from Municipal Property/Road Allowance)**

Where *Council* approval to operate on municipal property has been granted, the applicant must file with the Corporation proof of public liability insurance in the amount of \$2,000,0000, naming the Corporation as an additional insured and shall save and hold harmless the municipality in respect to any and all occurrences with respect to the operation of the *business* on municipal property.

**13. Site Requirements**

Except where otherwise exempted by *Council*, the *licensee* shall ensure that every *vehicle* used for *refreshment* sales from a fixed location shall be situated on a surface of asphalt or concrete capable of supporting the weight of the *vehicle* and such surface must cover the ground fronting the *vehicle* along its entire length and extending out in front of the *vehicle* a distance of two (2) metres.

**14. Refuse Container**

The *licensee* must provide on site and accessible to patrons, a non-combustible garbage container complete with a lid and a recycling container, both sized to accommodate one day's waste.

**15. Name and License Number to be Displayed**

The name and *license* number of the *licensee* shall be displayed on the outside of the *vehicle* in characters a minimum of 10 centimetres in height, in a place clearly visible to patrons.

**16. Restrictions on Sales from Pedal Driven Vehicles**

The *licensee* shall not conduct sales from any *vehicle* on any four lane highway or on any highway on which there is a speed limit in excess of 50 km per hour, or in an area where parking or stopping is prohibited.

**17. Age Restrictions**

The *licensee* shall not permit any pedal driven *vehicle* to be operated by any *individual* under the age of 14 years. The *licensee* shall provide the *County* with a current list of all operators, which includes their name, address, and a copy of their birth certificate. The *licensee* must notify the *County* of any changes to the list of operators. Where the operator has reached the age of majority, a Police Record Clearance Certificate must be provided.

**18. Operational Requirements**

The *licensee* must conduct the *business* and maintain all equipment in compliance with Propane Storage and Handling regulation, O. Reg. 211 / 01 under the Technical Standards and Safety Act 2000, S.O. 2000, c. 16, as amended, the Ontario Regulation 562/90 for Food Premises under the Health Protection and Promotion Act, R.S.O. 1990, as amended, the Ontario Fire Code, Ontario Regulation 388/97 under the Fire Protection and Prevention Act, S.O. 1997, as amended, the *County* Property Standards By-law and any other applicable legislation or County of Brant By-law, as a condition of the *license*.

**BY-LAW NUMBER 50-06**

**SCHEDULE 2 – PEDDLERS**

**1. Definitions**

1.1 Door to Door Sales means *peddling* by door-to-door solicitation

1.2 Specific Location Sales means *peddling*, within a fixed period of time not to exceed six weeks, from a fixed location that is not part of a structure that has been assessed as a commercial establishment and includes but is not limited to the peddling of flowers, fresh produce, Christmas trees or fireworks.

**2. License Required**

Subject to the exemptions stated in Section 2 (1) (d) of this by-law, any *person* engaged in the peddling of goods and services must obtain a *license* pursuant to this Schedule and such *license* shall be known as a *Peddler's License*.

**3. Written Description of Goods /Services**

Every applicant shall file with the application a written statement fully describing the good or services he intends to *peddle* and any further documentation or information as required by the *Licensing Officer*.

**4. Hours of Operation**

No *person licensed* under this section shall *peddle* goods or services before 9:00 am or after 9:00 pm any day.

**5. Zoning Certificate Required**

Every applicant for a '*Specific Location Sale*' shall provide a zoning certificate verifying that the proposed location does not contravene the Zoning By-law.

**BY-LAW NUMBER 50-06**

**SCHEDULE 3 – AUTOMOBILE WRECKING YARDS**

**1. License Required**

Any person operating an *Automobile Wrecking Yard business* must obtain a *license* pursuant to this Schedule and such *license* shall be known as an *Automobile Wrecking Yard License*.

**2. Zoning Certificate Required**

Every applicant for a *Automobile Wrecking Yard* shall provide a zoning certificate verifying that the proposed location does not contravene the Zoning By-law.

**3. Outstanding Orders**

The applicant must satisfy any outstanding orders against the *premises* prior to the issuance of a *license*.

**4. Requirement to operate in compliance with applicable legislation**

Every *licensee* is required to operate and maintain the *Automobile Wrecking Yard* in compliance with the Building Code Act, the Fire Protection and Prevention Act, the Environmental Protection Act, the Health Promotion and Protection Act, the Property Standards By-law and other applicable legislation, by-laws or agreements, as a condition of the *license*.

**5. Fencing Requirements**

Unless otherwise exempted by by-law or provided for in an applicable zoning by-law or site plan agreement, every *licensee* shall erect or cause to be erected a fence that completely encloses the area where salvage is being stored and which is constructed as follows:

- (a) of painted or preserved board or corrugated pre-finished steel of at least 28 gauge, supported by pressure treated or galvanized or painted steel posts, not more than 3.05 metres apart which are set in concrete in the ground to a depth of at least .91 metres.
- (b) having a height of at least 2.13 metres
- (c) all supporting horizontal members and posts shall be on the inside of the area enclosed by the fencing
- (d) so that it forms a complete visual barrier

**6. Waiving Fence Requirements**

The fencing requirements, or any part thereof, may be waived by By-law, where *Council* is satisfied that the nature of the use of the abutting lands renders the requirement unnecessary, on the condition that the waiving of any requirement can be rescinded upon 60 days notice to the *licensee*.

**7. Maintenance of Fence**

Every *licensee* shall ensure that all fences are a uniform colour, properly maintained, and that all accesses to the *Automobile Wrecking Yard* are kept locked except when in actual use or when there is staff in the wrecking yard.

**8. Surface Treatment**

Every *licensee* shall provide stable surface treatment on all driveways and parking areas.

**9. Storage of Materials**

Every *licensee* shall ensure salvage is stored in a safe manner, within the fenced area, in such a manner that it does not come in contact with the fencing and so that it does not exceed the height of the fence.

**10. Existing Yards – Compliance to Standards**

Every *person* operating a *Automobile Wrecking Yard*, which legally existed under the provisions of the applicable Zoning By-law, prior to the date of the passage of this by-law shall be granted three (3) years from the date of passage of this by-law, to come into compliance with sections 5, 8, and 9 of this by-law.

**11. Record keeping requirements**

No *licensee* shall fail to maintain at their *licensed premises*, an accurate record respecting all goods sold, collected, obtained, purchased or taken in exchange, detailing the following:

- (a) the date and place of transaction
- (b) a full description of the article and serial number, if applicable
- (c) the consideration given

- (d) the name and address of the *person* from whom the article was acquired
- (e) the *license* plate number of any *vehicle* used to deliver the goods

**12. Obliterated Serial Number**

The *licensee* shall not purchase or acquire from any *person*, any article or object on which the serial number has been obliterated or mutilated, without first having given notice to the Police 24 hours prior to the intended purchase or acquisition.

**13. Purchase from minors**

The *licensee* shall not acquire directly or indirectly, by purchase, exchange or otherwise any goods or articles from any *individual* under the age of 16.

**BY-LAW NUMBER 50-06**

**SCHEDULE 4 - ADULT ENTERTAINMENT ESTABLISHMENT**

**1. Definitions**

- 1.1 Attendant means any person who provides services designed to appeal to erotic or sexual appetites or inclinations at an Adult entertainment establishment.
- 1.2 Partial Nudity means less than completely and opaquely covered human genitals or human pubic region, human buttocks or the human female breast below the point immediately above the top of the areola.
- 1.3 Physical Contact means direct physical contact, indirect physical contact and physical contact through the use of objects.
- 1.4 Provide includes to furnish, perform, or solicit.
- 1.5 Services designed to appeal to erotic or sexual appetites or inclinations means a live performance, exhibition or activity of which a principal feature or characteristic is the nudity or *partial nudity* of any individual or which in respect of which the word “nude”, “naked”, “sexy”, or any other word, picture, symbol or representation having like meaning or implication is used in any advertisement.

**2. License Required**

Every owner or operator of an *Adult entertainment establishment* must obtain a *license* pursuant to this Schedule and such *license* shall be known as an *Adult entertainment establishment License*.

**3. Annual License**

An *Adult entertainment establishment license* shall identify the specific premise being operated as an *Adult entertainment establishment*.

**4. Annual License Limitation**

At any given time, not more than two (2) annual *licenses* shall be issued.

**5. Special Occasion License**

A special occasion *license* may be issued for an *Adult entertainment establishment* for a single event which does not exceed 6 hours.

**6. Special Occasion License – Limitation**

No *person* shall be issued more than one (1) special occasion permit in any calendar year and no more than six (6) special occasion permits shall be issued in any calendar year.

**7. Compliance with Zoning**

An *Adult entertainment establishment license* shall not be issued unless the applicant has provided a zoning certificate verifying that the operation of the *Adult entertainment establishment* does not contravene the applicable Zoning By-law.

**8. Outstanding Orders**

The applicant must satisfy any outstanding orders against the *business or premises* prior to the issuance of a *license*.

**9. Construction and Equipment of Premises**

The *Adult entertainment establishment* shall be constructed or equipped so as not to hinder or prevent the enforcement of this by-law.

**10. Admission / Employ - Minimum Age**

The *licensee* shall not employ or permit any *individual* under the age of eighteen (18) years to enter or remain in an *Adult entertainment establishment* or any part thereof.

**11. Touching Prohibited**

The *licensee* shall not permit an *attendant*, while providing services as an *attendant*, to touch or be touched by or have any *physical contact* with any other *individual* in any manner whatsoever, involving any part of that *individual's* body.

**12. Performances in Full View of Patrons**

Every *licensee* shall ensure that all services *provided* by an *attendant* are done only within view of all patrons without obstruction to that view by partitions, curtains, doors or other visual barriers.

**13. Requirement to operate in compliance with applicable legislation**

Every *licensee*, as a condition of the *license* is required to operate and maintain the *Adult entertainment establishment* in compliance with the Fire Protection and Prevention Act, S.O. 1997, the Building Code Act, S.O. 1992, Health Promotion and Protection Act, R.S.O. 1990, and other applicable legislation or by-laws.

**14. Right of Entry**

Pursuant to section 151(3) of the Municipal Act, 2001, S. O. 2001, c.25, a municipality may, at any time of the day or night, enter any *adult entertainment establishment licensed*, regulated or governed by a by-law under this by-law to determine whether the by-law is being complied with and, for this purpose, may make such examinations, investigations and inquiries as are necessary.

**15. Evidentiary Rule**

Pursuant to section 151(5) of the Municipal Act, 2001, S. O. 2001, c.2, for the purpose of a prosecution or proceeding under a by-law licensing, regulating or governing *adult entertainment establishments*, the holding out to the public that the entertainment or services described in the by-law are provided in the *premises* or any part of them is admissible in evidence as proof, in the absence of evidence to the contrary, that the *premises* or part of them is an *adult entertainment establishment*.