



**THE CORPORATION OF THE CITY OF MISSISSAUGA
BUSINESS LICENSING BY-LAW 1-06**

(Amended by 360-07, 66-08, 191-08, 238-08, 427-08, 48-09, 397-09)

WHEREAS subsection 150(1) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a local municipality may license, regulate and govern any business, wholly or partly carried on within the municipality, even if the business is being carried on from a location outside the municipality;

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern certain types of businesses for the purpose of Health and Safety to ensure that the business is conducted in a fashion and manner that will not adversely affect or could possibly adversely affect the health and safety of Person(s) or result in illness, hazardous conditions, injury or loss;

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate, and govern certain types of business for the purposes of Nuisance Control to ensure that the facility is operated in a manner and location such that it will not adversely affect or become a nuisance to other Persons or businesses;

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate, and govern certain types of business for the purposes of Consumer Protection for the prevention of unfair or potentially unfair business practices that could result in loss on the part of the consumer;

AND WHEREAS a public meeting was held on January 11, 2006 at which time a report entitled New Business Licensing By-law relating to the licensing of the business was presented and considered;

NOW THEREFORE the Council of The Corporation of the City of Mississauga hereby ENACTS as following:

DEFINITIONS

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

“Additional Fee” means a fee, in addition to the licence fee, imposed by the municipality on a business at any time during the term of the licence for costs incurred by the municipality attributable to the activities of the business;

“Amusement Arcade Class A” means a building or structure or part thereof which is open to the public and where the principal business is the provision of amusement devices for use by the public;

“Amusement Arcade Class B” means a building or structure or part thereof which is open to the public where the principal business is something other than the provision of amusement devices for use by the public but which does contain one or more amusement devices;

“Amusement Device” includes a coin-operated machine which through pin balls, electronic impulses or any other means provides a game or in any other manner amuses the user, but does not include mechanical rides which are provided primarily for the amusement of children;

“Appeal Tribunal” means the all-citizen Tribunal duly appointed by Council to conduct hearings under this By-law; (191-08)

“Applicant” means a Person applying for a new or renewing a Licence under this By-law;

“Auctioneer” means any Person who engages in the business of selling or offering for sale by public auction goods, wares, merchandise or effects of any kind;

“Automobile Service Station” means a building or structure or part thereof open to the public where motor vehicles are washed, serviced, repaired, fuelled, leased, sold or displayed and may include, but are not limited to a gas bar, car wash, body shop or general or specialty repair shops;

“Billiard Hall Class A” means a building or structure or part thereof where the principal business is the provision of billiard tables for direct or indirect hire or gain;

“Billiard Hall Class B” means a building or structure or part thereof which is open to the public where the principal business is something other than the provision of billiard tables for use by the public but which does contain one or more billiard tables;

“Billiard Table” means a table, including a coin-operated table or otherwise, upon which the game of billiards, pool, snooker or bagatelle or any similar game is played;

“Breeding or Boarding Kennel” means a building or structure or part thereof whereby domestic animals are kept overnight for remuneration for the purposes of breeding or housing, feeding and maintenance;

“Building Renovator” means a Person engaged in the business of altering, repairing or renovating, buildings, structures, chimneys or of constructing radiation fallout shelters, and includes any Person who solicits such work, but does not include a building contractor whose principal business is the construction of buildings or structures;

“Car Wash” means a building or structure used for the washing of motor vehicles;

“Car Wash Attendant” means a Person employed by the holder of an Automobile Service Station Class E license and whose responsibilities include, but are not limited to, monitoring the car wash during operating hours;

“Carnival” means a traveling amusement show featuring exhibits, games and rides but which does not feature domestic or wild animals;

“Circus” means a traveling entertainment show consisting of but not limited to performances by acrobats, clowns and trained animals;

“City” means the City of Mississauga;

“City Contractor's Number” means the unique number assigned by the City's Business Licensing computer system to the holder of a Building Renovator licence, Drain Layer licence, Master Electrician licence, Master Heating Installer licence, Master Plumber licence, Drain Contractor licence, Electrical Contractor licence, Heating Contractor licence, Driveway Paving Contractor licence or a Plumbing Contractor licence;

“Class 7 Division 2 Fireworks” comprises manufactured Fireworks and has five (5) subdivisions, as are defined in the Explosive Regulations made pursuant to *The Explosives Act*, R.S.O., c. E-15, as amended (*“Explosive Act”*);

“Clerk” means the Clerk of the City of Mississauga or his duly appointed Deputy;

“Council” means the Council of the City of Mississauga;

“Drain Contractor” means a Person who carries on the business of laying, repairing and installing drains;

“Drain Layer” means a Person who is skilled in the planning, superintending and installing of drains both inside and outside buildings, and who alone, or by journeyman, drain layers or plumbers under their supervision, performs drain laying work;

“Driveway Paving Contractor” means a Person who carries on the business of paving or repairing driveways, lanes, roadways and parking areas situated on private lands but not on lands owned or leased by the Government of Canada or any Department of the Government of Canada including Crown Corporations and Crown Agents, the Government of Ontario or any Ministry of the Government of Ontario including Crown Corporations or Crown Agents or the municipality;

“Farmers Market” means a seasonal, multi-vendor operation at a fixed location selling agricultural, food and arts and crafts products including home-grown-produce, home made crafts and value-added products where the vendors are the primary producers. (66-08)

“Fire Chief” means the Chief of City’s Fire and Emergency Services Division or his designate;

“Firecracker” means any class of Fireworks that explodes when ignited and does not make any significant display or visible effect after the explosion but does not include caps for toy guns;

“Fireworks” means a pyrotechnic device or, a substance that is made, manufactured or used to produce an explosion or detonation and includes Fireworks composition and manufactured Fireworks as defined in the Explosives Regulations made pursuant to the Explosives Act;

“Flea Market” means that area, whether enclosed by a building or not, in which individual stalls are rented to vendors other than those who own the premises, for the purpose of individually exposing new or used good for sale, and shall include a Farmers Market. (66-08)

“Heating Contractor” means a Person who carries on the business of installing, repairing and maintaining warm air, hot water or steam heating equipment of any kind;

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

“Inspector” means a duly appointed Municipal Law Enforcement Officer and includes members of the Peel Regional Police;

“Licence” means the certificate issued by the Licence Manager under this By-law;

“Licencee” means any Person licensed under this By-law;

“Licence Manager” means the Manager of the Compliance and Licensing Enforcement Unit of the City’s Enforcement Division and includes his or her designates. (191-08)

“Licensing Unit” means the Compliance and Licensing Enforcement Unit of the Enforcement Division;

“Lunch Counter” means a building or structure or part thereof where meals or meal portions, including ice cream cones or other frozen confectionaries, are prepared and sold over a counter for consumption within the building or structure or off the premises;

“Master Heating Installer” means a Person who is skilled in the planning and installation of warm air, steam and hot water, heating systems, including air conditioning and ventilation systems and equipment used in connection therewith, and who engages in the superintending of such work;

“Master Plumber” means a Person who is skilled in the planning, superintending and installing of plumbing, and who himself, or by journeymen plumbers, under their supervision, performs plumbing work;

“Medical Officer of Health” means the Medical Officer of Health for the Regional Municipality of Peel, duly appointed under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, and includes any staff official acting on their behalf;

“Motor Vehicle” includes an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a motorized snow vehicle or motor-assisted vehicle;

“Night Club” means a building or structure or part thereof whose primary function is the provision of theatrical performances, pre-recorded music, or live musical entertainment whether such pre-recorded or live music is provided for listening or dancing by the patrons, or any combination of the above functions, and whose secondary function may include the sale and consumption on the premises of food and/or alcoholic beverages but which does not include a restaurant, a take out restaurant or an Adult Entertainment Business;

“Notice of Additional Fee” means a written notice from the Licence Manager to a Licensee advising them of their requirement to pay an Additional Fee;

“Owner” means a Person who alone or with others, owns and/or has ultimate control over, and/or directs the operation of a business;

“Parking Lot” includes any lot, building, structure or part thereof used for the temporary storage of more than three (3) motor vehicles where consideration is paid for such storage but does not include parking facilities provided by landlords for tenants or by Condominium Corporations to unit owners or tenants;

“Paving” means the laying or covering with material to form a firm level surface for travel;

“Pawnbroker” means a Person who carries on the business of taking by pawn or pledge any article for the repayment of money lent thereon;

“Peddler” means a Person who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are provided to the customer immediately;

“Person” includes a corporation and its directors and officers, and the heirs, executors, assignees and administrators;

“Pet Shop” means a building, structure or part thereof where animals or birds for use as pets are sold or kept for sale;

“Plumbing Contractor” means a Person who carries on the business of plumbing and drain laying;

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

“Public Hall” means a building or structure or part thereof including a banquet hall or a portable building or tent, offered for use as a place of public assembly but does not include a building, except a tent, used solely for religious purposes;

“Restaurant” means a building or structure or part thereof where food is prepared and offered for sale to the public for consumption within the building or structure or off the premises and may include a drive-through window;

“Salvage Yard” includes an automobile wrecking yard or similar premises;

“Second-hand Goods” include waste paper, rags, bones, bottles, clothing, furniture, bicycles, automobile tires, old metal and other scrap metal, salvage and all other used goods, wares and merchandise;

“Second-hand Goods Employee” means a Person working in a Second-hand Goods Shop who has the responsibility of purchasing or otherwise receiving or accepting Second-hand Goods;

“Storage Fee” means the fee for the storage of a vehicle based upon a 24 hour period from the time the vehicle enters the Vehicle Pound Facility and shall be inclusive of all costs associated with the storage of the vehicle, including but not limited to administration fees, environmental charges and insurance costs; (360-07, 427-08)

“Second-hand Goods Shop” means a building, structure or part thereof which is open to the public where the principal business is the buying or selling of Second-hand Goods;

“Take-out Restaurant” means a building, structure or part thereof where food, prepared on or off the premises, is offered for sale to the public, and where the food is ordered for delivery or pick-up with consumption of all food occurring off the premises;

“Vehicle Pound Facility” means land, buildings or structures or part thereof, used for the temporary storage of impounded Vehicles within a secure area which is fenced and gated or inside a building and where a Storage Fee is charged and may include property held under police or other government authority. An office shall be located on the property. (360-07)

“Vehicle” includes a motor vehicle, motor assisted bicycle, trailer, farm tractor or any vehicle drawn, propelled or driven by any kind of power including muscular power;

“Zoning Certificate” means a certificate duly issued by the City approving the use for which the Licence application has been made on the property where the business is located.

LICENSING REQUIRED

2. (1) No Person shall:
 - (a) own or operate an Amusement Arcade Class A or Class B,
 - (b) act as an Auctioneer,
 - (c) own or operate an Automobile Service Station,
 - (d) own or operate a Billiard Hall Class A or Class B,
 - (e) own or operate a Breeding or Boarding Kennel,
 - (f) act as a Building Renovator,
 - (g) own or operate a Carnival,
 - (h) own or operate a Circus,
 - (i) act as a Drain Contractor or Drain Layer,
 - (j) act as a Driveway Paving Contractor,
 - (k) repealed by 238-08
 - (l) act as a Heating Contractor or as a Master Heating Installer,
 - (m) own or operate a Lunch Counter,
 - (n) own or operate a Night Club,
 - (o) own or operate a Parking Lot,
 - (p) carry on the business of a Pawnbroker,
 - (q) own or operate a Pet Shop,
 - (r) act as a Plumbing Contractor or Master Plumber,
 - (s) own or operate a Public Hall,
 - (t) own or operate a Restaurant,
 - (u) own or operate a Salvage Yard,
 - (v) act as a Second-hand Goods Employee, or

- (w) own a Second-hand Goods Shop,
- (x) own or operate a Take-out Restaurant,
- (y) keep a store or shop where tobacco, cigars or cigarettes are sold by retail,
- (z) sell by retail any Fireworks from inside a building or part thereof;
- (aa) own or operate a Vehicle Pound Facility, (360-07)

unless the Person is licensed under this By-law.

- (2) A Person shall carry on business only in 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 City if any part of the business is carried on in the City, even if the business is being conducted from a location outside the City.

REPRESENTATION OF LICENSING

- 3. No Person shall hold himself out to be licenced if he is not.

LICENSING UNIT

- 4. The Licensing Unit shall: (191-08)
 - (1) Receive and process all applications for Licences and for the renewal of Licences; (191-08)
 - (2) Issue all Licences when an application is made in accordance with the provisions of this By-law and attached Schedules, and meets all requirements under this By-law and attached Schedules; (191-08)
 - (3) Impose terms and conditions on a Licence where the Licence Manager is of the opinion that a term or condition of a licence should be imposed under Section 8; (191-08)
 - (4) Refuse to issue, renew a Licence or revoke or suspend a Licence where the Licence Manager is of the opinion that the Appellant is disentitled to a Licence under Section 9; (191-08)

- (5) Maintain complete records showing all applications received and licences issues; (191-08)
- (6) Enforce the provisions of this By-law and attached Schedules; and (191-08)
- (7) Generally perform all the administrative functions conferred upon it by this By-law and the attached Schedules. (191-08)

APPLICATION FOR A LICENCE AND FOR RENEWAL OF A LICENCE

5. (1) An application for an Owner's Licence and an application for the renewal of an Owner's Licence shall be completed on the forms provided by the Licensing Unit.
- (2) Each executed application shall be submitted to the Licensing Unit by the Owner and be accompanied by:
 - (a) the fee in the appropriate amount as set out in Schedule 1 to this By-law;
 - (b) a Zoning Certificate may be required indicating that the use for which the application has been made is approved under the Zoning By-law as an approved use of the premises; and
 - (c) if the Owner is a corporation, a copy of the incorporating document and a copy of the last annual information filed or, if a registered partnership, a copy of the registered declaration of partnership and a copy of the business name registration;
- (3) Notwithstanding paragraph 5(2)(b), where an application is made for the renewal of a Licence and where a Zoning Certificate has been received approving the use of the property for that which the renewal application has been made, no new Zoning Certificate is required.
- (4) Notwithstanding paragraph 5(2)(b), where an application is made for a new or the renewal of a Licence and where a Zoning Certificate has been issued based upon the use being approved by a Committee of Adjustment Decision, the Zoning Certificate is subject to all conditions and restrictions imposed by the Committee of Adjustment on the use, including the term that the use is permitted, and upon expiry of the term, as permitted by the Committee of Adjustment, the Zoning Certificate shall no longer be valid.
- (5) Notwithstanding paragraph 5(2)(c), where a corporation applies for a renewal of a Licence and there has been no change in the officers or directors of the corporation, only a copy of the last annual information filed must be submitted by the Owner with the Owner's executed application.

- (6) Where an application for a Licence or for renewal of a Licence is refused, the fee paid pursuant to paragraph 5(2)(a) shall be fully refunded.
- (7) Notwithstanding the above, no refund shall be made where an Additional Fee imposed pursuant to this By-law remains outstanding at the time of renewal and where the Additional Fee is equal to or greater than the Licence renewal fee, except where the outstanding Additional Fee is less than the renewal fee for the Licence, the Applicant shall be refunded the difference between the renewal fee and the Additional Fee outstanding.
- (8) An Owner must obtain a separate licence for each of the premises at which the Owner carries on business.
- (9) No individual shall be licensed under this By-law unless the individual is eighteen (18) years of age or over.
- (10) Where an application is made for a Vehicle Pound Facility Licence, the application shall include a letter detailing the Storage Fee to be charge for the storage of a Vehicle and the maximum number of Vehicles that may be stored in the Vehicle Pound Facility at any one time; (360-07)

INSPECTION

6. On receipt of an application for a Licence or for renewal of a Licence, the Licence Manager may at any reasonable time enter upon the business premises of the Owner to make an inspection to ensure that all the provisions of this By-law have been satisfied.

ISSUE OF LICENCE OR RENEWAL OF LICENCE

7. When an application for a Licence or renewal of a Licence is made in accordance with the provisions of this by law and the Applicant meets all the requirements of this By-law, the Licence Manager shall issue a Licence.

LICENCE ON TERMS AND CONDITIONS

8. (1) Notwithstanding any other provisions of this By-law, Licence Manager may impose terms and conditions on any Licence at issuance, renewal or any time during the Licence period, including special conditions, as are necessary to give effect to this By-law and may include, but are not limited to, conditions restricting the hours of business other than those set out in this By-law and the attached Schedules or conditions that the business Owner have employees in attendance at the business location during the hours of operation to ensure compliance with this By-law. (191-08)

- (2) Notwithstanding any other provisions of this By-law, Licence Manager may impose Additional Fees on a Licensee, by way of a Notice of Additional Fee at any time during the term of the Licence for costs incurred by the municipality attributable to the activities of the Licensee. (191-08)
- (3) The Notice of Additional Fee shall be sent to the Licensee by Registered Mail and shall provide the Licensee with sixty (60) days to pay the outstanding amount from the date of such Notice.

GROUND FOR REFUSAL TO ISSUE OR TO RENEW A LICENCE

9. An Applicant whose application meets all the requirements of this By-law and its Schedules is entitled to a Licence or the renewal of a Licence except where:
 - (1) There are reasonable grounds to believe that any application or other document provided to the Licensing Unit by or on behalf of the Applicant contains a false statement or provided 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, if the Applicant is a corporation, affords reasonable grounds for the belief that the Applicant will not carry on the activity for which he is to be licensed or to continue to be licensed in accordance with law and with integrity and honesty; or
 - (3) The financial position of the Applicant affords reasonable grounds to believe that the activity for which he is to be licensed or to continue to be licensed in accordance with law will not be carried on in a financially responsible manner; or
 - (4) The issuance of the Licence or renewal of the Licence would be contrary to the public interest; or
 - (5) 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 City; or
 - (6) The fee payable in respect of the Licence applied for has not been paid; or
 - (7) Any Additional Fee imposed on a Licensee remains unpaid after the due date as indicated in the Notice of Additional Fee sent to the Licensee; or
 - (8) There are reasonable grounds to believe that the Applicant does not meet all the requirements of this By-law or any other City By-law, or 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 this By-law, or with any other law or by-law, including any applicable zoning and building requirements; or

- (9) The Applicant fails or refuses to comply with any requirement set out in the By-law to obtain or maintain or renew a Licence issued under this By-law.

THE LICENCE MANAGER'S POWER TO REFUSE TO ISSUE, RENEW A LICENCE OR REVOKE OR SUSPEND A LICENCE

10. (1) The powers and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, or to impose terms and conditions on a Licence, are hereby delegated to the Licence Manager and his or her delegates. (191-08)
- (2) Where the Licence Manager is of the opinion that: (191-08)
- (a) an application for a licence or renewal of a licence should be refused,
 - (b) a reinstatement should not be made,
 - (c) a licence should be revoked,
 - (d) a licence should be suspended, or
 - (e) a term or condition of a licence should be imposed,
- he or she shall make that decision.
11. (1) After a decision is made by the Licence Manager, written notice of that decision shall be given to the Applicant or Licensee advising the Applicant or Licensee of the Licence Manager's decision with respect to the application or licence. (191-08)
- (2) The written notice to be given under subsection (1), shall: (191-08)
- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Licence Manager; and
 - (d) state that the Applicant or Licensee is entitled to a hearing by the Appeal Tribunal if the Applicant or Licensee delivers to the Clerk, within seven (7) days after the Notice under subsection (1) is served, a notice in writing requesting a hearing by the Appeal Tribunal and the appeal fee as set out in Schedule 1 of this By-law
- (3) Where no appeal is registered within the required time period, the decision of the Licence Manager shall be final. (191-08)

THE HEARING BEFORE THE APPEAL TRIBUNAL

12. (1) The powers and authority to conduct appeal hearings under this By-law are hereby delegated to an all-citizen Appeal Tribunal duly appointed by By-law.(191-08)
- (2) The provisions of sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act*,. R.S.O. 1990, cS.22, as amended, shall apply to all hearings conducted by the Appeal Tribunal under this By-law. (191-08)
- (3) When the Applicant or Licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Appeal Tribunal may proceed with the hearing in his or her absence and the Applicant or Licensee shall not be entitled to any further notice of the proceedings. (191-08)
- (4) At the conclusion of a hearing, the Appeal Tribunal may give its decision orally or reserve its decision, but in any case it shall provide its decision in writing, with reasons, within fourteen (14) days of the hearing to the Applicant or Licensee and the Licence Manager. (191-08)

TRIBUNAL DECISION FINAL

13. In making its decision the Appeal Tribunal may uphold or vary the decision of the Licence Manager, or make any decision that the Licence Manager was entitled to make in the first instance. The decision of the Appeal Tribunal issued under this By-law is final. (191-08)

RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

14. (1) When a Licence has been revoked, deemed unrenovable, cancelled or suspended, the holder of the Licence shall return the Licence to the Licensing Unit within twenty four (24) hours of service of written notice of the decision of the Licence Manager or, where an appeal has been filed, the decision of the Appeal Tribunal, and the Licence Manager may enter upon the business Premises of the Licensee for the purpose of receiving, taking, or removing the said Licence. (191-08)
- (2) When a Person has had his or her Licence revoked or suspended under this By-law, he or she shall not refuse to deliver up or in any way obstruct or prevent the Licence Manager from obtaining the Licence in accordance with subsection (1). (191-08)

CANCELLATION OF A LICENCE

15. Any Licence issued under this By-law may be cancelled at any time upon the written request of the Licensee.

LICENCE TRANSFERABLE

16. A Licence issued under this By-law is not transferable.

RIGHT OF INSPECTION OF LICENSED PREMISES

17. (1) The Inspector may at any reasonable time, enter upon and inspect the business Premises of any Licensee to ensure that the provisions of this By-law are complied with.
- (2) Upon an inspection, every Person shall produce all relevant Licences and permits, invoices, vouchers or like documents and all documents required to be kept and maintained under this By-law which may be removed for the purpose of photocopying and returned to the Licensee within forty eight (48) hours of removal.
18. No Person shall obstruct the Person inspecting or withhold, destroy, conceal or refuse to furnish any information or thing required by the Person inspecting for the purpose of the inspection.

DISPLAY OF LICENCE

19. (1) Every Owner shall prominently display the Licence at the licensed premises at all times and shall produce the Licence upon request by the Licence Manager or an Inspector.
- (2) Where the licensee does not have a licenced premises, the licensee shall carry the licence at all times when the licensee is engaged in the activity for which the licence has been issued and shall produce the licence upon request by the Licence Manager, an inspector or peace officer.

NOTIFICATION OF CHANGE OF INFORMATION

20. (1) A Licensee shall carry on business in the City in the name which is set out on the Licence and shall not carry on business in the City in any other name.
- (2) When a Licensee changes his name or address or any information relating to his Licence, he shall notify the Licensing Unit within thirty-two (32) hours of the change of address or any other information relating to his Licence and shall return the Licence immediately to the Licensing Unit for amendment.
- (3) When the Licensee is a corporation, and there is any change in the following information given on the application, namely: the names and addresses of officers and directors, the location of the corporate head office, and/or change of ownership of shares, the Licensee shall report the change to the Licensing Unit within seven (7) days of the change, and if necessary, the Licence shall be returned immediately to the Licensing Unit for amendment.

- (4) A Licencee shall not alter, erase or modify or permit such alteration, erasure or modifications of their Licence or part thereof unless approved by the Licensing Manager.

ORDER TO COMPLY

21. Where a Licensee contravenes any provision of this By-law or its Schedules, the Inspector may:
 - (1) Serve a written notice on the Licensee, advising of the contravention and directing compliance: or
 - (2) 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 by the City and the City will recover the expense by action or in like manner as municipal taxes

NOTICE

22. (1) Any notice or order required to be given or served under this By-law is 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 records of the Licensing Unit.
- (2) When service is made by registered mail, the service shall be deemed to be effected on the seventh (7th) 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

23. (1) In addition to any other penalty that a court of competent jurisdiction may impose by law, every Person who contravenes any provision 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, exclusive of costs, not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both.
- (2) If a corporation is convicted under subsection (1), the maximum penalty, exclusive of costs, that may be imposed is \$50,000 and not as provided therein.

SEVERABILITY

24. Any section of this By-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the By-law shall continue to be valid.

SCHEDULES

25 All schedules attached to this By-law shall form part of this By-law.

INTERPRETATION

26. In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

SHORT TITLE

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

28. By-law 0001-2001, as amended, being the Business Licensing By-law is hereby repealed.

ENACTED AND PASSED this 18th day of January, 2006.

Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk

INDEX

<u>SUBJECT</u>	<u>SCHEDULE#</u>
A	
Amusement Arcade Class A and Class B	3
Auctioneer	4
Automobile Service Station	5
B	
Billiard Hall Class A and Class B	6
Breeding or Boarding Kennel	7
Building Renovator	8
C	
Car Leasing (see Automobile Service Station)	5
Car Sale (see Automobile Service Station)	5
Car Wash (see Automobile Service Station)	5
Carnival	9
Circus	10
D	
Drain Contractor	11
Drain Layer	11
Driveway Paving Contractor	12
E	
Expiry Date	2
F	
Fees	1
Fireworks	14
G	
H	
Heating Contractor	15
Heating Installer (Master)	15
I	
J	
K	
Kennel (see Breeding or Boarding Kennel)	8
L	
Lunch Counter (see Restaurant)	23

M		
N	Night Club	16
O		
P	Parking Lot	17
	Pawnbroker	18
	Peddler	19
	Pet Shop	20
	Plumbing Contractor	21
	Plumber (Master)	21
	Public Garage (see Automobile Service Station)	5
	Public Hall	22
Q		
R	Restaurant	23
S	Salvage Yard	24
	Second-hand Goods Shop Employee	25
	Second-hand Goods Shop	25
	Service Station (see Automobile Service Station)	5
T	Take-Out Restaurant (see Restaurant)	23
	Tobacco - Retail Sale	26
U		
V	Vehicle Pound Facility	27
W		
X		
Y		
Z		

**Schedule 1 to By-law 1-06
Relating to Fees**

(amended by 360-07, 191-08, 238-08, 397-09))

1. <u>TYPE OF LICENCE</u>	NEW	RENEWAL
Amusement Arcade Class A or B	\$ 250.00	\$ 244.00
Auctioneer	\$ 149.00	\$ 145.00
Automobile Service Station		
Class A or B	\$ 149.00	\$ 145.00
Class C, D or E	\$ 200.00	\$ 195.00
Billiard Hall Class A or B	\$ 250.00	\$ 244.00
Breeding or Boarding Kennel	\$ 149.00	\$ 145.00
Building Renovator	\$ 169.00	\$ 145.00
Carnival	\$ 200.00	
Circus	\$ 149.00	
Drain Contractor	\$ 169.00	\$ 145.00
Drain Layer	\$ 169.00	\$ 145.00
Driveway Paving Contractor	\$ 169.00	\$ 145.00
Fireworks Sales	\$ 169.00	\$ 145.00
Heating Contractor	\$ 169.00	\$ 145.00
Heating Master Class A, B or C	\$ 169.00	\$ 145.00
Lunch Counters	\$ 149.00	\$ 145.00
Night Club	\$2,605.00	\$2,600.00
Parking Lot	\$ 149.00	\$ 145.00
Pawnbroker	\$ 149.00	\$ 145.00
Peddler	\$ 149.00	\$ 145.00
Pet Shop	\$ 149.00	\$ 145.00

**Schedule 1 to By-law 1-06
Relating to Fees**

<u>TYPE OF LICENCE</u>	NEW	RENEWAL
Plumbing Contractor	\$ 169.00	\$ 145.00
Plumbing Master	\$ 169.00	\$ 145.00
Public Hall	\$ 149.00	\$ 145.00
Restaurant	\$ 149.00	\$ 145.00
Salvage Yard	\$ 149.00	\$ 145.00
Second Hands Goods Employee	\$ 149.00	\$ 145.00
Second-hand Goods Shop	\$ 149.00	\$ 145.00
Take-out Restaurant	\$ 149.00	\$ 145.00
Tobacco Sales	\$ 200.00	\$ 145.00
Vehicle Pound Facility	\$ 500.00	\$ 500.00

OTHER FEES (taxes not included)*

Trades Exam Fee	\$ 30.00
Appeal Tribunal Hearing Fee	\$340.00
Replacement Licence Fee	\$ 12.00

- These rates shall automatically increase and be rounded to the nearest dollar on the first day of January in each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the 12-month period ending on October 1 in the year immediately preceding the rate increase date.
- The fees as listed in this schedule will be subject to Provincial Sales Tax (P.S.T), Goods and Services Tax (G.S.T) and/or Harmonized Sales Tax (H.S.T), where applicable.

SCHEDULE 2
LICENSE EXPIRY DATES

(amended by 360-07)

1. (1) The licences issued pursuant to the following Schedules of this By-law:

Schedule 3	Amusement Arcade Class A and Class B
Schedule 5	Automobile Service Station Class A, B, C, D and E
Schedule 6	Billiard Hall Class A and Class B
Schedule 7	Breeding or Boarding Kennel
Schedule 16	Night Club
Schedule 17	Parking Lot
Schedule 18	Pawnbroker
Schedule 20	Pet Shop
Schedule 22	Public Hall
Schedule 23	Restaurant, Take-out Restaurant and Lunch Counter
Schedule 24	Salvage Yard
Schedule 25	Second-hand Goods Shop
Schedule 26	Tobacco Retail Sale
Schedule 27	Vehicle Pound Facility

shall expire according to the name of the street on which the business premises are located and the licence expiry dates shall be divided as follows:

- (a) where the first letter of the street name begins with the letter A through and including D, the licence expiry date shall be March 31, of each year;
 - (b) where the first letter of the street name begins with the letter E through and including K, the licence expiry date shall be August 31, of each year;
 - (c) where the first letter of the street name begins with the letter L through and including P, the licence expiry date shall be October 31, of each year;
 - (d) where the first letter of the street name begins with the letter Q through and including Z, the licence expiry date shall be December 31, of each year.
- (2) Where a new or initial licence has been issued 90 days or less prior to the licence expiry date described in this Schedule, the licence period shall be extended and the licence shall be valid, subject to the other provisions of this By-law, until the licence expiry date in the following year.

**SCHEDULE 2
LICENSE EXPIRY DATES**

- (3) Where a new or initial licence has been issued 91 days or more prior to the licence expiry date described in this Schedule, the licence period shall not be extended and the licence shall be valid, subject to the other provisions of this By-law, only until the current year's licence expiry date.
- (4) Where an owner of a business has renewed the licence for a given year and then moves the business to a new location within the City, the expiry date for the licence will be amended to the set date for the new street location but the fee will not be payable to the new location until the licence expiry date in the following year.

2. The licences issued pursuant to the following Schedules of this By-law:

- Schedule 4 Auctioneer
- Schedule 19 Peddler
- Schedule 25 Second-hand Goods Shop Employee

shall expire on December 31 of each year.

3. The licences issued pursuant to the following Schedules of this By-law:

- Schedule 8 Building Renovator
- Schedule 11 Drain Contractor and Drain Layers
- Schedule 12 Driveway Paving Contractor
- Schedule 13 Electrical Contractors and Master Electricians
- Schedule 15 Heating Contractors and Master Heating Installers
- Schedule 21 Plumbing Contractors and Master Plumbers

shall expire on June 30 of each year.

4. The licences issued pursuant to the following Schedule of this By-law:

- Schedule 9 Carnival
- Schedule 10 Circus
- Schedule 14 Fireworks Sales

shall be valid, subject to any other provisions of the By-law, for the period of time set out on the licence.

SCHEDULE 3
OWNERS AND OPERATORS OF AMUSEMENT ARCADES

1. The holder of an Amusement Arcade Licence Class B, shall maintain the amusement devices in a separate part of the building set aside only for the use of amusement devices and if the part of the building in which the amusement devices are to be located is already being lawfully used for some other purpose or purposes, the Amusement Devices must be located in a part of the building which is set off by a partition or door or other means to separate them from the other lawful uses.

2. Every licence holder shall:
 - (1) Close for use by the public, the building or part thereof containing the Amusement Devices between the hours of 10:01 p.m. on each day, and 9:00 a.m. on the following day, but in the case of a Class B licence, the licence holder shall only be required to prohibit patrons of the establishment from using the Amusement Devices;
 - (2) Keep as an employee on the licensed premises at all times, a Person over the age of eighteen (18) years whose duties include the supervision, overseeing and maintenance of the orderly conduct of the patrons within the building or part thereof which contains the amusement devices;
 - (3) Not permit on the licensed premises any more amusement devices than the number for which the licence was issued;
 - (4) Not permit any Person to loiter, create a disturbance or cause undue noise while on the licensed premises; and
 - (5) Keep the licensed premises in a clean, neat and sanitary condition, free from fire or any other hazards.

3. The provisions of subsection 2(1) do not apply to any Amusement Arcade licence holder who is also the holder of a licence issued by the Alcohol and Gaming Commission of Ontario for the same location as the Amusement Arcade licence is issued.

4. The provisions of subsection 2(1) do not apply to a license holder where the building containing the Amusement Devices is located on lands zoned industrial and Council has approved alternative hours of operation.

SCHEDULE 3
OWNERS AND OPERATORS OF AMUSEMENT ARCADES

5. Notwithstanding the provisions of subsection 2(1), the holder of an Amusement Arcade licence who is also the operator of a Bowling Alley, may keep the building or part thereof containing the Amusement Devices open to the public until 12 midnight on Friday and Saturday nights provided that a paid duty Police Officer is on site during the extended hours.

6. Notwithstanding subsection 2(3), a licence holder may increase the number of Amusement Devices within the licensed premises provided that the licence holder does not alter the principal use of the building, structure or part thereof and the licence holder first advises the Licensing Unit and obtains an amendment to the licence for the change.

SCHEDULE 4 AUCTIONEERS

1. Every Person licensed under this By-law and Schedule shall,
 - (1) Prominently display their name and business address at the place of each auction;
 - (2) Include their name, business address and Mississauga licence number in all public advertisements of any nature; and
 - (3) Maintain and keep proper books of accounts for all business transactions and such books shall include the name and address of the owners of the good auctioned, and a description of the goods, merchandise, wares or effects, or any portion thereof to be sold.

2. At the conclusion of an auction sale, every Person licensed under this By-law and Schedule shall account for the proceeds and pay them to the Person or Persons entitled to them, less proper commissions and charges; and they shall, where no sale is made of such goods, after being paid their proper costs and charges, return the goods to the Person or Persons entitled to receive them, provided that nothing contained in this section shall in any way affect or invalidate the claim of any auctioneer for goods warehoused by them, and on which they shall have made advances.

3. A Person licensed under this By-law and Schedule shall not:
 - (1) Permit any disorder in the place of the auction;
 - (2) Conduct or permit to be conducted any mock auction;
 - (3) Knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, ware, merchandise or effects which may be offered for sale by them;
 - (4) Give away articles or sell for nominal amounts for the purpose of stimulating bidding;
 - (5) Do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount to be paid for any article or articles;
 - (6) Avail themselves of the services of, or act in concert with, Persons known in the trade as “beaters”, “boosters”, or “shills” for the purpose of raising or stimulating bids; or
 - (7) Sell or put up for sale by auction, any goods, wares, merchandise or effects on a reserve-bid basis without first having announced clearly to those in attendance at the auction the fact of such reserve bid.

SCHEDULE 5
OWNERS AND OPERATORS OF AUTOMOBILE SERVICE STATIONS

1. Every Person licensed under this By-law and Schedule shall obtain the proper class of Automobile Service Station licence the classes of which are described as follows:
 - (1) “***Automobile Service Station Class A***”, for any premises where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed;
 - (2) “***Automobile Service Station Class B***”, for any premises which is used for the storage of vehicles, used for the storage and sale of gasoline or oils and as a motor vehicle repair shop;
 - (3) “***Automobile Service Station Class C***”, for any premises which is used for carrying on the business of buying and/or selling of new and/or used motor vehicles;
 - (4) “***Automobile Service Station Class D***”, for any premises which is used for carrying on the business of operating a parking station, parking garage or area used for the storage of motor vehicles used for hire or kept for storage;
 - (5) “***Automobile Service Station Class E***”, for any premises which is used for carrying on the business of the operation of a car wash.

2. Every Person licensed under this By-law and Schedule shall:
 - (1) Not use an Automobile Service Station for:
 - (a) the wrecking of vehicles;
 - (b) the parking or storage of vehicles except those awaiting or having undergone repair and are awaiting pick up; or
 - (c) the sale of vehicles.
 - (2) Only conduct the repair of the vehicles or parts thereof or exhibit for sale motor vehicle tires, tubes, tire accessories, electric light bulbs, spark plugs, batteries or other motor vehicle parts within an enclosed service building on the premises;
 - (3) Keep the service station and any sidewalk or street upon which the premises abut in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other foreign substances derived from the licensed premises or resulting from the use of the licensed premises;

SCHEDULE 5
OWNERS AND OPERATORS OF AUTOMOBILE SERVICE STATIONS

- (4) Not deposit any snow or ice on any public sidewalk or on any roadway upon which the premises abut;
 - (5) Provide adequate storage facilities for all waste materials;
 - (6) Only run the engine of a motor vehicle within an enclosed building which has adequate ventilation to ensure the dilution or removal of any carbon monoxide fumes;
 - (7) Keep and maintain all washroom facilities in a clean and sanitary condition;
 - (8) Park all motor vehicles on the licensed premises and in a neat and orderly manner; and
 - (9) Hold a valid Provincial Driver's licence issued under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, if the Person engages in the driving, moving or in any way operates a motor vehicle in the course of the business.
3. Subsection 2(1)(b) of this Schedule does not apply to the holder of an Automobile Service Station Class D licence.
 4. Subsection 2(1)(c) of this Schedule does not apply to the holder of an Automobile Service Station Class C licence.
 5. Every Person holding an Automobile Service Station Class D licence shall allow any motor home, trailer or similar vehicle when used for human habitation to be parked on the licensed premises.
 6. Every Person holding an Automobile Service Station Class E licence shall:
 - (1) Provide during hours of business, minimum illumination of 0.8 foot candle on all parts of the premises used for a car wash;
 - (2) Ensure that lighting fixtures used are of a type and are arranged so that they do not cause nuisance or distraction to passing traffic or adjoining properties;
 - (3) Use signs which are clear and which do not distract or confuse motorists or pedestrians;
 - (4) Identify all entrance and exit driveways so that they are clearly visible from the street;

SCHEDULE 5
OWNERS AND OPERATORS OF AUTOMOBILE SERVICE STATIONS

- (5) Ensure that all vehicles awaiting the car wash are parked or remain standing on the licensed premises;
 - (6) Ensure that where the car wash abuts a residential zone, the Car Wash, including any vacuum cleaner equipment located on the site, is closed between the hours of 11:00 p.m. each day and 7:00 a.m. the following day; and
 - (7) Ensure that where the Car Wash abuts a residential zone, an on-site Car Wash Attendant is on duty on the site when the Car Wash is open for use.
7. Subsections 6(6) and 6(7) do not apply to the holder of an Automobile Service Station Class E licence issued prior to September 25, 1996.

SCHEDULE 6
PERSONS WHO FOR HIRE OR GAIN
KEEP OR HAVE ON THE PREMISES BILLIARD TABLES

1. No Person licensed under this By-law and Schedule shall operate a Billiard Table:
 - (1) on a day other than a Sunday before 08:00 hours and after 02:00 hours of the following day;
 - (2) on a Sunday before 12:00 hours and after 02:00 hours of the following day;
 - (3) notwithstanding subsection 1(1)(a), on December 31, where December 31 is not a Sunday, before 08:00 hours and after 03:00 hours of January 1; and
 - (4) notwithstanding subsection 1(1)(b), on December 31, where December 31 is a Sunday, before 12:00 hours after 03:00 hours of January 1.

2. A Person licensed under this By-law and this Schedule shall not permit any individual under the age of sixteen (16) years to use the Billiard Tables on the premises unless that individual is accompanied by a parent or legal guardian.

3. A Person licensed under this By-law and Schedule shall not permit any disorderly conduct or disturbance by any patrons while on the premises.

SCHEDULE 7
OWNERS AND OPERATORS OF BREEDING AND BOARDING KENNELS

1. Every Person licensed under this By-law and Schedule shall:
 - (1) Maintain all premises used for the boarding and breeding of animals in a sanitary, neat, clean and tidy condition free from offensive odors;
 - (2) Not sell any sick, injured or diseased animal;
 - (3) Keep and maintain in good condition a register, in which shall be entered in the English language in ink, in a plain legible hand, a record of each dog sold and such entry shall include the date of sale, name and address of the purchaser, the sale price, the breed or crossbreed, sex, age and description of the animal sold; and
 - (4) Give to the purchaser on any sale or disposition of a dog, a receipt showing the name and address of the vendor and the purchaser, the date of sale, the sale price, the breed or crossbreed, sex, age and description, including the dog's colour and markings.

**SCHEDULE 8
BUILDING RENOVATOR**

1. No Person shall be licenced as a Building Renovator under this By-law and Schedule unless:
 - (1) A written examination set by the City has been successfully completed or the Person holds a current Building Renovators licence issued by another municipality in Ontario which required successful completion of a written examination and which examination is acceptable to the City; and
 - (2) Proof of General Liability Insurance is provided showing a minimum of \$1,000,000.00 coverage, which coverage is endorsed to indemnify and save harmless the City.
2. Every applicant for a Building Renovator licence shall pay an examination fee as set out in Schedule 1 for each examination as required.
3. Every Building Renovator licenced under this By-law and Schedule shall:
 - (1) Have printed or otherwise displayed on both sides of all vehicles owned, leased or used on a regular basis by the Building Renovator in the course of business, in figures no less than four (4) inches in height, the Building Renovator's name and the City Contractor's Number; and
 - (2) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising materials, the Building Renovator's name and the City Contractor's Number.
4.
 - (1) A Person licensed under this By-law and Schedule shall prepare a written contract which shall be signed by the licensee and the Person for whom the work is being done before commencing any work.
 - (2) A copy of the contract referred to in subsection 4(1) above shall be given to the Person for whom the work is being done and the contract shall contain:
 - (a) the name and address of the licensee and the Person for whom the work is being done;
 - (b) the address where the work is to be done;
 - (c) a description of the materials and services to be supplied sufficient to identify them with certainty;
 - (d) the itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
 - (e) warranties or guaranties, if any; and
 - (f) the estimated date of completion.

**SCHEDULE 8
BUILDING RENOVATOR**

5. A Person licenced as a Building Renovator under this By-law and Schedule shall not:
- (1) Perform work which is extra or additional to an existing contract unless and until the licensee has entered into a second or additional contract made in accordance with Section 4;
 - (2) Enter into any second or additional contract with the Person with whom the licensee first contracted where the second or additional contract contains terms which are repugnant to, inconsistent with or are an attempt to vary or negate the first contract;
 - (3) Perform any type of work as a Building Renovator unless the licence is endorsed to show that the licensee is qualified to perform the type of work being done or the licensee has in the licensee's employ, throughout the performance of the work, a Person who is licensed as a Building Renovator under this By-law and this Schedule and whose licence is endorsed to show that the licensee is qualified to perform such work;
 - (4) Permit the use of the licensee's name by any other Person, either directly or indirectly, for the purpose of obtaining a permit to do any building renovations; and
 - (5) Perform any work which requires a licence or permit unless a licence or permit is first obtained.
6. A Person licensed under this By-law and Schedule shall, on request from the Person for whom the work was done or from the Licence Manager, provide a written itemized account of all work performed to the Person for whom the work was done and to the Licence Manager.

**SCHEDULE 9
OWNERS AND OPERATORS OF CARNIVALS**

1. Every application for a licence made under this By-law and Schedule shall be accompanied by:
 - (1) Written approval for the establishment of the Carnival from the owner of the lands being used;
 - (2) A map detailing the location of the Carnival on the property;
 - (3) A certificate of insurance, endorsed to indemnify The Corporation of the City of Mississauga, and showing a minimum of \$5,000,000.00 coverage to guarantee against any and all claims that might be made against the applicant by reason of the applicant's operations for bodily injury or death in any one accident; and
 - (4) Where the Carnival includes rides or like contrivances:
 - (a) a valid and current licence to carry on business in Ontario issued by the Technical Standards & Safety Authority, or its successor; and
 - (b) a valid and current Ontario Amusement Device Permit issued by the Technical Standards & Safety Authority, or its successor, for each ride.
2. No Person licenced under this By-law and Schedule shall:
 - (1) Operate or allow to be operated, rides or like contrivances for use by the public in an improper or dangerous manner;
 - (2) Emit, cause or permit the emission of sound from the operation of an electronic device or group of connected devices incorporating one or more loudspeakers or other electro-mechanical transducers intended for the production, reproduction or amplification of sound if the sound is clearly audible at a point of reception in a residential area between 17:00 hours on one day and 07:00 hours on the next day or, in the case of a Sunday before 09:00 hours; and
 - (3) Subsection 2(2) above does not apply to a Carnival operated in conjunction with a Festival approved by Council.
3. Every Person licenced under this By-law and Schedule shall keep order and, at the Person's own expense, shall keep a sufficient staff of employees or servants to maintain such order.
4. Every licence issued under this By-law and Schedule shall be valid for the period of time stipulated in the letter referred to in subsection 1(1) of this Schedule or fifteen (15) consecutive days, whichever is less.

SCHEDULE 10
OWNERS AND OPERATORS OF CIRCUSES

1. Every application for a licence made under this By-law and Schedule shall be accompanied by:
 - (1) Written approval for the establishment of the Circus from the owner of the lands being used;
 - (2) A map detailing the location of the Circus on the property;
 - (3) A certificate of insurance, endorsed to indemnify The Corporation of the City of Mississauga, and showing a minimum of \$5,000,000.00 coverage to guarantee against any and all claims that might be made against the applicant by reason of the applicant's operations for bodily injury or death in any one accident; and
 - (4) Where the Circus includes rides or like contrivances:
 - (a) a valid and current licence to carry on business in Ontario issued by the Technical Standards & Safety Authority, or its successor; and
 - (b) a valid and current Ontario Amusement Device Permit issued by the Technical Standards & Safety Authority, or its successor, for each ride.
2. No Person licenced under this By-law and Schedule shall:
 - (1) Operate or allow to be operated rides or like contrivances for use by the public in an improper or dangerous manner; or
 - (2) Emit, cause or permit the emission of sound from the operation of an electronic device or group of connected devices incorporating one or more loudspeakers or other electro-mechanical transducers intended for the production, reproduction or amplification of sound if the sound is clearly audible at a point of reception in a residential area between 17:00 hours on one day and 07:00 hours on the next day or, in the case of a Sunday before 09:00 hours; and
 - (3) Subsection 2(2) above does not apply to a Circus operated in conjunction with a Festival approved by Council.
3. Every Person licenced under this By-law and Schedule shall:
 - (1) Keep order and, at the Person's own expense, shall keep a sufficient staff of employees or servants to maintain such order; and

SCHEDULE 10
OWNERS AND OPERATORS OF CIRCUSES

- (2) Ensure that the care, feeding and housing of all the circus animals is done in compliance with the applicable Ontario Society for the Prevention of Cruelty to Animals regulations and any applicable government requirements.
- 4. Every licence issued under this By-law and Schedule shall be valid for the period of time stipulated in the letter referred to in subsection 1(1) of this Schedule or fifteen (15) consecutive days, whichever is less.

SCHEDULE 11
DRAIN CONTRACTORS AND DRAIN LAYERS

1. No Person shall be licensed as a Drain Layer under this By-law and Schedule unless:
 - (1) a written examination set by the City has been successfully completed or the Person holds a current Drain Layers licence issued by another municipality in Ontario which required successful completion of a written examination and which examination is acceptable to the City;
 - (2) proof of General Liability Insurance is provided showing a minimum of \$1,000,000.00 coverage, which coverage is endorsed to indemnify and save harmless the City; and
 - (3) that Person is employed by a licenced Drain Contractor.
2. Every applicant for a Drain Layer licence shall pay an examination fee as set out in Schedule 1 for each examination as required.
3. No Person shall be licensed as a Drain Contractor under this By-law and Schedule unless:
 - (1) that Person is licensed as a Drain Layer or Master Plumber or employs at least one licensed Master Plumber or licensed Drain Layer on a regular, full time basis; and
 - (2) proof of General Liability Insurance is provided showing a minimum of \$1,000,000.00 coverage, which coverage is endorsed to indemnify The Corporation of the City of Mississauga.
4. No Drain Contractor licensed under this By-law and Schedule shall perform or permit to be performed any drainage work which is not under the direct Personal supervision of a licenced Drain Layer or licenced Master Plumber.
5. Every Drain Contractor and Drain Layer licensed under this By-law and Schedule shall:
 - (1) have printed or otherwise displayed on both sides of all vehicles owned, leased or used on a regular basis by the licensee in the course of business, in figures no less than four (4) inches in height, the licensee's name and City Contractor's Number; and
 - (2) have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising materials the licensee's name and City Contractor's Number.

SCHEDULE 11
DRAIN CONTRACTORS AND DRAIN LAYERS

6. A Person licensed as a Drain Layer or Drain Contractor under this By-law and Schedule shall not:
 - (1) permit the use of the licensee's name by any other Person, either directly or indirectly, for the purpose of obtaining a permit to do any work as a Drain Layer or Drain Contractor; and
 - (2) perform any work which requires a licence or permit unless a licence or permit is first obtained.

SCHEDULE 12
DRIVEWAY PAVING CONTRACTORS

1. No Person shall be licenced as a Driveway Paving Contractor under this By-law and Schedule unless proof of General Liability Insurance is provided showing a minimum of \$1,000,000.00 coverage, which coverage is endorsed to indemnify and save harmless the City.
2. Every Driveway Paving Contractor licenced under this By-law and Schedule shall:
 - (1) Have printed or otherwise displayed on both sides of all vehicles owned, leased or used on a regular basis by the Driveway Paving Contractor in the course of business, in figures no less than four (4) inches in height, the Driveway Paving Contractor's name and the City Contractor's Number;
 - (2) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising materials the Driveway Paving Contractor's name and the City Contractor's Number; and
3.
 - (1) A Person licensed under this By-law and Schedule shall prepare a written contract which shall be signed by the licensee and the Person for whom the work is being done before commencing any work.
 - (2) A copy of the contract referred to in subsection 3(1) shall be given to the Person for whom the work is being done and the contract shall contain:
 - (a) the name and address of the licensee and the Person for whom the work is being done;
 - (b) the address where the work is to be done;
 - (c) a description of the materials and services supplied including the depth of asphalt, concrete, gravel or other material to be applied (this description may be supplemented by a sketch);
 - (d) the itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
 - (e) warranties or guaranties, if any; and
 - (f) the estimated date of completion

SCHEDULE 12
DRIVEWAY PAVING CONTRACTORS

4. A Person licenced as a Driveway Paving Contractor under this By-law and Schedule shall not:
 - (1) Perform work which is extra or additional to an existing contract unless and until the licensee has entered into a second or additional contract made in accordance with Section 3;
 - (2) Enter into any second or additional contract with the Person with whom the licensee first contracted where the second or additional contract contains terms which are repugnant to, inconsistent with or are an attempt to vary or negate the first contract;
 - (3) Permit the use of the licensee's name by any other Person, either directly or indirectly, for the purpose of obtaining a permit to do any driveway paving; or
 - (4) Perform any work which requires a licence or permit without such licence or permit.

5. A Person licensed under this By-law and Schedule shall, on request from the Person for whom the work was done or from the Licence Manager, provide a written itemized account of all work performed to the Person for whom the work was done and to the Licence Manager.

**SCHEDULE 13
ELECTRICAL CONTRACTORS AND MASTER ELECTRICIANS**

SCHEDULE REPEALED BY BY-LAW 238-08

SCHEDULE 14
RETAIL SALE OF FIREWORKS FROM INSIDE A
BUILDING OR PART THEREOF

1. Every application for a licence made under this By-law and this Schedule shall be accompanied by:
 - (1) A Zoning Certificate issued by the City of Mississauga Planning and Building Department, certifying that retail sales are permitted at the location;
 - (2) A letter from the Fire Chief or designate stating that an inspection has been conducted of the location, quantities and manner in which the Fireworks will be stored and displayed and that they are in compliance with the provisions of the *Fire Protection and Prevention Act*, S.O. 1997, c. 4, as amended; and the *Ontario Fire Code*, O. Reg. 388/97; and

2. No Person licenced under this By-law and this Schedule shall:
 - (1) Sell Fireworks to anyone under the age of eighteen (18) years;
 - (2) Sell Firecrackers or restricted pyrotechnic devices;
 - (3) Sell or display any Fireworks outside of the building or part thereof;
 - (4) Sell Fireworks at any time during the year except for the ten (10) days immediately preceding the days set by statute for the observance of Canada and Victoria Day, except to the holder of a permit issued by the Fire Chief;
 - (5) Display any Fireworks in any display window except where the Fireworks do not contain any explosive or chemical material; and
 - (6) Store or sell any Fireworks not in conformity with all other applicable legislation or requirements.

SCHEDULE 15
HEATING CONTRACTORS AND MASTER HEATING INSTALLERS

1. (1) There shall be three (3) classes of Master Heating Installer's Licences:
 - Class A - for the installation, adjustment and repair of oil and gas burning equipment used for heating or cooling purposes;
 - Class B - for the installation, repair and adjustment of steam and hot water heating systems; and
 - Class C - for the installation, repair and adjustment of warm air heating systems of all kinds.
- (2) The holder of a Class B or C licence is also entitled to carry out the works prescribed under a Class A licence.
2. (1) No Person shall be licensed as a Master Heating Installer under this By-law and Schedule unless:
 - (a) that Person has at least two year's related practical experience as a provincially certified journeyman;
 - (b) that Person holds a Gas Technician Level 1 Certificate issued by the Ministry of Consumer and Commercial Relations Technical Standards and Safety Authority;
 - (c) proof of General Liability Insurance is provided showing a minimum of 1,000,000.00 coverage, which coverage is endorsed to indemnify and save harmless the City;
 - (d) that Person is employed by a licenced Heating Contractor; and
 - (e) that Person produces on request, documentation in support of the requirements set out in subsections 2(2) and 2(3).
- (2) Where a Person is an applicant for a Class B Master Heating Installer's Licence, then in addition to the requirements contained in subsections 2(1) (a), (b) and (c), the applicant shall not be licensed under this By-law and Schedule unless that applicant also holds a Certificate of Qualification as a Steam Fitter, issued by the Ministry of Consumer and Commercial Relations Technical Standards and Safety Authority.

SCHEDULE 15
HEATING CONTRACTORS AND MASTER HEATING INSTALLERS

- (3) Where a Person is an applicant for a Class C Master Heating Installer's Licence, and the Person will be performing sheet metal work, in addition to the requirements contained in subsections 2(1) (a), (b) and (c), the applicant shall not be licensed under this By-law and Schedule unless the applicant also holds a Certificate of Qualification for sheet metal work issued by the Ministry of Consumer and Commercial Relations Technical Standards and Safety Authority.
3. The provisions of this By-law and Schedule shall not apply to the repair and maintenance of a heating system and related equipment where the repair and maintenance is done by:
 - (1) A Person who is an owner or tenant, where the equipment is contained within the premises occupied by the owner or tenant; or
 - (2) A Person who is a full time employee of a property owner or tenant, and who is engaged by the property owner or tenant for maintenance of heating equipment within the premises of the property owner or tenant.
4. A Person licenced as a Master Heating Installer under this By-law and Schedule shall not:
 - (1) Be in the employ of, or act on behalf of, a Heating Contractor other than the one for whom the licensee is licensed as shown on the licence issued under this By-law and this Schedule; or
 - (2) Cause or permit an apprentice or helper or other unqualified Person to perform any heating works or install any heating material or appliances except as an assistant to and under the direct Personal supervision of a licensed Master Heating Installer or a provincially certified journeyman continuously employed on the same contract or job, who is under the direct supervision of a Master Heating Installer.
5. No Person shall be licensed as a Heating Contractor under this By-law and Schedule unless:
 - (1) That Person is licensed as a Master Heating Installer or employs at least one licensed Master Heating Installer on a regular, full-time basis; and
 - (2) Proof of General Liability Insurance is provided showing a minimum of \$1,000,000.00 coverage, which coverage is endorsed to indemnify and save harmless the City.

SCHEDULE 15
HEATING CONTRACTORS AND MASTER HEATING INSTALLERS

6. A Person licenced as a Heating Contractor under this By-law and Schedule shall not perform or permit to be performed any heating work which is not under the direct Personal supervision of a Master Heater or a provincially certified journeyman heater continuously employed on the same contract or job who is under the direct supervision of a Master Heater.
7. Every Heating Contractor and Master Heating Installer licensed under this By-law and Schedule shall:
 - (1) Have printed or otherwise displayed on both sides of all vehicles owned, leased or used on a regular basis by the licensee in the course of business, in figures no less than four (4) inches in height, the licensee's name and the City Contractor's Number; and
 - (2) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising materials the licensee's name and the City Contractor's Number.
8. A Person licensed as a Heating Contractor or Master Heating Installer under this By-law and Schedule shall not:
 - (1) Permit the use of the licensee's name by any other Person, either directly or indirectly, for the purpose of obtaining a permit to do any work as a Master Heating Installer or Heating Contractor; and
 - (2) Perform any work which requires a licence or permit unless a licence or permit is first obtained.

SCHEDULE 16
OWNERS AND OPERATORS OF NIGHT CLUBS

1. The owner of every Night Club shall display in a prominent place in the entrance way to the Night Club and on the inside wall of each room adjacent to the entrance of the room, a placard issued by the Fire Chief or his designate stipulating the maximum occupancy for each room.

2. Every Person to whom this Schedule relates shall keep good order in or at any building or premises in respect to which a licence has been issued, and at the Person's own expense shall keep a sufficient number of employees or contractors for this purpose.

3. The premises shall be kept clean and orderly and maintained in all respects reasonably suitable for the purpose for which they are used, and in particular, shall be kept suitably lighted and ventilated during the hours of business including the half hour before and after close of business.

4. No snow or ice shall be allowed to accumulate on any fire escape or other means of egress in such a manner or to such an extent as to create any unnecessary danger.

SCHEDULE 17
OWNERS AND OPERATORS OF PARKING LOTS

1. Every application for a licence made under this By-law and Schedule shall include:
 - (1) The location of the land for which the licence is sought;
 - (2) The maximum number of motor vehicles authorized to be parked upon the premises at any one time; and
 - (3) The hours during which the premises shall be open for business.

2. Every Person licensed under this By-law and Schedule shall:
 - (1) Ensure that all driveways into and out of the parking lot as well as the parking spaces in the parking lots are paved with asphalt, concrete or other similar substances;
 - (2) Ensure that all parking spaces are clearly delineated by painted contrasting lines;
 - (3) Ensure that all parking spaces are readily accessible at all times for the parking or removal of motor vehicles without the necessity of moving any other motor vehicle;
 - (4) If the Person engages in the driving or operating of a motor vehicle which is parked or stored on the licensed premises, be the holder of a valid operator's licence issued under *The Highway Traffic Act* R.S.O. 1990 c H.8, as amended, and shall not employ any Person or permit any employee to drive or operate such motor vehicle unless such Person is also the holder of a valid operator's licence;
 - (5) Display in a conspicuous place at or upon the licensed premises a sign which states:
 - (a) in letters and figures of uniform size but not less than 3 inches in height, the rates or charges for parking motor vehicles;
 - (b) in readily legible letters, the hours during which the licensed premises are open for business, together with the licensee's name and address;
 - (6) Keep the licensed premises free from rubbish, in a clean and neat condition, and keep any adjacent sidewalk or street free from any dirt, debris, rubbish, snow, ice or other foreign substances emanating from such premises or resulting from the use thereof;

SCHEDULE 17
OWNERS AND OPERATORS OF PARKING LOTS

- (7) Where any motor vehicle remains continuously and without lawful excuse at or upon the licenced premises for more than twenty-four hours, forthwith report to the nearest police station the model and provincial permit number of such motor vehicle; and
 - (8) At the time of receiving each motor vehicle for the purpose of parking on the licensed premises, give or cause to be given to the Person from whom the motor vehicle is received a numbered receipt bearing on the same side as the number:
 - (a) a clear statement of the extent of the responsibility accepted by the licensee in respect to loss of, or damage to, such motor vehicle and contents thereof while parked, stored or otherwise in the care and custody of the licensee or any of the licensee's employees; and
 - (b) the licensee's name, the location of the licensed premises and the business hours specified on the sign or signs as required by sub-section (5).
3. No Person licensed under this By-law and Schedule shall:
- (1) Remove or cause to be removed any snow from the licensed premises onto any sidewalk or roadway adjacent to the licensed premises;
 - (2) Park any motor vehicle on any highway adjacent to the licensed premises;
 - (3) Lend, hire, rent, cause or permit any employee or other Person to lend, hire or rent any motor vehicle that has been received by the licensee or any of the licensee's employees for the purposes of parking or storing the same at or upon the licensed premises.
 - (4) Use, cause or permit an employee or other Person to use any such motor vehicle or any accessory or equipment thereof, except for purposes necessarily incidental for parking or storing same; or
 - (5) Make any motor vehicle repairs unless licenced to do so under this By-law and the vehicle owner has requested that the motor vehicle be repaired.

SCHEDULE 18
PAWNBROKERS

1. Every applicant for a new licence under this By-law and Schedule shall file with their application, cash or other security in a form approved by the Treasurer of the City of Mississauga, and in the amount of \$2,000.00 which security shall be held by the Treasurer of the City of Mississauga as a guarantee of the applicant's compliance with this By-law and Schedule and the provisions of *The Pawnbrokers Act*, R.S.O. 1990 c. P.6, as amended.

2. Every Person licensed under this By-law and Schedule shall carry on his business in accordance with the provisions of *The Pawnbrokers Act*, R.S.O. 1990 c. P.6, as amended.

SCHEDULE 19
HAWKERS AND OR PEDDLERS

1. Every Person licensed under this By-law and Schedule shall:
 - (1) File with the licensing section a written statement fully describing the goods or merchandise they intend to sell;
 - (2) Employ only Persons licensed under this By-law;
 - (3) Before selling foodstuffs, file with the Licensing Section a certificate from the Medical Officer of Health approving the said sale; and
 - (4) Produce on request from any By-law Enforcement Officer or Police Officer, the licence issued to carry on business as a peddler under this By-law.

2. No Person licensed under this By-law and Schedule shall peddle goods door to door between the hours of sunset and sunrise.

SCHEDULE 20
OWNERS OF PET SHOPS

(amended by 66-08)

1. For the purposes of this schedule, “dog” means any member of either sex of the species *canis familiaris*.
2. Every application for a licence under this Schedule shall be accompanied by a signed Certificate of Approval from the Medical Officer of Health.
3. Every Person licensed under this By-law and Schedule shall:
 - (1) Carry on business in accordance with the provisions of the City's Animal Care and Control By-law 0098-2004, as amended;
 - (2) Maintain their business premises in a sanitary, well-ventilated, clean condition and free from offensive odors;
 - (3) Hire or otherwise employ individuals adequately trained in the care and handling of animals to care, feed and clean the animals;
 - (4) Locate and keep all cages or other enclosures containing animals so that there is no undue physical contact with the public;
 - (5) Provide fresh drinking water daily to all animals except fish;
 - (6) Provide fresh and proper food daily to all animals;
 - (7) Give all enclosed dogs or cats reasonable exercise;
 - (8) Not keep or sell any sick, injured, or diseased animal;
 - (9) Not sell or offer for sale or give away any chicks, ducklings or other poultry or any dyed animal;
 - (10) Not display any animal in an exterior display window;
 - (11) Give to the purchaser on any sale or disposition of an animal, a receipt showing the name and address of the vendor and the purchaser, the date of sale, the sale price, the breed or crossbreed, sex, age and description;
 - (12) Keep and maintain in good condition, a register, in which shall be entered in the English language, in ink, in a plain legible hand, a record of each animal purchased or otherwise obtained. Such record shall be open to inspection by the Licence Manager and the Regional Police Department at any time during business hours, and such Persons may remove the register at any time for photocopying or for use in any proceeding; and

SCHEDULE 20
OWNERS OF PET SHOPS

- (13) Make an entry in the register referred to in subsection (12) for each animal as soon as it comes into the Person's possession and each entry shall set out the date of purchase, the name, address and description of the Person from whom the animal was purchased or otherwise obtained.
4. Every Person licensed under this By-law and Schedule shall make every reasonable effort to obtain the name, address and description of anyone offering to sell or give to the licensee any animal which the licensee has cause or reason to suspect has been stolen or otherwise unlawfully obtained and the licensee shall report the facts promptly to the nearest Police Division of the Region of Peel Police Services Board.
5. Where a By-law Enforcement Officer properly inspecting the licensed premises determines that an animal appears to require medical attention, they may require the licensee to take the animal to a qualified veterinarian forthwith.
6. No licence shall be issued for the sale or keeping for sale of animals or birds in a Flea Market, and the sale or keeping for sale of animals or birds by any vendor in a Flea Market, is prohibited. (66-08)

SCHEDULE 21
PLUMBING CONTRACTORS AND MASTER PLUMBERS

1. No Person shall be licensed as a Master Plumber under this By-law and Schedule unless:
 - (1) That Person has at least two years' related practical experience, as a provincially certified journeyman plumber;
 - (2) That Person is the holder of a valid certificate of qualification as a Plumber issued pursuant to the regulations made under *Apprenticeship and Certification Act*, 1998, S.O. 1998, or is otherwise authorized to work at the trade of a Plumber in accordance with the *Trades Qualification and Apprenticeship Act*, R.S.O. 1990, c.T.17; and
 - (3) Proof of General Liability Insurance is provided showing a minimum of \$1,000,000.00 coverage, which coverage is endorsed to indemnify and save harmless the City; and
 - (4) That Person is employed by a licenced Plumbing Contractor.
2. The provisions of this By-law and Schedule shall not apply to the repair and maintenance of a plumbing system and related equipment where the repair and maintenance is done by:
 - (1) A Person who is an owner or tenant, where the equipment is contained within the premises occupied by the owner or tenant; or
 - (2) A Person who is a full-time employee of a property owner or tenant who is engaged by the property owner or tenant for maintenance of plumbing equipment within the premises of the property owner or tenant.
3. No Person shall be licensed as Plumbing Contractor under this By-law and Schedule unless:
 - (1) That Person is licensed as a Master Plumber or employs at least one licensed Master Plumber on a regular, full-time basis; and
 - (2) Proof of General Liability Insurance is provided showing a minimum of \$1,000,000.00 coverage, which coverage is endorsed to indemnify and save harmless the City.
4. A Master Plumber licensed under this By-law and Schedule shall not:
 - (1) Be in the employ of, or act on behalf of, a Plumbing Contractor other than the one for whom the licensee is licensed as shown on the licence issued under this By-law and Schedule; or

SCHEDULE 21
PLUMBING CONTRACTORS AND MASTER PLUMBERS

- (2) Cause or permit an apprentice or helper or other unqualified Person to perform any plumbing works or install any plumbing materials or appliances except as an assistant to and under the direct Personal supervision of a licensed Master Plumber or a provincially certified journeyman plumber continuously employed on the same contract or job who is under the direct supervision of a Master Plumber.

5. A Person licenced as a Plumbing Contractor under this By-law and Schedule shall not perform or permit to be performed any plumbing work which is not under the direct Personal supervision of a Master Plumber or a provincially certified journeyman plumber continuously employed on the same contract or job who is under the direct supervision of a Master Plumber.

6. Every Plumbing Contractor and Master Plumber licensed under this By-law and Schedule shall:
 - (1) Have printed or otherwise displayed on both sides of all vehicles owned, leased or used on a regular basis by the licensee in the course of business, in figures no less than four (4) inches in height, the licensee's name and the City Contractor's Number; and
 - (2) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising materials the licensee's name and the City Contractor's Number.

7. A Person licensed as a Plumbing Contractor or Master Plumber licensed under this By-law and Schedule shall not:
 - (1) Permit the use of the licensee's name by any other Person, either directly or indirectly, for the purpose of obtaining a permit to do any work as a Master Plumber or Plumbing Contractor; or
 - (2) Perform any work which requires a licence or permit unless a licence or permit is first obtained.

SCHEDULE 22
OWNERS OR OPERATORS OF PUBLIC HALLS

1. Every application for a new licence under this By-law and Schedule shall be accompanied by:
 - (1) A certificate from the Medical Officer of Health where the Public Hall includes a kitchen used to prepare food to be served in the Public Hall;
 - (2) A letter from the Fire Chief or his designate stating the maximum occupancy load for the Public Hall.

2. No licence fee shall be payable under this By-law for the operation of Public Halls by any religious organization, where they do not receive any remuneration for the use of their Public Hall.

3. No licence fee shall be payable under this By-law for the operation of Public Halls by any Municipal, Provincial or Federal government, University, Public School, Separate School or Boards of Education in respect of the use of their Public Halls.

SCHEDULE 23
RESTAURANTS, TAKE-OUT RESTAURANTS AND LUNCH COUNTERS

1. For the purposes of this Schedule:
 - (1) “Serving Person” includes a waiter, waitress, host, hostess, bartender, cook and every other Person serving or making available to the public food or drink in an eating or drinking establishment and every other Person involved in providing such service whether or not such Person is licensed or required to be licensed under this By-law;
 - (2) “Specified Body Areas” includes:
 - (a) in the case of a female Person: her breasts; and
 - (b) in the case of all Persons: the pubic, perineal and perianal areas and the buttocks.
2. Every application for a licence to own or operate a Restaurant, Take-out Restaurant or Lunch Counter under this By-law shall be accompanied by a certificate of approval issued and signed by the Medical Officer of Health.
3. Every Person licensed under this By-law and Schedule shall be responsible for maintaining the premises and property in a neat, clean and litter free condition.
4. No Person licensed under this By-law and Schedule to own or operate a Restaurant, Take-out Restaurant or Lunch Counter shall use the services of a Serving Person who is not wearing clean clothing which fully covers such Person's Specified Body Areas with opaque material.
5. No new licence shall be issued to an owner of a Restaurant, a Take-out Restaurant or Lunch Counter unless the premises to be used have provision for the storage of garbage in a completely enclosed garbage storage facility which is contained in the main building in which the Restaurant, Take-out Restaurant or Lunch Counter business is to be conducted.

SCHEDULE 24
OWNERS AND OPERATORS OF SALVAGE YARDS

(amended by 48-09)

1. Every application for a new licence under this By-law and Schedule shall be accompanied by written approval of the site by the Chief Fire Official or their designate.
2. Every Person licensed under this By-law and Schedule shall:
 - (1) carry on business only within an enclosed building or within an area surrounded by a rigid fence which provides a complete visual barrier. The fence shall be a minimum height of six (6) feet above grade and shall be constructed of either masonry, metal, wood or any combination thereof and if metal or wood shall be painted a uniform colour;
 - (2) provide stable surface treatment on all driveways and parking areas;
 - (3) keep all buildings and fences in good repair;
 - (4) maintain a register in a form approved by the Licence Manager in which shall be entered in the English language, in a plain legible hand:
 - (a) a description of all goods taken in exchange or otherwise obtained, including make, model, serial number, quantity and any other uniquely identifying marks, colours or initials;
 - (b) the date and time the goods were received; and
 - (c) repealed by 48-09
 - (5) notify the police and the Licence Manager forthwith of the particulars of any goods or articles of any kind which the licensee has cause to believe may have been stolen or unlawfully obtained. (48-09)
 - (6) Forthwith on the demand of the police or the Licence Manager:
 - (a) identify themselves;
 - (b) produce their licence and picture card issued under authority of this By-law and Schedule;
 - (c) produce the register required to be maintained under subsection 2(4) of this Schedule for inspection; and
 - (d) allow the register to be removed from the premises for the purposes of photocopying or for use in any judicial or quasi-judicial proceedings.

SCHEDULE 24
OWNERS AND OPERATORS OF SALVAGE YARDS

3. A Person licensed under this By-law and Schedule shall not:
- (1) Carry out dismantling operations between the hours of 6:00 p.m. and 7:00 a.m.;
 - (2) Conduct business on a regular business day between the hours of 11:00 p.m. and 7:00 a.m.; or
 - (3) Purchase, take in, exchange or receive any goods or articles from any Person actually or apparently under the age of sixteen (16) years, or from any Person who appears to be under the influence of alcohol or drugs.

SCHEDULE 25
SECOND-HAND GOODS SHOPS AND
SECOND-HAND GOODS SHOP EMPLOYEES

(amended by 48-09)

1. No licence shall be required under this By-law and Schedule, by a Person:
 - (1) Selling or dealing in second-hand goods on behalf of a religious, philanthropic, patriotic, fraternal, or charitable organization or society where the entire proceeds of the sale are used to further the objects of the foregoing organization or society;
 - (2) Dealing in goods which are recognized antiques or works of art; or
 - (3) Whose principal business is the sale of new goods or merchandise and who deals in second-hand goods only to the extent of purchasing or otherwise obtaining and selling goods taken in trade.
2. Every application for a licence under this By-law and Schedule shall be accompanied by four (4) current photographs of the applicant, one of which will be attached to the licence and the other three (3) filed with the Licensing Unit.
3. Every licensed owner of a Second-hand Goods Shop shall:
 - (1) Notify the Licence Manager, in writing, within seven (7) days of the hiring or dismissal of any licenced employee;
 - (2) Except for an owner who deals in bicycles only, exhibit a sign in large clear lettering placed over the door, or in some other conspicuous place approved by the Licensing Unit which shall read:

“Licensed Second-Hand Shop” or “Licensed Salvage Shop”; and
 - (3) Keep and maintain their premises in a clean and neat condition and in a good state of repair.
4. The licenced owner of a Second-hand Goods Shop shall not be required to obtain a licence as a Second-hand Goods Employee.
5. (1) Every Person licenced under this By-law and Schedule shall:
 - (a) be responsible to maintain a register in a form approved by the Licence Manager and all transactions shall be entered legibly in the English language;

SCHEDULE 25
SECOND-HAND GOODS SHOPS AND
SECOND-HAND GOODS SHOP EMPLOYEES

- (b) repealed by 48-09
 - (c) refuse to purchase, take in, exchange or receive any goods or articles from any Person actually or apparently under the age of eighteen (18) years, or from any Person who appears to be under the influence of alcohol or drugs;
 - (d) notify the police and the Licence Manager forthwith, of the particulars of any goods or articles of any kind which the licensee has cause to believe may have been stolen or unlawfully obtained. (48-09)
 - (e) repealed by 48-09
 - (f) ensure that no goods or articles that were purchased or taken in exchange for another item are in any way altered, repaired, disposed of or are in any way parted with, until the expiration of thirty (30) clear days, exclusive of holidays, from the date of purchase or exchange, and during these thirty (30) days the goods or articles so obtained shall remain on the licensed premises and shall be subject to inspection at any time during normal business hours.
- (2) Every Person licensed under this By-law and Schedule shall, forthwith on the demand of the police or the Licence Manager:
- (a) identify themselves;
 - (b) produce their licence and picture card issued under authority of this By-law and Schedule;
 - (c) produce the register required to be maintained under subsection 5(1) (a) of this Schedule for inspection; and
 - (d) allow the register to be removed from the premises for the purposes of photocopying or for use in any judicial or quasi-judicial proceedings.

SCHEDULE 25
SECOND-HAND GOODS SHOPS AND
SECOND-HAND GOODS SHOP EMPLOYEES

6. The register referred to in subsection 5(1)(a) of this Schedule shall include:
- (1) A description of all goods taken in exchange or otherwise obtained, including make, model, serial number, quantity and any other uniquely identifying marks, colours or initials;
 - (2) The date and time the goods were received;
 - (3) repealed by 48-09
 - (4) repealed by 48-09.

SCHEDULE 26
OWNERS AND OPERATORS OF STORES AND SHOPS WHERE
TOBACCO, CIGARS AND CIGARETTES ARE SOLD BY RETAIL

1. Every Person licensed under this By-law and Schedule shall maintain their premises in a clean condition free from litter and must provide litter containers around the premises in size, number and location so that they adequately contain all refuse caused by the operation of the business.

2. Where an Automatic Prohibition Order is issued by the Minister of Health for the sale of tobacco, the licence issued by the City is automatically revoked.

**SCHEDULE 27 TO BY-LAW 0001-2006
OWNERS OF VEHICLE POUND FACILITIES**

(amended by 360-07, 427-08)

1. Every person Licensed under this By-law and this Schedule shall:
 - (1) Ensure that the Vehicle owner or his or her agent is aware of the Storage Fee to be charged in association with the storage of the Vehicle prior to the Vehicle entering into the Vehicle Pound Facility, except where the storage of the Vehicle is the result of the Vehicle being seized by a Peace Officer or government authority; (427-08)
 - (2) Before demanding payment for the storage of a Vehicle, present the Vehicle owner or his or her agent an invoice for the storage of the Vehicle, such invoice to detail the time and day the Vehicle first entered the Vehicle Pound Facility and total cost for the storage of the Vehicle;
 - (3) repealed by 427-08
 - (4) Maintain a copy of the invoice referred to above for a minimum of one year from the date the Vehicle is removed from the Vehicle Pound Facility;
 - (5) Comply with all the appropriate provisions of the *Repair and Storage Liens Act* when disposing of an unclaimed Vehicle;
 - (6) Ensure that the Vehicle owner or his or her agent shall be able to obtain the release of the Vehicle at any time (24 hours a day, 7 days a week, 365 days a year), provided payment of the Storage Fee is made.
 - (7) Maintain a sign at the Vehicle Pound Facility, visible from the entrance to the Vehicle Pound Facility, detailing the daily hours of operation of the Vehicle Pound Facility, the telephone number to use for after hours Vehicle release service and the Storage Fee to be charged for the storage of a Vehicle;
 - (8) Ensure that sufficient staff are available during normal business hours as well as after hours, 365 days a year in order to release a Vehicle;
 - (9) Keep all buildings and fences in good repair;
 - (10) Ensure all landscaped areas are well maintained;
 - (11) Keep the Vehicle Pound Facility and any sidewalk or street upon which the premises abut, in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other foreign substances, including but not limited to tires and Vehicle parts derived from the licensed premises or resulting from the use of the licensed premises;

**SCHEDULE 27 TO BY-LAW 0001-2006
OWNERS OF VEHICLE POUND FACILITIES**

- (12) Maintain compliance with all aspects of the zoning requirements for a Vehicle Pound Facility;
 - (13) Comply with all relevant legislation pertaining to the storage and disposal of hazardous materials on the premises; and
 - (14) Ensure that where a daily Storage Fee is charged, it shall be based on each 24-hour period that the Vehicle has been held in storage or any part thereof. Charges shall commence from the time the Vehicle is placed in the Vehicle Pound Facility.
2. No person Licensed under this By-law and this Schedule shall:
- (1) Charge a Storage Fee in excess of twenty-five dollars (\$25.00) per twenty-four hour period, plus applicable taxes. (427-08)
 - (2) Deposit any snow or ice on any public sidewalk or on any roadway upon which the Licensed premises abut;
 - (3) Permit the premises to be used for the purpose of servicing or repairing Vehicles except while in an enclosed building; or
 - (4) Charge a Storage Fee for any period of time that the Vehicle owner or his or her agent was unable to obtain the Vehicle as a result of some fault on the part of the Vehicle Pound Facility Owner or their staff.