The Corporation of the City of Burlington

By-law 42-2008

Consolidation

This By-law is a consolidated version and includes amendments made by those amending by-laws. This consolidation is prepared for purposes of convenience only and is not the official or legal version of the By-law. For accurate reference to the By-law, certified copies should be obtained through the City Clerk's Office.

Revised: December 10, 2012, December 16, 2015, June 13, 2016, September 24, 2018, November 23, 2020, June 18, 2024, August 25, 2025, July 22,2026

THE CORPORATION OF THE CITY OF BURLINGTON
BY-LAW NUMBER 42-2008

A By-law to provide for the licensing, regulating and governing various businesses in the City of Burlington

WHEREAS 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 *Municipal Act,* 2001 provides that Council may delegate by by-law some of its responsibilities associated with the licensing, regulating and governing of businesses to City staff; and

WHEREAS the Council of the City of Burlington considers it desirable and necessary to license, regulate and govern certain types of businesses.

NOW THEREFORE the Council of the Corporation of the City of Burlington hereby enacts as follows:

PART I DEFINITIONS

1.1 In this By-law:

(1) "**Additional Fee"** means a fee, in addition to the license fee, imposed by the municipality on a business at any time during the term of the license for costs incurred by the municipality attributable to the activities of the business.

(2) **"Adult Magazine"** means any magazine designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in specified sexual activities, or by an emphasis on the display of human Specified Body Areas.

(3) **"Amusement Device"** means a machine, contrivance, structure or vehicle used in a carnival to entertain members of the public by moving them or causing them to be moved.

(4) "**Applicant"** means a Person applying for a new or renewing a License under this By-law.

(5) **"Automotive"** automotive includes automotive repair, automotive dealership and vehicle storage.

(6) **"Banquet Hall"** means a building or part of a building used for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served on the premises and may include a catering service.

(7) **"Billiard/Pool Hall"** means a building or structure or part thereof where the a principal business is the provision of 5 or more billiard tables for hire or gain.

(a) **"Boards of Education Property"** – means an institution or building at which children and young people receive education.

(8) **"Business"** means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality and includes:

a. trades and occupations,
b. exhibitions, concerts, Festivals and other organized public amusements held for profit or otherwise,
c. the sale or hire of goods or services on an intermittent or one-time basis and the activities of a Transient Trader,
d. the display of samples, patterns or specimens of goods for the purpose of sale or hire.

(12) **"Carnival"** means an exhibition, display, event or amusement show, including a circus, which may include the operation of one or more amusement devices.

(13) **"Catering"** means any service where food is prepared on site or at a place other than the caterer's regular place of business, by a person or persons and provided to the public for hire or gain at a personal or public event or function.

(14) **"Certificate of Insurance"** means a written document stating that insurance is in effect. Includes general statement of policy's coverage including coverage limits and effective dates.

(15) **"City"** means The Corporation of the City of Burlington.

(16) **"City Solicitor"** means the Solicitor for the City or his or her designate.

(17) **"Council"** shall mean the Council for The Corporation of the City of Burlington.

(18) **"Director"** means the City's Director of Building or such other director as the Council may designate, or his or her designate.

"Display Fireworks" means Type F.2 fireworks under the Explosives Act and comprises of high-hazard display fireworks used for recreation, including but not limited to, display shells, barrages, batteries, fountains, exhibition candles, flares, set-pieces, maroons, wheels, and bouquets. These may only be purchased by persons with a valid fireworks operator certificate;

(19) **"Festival"** includes balloon festivals, rock concerts, blue grass festivals, folk festivals, van-ins, raves and any other special events.

(20) **"Fire Chief"** means the Chief of the Fire Department of the City or his or her designate.

(21) **"Fire Code Advisory"** means an advisory issued by the Burlington Fire Department to business owners outlining the requirements under the Ontario Fire Code for specific categories of business.

“Firecrackers” means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion but does not include caps for toy guns, safety flares or marine rockets

(22) **"Fireworks"** otherwise known as Consumer Fireworks or “Family Fireworks” means Type F.1 fireworks under the Explosives Act and comprises of low-hazard fireworks generally used for recreation such as fountains, wheels, Roman candles, sparklers, volcanoes, mines, snakes and toy pistol caps;

“Fireworks By-law” means City of Burlington By-law No. 84-2020, being a By-law to regulate the discharge of fireworks and to repeal and replace By-law 125-1992, as amended or replaced from time to time;

(23) **"Food Service Premise"** means a premise where food or milk is prepared, stored, handled, displayed, distributed, transported, sold or offered for sale.

(24) **"Foodstuff'** means an edible commodity meant for human consumption, including but not limited to pre-packaged, prepared, wholesale, bulk or catered.

(25) **"Highway"** means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, or any part thereof which is intended for or used by the general public for the passage of vehicles, including any surface grassed area, boulevard, ditch, curb, gutter, sidewalk and other parts of the road allowance, whether traveled or untraveled.

(26) **“Home Based Business"** means an office or personal service use, excluding body rub business, conducted from a residential dwelling unit by a person or persons residing in the dwelling unit, which is secondary to the primarily residential use of the dwelling.

(27) **'Individual"** means a natural person and does not include a corporation, partnership or association.

(28) **"Inspector"** a duly appointed Municipal Law Enforcement Officer and includes members of the Halton Regional Police Service.

(29) **"License"** means an authorization issued under this By-law to carry on a business specified therein and the document, certificate or card issued shall provide evidence of such authority as the content may allow.

(30) "**Appeals Committee**" means a Committee or Tribunal duly appointed by Council to conduct hearings under this by-law

(31) **"Licensing Office"** means the Building Department of the City of Burlington or such other department as the Council may designate.

(32) **"Licensing Officer"** means the Director or designate appointed by the Council of the City to issue Licenses.

(33) **"Licensed Premises"** means an establishment, which is referred to in a license issued under this By-Law.

(34) **"Licensee"** means a person who has been issued and maintains a valid license pursuant to the terms of this By-law.

(35) **"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.

(36) **"Medical Officer of Health"** means the Medical Officer of Health for the Regional Municipality of Halton, 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 behalf of the Medical Officer of Health.

(37) **"Motor Vehicle"** includes an automobile and any other vehicle propelled or driven other than by muscular power but does not include the cars of electric or steam railways, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, c.H. 8.

(38) **"Motor Vehicle Dealership"** means a business where new and/or pre-owned vehicles are displayed for retail sales purposes and in conjunction with which there may be a motor vehicle repair garage, or auto body shop.

(39) **"Motor Vehicle Repair Garage"** means a business where motor vehicles are repaired including mechanical and body repairs and painting.

(40) **"Municipality"** means geographic area of the City of Burlington.

(41) **"Newspaper Distribution Box"** means any coin operated or other box or stand that holds newspapers, periodicals, or other printed material for access by the general public.

(42) **"Night Club"** means an establishment or part thereof: whose principal function is the provision of music, pre-recorded or live music, for dancing by club patrons, having a minimum dance floor area of 1Om2, and where food and/or

beverages may be served, but shall not include an Adult Entertainment

Establishment.

(43) **"Nuisance"** means anything that is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

(44) **"Operator"** includes a person who alone or with others: operates, manages, supervises, runs or controls or directs a Business and "operate" and "operation" and other words of like impo1i or intent shall be given a corresponding meaning.

(45) **"Owner"** includes a Person who alone or with others owns and/or has the ultimate control over a Business and/or who directs the operation of a Business under this By-law and whose name appears on the license issued by the City for such Business pursuant to this By-law.

(46) **"Pawnbroker"** means a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon and "pawnbroker" includes a person who offers a buy-back service in relation to such articles.

(47) **"Pawn"** means to deliver personal property to a Pawnbroker in pledge or as security for a debt or sum borrowed.

(48) **"Person"** includes a corporation and its directors and officers, sole proprietor, and partnership and the heirs, executors, assignees and administrators or the other legal representatives of an Individual and their respective successors and assignees

(49) **"Personal Services"** means a business that provides personal care procedures for any part of the body and includes but is not limited to acupuncture, hair cutting, manicuring and nail treatments, electrolysis, tattooing and micro-pigmentation, body piercing and ear piercing.

(50) **"Pinball or Electronic Game Machine Establishment"** means an establishment where eleven or more pinball and/or electronic game machines arc installed.

(51) **"Place of Public Assembly"** means **but** is not limited to theatres, music halls, Festivals, public place, billiard and pool halls, pinball and electronic game machine establishment, banquet facilities, exhibitions, nightclubs, restaurant/bar or other place of ente1iainment or amusement but shall not include an Adult Entertainment Establishment.

(a) **Places of Worship Property** – means a specially designed structure or consecrated space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study.

(52) **"Police Chief'** means the Chief of Police for the Halton Regional Police Service or persons as designated by him or her for the purpose of this by-law.

(53) **"Premises"** include lands, and any fence, buildings, sheds or similar structures situated thereon.
"Prohibited Fireworks" includes but is not limited to ammunition for tie clip, cufflinks or key chain pistols; auto-foolers; blaster balls; cherry bombs, M-80 and silver salutes and flash crackers; cigarette loads or pings; dancing crackers (throw down and step on torpedoes); exploding or smoking golf balls; helicopters; parachute shells; party poppers; table rockets and battle sky rockets; stink or smoke bombs; table bombs; table or bottle rockets; tear gas pens and launchers; throw downs (also called snap caps); trick matches including exploding matches and sparkling matches, as included on the most recent list of prohibited fireworks, as published from time to time under the Explosives Act;

(54) **"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, used solely for religious purposes,

(55) **"Refreshment Vehicle"** includes any vehicle from which refreshments are sold for consumption by the public and includes, but is not limited to, carts, wagons, trailers, trucks and bicycles, irrespective of the type of motive power employed to move the Refreshment Vehicle from one point to another.

(56) **"Refreshment Vehicle - Class A"** includes any vehicle that is used as an itinerant food service premise in which some limited food preparation takes place. Includes but is not limited to chip trucks, hot dog carts & barbeque equipment.

(57) **"Refreshment Vehicle - Class B"** is a non-motorized vehicle, which offers factory pre-packaged frozen products exclusively. Included but is not limited to ice cream bikes and yogurt/juice carts.

(58) **"Refreshment Vehicle - Class C"** includes any motorized vehicle that offers frozen products and/or packaged food for sale to the public. Includes but is not limited to Catering trucks and ice cream trucks.

(a) **"Refreshment Vehicle – Class D"** – means a motorized food service vehicle that is used as a travelling food premises, also known as a food truck

(59) **"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

(60) **"Salvage Yard"** means a yard or premise in which, automobile tires, old metal and other scrap material and salvage is received, purchased, taken in, processed or otherwise dealt with and includes an automobile wrecking yard or premises, excludes second hand goods sold in a mercantile environment.

(61) "**Sell"** means to sell, offer for sale or distribute to one or more persons, whether or not the distribution is made for consideration, and other forms of the term have a corresponding meaning.

(62) **"Seller"** means a person who delivers an article for Pawn or to a Pawnbroker,

(63) **"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.

(64) **"Sidewalk"** means any public walkway, or portion of a highway between the curb line or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.

(65) **"Sign"** means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device or notice.

(66)

"Special Effect Pyrotechnics" means Type F. 3 fireworks under the Explosives Act and comprises of high-hazard fireworks designed for professional use, including articles such as gerbs, mines, comets, and crossettes, as well as special-purpose pyrotechnics made for live stage performances and the film and television industry.

(a) **"Special Event"** – means a special event under the City's Special Event Policy.

(67) **"Specified Body Areas"** means, in the case of a female, any portion of the nipple or areole of the female breast, and in the case of all persons, the anus, cleft of the buttocks, buttocks, penis, vulva, genitals, the pubic area and the perineal and perianal areas.

(68) **"Storage of Motor Vehicles",** means carrying on the business of towing motor vehicles and storage of any motor vehicle into a secure storage compound.

(69) **"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.

(70) **"Transient Trader"** means any person who:

(a) Goes from door to door with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares

or merchandise for which immediate sales are made and for which orders are taken with delivery to follow;

(b) Sells from a permanent structure on a temporary basis, goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are and for which orders are taken with delivery to follow;

(c) Is engaged in retail sales or an auction but does not have a commercial store front; and includes his employees, but does not include:

(i) Refreshment Vehicles, as defined in this By-law.

(ii) A consumer show open to the public or a trade show open by invitation or registration only, where the primary purpose of which is the display of goods and products and not direct sale of them. This Class also, excludes a consumer show or trade show operating as an integral part of a convention or conference.

(71) **"Year To Date"** means the figures appearing under the heading "year" in the description of the motor vehicle portion of the current Ministry of Transportation passenger Motor Vehicle permit for any vehicle.

(71.1) **"Vacant Property"** means a parcel of land separately assessed that has no building thereon.

(72) **"Zoning Certificate"** means a certificate duly issued by the City approving the use for which the License application has been made on the building and/or property where the Business is located or is proposed to be located.

PART 2 LICENSING REQUIRED

2.1 No person shall:

(a) keep a store or shop where Adult Magazines are sold
(b) own or operate a Personal Services business
(c) own or operate a Public Hall or Banquet Hall
(d) own or operate a Restaurant, Take-out Restaurant or Lunch Counter
(e) own or operate a Pinball or Electronic Game Machine Establishment
(f) own or operate Billiard/Pool Hall or Bowling Alley
(g) own or operate a Theatre
(h) own or operate a Nightclub
(i) act as a Transient Trader
(j) own or operate a Refreshment Vehicle
(k) own or operate an Automotive business
(l) sell by retail any Fireworks
(m) hold a Festival
(n) own or operate a Carnival

(p) occupy, operate or own Premises, which may include a Food Service Premise, where Foodstuff is sold
(q) operate or own a store or shop where Tobacco is sold
(r) own or operate a Salvage Yard
(s) carry on the business of a Pawnbroker
(t) install Newspaper Distribution Boxes

unless the person is licensed under this by-law.

2.2 A person shall carry on business only in the name in which the business is licensed.

2.3 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

2.4 No Person shall hold himself or herself out to be licensed if the Person is not.

2.5 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 licensed.

PART3 LICENSING OFFICE

3.1 The following administrative and legislative responsibilities are delegated and assigned to the Licensing Officer as follows, but not limited to:

(a) Preparing necessary documentation and forms.

(b) Receiving and processing all applications for Licenses and for renewals of Licenses.

(c) Issuing Licenses when an application is made in accordance with and in compliance with the provisions of this By-law.

(d) Maintaining records showing all applications received and Licenses issued.

(e) Generally performing all the administrative functions and legislative functions of a minor nature conferred upon the Licensing Officer by this By-law.

PART 4 APPLICATION FOR LICENSE AND FOR RENEWAL OF A LICENSE

4.1 An application for a License and an application for the renewal of a License shall be completed on the forms provided by the Licensing Office.

4.2 Each executed application shall be submitted to the Licensing Office by the Person making the application and shall be accompanied by:

(a) The fee in the appropriate amount as set out in Appendix A to this By-law;

(b) In the case of Owners and Operators, a Zoning Certificate 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;

(c) Proof of the Applicant's age by way of their birth certificate, passport, valid Province of Ontario driver's license or valid Province of Ontario health card with a photograph of the Applicant;

(d) If the Person 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;

(e) of the registered declaration of partnership and a copy of the business name registration.

(f) In the case of a partnership or a corporation, a copy of the registered declaration of partnership, a copy of the business name registration and a list of all current partners, officers, directors and shareholders of the corporation together with their addresses and phone numbers.

(g) Every Person applying for an Owner's license shall file with the Licensing Officer, documentation satisfactory to the Licensing Officer, and demonstrating the Applicant's right to possess or occupy the premises used by the Applicant and if such Applicant is not the registered owner of the property upon which the Business is located, such Applicant shall file with the Licensing Officer, at the same time a copy of the lease, if any, and of any other document constituting or affecting the legal relationship between the said Applicant and the said registered owner or owner in fee simple of the real property.

4.3 Every licensee shall be required to renew the said License prior to the expiry of the original License issued under this By-law.

4.4 A License renewal paid after the expiry date will be required to pay a late fee outlined in the Schedule of fees under this By-law.

4.5 Notwithstanding paragraph 4.2 (c), where an Applicant applies for a renewal of a license no proof of age is required.

4.6 Notwithstanding paragraph 4.2(b) where an application is made for the renewal of a License 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.

4.7 Where an application is made for a new License or the renewal of a License 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 or the Ontario Municipal Board on the use, including the term that the use is permitted, and upon expiry of the term, as permitted by the Committee of Adjustment or the Ontario Municipal Board, the Zoning Certificate shall no longer be valid.

4.8 Where an application for a License or for renewal of a License is refused, the fee paid pursuant to paragraph 4.2(a) shall be fully refunded.

4.9 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 License renewal fee, except where the outstanding, Additional Fee is less than the renewal fee for the License, the Applicant shall be refunded the difference between the renewal fee and the Additional Fee outstanding.

4.10 The Owner and the Operator must each obtain separate License for each of the premises at which the Owner and the Operator carry on Business.

4.11 The Licensing Officer may require the Applicant to obtain more than one License under this By-law, if the nature of the Business of the Applicant qualifies under more than one licensing category under this By-law.

4.12 Where the Licensing Officer receives an application for renewal of a License previously granted under this by-law and the appropriate fees have been paid, he/she may prior to issuance of any such License:

(a) ensure all inspections, approvals and documents as may be required have been obtained;

(b) make inquiries into all relevant matters in order to ascertain if the applicant is entitled to obtain a renewed License under the provisions of this by-law;

(c) inquire into any and all relevant changes in circumstances since the previous License was issued to the applicant;

(d) make any inquiries to any municipal official or employee who has carried out inspections or investigations relative to the business under application;

(e) receive reports from such municipal officials and employees as may be deemed necessary; and

(f) all taxes are paid up to the City of Burlington when required as a

condition of licensing.

4.13 Every application for renewal of a License which is not made within 60 days following the expiry date shall be deemed to be a new application and an administration fee shall apply in addition to the standard licensing fee.

4.14 Notwithstanding that a License has been renewed, the Licensing Officer may require the holder of a License at any time after the renewal is issued to file with Licensing Officer or designate such certificates or other documentary evidence as the Licensing Officer may require as evidence that such Applicant satisfies the requirements of this By-law.

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

PART 5 INSPECTION

Entry and Inspections

5.1 An officer may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the Municipal Act, 2001 for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

(a) this By-law;
(b) an order made under this By-law;
(c) a condition of a License issued under this By-law; or
(d) an order made under section 431 of the Municipal Act, 2001.

5.2 An officer, for the purpose of the inspection under section 5.1 and in accordance with the conditions set out in section 436 of the Municipal Act, 2001, may:

(a) require the production for inspection of documents or things relevant to the inspection;

(b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

(c) require information in writing or otherwise as required by an officer from any person concerning a matter related to the inspection; and

(d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

5.3 An officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the Municipal Act, 2001, in accordance with the conditions set out in that section, where he or she has been

prevented or is likely to be prevented from carrying out an inspection under section 5.1.

PART6 ISSUANCE OF LICRNCE OR RENEWAL

6.1 When an application for a License or for a renewal of a License is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law the Licensing Office shall issue a License.

6.2 No person shall enjoy a vested right in the continuance of a License and upon the suspension or revocation, the License, which is property of the City, shall be returned.

PART7 LICENSE EXPIRY DATES

7.1 Every License issued under this By-law is valid for a period of twelve (12) months from date of issuance unless otherwise specified.

7.2 Every License shall expire on the date set out in the License unless it is renewed in accordance with the provisions of the By-law.

7.3 Every Licensee under the By-law shall be required to renew the License issued pursuant to this By-law prior to its expiry date.

7.4 Any License issued under this By-law may be cancelled by the Licensing Officer at any time upon the request of the Licensee.

PARTS LICENSE ON TERMS AND CONDITIONS

8.1 Notwithstanding any other provisions of this By-law, the Licensing Officer may impose terms and conditions on any License at issuance, at renewal or at any time during the License 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, payment of outstanding fines and compliance with outstanding regulations and legislation including the Ontario Building Code, the Fire Code, the Liquor License Act or conditions that the business Owner or Operator, as the case may be, have employees in attendance at the Business location during the hours of operation to ensure compliance with this By-law.

8.2 It shall be a term of every License that the Licensee shall comply with the provisions of this By-law, other by-laws and all provincial and federal legislation, as applicable.

8.3 The Owner or Operator, as the case may be shall:

(a) Ensure such compliance, as set out in subsection 8.2 by every other person involved in carrying out the Business.

(b) At all times maintain and keep clean, safe, in good condition and repair any place or premises for which a License has been issued under this

By- law.

(c) Not cause, tolerate or permit a nuisance to arise in connection with the place or premises for which the License has been issued.

(d) Not cause, tolerate or permit shouting, noise or disturbance on, in, or in connection with the place or premises for which a License was issued, which is unnecessary, unreasonable or contrary to any By-law prohibiting the same, and if such shouting, noise or other disturbance occurs, the Licensee shall at once take immediate steps to cause the nuisance to be abated.

(e) Not cause, tolerate or permit any profane, offensive or abusive language in connection with any place or premises for which the License was issued.

(f) Not cause, tolerate or permit any obstruction on any highway, sidewalk, lane or public place in front of or adjoining the place or premises for which the License was issued.

8.4 Notwithstanding any other provisions of this By-law, Council may impose Additional Fees on a Licensee, by way of a Notice of Additional Fee at any time during the term of the License for costs incurred by the City attributable to the activities of the Licensee.

8.5 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.

PART9 GROUNDS TO REFUSE TO ISSUE OR RENEW A LICENSE OR TO REVOKE OR SUSPEND

9.1 An Applicant whose application meets all the requirements of this By-law and its Schedules is entitled to a License or the renewal of a License except where:

(a) The application is not complete or the fee payable in respect of the License or renewal has not been paid; or

(b) There are reasonable grounds to believe that any application or other document provided to the Licensing Office by or on behalf of the Applicant contains a false statement or provided false information; or

(c) Any information contained in the original application form or any other information provided to the Licensing Office, has ceased to be accurate and the Licensee has not provided up-to-date accurate information to the Licensing Officer to allow the Licensing Officer to conclude that the License should continue; or

(d) Any Additional Fee imposed on a License remains unpaid after the due date as indicated in the Notice of Additional Fee sent to the Licensee; or

(e) The financial position of the Applicant affords reasonable grounds to believe that the activity for which he or she is to be Licensed or to continue to be Licensed in accordance with law will not be carried on in a financially responsible manner;

(f) 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 has failed to pay the fines for convictions under the Provincial Offences Act which are due and unpaid or where a prohibition or other Court Order made upon conviction has not been complied with; or

(g) There are reasonable grounds to believe that the Applicant does not meet all the requirements of this By-law or any other 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 including provincial or federal law, or by- law, including any applicable zoning, building, and fire department requirements including fire code advisories issued and at time of application; or

(h) The Licensee has contravened any provision or provisions of this By-law within any twelve-month period; or

(i) There are reasonable grounds to believe that the building, premises or place or part thereof in which the Business is carried on or intended to be carried on is dangerous or unsafe; or

(j) There are reasonable grounds to believe that the equipment, vehicles, and other personal property used or kept for hire in connection with the carrying on of or engaging in the Business is dangerous or unsafe; or

(k) The Applicant or Licensee has failed to comply with any condition or direction of the Licensing Officer or Inspector or failed to permit any investigation by the Licensing Officer or Inspector; or

(l) Adverse comment or comments have been received by the Licensing Officer from any City Department or any of the agencies to which the application, renewal or request was circulated; or

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

(n) 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, employees or agents 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 or she is to be Licensed or to continue to be Licensed, in accordance with law and with integrity and honesty; or

(o) The Applicant or Licensee has been convicted of a criminal offence during the preceding five years; or

(p) The Applicant or Licensee has been convicted of an indictable offence under any Statute of Canada, including but not limited to the Criminal Code of Canada, the Narcotic Control Act, the Food and Drug Act, and the Controlled Drug and Substances Act during the preceding five years; or

(q) The Licensing Officer becomes aware of any fact or facts, which, if known at the time of the application for the License, may have resulted in the Licensing Officer refusing or revoking the License; or

(r) The issuance of the License or renewal of the License would be contrary to the public interest.

PART 10 POWER TO REFUSE TO ISSUE OR RENEW A LICENSE OR REVOKE OR SUSPEND A LICENSE

10. 1 The Licensing Officer may refuse to issue a License, refuse to renew a License or may revoke or suspend a License or impose terms and conditions on a License.

I 0.2 Before the Licensing Officer refuses to either issue or to renew a License, or cancels, revokes or suspends a License, or imposes terms and conditions, written notice shall be given to the Applicant or Licensee by the Licensing Officer, advising the Applicant or Licensee of the recommendation.

10.3 The written notice of recommendation to be given under subsection 10(2), shall:

(a) set out the grounds for the recommendation;

(b) give reasonable particulars of the grounds;

(c) be signed by the Licensing Officer; and

(d) State that the Applicant or Licensee is entitled to a hearing by the Appeals Committee if the Applicant or Licensee delivers to the Clerk, within thirty (30) days after Notice is served, a notice in writing requesting a hearing by the Appeals Committee and the appeal fee as set out in the City's Rates and Fees By-law;

10.4 Where no appeal is registered within the required time period, the recommendation of the Licensing Officer is final.

10.5 The City Clerk, upon receipt of a written request from the Applicant or Licensee within the time limit specified in this Part, shall schedule a hearing before the Appeals Committee and send written notice of the hearing to the parties, which notice may be personally delivered, sent via facsimile, by email or sent by regular or registered mail, to the address in the application unless the request for a hearing specifies a different address.

PART 11 THE HEARING BEFORE THE LICENSING COMMITTEE

11.1 Sections 5 to 15 and 21 to 24 of the **Statutory Powers Procedure Act** shall apply to all hearings conducted by the Appeals Committee.

11.2 The Appeals Committee is hereby established pursuant to Section 23.2 of the Municipal Act, 2001, as amended;

11.3 When the Applicant or Licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Appeals Committee 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.

PART 12 RETURN OF THE LICENSE AFTER REVOCATION OR SUSPENSION

12.1 When a License has been revoked, deemed unrenewable, cancelled or suspended, the holder of the License shall return the License to the Licensing Office within twenty-four (24) hours of service of written notice of the decision of Council and, the Licensing Officer, may enter upon the business Premises of the Licensee for the purpose of receiving, taking, or removing the said License.

12.2 When a person has had his or her License revoked or suspended under this by-law that person shall not refuse to deliver up or in any way obstruct or prevent the License Officer from obtaining the License in accordance with subsection 12.1.

PART 13 ORDER TO COMPLY

13.1 Where a Licensee contravenes any provision of this By-law, or its Schedules the Inspector may:

(a) Serve a written notice on the Licensee, setting out reasonable particulars as to identify the contravention, the location of the premises and directing compliance and the date by which compliance must be achieved; or

(b) Direct in a written order setting out reasonable particulars as to identify the contravention and the location of the premises and directing that a

thing or matter is required to be done and the date by which the thing or matter must 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.

PART 14 BUSINESSES REQUIRING A LICENSE

14.1 A License is required for the following:

(a) **Automotive Establishments**
Motor Vehicle Repair Garage (Includes Auto Body Shops)
Motor Vehicle Dealership (Includes Used Car Dealers)
Storage of Motor Vehicles

(b) **Convenience Stores**
Class A - Sale of Foodstuff/Sale of Tobacco
Class B - Sale of Foodstuff/Sale of Tobacco/Lunch Counter

(c) **Personal Services**
Acupuncture
Aesthetics
Barber/Hairdresser
Ear Piercing
Electrolysis
Nail Salons
Tattoo/Body Piercing

(d) **Public Assembly**
Billiard/Pool/Bowling/Pinball/Electronic Game Machine Establishments/ Theatres
Night Club
Public Halls/Banquet Halls
Restaurants, Take-Out Restaurants and Lunch Counters

(e) **Transient Trader**
Day Sales
Seasonal Sales (Christmas Trees)
Door to Door/Sales Person
Antique/Collectable/Auction Show
Craft Show
Trade Show
Flea Market

(f) **Refreshment Vehicle**
Refreshment Vehicle - Class A, B and C

(g) **Miscellaneous**
Carnivals

Festivals
Newspaper Distribution Boxes
Sale of Fireworks
Foodstuffs/Catering
Sale of Tobacco
Sale of Adult Magazines
Salvage Yards
Pawnbroker

PART 15 LICENSE NOT TRANSFERABLE

15.1 A License is valid only in respect of the Person and the premises named in the License. No License may be sold, transferred, encumbered, leased or loaned or in other way assigned or dealt with.

PART 16 NOTIFICATION OF CHANGE OF INFORMATION

16.1 A Licensee shall carry on Business in the City in the name, which is set out on the License and shall not carry on Business in the City in any other name.

16.2 When a Licensee changes his or her name or address or any information relating to the License, that person shall notify the Licensing Office within two (2) business days of the change of address or any other information relating to the License and shall return the License immediately to the Licensing Office for amendment.

16.3 When there is a change of ownership or location for a business the licensee is required to complete an application for a new License including submission of all documentation required for a new License as outlined in this by-law and pay the License fee as outlined in the City of Burlington Rates and Fees By-law

16.4 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, change of ownership of shares, the Licensee shall report the change to the Licensing Office within seven (7) days of the change, and if necessary, the License shall be returned immediately to the Licensing Office for amendment.

16.5 A Licensee shall not alter, erase or modify or permit such alteration, erasure or modifications of their License or part thereof unless approved by the Licensing Officer.

16.6 Requests for change of information shall be accompanied by the appropriate fee as set out in the City of Burlington Rates and Fees By-law

PART 17 DISPLAY OF LICENSE

17.1 Every Owner and Operator shall prominently display their Licenses at the

licensed premises at all times and shall produce the License upon request by the Licensing Officer or an Inspector.

PART 18 NOTICE

18.1 Any notice required by this By-Law to be given to the Applicant or Licensee maybe given, unless otherwise provided in this By-law:

(a) By mailing a copy of the notice by prepaid ordinary mail post addressed to the address of the Applicant or Licensee, as the case may be, listed on the most recent application for a License or,

(b) By delivering a copy of the notice personally to the Applicant or Licensee; or

(c) By leaving a copy of the notice at the address of the Applicant or the Licensee as listed on the most recent application for a License; or

(d) By leaving a copy of the notice at the business address of the Applicant or Licensee.

18.2 Notice of renewal provided through the mail is a discretionary service and not a requirement under this By-Law.

18.3 Any renewal notice provided as a service by prepaid ordinary mail shall be deemed to have been received by the Applicant or Licensee on the fifth day following mailing.

18.4 It is the responsibility of the Applicant or Licensee to renew on or before the expiry date outlined on the Business License.

PART 19 EXEMPTIONS

19.1 The City is exempt from the provisions of this By-law.

19.2 Notwithstanding any other provisions of this By-law, any Carnival and any vendor selling products or merchandise at special events only and not at any other location within the City and who is operating under the "City of Burlington Special Events Policy" shall be exempt from the requirement to obtain a License under the provisions of this By-law.

PART 20 PENALTIES

20.1 Every Person who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and upon conviction is, pursuant to s. 61 of the Provincial Offences Act, R.S.O 1999, c. P.33, as amended, liable to a fine not exceeding $25,000.

20.2 Where a corporation is convicted of an offence under 19. 1 the corporation is liable to a fine not exceeding $50,000 and not as provided therein.

PART 21 SEVERABILITY

21.1 If a Court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue in force.

21.2 All schedules and parts referred to in this By-law and attached to this By-law shall be deemed to be part of the By-law.

PART 22 INTERPRETATION

22.1 This By-law is known as "the Business License By-law".

22.2 The provisions of the Interpretation Act, RS.O. 1990, c. I. 11, shall apply to this By-law as required.

22.3 If what is known as "Daylight Savings Time" has been generally adopted by the City for any period of the year under any statute, Order-in-Council, by-law, resolution, proclamations, whether the same is effective in law or not; such time shall be held to be the time referred to during such period in any reference to time in this By-law.

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

PART 23 REPEAL AND TRANSITION PROVISIONS

23.1 That this by-law come into full force and effect on July 1, 2008 and apply to all new Licenses applied for after July 1, 2008 and all Licenses with a renewal date of July 1, 2008 or later.

23.2 Parts 25 through 30 and Parts 34 to 44 of City of Burlington By-law Number 102- 2002 and all amendments thereto are hereby repealed and replaced with this By- law.

23.3 By-law Number 54-1985 (Newspaper Boxes) and 17-1991 (Schedule of Fees for Placement of Newspaper Boxes) are hereby repealed and replaced with this by- law.

23.4 Notwithstanding section 23.1, any License issued under By-law No. 102-2002 shall be deemed to be a License under this By-law until the License expires and is renewed under this By-law or is revoked in accordance with the provisions of this By-law.

PART 24 SALE OF ADULT MAGAZINES

CONDITIONS:

24.1 Every Owner and Operator who provides Adult Magazines in any premises or part thereof or who operates such premises or part thereof, shall comply with the following regulations in respect of such premises or part thereof:

(a) No Adult Magazine shall be displayed at a height of less than 1.5 m above floor level unless such magazine is in a part of the premises to which the public is not permitted physical access or such magazine is behind a sales counter unexposed to view.

(b) All Adult Magazines offered for sale or displayed in such premises or part thereof shall be placed behind an opaque barrier of a size and nature which shall ensure that the cover of every such magazine, while being so displayed, except for the name thereof, may not be seen by any member of the public.

(c) No Adult Magazine shall be offered for sale, sold, given, rented or exchanged to persons who are not at least eighteen (18) years of age.

24.2 (a) Any premises to which any Person under the age of eighteen years is not permitted to enter or remain shall not be subject to 23.3 (a) and (b) of this By-law.

(b) Every Operator who provides adult magazines and restricts access to the premises to persons eighteen (18) years of age or older shall keep posted at every entrance to such premises and in a prominent location inside such premises, signs sufficient to indicate clearly to any Person approaching or entering the premises and to every Person in the premises that no Person under the age of eighteen (18) years is permitted to enter or remain in such premises or part thereof

(c) Every Operator who provides Adult Magazines and restricts access to persons eighteen (18) years of age or older shall ensure that no Adult Magazines are displayed in such a fashion as to be visible to any person outside of the premises.

(d) No retail establishment shall sell, give, rent or exchange Adult Magazines as its primary use.

PART 25 AUTOMOTIVE

CONDITIONS:

25.1 No Motor Vehicle Dealership, Motor Vehicle Repair Garage or Motor Vehicle Storage Facility shall become a nuisance with respect to noise, odours or

vehicular movement.

25.2 No person shall park or store or permit to be parked or stored any Motor Vehicle on any highway or road on which the Licensed premises abuts.

25.3 Licensee to comply with the Fire Code Advisory Notice provided at time of application.

PART 26 BILLIARD/POOL/BOWLING/PINBALL/ELECTRONIC GAME MACHINE ESTABLISHMENTS and THEATRES

REQUIREMENTS:

26.1 Every application for a new License to Own or Operate such an establishment and in accordance with this Part shall be accompanied by:

(a) An inspection letter dated within the last 90 days, issued and signed by the Medical Officer of Health or designate confirming that all necessary inspections have been completed and the Business is in compliance with the requirements of the Region of Halton Health Department.

(b) A written description of the square footage of the Billiard/Pool Hall, Pool Hall, Bowling or Pinball or Electronic Game Machine Establishment or Theatre.

CONDITIONS:

26.2 Every person who owns or operates a Pinball or Electronic Game Machine, Billiard/Pool Hall, Bowling or Theatre Establishment shall comply with the following additional regulations:

(a) Ensure that an adequate and accessible supply of containers with self- closing covers are provided and conveniently placed for the deposit of waste and that the contents of every such container is emptied and disposed of on a daily basis or more often if required.

(b) Keep one responsible adult attendant over the age of nineteen (19) years on the Licensed premises for the purpose of supervising and overseeing the Licensed premises when the premises are open to the public; such duties shall include but not be limited to the following:

(i) Not permit any person to loiter, create a disturbance or cause undue noise while on the Licensed premises.
(ii) Not permit any person or persons to cause an impediment or obstruction to general pedestrian movement.
(iii) Prevent the breach of any law whether Federal, Provincial or Municipal.
(iv) Not permit any person to remain on the premises who appears to be intoxicated or has in his possession any illicit drug or alcoholic

beverage.

(c) In addition to the attendants, the Owner and Operator are also responsible for compliance with the paragraphs (b) (i), (ii) (iii) and (iv) above.

(d) Ensure that the Licensed premises are sufficiently illuminated so as not to impede or restrict the observation and supervision of the premises and its occupants and so as to provide for the safe use of and exit from the premises.

(e) The provision of Part 26 of this By-law also applies to this part if food is served on the premises.

26.3 Licensee to comply with the Fire Code Advisory Notice provided at time of application.

PART27 CARNIVALS

REQUIREMENTS:

27.1 Every application for a new Carnival License under this by-law in accordance with this part shall be accompanied by:

(a) A certified copy of the Commercial General Liability (CGL) insurance policy or a Certificate of Insurance issued by the insurer. If this insurance is cancelled or changed in any manner, for any reason, during the period of coverage as stated in the policy or Certificate of Insurance so as to affect the coverage, the Insurer(s) agree to give thirty (30) days written notice to the Municipal Licensing Division and shall obtain and maintain insurance coverage of not less than $2,000,000 against bodily injury and property damage resulting from any one occurrence during the term of this License.

(b) A sketch of the property on which the Carnival is to be held showing the location of the Carnival on that property and its location relative to surrounding properties.

(c) Where the Carnival includes amusement devices:

(i) A list of all amusement devices to be operated at the proposed Carnival.
(ii) A copy of a valid and current License to carry on business in Ontario issued by the Technical Standard & Safety Authority, or its successor.
(iii) A copy of the Amusement Device Permit issued by the Technical Standards Safety Authority, or its successor for each ride.

CONDITIONS

27.2 No Carnival shall operate within 100 metres from the lot line of any residential property without the prior written consent of the occupants of the residential properties within that distance.

27.3 A Carnival License expires on the date of termination of the Carnival to which the License relates unless it is sooner forfeited or revoked.

27.4 A Carnival License shall not be issued for a period that exceeds seven (7) consecutive days.

27.5 A Carnival shall not be operated between the following hours:

(a) 11:00 pm through 10:00 am, unless otherwise permitted by Council.

27.6 No amusement device shall be operated as part of the Carnival Licensed under this Part unless a valid and current Ontario Amusement Device Permit is provided as part of the application.

PART 28 FESTIVALS ON PRIVATE PROPERTY

REQUIREMENTS:

28.1 No person shall:

(a) Hold, operate, or conduct a Festival within the limits of the Municipality unless such Person has, at least thirty (30) days prior to the start date of the Festival, complied with all the provisions of this By-law and obtained a License from the City.

(b) Permit any land or building owned by that person to be used for a Festival unless a License has been issued in accordance with the terms of this By-law.

(c) Permit any person to provide and no person shall provide any activity, facility, performance, exhibition, view or contest unless such person is wearing clean, non-transparent clothing covering their breasts, pelvic area, pubic area and buttocks.

28.2 An application for a Festival License shall be accompanied by the following:

(a) A letter from the Halton Regional Police Chief or designate indicating that adequate police protection will be provided for the Festival.

(b) An irrevocable letter of credit satisfactory to the City's Treasurer in an amount satisfactory to the City's Treasurer to be used by the City for any damage to public property or clean up of public property.

(c) An undertaking signed by the Applicant, Owner or Operator of the Festival and the owner of the land or buildings, that the land and buildings will be put back to their original condition or to the satisfaction of the Licensing Officer after the Festival.

(d) A certified copy of the Commercial General Liability (CGL) insurance policy or a Certificate of Insurance issued by the insurer. If this insurance is cancelled or changed in any manner, for any reason, during the period of coverage as stated in the policy or Certificate of Insurance so as to affect the coverage, the Insurer(s) agree to give thirty (30) days written notice to the Municipal Licensing Division and shall obtain and maintain insurance coverage of not less than $2,000,000 against bodily injury and property damage resulting from any one occurrence during the term of this License.

(e) A plan showing the provision of sanitary and lavatory facilities as well as drainage and water facilities, together with a certificate from the Medical Officer of Health for the Regional Municipality of Halton, approving the plan and also certifying that all matters under his jurisdiction have been satisfied; this plan must also meet the satisfaction of the City.

(f) A consent signed by the Applicant, the Owner or Operator of the Festival and the owner of the land or buildings, and any other Person deemed necessary by the Licensing Officer to permit the police, any peace officer, any sheriff and any provincial offence officer, and by-law enforcement officer or any person authorized by the Licensing Officer, to attend the Festival, without charge, for the purpose of making sure this By-law is being complied with and that the public interest and public peace are being maintained.

CONDITIONS:

28.3 No Business shall commence operation until the Licensing Officer has received an approval from the Medical Officer of Health or designate that all necessary inspections have been completed and the business is in compliance with the requirements of the Halton Region Health Department.

28.4 Inspection of the Business premises and enforcement of the Festival will be the responsibility of the Medical Officer of Health or designate.

28.5 Licensee to comply with the Fire Code Advisory Notice provided at time of application.

PART 29 SALE OF FIREWORKS

REQUIREMENTS

29.1 The Applicant for the sale of Fireworks from a trailer and/or vehicle location shall provide the licensing officer at the City with a site plan, indicating its location relative to buildings, designated parking location, driveway isle, property lines and Highways and Sidewalks.

29.2 A completed application for the sale of Fireworks License, shall be delivered to the Licensing Officer and shall be accompanied by:

a) Certified copy of Commercial General Liability insurance policy or a certificate of Insurance issued by the insurer in an amount no less than $5,000,000.00 against bodily injury and property damage resulting from any one occurrence during the term of the Fireworks License, naming The Corporation of the City of Burlington as an additional insured and containing a cross liability clause. Such insurance shall provide the City with 30 calendar days prior written notice of cancellation or of material change that would diminish coverage; and

(b) A letter from the owner of the property, if applicable, where the sale of Fireworks will commence providing written permission to allow the sale of Fireworks on the premises.

CONDITIONS

29.3 No Person shall sell, offer for sale, cause or permit to be sold, or otherwise distribute Fireworks unless the person has obtained a License to sell Fireworks in accordance with this By-law.

29.4 No Person shall sell, offer for sale, cause or permit to be sold, or otherwise distribute Fireworks other than in accordance with the Fireworks License and the terms of this By-law.

29.5 No Person shall sell, offer for sale, cause or permit to be sold or otherwise distribute Fireworks except on the following days:

(a) Canada Day;
(b) Victoria Day; and
(c) each of six days immediately preceding Canada Day and Victoria Day

29.6 No Person shall sell, offer for sale, cause or permit the sale or give or distribute any Fireworks to any person under the age of eighteen.

29.7 Every Licensee shall post a prominent No-Smoking signage in conspicuous location(s) at the Premises, trailer and/or vehicle location where Fireworks are sold.

29.8 No Person shall smoke at the Premises or in the vicinity of the trailer and/or vehicle where Fireworks are sold.

29.9 Every Licensee shall ensure that any trailer and/or vehicle where Fireworks are sold is situated a safe distance, and no less than 20 meters, from any dwelling,

store, occupied building, gas station, road, or railway.

29.10 Every Licensee shall ensure that any trailer and/or vehicle where Fireworks are sold is situated a safe distance, and no less than 3 meters away, from an area that allows appropriate parking of vehicles

29.11 Every Person shall ensure that a minimum 20 meter perimeter is maintained between any Premises, vehicle or trailer where Fireworks are sold and any potential source of ignition, including but not limited to portable generator, motor vehicle, or smoking.

29.12 The Licensee shall ensure that the Fireworks displayed in the window of Premises, vehicle or trailer where Fireworks are sold do not contain explosive composition and are mock samples only.

29.13 The Applicant and the Licensee shall, at all relevant times, comply with the requirements of this By-law and the Fireworks By-law, as amended or replaced.

29.14 Every Person that stores or sells Fireworks shall comply with the storage and sale requirements of all applicable legislation including the requirements of the Explosives Act, as amended or replaced.

29.15 No person shall sell, offer for sale, cause or permit to be sold, or otherwise distribute Firecrackers, Prohibited Fireworks, Display Fireworks or Special Effects Pyrotechnics unless permitted under the Explosives Act

PART 30 SALE OF FOODSTUFFS

REQUIREMENTS:

30.1 Every application for a new License to occupy, operate or own Premises, which may include Food Service Premise, where Foodstuff is sold shall be accompanied by an inspection letter dated within the last 90 days, issued and signed by the Medical Officer of Health or designate confirming that all necessary inspections have been completed and the Business is in compliance with the requirements of the Region of Halton Health Department.

CONDITIONS:

30.2 Inspection of the Business premises and enforcement of the sale of Foodstuffs License will be the responsibility of the Medical Officer of Health or designate.

30.3 No sanitary convenience shall have direct access to any room in which any food is prepared or stored.

30.4 No Food Service Premises shall be used as a sleeping place.

30.5 Any Person operating a Foodstuffs Business shall take suitable precautions to prevent infestation of the premises by rodents, insects, dust and fumes.

30.6 Any Foodstuffs Business shall be provided with a supply of potable water adequate to efficient operation, the quality of which is satisfactory to the Medical Officer of Health.

30.7 Suitable and sufficient bandages, dressings and antiseptic for first aid treatment shall be provided and maintained in all food premises, in a readily accessible position.

30.8 Except where adequate provision is made elsewhere than in a Food Service Premises suitable and sufficient cupboard or locker accommodation shall be provided and maintained in all food premises for the clothing and footwear not worn during working hours of all persons engaged in the handling of food.

30.9 Suitable storage facilities and garbage containers shall be provided for refuse from Foodstuffs Business and the refuse shall be removed as often as reasonably necessary.

30.10 Licensee to comply with the Fire Code Advisory Notice provided at time of application.

PART 31 NEWSPAPER DISTRIBUTION BOXES

REQUIREMENTS

31.1 No Person shall commence installing Newspaper Distribution Boxes without first obtaining a License from the Licensing Officer to do so.

31.2 An application to install one or more Newspaper Distribution Boxes on any portion of any highway under the jurisdiction of the City or on lands owned by the City, shall be accompanied by the following:

(a) Name and address of the Applicant along with if a corporation a copy of pertinent Articles of Incorporation and/or Master Business License.

(b) An inventory of approved locations by alphabetical street name approved by the City, a statement showing the number of Newspaper Distribution Box locations.

(c) An undertaking, in a form acceptable to the Director, agreeing to provide $2,000,000.00 public liability insurance in the joint name of the Applicant and the City.

(d) Any other document or information as may be required by the License Officer or in any other part of this By-law.

CONDITIONS

31.3 In determining whether to issue a License to allow the placement of a Newspaper Distribution Box on any Highway, the License Officer shall consider location, site feasibility, site preparation and maintenance criteria.

31.4 Every permit holder shall follow the location criteria set out herein:

(a) No Newspaper Distribution Box shall be placed:

(i) In such a manner as to obstruct or interfere with pedestrian traffic

(ii) On a Sidewalk having a width of two metres or less

(ii) At a bus stop in such a manner as to obstruct or interfere with passenger movements

(iii) In any location that obstructs or interferes with vehicular traffic

(iv) Within 10 metres of any fire hydrant

(v) Within 50 metres of any detached residential dwelling

(vi) Within 75 metres of a variety store or similar establishment where newspapers are on sale, and

(vii) Within 20 metre of any street intersection.

31.5 A Licensee shall be responsible for the following conditions:

(a) Every Newspaper Distribution Box shall be installed and located at the expense of the Licensee. Every Licensee shall indemnify & hold harmless the City, and its directors, officers, employees, agents, elected officials, contractors and assigns from and against all actions, suits, claims and demands which may be brought against the City arising out of the location or disposition of a Newspaper Distribution Box.

(b) The License shall not be transferred or assigned and such License shall immediately terminate in the event that the licensee ceases to be the owner of the Newspaper Distribution Box for which the License is issued.

(c) Nothing in this By-law shall be construed as giving to the Licensee anything more than permission to install and maintain a Newspaper Distribution Box in accordance with the terms of this By-law and until such time as notice may be given to the Licensee to remove the box.

(d) Every Licensee shall remove any box upon receiving written notice to do so, and shall replace & restore the Highway to a safe & proper condition.

(e) Notwithstanding all placement or location criteria, if in the opinion of the City, a Newspaper Distribution Box placement adversely affects pedestrian or vehicular traffic flow, the box shall be removed by the Licensee immediately upon receiving notification from the City.

(f) In the event a Licensee fails to remove any Newspaper Distribution Box upon receiving written notice to do so, the City may require the removal of the box at the Licensee's expense.

(g) In the event a Licensee fails to restore the Highway to a safe & proper condition within five (5) days of receiving written notice under paragraph (f), the City may undertake such restoration at the Licensee's expense.

(h) A Licensee required to remove Newspaper Distribution Boxes pursuant to the provisions of this by-law, shall make no claims against the City on account of such removal.

(i) Newspaper Distribution Boxes shall not be chained or fastened to any utility apparatus, including, but no limited to signal, street light, hydro or telephone poles, signposts, parking meters, bus shelters, telephone booths, post boxes, City benches or trees.

(k) Newspaper Distribution Boxes may be chained or fastened to objects other than those described in paragraph k) herein provided the Licensee first receives approval from the Director.

(l) In the event that the City, any public or private utility company or the Regional Municipality of Halton must n:move any box for the purpose of making repairs to, maintaining or constructing additional services, the Licensee shall reimburse the City, the Utility Company or the Regional Municipality of Halton, as the case may be, for the additional costs, if any, incurred by reason of the placement of the Newspaper Distribution Box.

(m) The Licensee shall maintain all Newspaper Distribution Boxes in proper and orderly manner and shall keep the said boxes in a good state of repair and in good working order.

31.6 Following the revocation of any License pursuant to this by-law, the Licensee shall forthwith remove all Newspaper Distribution Boxes referred to in the License, which has been revoked.

31.7 In the event the License refuses to remove or relocate newspaper-vending boxes as directed by the License Officer shall be authorized to remove the said boxes at the Licensee's expense.

31.8 The License fee is non-refundable for any boxes removed at any given time throughout the year.

PART 32 NIGHT CLUB

REQUIREMENTS

32.1 Every application for a new License to Own or Operate a Night Club under this By-Law and in accordance with this Part shall be accompanied by:

(a) An inspection letter dated within the last 90 days, issued and signed by the Medical Officer of Health or designate confirming that all necessary inspections have been completed and the business is in compliance with the requirements of the Region of Halton Health Department.

(b) A written description of the square footage of the Night Club.

(c) A copy of the Liquor License for the premises issued by the Alcohol and Gaming Commission of Ontario.

CONDITIONS

32.2 Every Licensee under this Part shall:

(a) Ensure that areas directly adjacent to the premises are kept clean and free of refuse, including but not limited to, litter, debris, waste paper and cigarette butts; and

(b) Provide sufficient number of containers for the deposit of refuse, including but not limited to litter, debris, waste paper and cigarette butts.

32.3 Every owner and operator of a Night Club shall provide the name and contact information for persons of authority at the establishment and that at least one designated person of authority must be available at all times when the Business is open and operating.

32.4 Every Owner and Operator shall obtain and maintain a Commercial General Liability policy of insurance during the term of this License that:

(a) Includes coverage for bodily injury, property damage and host liquor liability of not less than $2,000,000 per occurrence.

(b) If this insurance is cancelled or changed in any manner, for any reason, during the period of coverage as stated in the policy or Certificate of Insurance so as to affect the coverage, the Insurer agrees to give thirty (30) days written notice to the Licensing Office.

(c) Licensee must provide a certified copy of the policy, or a Certificate of Insurance issued by the insurer to be delivered to the Licensing Office

prior to the issuance or renewal of a Business License.

32.5 Every Licensee of a Night Club shall provide for security staff and:

(a) Security staff must wear at all times a name-tag or other identification plainly visible to patrons and all others on the premises and wear clothing that easily identifies them as staff of the particular establishment.

(b) Bartenders and wait staff are not counted as security staff

(c) All security staff must be trained on and familiar with their designated responsibilities denoted in the approved fire safety plan for the facility.

32.6 The Halton Regional Police Services may impose the use of Police Staff to ensure the safety of the patrons at the expense of the Licensee.

32.7 The following restrictions apply to the sale or lease of a nightclub:

(a) No Owner's License is transferable and if the Owner sells, leases or otherwise disposes of the Night Club the new Owner must make application to the Licensing Office immediately upon the sale of the Business.

(b) The Licensing Officer, may issue a new License to the purchaser, lessee or other person obtaining an interest in a Night Club on the premises or part thereof upon or in which a Night Club has been operated subject also to the following conditions:

(i) That the new Applicant qualifies under all of the other provisions of this By-law, and complies with all of the requirements of this By-law relating to the Applicant.

(ii) That the new Applicant files with the Licensing Officer, the documents relating to ownership and to the right to possess or occupy the Night Club.

(iii) That the Applicant and the vendor file with the Licensing Officer, an executed copy of a written agreement between the parties in respect of such Night Club or premises.

(iv) That the agreement contains a statutory declaration, by both the parties and a further statutory declaration by the solicitor for the purchaser.

(c) Upon the sale, lease or other disposition of a Night Club, every Operator's License issued in respect of such Night Club shall terminate, and the Licensing Officer may, subject to the provisions of this By-law, permit the purchaser, lessee or other person obtaining an interest in such Night Club to operate the Night Club by an endorsement to that effect upon an Owner's License issued to him or her or may issue a new

Operator's License to any person previously Licensed as an Operator in respect of such Night Club.

(d) The provisions of Part 37 of this By-law also apply to this Part if food is served on the premises.

32.8 Licensee to comply with the Fire Code Advisory Notice provided at time of application.

PART33 PAWNBROKER

General Regulations

33.1 No Person may be a Pawnbroker or operate a premise except in accordance with the following regulations:

(a) No Person may receive goods from any person who is under the age of eighteen (18) years or from any person who appears to be under the influence of alcohol or illegal drugs.

(b) In circumstances where a Seller refuses to provide identification as required in this By-law, or where identifying features of the goods presented by a Seller have been removed or obliterated, or in other circumstances which might lead to the inference that the goods have been stolen, the Pawnbroker shall not purchase such goods, shall attempt to ascertain the identify of the Seller and shall contact the Halton Regional Police Service as soon as is practicable to report such circumstances.

(c) All other requirements the Pawnbrokers Act, R.S.O. 1990 c. P.6 required by this By-law.

33.2 Licensee to comply with the Fire Code Advisory Notice provided at time of application.

33.3 Every Person applying for a Pawnbroker's License shall provide to the City as security, in a form satisfactory to the City's Treasurer the sum of $2,000 as required by section 6 of the Pawnbrokers Act, before a License will be issued.

Seller Identification Requirements

33.4 No Pawnbroker may receive any goods from a Seller without first obtaining identification.

33.5 For the purpose of identifying the Seller, the Pawnbroker must be presented by the Seller with at least two (2) pieces of identification and at least one piece of identification must be listed below and must be integrated with a photograph of the Seller:

(a) A valid driver's License.

(b) A passport issued by the government of origin.

(c) A Birth Certificate.

(d) A Certificate of Indian Status issued by the Government of Canada.

(e) A Certificate of Canadian Citizenship issued by the Government of Canada.

33.6 Where goods are obtained by a Pawnbroker from a garage sale, the Pawnbroker shall record the address of the garage sale.

33.7 Where goods are obtained by a Pawnbroker from an auction, the Pawnbroker shall record the name and address of the auctioneer and, where such information is available, the name and address of the former owner of the goods being auctioned.

Transaction Records

33.8 No Pawnbroker may receive any goods without first maintaining a legible record of the following information:

(a) The day, month, year and time of the transaction.

(b) The full name, sex, date of birth, address and approximate height and weight of the Seller.

(c) The full particulars of both pieces of the Seller's identification required to be presented pursuant to this By-law.

(d) A detailed description of each of the goods that is reasonably sufficient to identify it, including make, model, serial numbers, markings or other identifying features as applicable.

(e) The price paid by the Pawnbroker or the value of goods exchanged for the goods.

(f) The name of the employee who conducted the transaction.

33.9 In circumstances where the goods consist of a number of related or similar materials in the nature of a collection, the Pawnbroker shall record the exact number of articles received and any identifying features of such goods. In circumstances where more than ten (10) such related or similar goods are received, the exact number of articles received shall be recorded and the identifying features of the ten (10) most valuable articles in the collection shall be recorded.

33.10 Where more than twenty (20) goods are purchased by a Pawnbroker from any person as part of a single transaction, which goods do not consist of a number or collection of related or similar materials, notwithstanding the provisions of subsection 39.9, a Pawnbroker shall not be required to record a detailed description of each of the goods for which was paid less than ten ($10.00) and shall not be required to record a detailed description of each good that is offered by the Pawnbroker for re-sale at less than thirty ($30.00) dollars.

33.11 If a Pawnbroker obtains an independent appraisal of value relating to any goods, the Pawnbroker shall retain a copy of the appraisal for not less than thirty (30) days after the appraised goods are re-sold.

Inspection of Premises and Retention of Goods

33.12 In circumstances where a police officer suspects that specified goods were stolen, the police officer shall be entitled, as a condition of the Pawnbroker's License, upon providing a receipt therefore, to remove such goods for the purpose of criminal investigation, provided such goods are either returned within sixty (60) days or further retained by means of a Court Order.

PART 34 PERSONAL SERVICE BUSINESSES

REQUIREMENTS:

34.1 Every application for a new License to own or operate a Personal Service Business under this By-Law and **in** accordance with this Part shall be accompanied by an inspection letter dated within the last 90 days, issued and signed by the Medical Officer of Health or designate confirming that all necessary inspections have been completed and the Business is in compliance with the Personal Services Settings Protocol provided by the Region of Halton Health Department.

CONDITIONS:

34.2 Every person who carries on a Personal Services Business shall comply with the Personal Services Settings Protocol under the Infection Control Program of the Mandatory Health Programs and Services Guidelines, January 1998, published by the Minister of Health as authorized by the Health Protection and Promotion Act, R.S.O I 990, as amended and the requirements of the Medical Officer of Health and the Personal Services Settings Protocol provided by the Region of Halton Health Department.

34.3 Every person who carries on a Personal Services Business shall comply with the Fire Code Advisory Notice provided at time of application.

34.4 Inspection of the Business premises and enforcement of the Personal Services Business will be the responsibility of the Medical Officer of Health or

designate, in addition to the Licensing Officer or Inspector.

PART 35 PUBLIC HALLS/BANQUET HALLS

REQUIREMENTS:

35.1 Every application for a new License to own or operate a Public Hall/Banquet Hall under this By-Law and in accordance with this schedule shall be accompanied by:

(a) An inspection letter dated within the last 90 days, issued and signed by the Medical Officer of Health or designate confirming that all necessary inspections have been completed and the business is in compliance with the requirements of the Region of Halton Health Department.

(b) A written description of the square footage of the Public Hall/Banquet Hall.

CONDITIONS:

35.2 No License fee shall be payable under this Part by any religious organization, where they do not receive any remuneration for the use of their Public Hall/Banquet Hall.

35.3 No License fee shall be payable under this Part by any Municipal, Provincial or Federal government, University, Public School, Separate School or Boards of Education in respect to the use of their Public Hall/Banquet Hall.

35.4 Every person who carries on a Public Hall/Banquet Hall shall comply with the Fire Code Advisory Notice provided at time of application.

PART 36 REFRESHMENT VEHICLES

REQUIREMENTS

36.1 A Person who is the Owner of more than one Refreshment Vehicle shall take out a separate License for each Refreshment Vehicle owned, which is to be used in the Municipality.

36.2 Every Refreshment Vehicle equipped with propane shall also be equipped with a fire extinguisher having a minimum 2A/10BC rating and shall be tagged confirming annual maintenance and required monthly checks.

36.3 Every Owner and Operator shall obtain and maintain a Commercial General Liability policy of insurance during the term of this License that:

(a) Includes coverage for bodily injury, property damage and liability of not less than $2,000,000 per occurrence.

(b) If this insurance is cancelled or changed in any manner, for any reason,

during the period of coverage as stated in the policy or Certificate of Insurance so as to affect the coverage, the Insurer agrees to give thirty (30) days written notice to the Licensing Office.

(c) Licensee must provide a certified copy of the policy, or a Certificate of Insurance issued by the insurer to be delivered to the Licensing Office prior to the issuance or renewal of a Business License.

36.4 No Every application for a new License to Own or Operate a Refreshment Vehicle under this by-law shall be accompanied by:

(a) A signed certificate of approval from the Medical Officer of Health confim1ing that all necessary inspections have been completed and the business is in compliance with the requirements of the Region of Halton Health Department. The certificate shall be dated within 90 days of the date of application of a License under this by-law.

CONDITIONS

36.5 Every Owner/Operator or Person carrying on Business for which a License is required for a Refreshment Vehicle shall not solicit, advertise, offer to sell, or actually conduct business on City or Regional property, including parks, highways and sidewalks. This Part shall not apply to any Person who has the written consent of the City or Region to offer or sell any refreshments in a park or on City or Regional property for a specific event or period of time. The exemption shall be specifically for the event or the period of time as determined in the agreement between the City or Region and the Owner or Operator.

36.6 Every Refreshment Vehicle shall be equipped with an unfilled litter basket or refuse container, which is readily accessible to persons making purchases.

36.7 Every Refreshment Vehicle Owner and Operator shall ensure that every Refreshment Vehicle has in a conspicuous place on both sides of the refreshment vehicle in a colour contrasting the colour of the vehicle registered name, address and phone number of the owner. Such letters shall be not less than 10 cm in height.

36.8 Where the Owner disposes of the Refreshment Vehicle for which a metal License Plate has been issued under this By-law, the Owner's Plate shall be removed from the Vehicle prior to the sale of the Refreshment Vehicle.

36.9 An Applicant of a Refreshment Vehicle shall be required to visibly affix current City License plates at all times.

36.10 All signs must comply with the City's Sign By-law as amended.

Class A - Refreshment

REQUIREMENTS:

36.11 Every application for a License to own or operate a Refreshment Vehicle under this by-law in accordance with this part shall be accompanied by:

(a) A copy of ownership for each motorized vehicle.

(b) A copy of their valid Province of Ontario Driver's License if vehicle is motorized.

(c) An Inspection Certificate of the Mobile Food Service Equipment by a Technical Standards & Safety Authority certified gas technician indicating equipment is safe for use. The documentation must be dated within the last fifteen (15) days prior to the date of Refreshment Vehicle application/renewal.

(d) Drawings showing the location of the vehicle plus photographs showing all four sides of the vehicle. In addition, there shall be no alteration to the vehicle or the area around the vehicle without written City approval.

36.12 Licensee to comply with the Fire Code Advisory Notice provided at time of application.

36.13 A separate License shall be obtained for each location from which the goods, wares or merchandise are sold, and a Class 'A', Refreshment Vehicle License will not be issued to one company or affiliated companies for more than three (3) locations at any given time.

Class B Refreshment Vehicle

36.14 Class B Refreshment Vehicles shall not operate before 8:00 AM or after 9:00 PM, unless authorized by the City.

36.15 All drivers/operators shall observe and obey the rules of the road and ensure that their vehicles are operated in a safe manner.

Class C Refreshment Vehicle

REQUIREMENTS:

36.16 Every application for a License to Own or Operate a Class 'C' Refreshment Vehicle under this by-law and every renewal of the License shall be accompanied by:

(a) A Safety Standard Ce1tificate issued by Ministry of Transportation approved Motor Vehicle Inspection Station for each Motor Vehicle to be used.

(b) An Inspection Certificate of the Mobile Food Service Equipment by a Technical Standards & Safety Authority certified gas technician indicating equipment is safe for use. The documentation must be dated within the last fifteen (15) days prior to the date of Refreshment Vehicle application/renewal.

(c) A copy of their valid Province of Ontario Driver's License if vehicle is motorized.

36.17 Every Refreshment Vehicle owner and operator of a motorized ice cream truck shall ensure that the Refreshment Vehicle has in a conspicuous place on the rear of the vehicle in a contrasting colour on the vehicle the words "Watch for Children". Such letters shall be no less than 15 cm in height.

36.18 Every vehicle shall have a warning beeper device that is engaged when the vehicle's transmission is placed in reverse gear.

36.19 **Class D Refreshment Vehicles**

REQUIREMENTS

36.20 A valid Ontario driver's license

36.21 Master Business License and/or Articles of Incorporation

36.22 Written approval from the registered property owner to conduct the event
- Approval from the tenant/business will not be accepted

36.23 Copy of a Commercial General Liability policy of Insurance from min $2,000,000.
- Must also show dates policy is covered for

36.24 Halton Region Health Department written approval
- You must contact the Halton Region Health Department at 905-825-6000 or if located in Halton, you may call 311 to inform them of your event. An inspection may or may not be required.

36.25 TSSA Inspection Certificate dated within last 12 months by certified Gas Technician indicating equipment is safe for use (propane)

36.26 **CONDITIONS**

36.27 No food truck is permitted to operate within 50 meters/164 Feet of a restaurant and or licensed Class "A" refreshment vehicle.

36.28 No food truck is permitted to operate on a highway.

36.29 Every licensed food truck shall;

- Ensure a refuse container is supplied and available.
- Ensure business license is affixed to the vehicle in a conspicuous place and clearly visible to the public.

36.30 No food truck shall remain in any particular location for a period longer than 4 hours.

36.31 The food truck will be moved at the oral or written request of the Licensing Officer or designate appointed or assigned to enforce this by-law, if, in the opinion of the Officer, the location:

a. is or may become undesirable for safety reasons, or

b. interferes with normal access to any Land;

36.32 Class "D' refreshment vehicles shall comply with the City of Burlington's Nuisance and Noise By-law as amended.

EXEMPTIONS:

36.33 Licensed food trucks which are authorized from the property owners of a School and or Place of Worship are permitted to operate within 50 meters/164 feet distance separation from a restaurant and or licensed Class "A' refreshment vehicle.

36.34 Food trucks authorized by Council and or approved by Special Event Permit.

36.35 Where Food truck owner is also the Restaurant owner, the operation of the food truck may be permitted on the property where the restaurant is situated within the 50 meter/164 fee distance separation.

PART 37 RESTAURANTS, TAKE-OUT RESTAURANTS and LUNCH COUNTERS

REQUIREMENTS

37.1 Every application for a new License to own or operate a Restaurant, Take-Out Restaurant or Lunch Counter under this By-Law and in accordance with this Part shall be accompanied by:

(a) An inspection letter dated within the last 90 days, issued and signed by the Medical Officer of Health or designate confirming that all necessary inspections have been completed and the business is in compliance with the requirements of the Region of Halton Health Department.

(b) A written description of the square footage of the Restaurant, Take-out Restaurant and Lunch Counter.

CONDITIONS

37.2 No person licensed under this By-Law and Part to own or operate a restaurant,

serving person who is not wearing clean clothing, which fully covers such person's Specified Body Areas with opaque material.

37.3 No sanitary convenience shall have direct access to any room in which any food is prepared or stored.

37.4 No food room shall be used as a sleeping place.

37.5 Any Person operating a food business shall take suitable precautions to prevent infestation of the premises by rodents, insects, dust and fumes.

37.6 Any food business shall be provided with a supply of potable water adequate for efficient operation, the quality of which is satisfact01y to the Medical Officer of Health.

37.7 Suitable and sufficient bandages, dressings and antiseptic for first aid treatment shall be provided and maintained in all food premises, in a readily accessible position.

37.8 Except where adequate provision is made elsewhere than in a food room, suitable and sufficient cupboard or locker accommodation shall be provided and maintained in all food premises for the clothing and footwear not worn during working hours of all persons engaged in the handling of food.

37.9 Suitable storage facilities and garbage containers shall be provided for refuse from any food Business and the refuse shall be removed as often as reasonably necessary.

37.10 Licensee to comply with the Fire Code Advisory Notice provided at time of application.

PART 38 SALVAGE YARDS

CONDITIONS

38.1 A salvage shop or Salvage Yard owned or operated by a public authority is exempt from this Licensing By-law.

38.2 The License holder must maintain an up to date register of all Vehicles and vehicle parts brought to or kept at the Salvage Yard or salvage shop, which shall include the make, model and serial number of the item, the time and date of purchase, and name and address of the person from whom the item was purchased or otherwise acquired.

38.3 Every premise Licensed under this By-law shall be kept neat and clean and clear of rubbish. Metal (or other non-combustible) containers with self-closing covers shall be provided and conveniently placed for the deposit of waste and rubbish and the contents of such containers shall be emptied and disposed of immediately at the close of each day's activities.

38.4 Licensee to comply with the Fire Code Advisory Notice provided at time of application.

PART 39 SALE OF TOBACCO

REQUIREMENTS

39.1 Every application for a new License to own or operate a sale of Tobacco Business under this By-Law and in accordance with this Part shall be accompanied by an inspection letter dated within the last 90 days, issued and signed by the Medical OfTi.cer of Health or designate confirming that all necessary inspections have been completed and the Business is in compliance with the requirements of the Region of Halton Health Department.

CONDITIONS

39.2 It shall be a condition of every License that the Licensee, or employees of an establishment licensed to sell tobacco, is prohibited from selling any matches, lighters, novelty lighters etc. to any persons under the age of 19 years.

39.3 Licensee to comply with the Fire Code Advisory Notice provided at time of application.

PART 40 TRANSIENT TRADERS

REQUIREMENTS

40.1 Every Applicant for a Transient Trader's License as part of the application for such License shall:

a) Furnish a statement in writing containing a full description of the goods, wares or merchandise that the Transient Trader proposes to sell or offered for sale under the License.

b) Not offer goods, services or merchandise from privately owned lands without first receiving written approval from the owner of the property. Such written approval shall be submitted at the time of application for the Transient Trader License.

c) In addition sign a Standard Municipal Undertaking, where applicable which will include but is not limited to the following requirements:

(i) No trespassing on City property.

(ii) No illegal signage on City property.

(iii) No provision of permanent or tent-type structure on City property.

(iv) No selling or display of products other than what is indicated on the Business License.

CONDITIONS

40.2 A License issued under Part 29 is only permission for the particulars supplied by the Applicant under this Part, and any change in the classes or types of goods sold will require a new or separate application.

40.3 Every A separate Transient Trader License shall be obtained for each location from which the goods, wares or merchandise are sold, and a Transient Trader License will not be issued to one company or affiliated companies for more than three (3) locations at any given time.

40.4 A License issued under this part shall expire in accordance with the time period outlined on the application.

40.5 The sale of goods, wares or merchandise shall not be conducted on a vacant property abutting a road or highway or other public right of way unless specifically permitted.

40.6 Persons selling goods, wares or merchandise on behalf of a charitable or non- profit organization require a Transient Trader License, however, the Licensing Officer is authorized to waive the licensing fee with proof of charitable or non- profit status.

40.7 No License shall be required for hawking, peddling or selling goods, and wares or merchandise:

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

(b) If the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or its agent or employee having written authority to do so, in the municipality in which the grower, producer or manufacturer resides; or

(c) If the goods, ware or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his or her own farm; or

(d) The sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency legislation in force in Ontario, nor the sale of any stock damaged by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock.

40.8 Licensee to comply with the Fire Code Advisory Notice provided at time of application.

ENACTED AND PASSED this 20th day of May, 2008 and to come into force on July 1, 2008

Mayor
Cam Jackson

Deputy City Clerk
Suzanne Whitehead

