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(Consolidated Version)

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****Consolidated By-law No. 111-2004 as amended by By-law No. 048-2006, 043-2009, 087-2010, 129-2011 & 063-2014.****

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 111- 2004

RESPECTING THE LICENSING, REGULATING AND GOVERNING OF *BUSINESSES* IN THE TOWN OF MILTON AND TO REPEAL BY-LAWS 18-97, 91-97, 131-2001, 134-2001, 135-2001, 136-2001, 138-2001 AND 140-2001

WHEREAS Section 150 of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, (the "Act") authorizes councils of all municipalities to license, regulate and govern any *Business* wholly or partly carried on within the municipality;

AND WHEREAS Council deems it expedient and necessary to license, regulate, and govern certain *Businesses* within the Town of Milton;

AND WHEREAS it is the desire of Council to repeal By-laws 18-97, 91-97, 131-2001, 134-2001, 135-2001, 136-2001, 138-2001 and 140-2001, as amended, and to enact a new by-law to regulate, license and govern certain *Businesses* within the Town of Milton.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MILTON HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS:

1.1 For the purposes of this By-law:

- (a) "Animal" shall mean any member of the animal kingdom, other than a human; **(By-law No. 043-2009)**
- (i) "*Animal Control Officer*" shall mean a person or a corporation, including said corporation's employees, agents, and representatives, that has entered into a contract with the *Town* or who are employed by the *Town* for the control and regulation of *animals* within the Town of Milton and includes a Municipal Law Enforcement Officer, an officer of the Halton Regional Police Service, and an employee of the Oakville Humane Society, or such other party contracted by the Town to provide such services;
- (ii) "*Appeal Committee*" shall mean the Access Paralegal Services as designated by the Town of Milton Council by this By-law; **(By-law No. 043-2009)**
- (iii) "*Applicant*" shall mean any person applying for a *License* under this By-law;

- (iii.1) “*application fee*” shall mean the administrative fee to process a *License* application; **(By-law No. 043-2009)**
- (iv) “*Auctioneer*” shall mean a person selling or putting up for sale, goods, wares, merchandise, effects or livestock by public auction;
- (v) “*business*” shall mean the following trades, callings, businesses, or occupations (and includes the sale or hire of goods or services in those trades, callings, businesses or occupations):
- *Personal Service Businesses*
 - *Pawnbrokers*
 - *Transient Traders*
 - *Commercial Refreshment Vehicles*
 - *Auctioneers*
 - *Salvage Yards*
 - **Deleted per By-law No. 063-2014**
 - *Food Business*
 - *Kennels*
 - *Group Homes (By-law No. 043-2009)*
- (v.1) “*Chief Constable*” shall mean the Chief of Police for the Halton Regional Police Service, or his or her designate; **(By-law No. 043-2009)**
- (v.2) “*Chief Fire Official*” shall mean the Chief Fire Official for the *Town*, or his or her designate; **(By-law No. 043-2009)**
- (vi) “*Commercial Refreshment Vehicle*” shall mean any vehicle from which refreshments are sold, and/or meted out or distributed for consumption by the public and includes carts, wagons, trailers, trucks and bicycles, regardless of the type of motive power employed to move the refreshment vehicle from one point to another, and “*CRV*” has the same meaning; **(By-law No. 043-2009)**
- (vii) “*Council*” shall mean the *Council* of the *Town*;
- (viii) “*criminal records check*” shall mean a criminal records check performed by the Halton Regional Police Service, or the Police Service in the jurisdiction of the *Applicant’s* residence and dated within six (6) months of the date of application for the *business* license;
- (ix) “*Director of Community Services*” shall mean the Director of Community Services for the *Town*, or his or her designate;
- (x) “*Director of Engineering Services*” shall mean the Director of Engineering Services for the *Town*, or his or her designate;

- (xi) *“Director of Planning and Development”* shall mean the Director of Planning and Development for the *Town*, or his or her designate;
- (xii) **Deleted per By-law No. 043-2009**
- (xiii) *“Food Business”* shall mean any *business* for the purpose of which any *person* engages in the handling of *food* and where grocery items are sold at retail and where other accessory merchandise such as convenience items, household supplies, hardware, patent medicines, personal care products and garden centre products may be sold. *Food Business* includes, but is not limited to: restaurants, grocery stores, convenience stores, bakeries, butchers, ice cream parlours and all other premises where *food* is sold;
- (xiv) *“foodstuffs”* shall mean an edible commodity meant for human consumption, and *“food”* shall have the same meaning;
- (xv) *“highway”* includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (xvi) *“Kennel”* shall mean a premises in which all facilities are wholly enclosed within a building where more than 3 dogs over twelve (12) weeks of age, or 5 cats over six (6) weeks of age, are boarded, bred, kept or trained, but does not include:
 - (a) a veterinary clinic or veterinary hospital;
 - (b) a public pound or animal shelter used by the *Town* for impounding animals;
 - (c) any premises licensed under any statute of the Province of Ontario or the Government of Canada, which permits the keeping of dogs and other animals under certain conditions;
 - (d) a pet shop.

and *“Boarding Kennel”* as defined in the *Zoning By-law* has the same meaning; **(By-law No. 043-2009)**

- (xvii) *“License”* shall mean an authorization under this By-law to carry on a *business* specified herein and the document, certificate, plate or card issued which provides evidence of such authority as the context may allow;
- (xviii) *“Licensee”* shall mean any person *Licensed* under this By-law.

- (xix) "*Licensing Officer*" shall mean the person or persons appointed as such by *Council*;
- (xx) "*Medical Officer of Health*" shall mean the *Medical Officer of Health* for the Regional Municipality of Halton, or his or her designate;
- (xx.1) "*Mobile Personal Service*" shall mean the provision of hair cutting, manicures and nail treatments in the client's home; **(By-law No. 043-2009)**
- (xxi) "*Municipal Law Enforcement Officer*" shall mean a *Municipal Law Enforcement Officer* appointed by *Council*;
- (xxii) "*Municipality*" shall include the *Town* and the Region of Halton;
- (xxiii) "*nuisance*" shall mean excessive or unlawful use of one's property to the extent of unreasonable annoyance or inconvenience to a neighbour or to the public, including, but not limited to noise, noxious odours, and traffic;
- (xxiv) "*Pawnbroker*" shall mean a person who carries on the *business* of taking by way of pawn or pledge any article for the repayment of money lent thereon;
- (xxv) "*person*" shall include an individual, partnership, corporation or other organization to whom the context may apply;
- (xxvi) "*Personal Service Business*" shall mean 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, aesthetics, tattooing and micro-pigmentation, body piercing, and ear piercing;
- (xxvii) "*Salvage Yard*" shall mean an outside area where motor vehicles are disassembled and dismantled, where vehicles in an inoperable condition or used motor vehicle parts are stored or re-sold, and/or where used equipment, used appliances, scrap material and salvage for the purposes of wrecking, dismantling or salvaging parts thereof for sale or other disposal are stored or re-sold, and shall include an automobile wrecking yard or premises;
- (xxviii) Deleted per By-law No. 063-2014**
- (xxviii.1) "*Service Animal*", for the purposes of this By-law, an *animal* is a *service animal* for a person with a disability if it is readily apparent that the *animal* is used by the person for reasons relating to his or her disability, or if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability; **(By-law No. 043-2009)**

- (xxviii.2) "*Service Club*" shall mean a club organized and operated exclusively for social welfare, civic improvement or for any other purpose except for profit, and shall include the Optimist Club, the Knights of Columbus and the Royal Canadian Legion; (By-law No. 043-2009)
- (xxix) "*Transient Trader*" shall mean any person who offers goods, wares or merchandise for sale in any manner in the *Town*, either directly or by way of sample or catalogue for delivery later, other than on a permanent basis, and also includes the *business* commonly known as a hawker or peddler;
- (xxx) "*Town*" shall mean The Corporation of the Town of Milton;
- (xxxi) "*Town Clerk*" shall mean the Town Clerk for the *Town* or his or her designate;
- (xxxii) "*Treasurer*" shall mean the *Treasurer* for the *Town* or his or her designate;
- (xxxii.1) "*User Fee By-law*" shall mean the Town's User Fee By-law, as amended from time to time; (By-law No. 043-2009)
- (xxxiii) "*Zoning By-law*" shall mean the Zoning By-law of the *Town* as amended from time to time;
- (xxxiv) "*Zoning Officer*" shall mean the Zoning Officer for the *Town*, or his or her designate.

2. INTERPRETATION

This By-law includes the Schedules attached hereto and the Schedules are hereby declared to form part of the By-law.

3. LICENSING OFFICER

3.1 The *Licensing Officer* shall:

- (i) receive and process all applications for *Licenses* and for renewal of *Licenses* to be issued under this By-law;
- (ii) issue *Licenses* to and renew *Licenses* for persons who meet the requirements of this By-law;
- (iii) enforce the provisions of this By-law;
- (iv) generally perform all the administrative functions conferred upon him or her by this By-law.

4. LICENSE REQUIRED

- 4.1 The *businesses* listed in section 4.1 of this By-law, require a license issued by the *Town* under this By-law, to operate in the *Town* of Milton:
- *Personal Service Businesses*
 - *Pawnbrokers*
 - *Transient Traders*
 - *Commercial Refreshment Vehicles*
 - *Auctioneers*
 - *Salvage Yards*
 - **Deleted per By-law No. 063-2014**
 - *Food Business*
 - *Kennels*
 - *Group Homes (By-law No. 043-2009)*
- 4.2 A *License* issued under this By-law, authorizes a *person* to carry on a *business* within the *Town*, and no *person* shall carry on such *business* until he or she has obtained a *License* to do so.
- 4.3 No *person* shall carry on or engage in any *business*, unless the *person* has a valid *License* or *Licenses* permitting the *person* to do so.
- 4.4 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 as set out in section 4.1 of this By-law.
- 4.5 The requirement of a *License* under this By-law is in addition to and not in substitution for any other requirement to obtain a *License* or *Licenses* under any other federal, provincial, or municipal regulation and does not relieve any party from its obligations to comply with any other law.
- 4.6 No person shall enjoy a vested right in the continuance or renewal of a *License* and the *License* shall be the property of the *Town* and shall remain so regardless of the issuance, renewal, suspension, or revocation thereof.
- 4.7 **Deleted per By-law No. 043-2009.**
- 4.8 No person shall permit a *Business* to be operated on his or her property unless a valid *License* has been issued for that *Business*. **(By-law No. 043-2009)**

5. SUBMISSION OF LICENSE APPLICATION TO LICENSING OFFICER

- 5.1 An application for a *License* shall be completed on the forms provided by the *Licensing Officer*.
- 5.2 A completed application for a *License* shall be delivered to the *Licensing Officer* as described in the attached Schedules, and shall be accompanied by:
- (i) the fee in the appropriate amount as set out in the *Town's User Fee By-law*;
 - (ii) a sketch of the footprint of the business, if required by the *Licensing Officer*;
 - (iii) any other documentation required by the Schedules attached to this *By-law*;
 - (iv) if the *Applicant* is a corporation, a copy of the incorporating document and a copy of the last annual information return which was filed with the appropriate government department. **(By-law No. 043-2009)**
- 5.3 The *Licensing Officer* may make or cause to be made all investigations deemed necessary or which are required by law or *Council* relative to the application and may circulate the application to all or any other department within the *Town*, the Regional Municipality of Halton, the Halton Regional Police Service, the *Medical Officer of Health* or any other person or agency as may be deemed necessary by the *Licensing Officer*.
- 5.4 Acceptance of the *application* and/or the *license* fee by the *Town* shall not represent the approval of the application for the issuance of a *license*, nor shall it obligate the *Town* to issue such *license*. **(By-law No. 043-2009)**
- 5.5 The *application fee* is non-refundable. **(By-law No. 043-2009)**

6. TERM OF LICENSE and PAYMENT OF FEES

- 6.1 Every *License* issued under this *By-law* shall expire at the end of February of each year, except for *Licenses* for *Commercial Refreshment Vehicles* that shall expire at the end of December of each year, and *Licenses* for *Transient Traders* that shall expire on the date indicated on the *License*, unless otherwise revoked or suspended under this *By-law* prior to that date.
- 6.2 The rights granted by a *License* issued under this *By-law* apply only to the *business* for which the *License* is issued.

- 6.3 Each *Licensee* shall be required to renew the said *License* prior to the expiry of the original *License* issued under this By-law and failing such renewal, the *Licensee* must discontinue the operation of his or her *business* upon the expiry of the *License*.
- 6.4 Where a complete application and required fee for the renewal of a *License* is not submitted to the *Licensing Officer* before the expiry date of the *License*, the *License* expires and in order to operate as a *business* listed in this By-law, the *Owner* must make application for a new *License* in accordance with the requirements of this By-law, rather than making application for a renewal of a *License*.
- 6.5 Where a *License* has been revoked or suspended, the *Licensee* is not entitled to a refund of the *License* fee.
- 6.6 When there has been a change in the documentation or information previously provided to the *Licensing Officer* in connection with an application for a *License* or renewal of a *License* under this By-law, regardless of how that change in information or documentation comes to the attention of the *Licensing Officer* or *Council*, the *Licensing Officer* acting on behalf of *Council* or *Council*, may reconsider the granting or renewal of the *License* with or without conditions, or consider a suspension or revocation of the *License*, in accordance with the provisions of sections 10 to 12 of the By-law.

7. LOCATION OF PREMISES

- 7.1 The location of all *businesses* shall comply with the provisions of the *Zoning By-law* and/or any other applicable law.
- 7.2 The provisions of section 7.1 do not apply so as to prevent the renewal of a *License* if the *business* was being lawfully carried on at that location in accordance with the *Zoning By-law* when the original *License* was issued for the *business* at that location and the *business* has continued to be carried on in an uninterrupted fashion at that location, and the *business* is in compliance with all other applicable laws and all other requirements of this By-law.
- 7.3 A *business* described in section 7.2 shall not expand beyond the footprint of the *business* at the time the original *business License* was issued. **(By-law No. 043-2009)**
- 7.4 If the *Owner* of a *business* described in section 7.2 wishes to sell his or her *business*, he or she shall provide the *Licensing Officer* with a sketch showing the dimensions of the business premises at the time the original *business license* was issued. The purchaser shall not expand the footprint the *business* had at the time the original *business license* was issued. **(By-law No. 043-2009)**

8. GENERAL PROVISIONS OF BY-LAW

- 8.1 No *person* carrying on or engaged in any *business* or activity to which this By-law relates shall make a false or intentionally misleading recital of fact, statement or representation, orally or in any agreement, statutory declaration or application form required by this By-law, to the *Town*, to *Council*, any committee of *Council*, the *Town Clerk*, the *Licensing Officer*, a *Municipal Law Enforcement Officer*, an *Animal Control Officer*, the *Medical Officer of Health*, a *Peace Officer* or a *Police Officer*, and the making of such a false or intentionally misleading recital of fact, statement or representation constitutes an offence.
- 8.2 Every *Owner* licensed as such under this By-law shall, within five (5) days after the selling, leasing or disposal of his or her *business* in respect of which the *License* has been issued, or after ceasing to carry on the *business*, notify the *Licensing Officer* in writing of such fact and surrender the *License*.
- 8.3 No person *Licensed* to carry on a *business* under this By-law shall advertise or promote or carry on such *business* under any name other than a name endorsed upon the *License*.
- 8.4 Every *License* shall have endorsed thereon the location of such *business*, and such endorsement shall be for one location only, and such *License* shall be valid only for the location endorsed thereon, except as otherwise provided for in the Schedules to this By-law.
- 8.5 Personal information collected as part of the application process for *Licenses* is subject to release to the Chief Constable as and when requested by him or her. (By-law No. 043-2009)

9. RENEWAL OF LICENSE

- 9.1 To apply to renew a *License*, the *Licensee* shall submit a complete application in the form required by the *Town*, along with any supporting information or documentation of the type listed in section 5 of this By-law, if required by the *Town*, and shall pay the required fee for the licensing year as set out in the *Town's User Fee By-law*. (By-law No. 043-2009)
- 9.2 When a *License* can be renewed because it meets the requirements of this By-law, the *Licensing Officer* shall issue a *License*, which shall set out the expiry date of the *License* in accordance with section 6.1 of this By-law, and the *License* is thereby renewed.

- 9.3 Notwithstanding that a *License* has been renewed, the *Licensing Officer* may require the holder of a *License* to file with the *Licensing Officer* such certificates or other documentary evidence as the *Licensing Officer* may require as evidence that such *Applicant* satisfies the requirements of this By-law.
- 9.4 A *License* shall not be renewed by the *Licensing Officer* if *Council*, or the *Licensing Officer* acting on behalf of *Council*, determines that there are grounds that the conduct of any *person*, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the *person* will not comply with the requirements of this By-law, and/or will not carry on or engage in the *business* which is the subject of the *License* in accordance with the law or with honesty and integrity.

10. SUSPENSION AND REVOCATION

- 10.1 In addition to any other penalty which may be imposed pursuant to this By-law, the *Licensing Officer* may suspend or revoke a *License*:
- (i) for failure to comply with any provisions of this By-law;
 - (ii) on grounds that it is in the public interest to do so, including, but not limited to, public health and safety reasons; and/or
 - (iii) upon grounds that the conduct of any *person*, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the *person* will not carry on or engage in the *business* for which the *License* was received in accordance with the law or with honesty and integrity.
 - (iv) where the *Owner* has misrepresented or omitted a material fact in his or her application for the *License* being applied for.
- 10.2 A suspension shall be and remain in force until such time as the *Licensee* has satisfied the *Licensing Officer* as to the *Licensee's* compliance with this By-law, and where applicable, the *Licensee* has satisfied the *Licensing Officer* that the public interest no longer requires the suspension of such *License* or there is no longer reasonable cause to believe that the *Licensee* will not carry on or engage in the *business* in accordance with the law or with honesty or integrity.
- 10.3 The *Licensing Officer* shall revoke any *License* that has been under suspension for a period in excess of 120 days.

10.4 The decision of the *Licensing Officer* may be appealed to the *Appeal Committee* in accordance with section 13 of this By-law.

10.5 Where a *License* has been revoked or suspended, the *Licensee* is not entitled to a refund of any fee paid under this By-law.

11. GROUNDS FOR REFUSAL TO ISSUE, REFUSAL TO RENEW, OR TO SUSPEND OR REVOKE A LICENSE

11.1 An *Applicant* whose application meets all of the requirements of this By-law is entitled to a *License*, or to the renewal of a *License*, and a *Licensee* who meets all the requirements of this By-law is entitled to be able to continue to hold a *License*, except where:

- (i) having regard to his or her financial position, the *Applicant/Licensee* cannot reasonably be expected to be financially responsible in the conduct of the *business* which is to be *Licensed* or is *Licensed*;
- (ii) the past conduct of the *Applicant/Licensee* affords reasonable grounds for the belief that the *Applicant/Licensee* 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;
- (iii) the issuance of the *License* or renewal of the *License* would be contrary to the purposes of this By-law;
- (iv) the *Applicant/Licensee* is carrying on activities that are, or will be if the *Applicant* is *Licensed*, in contravention of this By-law.
- (v) the *Applicant/Licensee* has misrepresented or omitted a material fact in his or her Application for the *License* being applied for or for a prior *License*.
- (vi) the *Applicant/Licensee* has failed to pay any fine or fines imposed by the Court arising from convictions for breach of a by-law enacted by *Council* or has failed to pay 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;
- (vii) 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 in contravention of the Ontario Building Code, the Fire Code or the Town's Property Standards By-law;

- (viii) 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;
- (ix) the *Applicant/Licensee* fails to meet the *Town's* thresholds, as described in Schedule "K" to this By-law, if applicable to the *Applicant's/Licensees* category of *business*;
- (x) the *Applicant/Licensee* fails to maintain insurance as required by the Schedules attached to this By-law;
- (xi) in addition, if the *Applicant/Licensee* is a corporation:
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the *business* for which it is, or is to be *Licensed*;
 - (ii) the past conduct of the officers or directors affords reasonable grounds for the belief that the *Applicant* or the *Licensee* will not carry on the activity for which he or she is to be *Licensed* or continue to be *Licensed* in accordance with law and with integrity and honesty; or
 - (iii) the issuance of the *License* or renewal of the *License* would be contrary to the purposes of this By-law.

12. TERMS AND CONDITIONS ON LICENSE

- 12.1 (i) The *Licensing Officer* may impose conditions as a requirement of obtaining, continuing to hold or renewing a *License* under this By-law.
- (ii) The *Licensing Officer* may also impose special conditions on a *business* in a class as a requirement of obtaining, continuing to hold or renewing a *License* under this By-law that have not been imposed on all of the *businesses* in that class, upon such grounds as are set out in section 11 and/or section 12.2 of this By-law.
- 12.2 The *Licensing Officer* may impose conditions, including special conditions, on the following grounds:
 - (i) the *Licensee* has failed to comply with any provision of this By-law;
 - (ii) it is determined to be in the public interest to impose such conditions, including, but not limited to, public health and safety reasons; and/or

- (iii) it is determined that the conduct of any *person*, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the *person* will not carry on or engage in the *business* in accordance with the law or with honesty and integrity.
- 12.3 The *Licensing Officer* may impose interim special conditions on *businesses* that have *Zoning* status which is legal non-conforming, to bring these *businesses* into conformity with the requirements of this By-law, and/or other applicable law.
- 12.4 It shall be the condition of every *License* that the *Licensee* shall, in carrying on the *business*:
- (i) comply with the provisions of this By-law, and any other applicable law, and ensure such compliance for every other *person* involved in the carrying on of such *business*;
 - (ii) at all times maintain and keep clean, safe, in good condition and repair any vehicle, place or premises for which a *License* has been issued under this By-law;
 - (iii) not cause, tolerate or permit a *nuisance* to arise in connection with the place or premises for which the *License* was issued;
 - (iv) not cause, tolerate or permit shouting, noise or disturbance on 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;
 - (v) 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 a *License* was issued;
 - (vi) not cause, tolerate, or permit any profane, offensive, or abusive language in connection with any place or premises for which the *License* was issued.

13. OPPORTUNITY TO BE HEARD

- 13.1 The *Licensing Officer* shall refuse to issue, renew or may revoke or suspend any *License* the issuance of which would be contrary to this By-law, but in doing so the *Licensing Officer* shall notify the *Applicant* that he or she may request that the *Appeal Committee* review his or her application.

- 13.2 The *Licensing Officer's* notice shall state that the *Applicant/Licensee* may appeal the decision of the *Licensing Officer* to the *Appeal Committee* to address the issues and grounds identified in the notice, and by paying the required fee pursuant to the Town's User Fee By-law, as amended from time to time. The notice shall also state that if the *Applicant/Licensee* does not notify the *Licensing Officer* that the *Applicant/Licensee* requests an appeal, the application for a *License* or renewal of a *License* may not be granted, conditions, including special conditions, may be imposed, or the *License* may be suspended or revoked and the *Applicant/Licensee* will not be entitled to any further notice with respect to the matter.
- 13.3 If the *Applicant/Licensee* wishes to request an opportunity to be heard before the *Appeal Committee*, the *Applicant/Licensee* must serve a notice in writing to that effect upon the *Licensing Officer* within fifteen (15) days of being served with the *Licensing Officer's* notice, along with the applicable fee required pursuant to the Town's User Fee By-law, as amended from time to time.
- 13.4 (i) Where the *Licensing Officer* receives notice from the *Applicant/Licensee* in accordance with subsection 13.3, the *Licensing Officer* shall forthwith refer the matter to the *Appeal Committee* and give the *Applicant/Licensee* notice of the date and time when the *Applicant/Licensee* will have the opportunity to be heard on the matter by the Committee.
- (ii) Where the *Licensing Officer* does not receive notice from the *Applicant/Licensee* requiring an opportunity to be heard in accordance with subsection 13.3, the Town need not process the application further and no further notice is required to be served upon the *Applicant/Licensee*, and the *License* or renewal of the *License* may not be granted and *Council* may also suspend or revoke the *License* or impose conditions, including special conditions, without hearing from the *Applicant/Licensee*.
- 13.5 Where the *Applicant/Licensee* has satisfied all requirements under this By-law for the issuance or renewal of a *License* and there are no grounds under this By-law for denying the issuance or renewal of the *License* and the *Licensing Officer* does not seek to have conditions imposed on the *License*, the *Licensing Officer* shall issue or renew the *License*.

14. APPEAL COMMITTEE

- 14.1 Where a matter has been referred to the *Appeal Committee* at the *Applicant's/Licensee's* request, and the *Applicant/Licensee* does not attend the scheduled hearing, the *Appeal Committee* may hold the hearing in the

absence of the *Applicant/Licensee* and otherwise proceed in accordance with section 13 of this By-law. **(Amended by By-law No. 087-2010)**

14.2 At any hearing conducted by the *Appeal Committee* under this By-law, the *Appeal Committee* can hear not only from the *Applicant/Licensee*, but also from the *Licensing Officer* or other Town staff, any governmental or other public agency, or the general public. **(Amended by By-law No. 087-2010)**

14.2.1 The *Appeal Committee* shall have regard to the following matters where relevant, as may be raised at a hearing:

- (i) Business Licensing By-law No. 111-2004 and any other applicable law; and
- (ii) circumstances and facts raised by the evidence of the parties; and
- (iii) the legitimate business interests of the applicant or licensee; and
- (iv) whether issuing the license would put the public safety at risk; and
- (v) compliance with any conditions of a license; and
- (vi) whether information supplied to obtain the licence or to comply with a condition was false or misleading; and
- (vii) licensing fees that have not been paid; and
- (viii) fees paid pursuant to the Town's User Fee By-law; and
- (ix) fines for convictions under the Provincial Offences Act are due and unpaid; and
- (x) the licensee has not actively carried on the business for which the licence was obtained; and
- (xi) whether the business is or will be carried on in compliance with the law, and whether the conduct of the person, in the case of a partnership, the conduct of its partners, employees or agents or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty or integrity.
(Amended by By-law No. 087-2010)

- 14.3 Upon the conclusion of a hearing conducted by the *Appeal Committee* under this By-law, the *Appeal Committee* shall, as soon as practicable, set out the findings of fact and render a decision, and, notwithstanding any other provision provided for within this By-law, the *Appeal Committee* shall have the authority to:
- (i) order a license be granted or renewed; or
 - (ii) refuse to issue or renew a license; or
 - (iii) revoke a license; or
 - (iv) suspend a license, including an interim suspension of a license pending a rescheduling of a hearing; or
 - (v) impose conditions on a license. **(Amended by By-law No. 087-2010)**
- 14.4 The *Appeal Committee's* decision shall be final and binding. **(By-law No. 043-2009)**
- 14.5 The *Appeal Committee* shall provide its decision, in writing, to the appellant and to the *Licensing Officer*. **(Amended by By-law No. 087-2010)**

15. RETURN OF LICENSE

- 15.1 Where a *License* has been suspended or revoked, the holder of the *License* shall return the *License* to the *Licensing Officer* or *Municipal Law Enforcement Officer* within twenty-four (24) hours of receipt of written notification of the suspension or revocation. The *Licensing Officer* or *Municipal Law Enforcement Officer* may enter the premises for the purpose of receiving or taking the said *License* and no *person* shall refuse to deliver or in any way obstruct or prevent the *Licensing Officer* or a *Municipal Law Enforcement Officer* from obtaining the *License*.

16. LICENSE PRODUCTION

- 16.1 Every *person Licensed* under this By-law shall, when requested by a *Municipal Law Enforcement Officer*, the *Licensing Officer*, a Building Inspector, the *Medical Officer of Health*, the *Fire Chief*, an *Animal Control Officer*, or a Police Officer immediately produce his or her *License* issued under this By-law, and other relevant documents required under this By-law.
- 16.2 *Owners* shall ensure that their *License(s)* is displayed in a conspicuous place at their place of *business* at all times.

- 16.3 Every *person* obtaining a *License* under this By-law, where the same applies to the *business* of such *person*, shall carry such *License* with him or her when engaged in the *business* for which the *License* is issued, and/or shall wear the identification card provided by the *Licensing Officer* on their person, in a visible location, if applicable. Every *person* so *Licensed* shall, when so requested by the *Licensing Officer*, a *Municipal Law Enforcement Officer*, a Police Officer, the *Medical Officer of Health*, an *Animal Control Officer*, or the *Chief Fire Official* produce the *License* and/or the identification card for inspection. **(By-law No. 043-2009)**
- 16.4 No *License* shall be transferred, except with the consent, in writing, of the *Licensing Officer*.
- 16.5 No *person Licensed* under this By-law shall, in respect of any person with a disability,
- (i) refuse to serve such *person*;
 - (ii) refuse to permit such *person* to enter into or upon any place, premises, vehicle or thing to which the *License* relates; or
 - (iii) refuse to permit such *person* to remain in or upon such place, premises, vehicle or thing, by reason only of the presence of such disability.
- 16.6 No *person Licensed* under this By-law shall, in respect of any physically impaired *person* being guided or led by a *service animal*:
- (i) refuse to serve such *person*;
 - (ii) refuse to permit such *person* to enter with such *service animal* into or upon any place, premises, vehicle or thing to which the *License* relates; or
 - (iii) refuse to permit such *person* and such *service animal* to remain in or upon such place, premises, vehicle or thing, by reason only of the presence of the said *service animal*. **(By-law No. 043-2009)**

17. NOTIFICATION OF CHANGE OF INFORMATION

- 17.1 Subject to sections 8.2 and 8.4 of this By-law, the holder of every *License* issued under this By-law shall, upon changing his or her name, address, or any information relating to the *License*, produce his or her *License* at the office of the *Licensing Officer* within seven (7) working days for a *License* containing the new information to be issued by the *Licensing Officer*.

17.2 Subject to sections 8.2 and 8.4 of this By-law, when the *Licensee* is a corporation and there is any change in the relevant information relating to the *License*, namely: names or addresses of officers or directors, location of the corporate head office or change in the ownership of shares, the *Licensee* shall report the change to the *Licensing Officer*, in writing, within seven (7) working days of the change and, if necessary, the *License* shall be returned immediately to the *Licensing Officer* and a new *License* containing the new information will be issued by the *Licensing Officer*.

18. DIRECTION TO COMPLY

18.1 Where the *Licensing Officer* or a *Municipal Law Enforcement Officer* finds that any provision of this By-law has been contravened, the *Licensing Officer* or a *Municipal Law Enforcement Officer* may give to the *person* believed to be the contravener a Direction, directing compliance with such provision, and may require the Direction to be carried out forthwith or within such time as the *Licensing Officer* or a *Municipal Law Enforcement Officer* specifies. Alternatively, the *Licensing Officer* may suspend the *License* until the *Licensee* demonstrates to the *Licensing Officer* that the *Licensee* is no longer in violation of the By-law.

19. SIGNAGE

19.1 All *Licensees* must comply with the *Town's Sign By-law*, as amended from time to time.

20. INSPECTION

20.1 The *Medical Officer of Health*, a *Municipal Law Enforcement Officer*, the *Licensing Officer*, an *Animal Control Officer*, a *Police Officer*, the *Fire Chief*, a *Peace Officer*, or such other person as *Council* may designate may, at any reasonable time, enter the *business* premises of the *Applicant/Licensee* for the purpose of determining whether this By-law is being complied with and, for this purpose, may make such examinations, investigations and inquiries as are necessary to confirm compliance with this By-law, and no *person* shall obstruct or hinder such examinations, investigations and inquiries.

20.2 No *person* shall withhold, destroy, conceal or refuse to furnish any information or thing required by the *Licensing Officer*, a *Municipal Law Enforcement Officer*, an *Animal Control Officer*, a *Police Officer*, the *Medical Officer of Health*, the *Fire Chief*, a *Peace Officer*, or other *person* designated by *Council*.

20.3 The *Licensing Officer*, a *Municipal Law Enforcement Officer*, an *Animal Control Officer*, a *Police Officer*, the *Medical Officer of Health*, the *Fire Chief*, or a *Peace Officer* is entitled to inspect any vehicle, goods, articles, books, records and other documents of or relating to any *business*.

21. USE OF TOWN PROPERTY

21.1 Permission must be obtained by a *Licensee* from the *Director of Community Services*, the *Director of Engineering Services*, or other applicable *Town* department prior to using *Town* property for the purposes of a *business*.

22. ACCESSIBILITY

22.1 *Persons* licensed under this By-law shall, where possible, make their *business* accessible to *persons* with disabilities.

23. EXEMPTION

23.1 The *Town* is exempt from the provisions of this By-law.

24. NOTICE

24.1 Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by registered mail to the *Applicant/Licensee* at the address provided on the *License* application form.

24.2 Where service is effected by registered mail, it shall be deemed to be made on the fifth (5) day after the date of mailing.

25. SEVERABILITY

25.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

26. SHORT TITLE

26.1 This by-law shall be known as the *Business Licensing By-law*.

27. PENALTY

27.1 Every *person* who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by the corporation, is guilty of an offence and on conviction is liable to either a minimum fine up to \$500 or a maximum fine up to \$100,000. **(By-law No. 043-2009)**

27.1(a) If By-law No 111-2004, as amended, is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court may impose an order prohibiting the continuation or repetition of the offence by the person convicted. **(By-law No. 043-2009)**

27.2 Deleted per By-law No. 043-2009

27.3 This By-law shall be administered and enforced by the *Licensing Officer*, a *Municipal Law Enforcement Officer*, an *Animal Control Officer*, the *Fire Chief*, a *Police Officer*, a *Peace Officer*, or such other *person* as *Council* may designate.

28. REPEAL OF BY-LAWS

28.1 By-law Nos. 101-2002, 18-97, 91-97, 131-2001, 134-2001, 135-2001, 136-2001, 138-2001, and 140-2001, as amended, are hereby repealed. **(By-law No. 043-2009)**

29. EFFECT

29.1 This By-law shall come into force and effect on the day it is passed.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 20th day of December, 2004.

Gordon A. Krantz Mayor

Troy McHarg Town Clerk

SCHEDULE “A” TO BY-LAW NO. 111- 2004
as amended by 048-2006

Personal Service Businesses

In addition to the other requirements of this By-law, the following regulations apply to *Personal Service Businesses* as defined in this By-law:

1. Deleted per By-law 043-2009.
2. Where every *person*, at any one location, who provides or performs *Body Rub* in conjunction with a *Personal Service Business*, is licensed or registered to do so under the laws of the Province of Ontario, or meets the requirements under Section 3, then the *Personal Service Business* shall be exempt from sections 8 to 16 under this schedule. (as amended by by-law 048-2006)
3. Any *person*, who provides or performs *Body-Rub* in conjunction with a *Personal Service Business* that is not licensed or registered to do so under the laws of the Province of Ontario, may contact the *Medical Officer of Health* to review his or her specific qualifications. The *Medical Officer of Health* shall advise the *Town* whether or not the *person's* qualifications meet the requirements of the laws of the Province of Ontario, and upon receipt of such approval, this *person* shall be exempt from sections 9 to 16 under this schedule. (as amended by by-law 048-2006)
 - 3.1 Any *person* who provides or performs *Body Rub* in conjunction with a *Personal Service Business*, that is licensed or registered to or do so under the laws of the Province of Ontario, shall be exempt from sections 9 to 16 under this schedule. (as amended by by-law 048-2006)
 - 3.2 Any *person*, at any one location, who provides or performs acupuncture and is duly certified to do so, and is licensed or registered under the laws of the Province of Ontario to perform medical or therapeutic treatment, shall be exempt from the requirements under this schedule provided that no other *Personal Service* is being performed or provided by this *person*, at this location. (as amended by by-law 048-2006)
 - 3.3 Any *person*, at any one location, who provides or performs acupuncture and is duly certified to do so, and is not licensed or registered to perform medical or therapeutic treatment under the laws of the Province of Ontario, may contact the *Medical Officer of Health* to review his or her specific qualification. The *Medical Officer of Health* shall advise the *Town* whether or not the *person's* qualifications meet the requirements of the laws of the Province of Ontario. Upon receipt of such approval and provided that no other *Personal Service* is being performed or provide by this *person*, at this location, this *person* shall be exempt from the requirements under this schedule. (as amended by by-law 048-2006)

4. Those *persons* not exempt from the requirements of this Schedule shall, as part of the application for a *Personal Service Business License*:
 - (i) provide written confirmation from the *Zoning Officer* that the use of the property is permitted under the *Zoning By-law* (this confirmation will not be required for the renewal of a *License*);
 - (ii) provide written confirmation from the *Medical Officer of Health* that all necessary inspections have been completed and the *business* is in compliance with the Personal Service Settings Protocol provided by the Halton Region Health Department.
5. Every *person* who carries on a *Personal Service 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 Ministry of Health as authorized by the *Health Protection and Promotion Act*, R.S.O. 1990, c. H. 7, as amended, and the requirements of the *Medical Officer of Health* and the Personal Services Settings Protocol.
6. Inspections of the *business* premises and enforcement of personal services requirements will be the responsibility of the *Medical Officer of Health*, in addition to *Municipal Law Enforcement Officers*.
7. For the purposes of this Schedule:
 - (a) “Attendant” means a *person* who provides *body rubs*, where *Body Rubs* are performed or provided in conjunction with other personal care procedures. (as amended by by-law 048-2006)
 - (b) “Body-Rub” includes the kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a *person’s* body or part thereof but does not include medical or therapeutic treatment given by a *person* otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario; (as amended by by-law 048-2006)
 - (c) “Operator” includes a proprietor or any *person* who alone or with others operates, manages, supervises, runs or controls a *Personal Service Business* where *Body Rubs* are performed or provided in conjunction with other personal care procedures; (as amended by by-law 048-2006)

- (d) “Owner” means a *person* who alone or with others has the right to possess or occupy a *Personal Service Business* where Body Rubs are performed or provided in conjunction with other personal care procedures or actually does possess or occupy such *Personal Service Business*, and includes a lessee of a *Personal Service Business* where Body Rubs are performed or provided in conjunction with other personal care procedures or premises upon which a *Personal Service Business* where Body Rubs are performed or provided in conjunction with other personal care procedures, is located; **(as amended by by-law 048-2006)**
- (e) “Personal Service” means personal care procedures for any part of the body and includes, but is not limited to acupuncture, hair cutting, manicuring and nail treatments, electrolysis, aesthetics, tattooing and micro-pigmentation, body piercing, and ear piercing. **(as amended by by-law 048-2006)**
- (f) “Specified Body areas” means any one or more of the following:
- in the case of a female *person*, her nipples and breasts;
and
- in the case of all *persons*, the genitals and the anus;
(as amended by by-law 048-2006)

8. Body Rubs may be performed only in conjunction with *personal* care procedures, in an area of a *Personal Service Business* that is less than TWENTY 20% of the non-administrative floor space of the business. **(as amended by by-law 048-2006)** Storage areas are not to be included in the calculation of floor space. **(By-law No. 043-2009)**
- 8.1 No *person* shall perform *Body Rubs* in conjunction with personal care procedures, in an area of a *Personal Service Business* that is greater than TWENTY 20% of the non-administrative floor space of the business. **(as amended by by-law 048-2006)**

9. These *persons* applying for a *Personal Service Business* licence where *Body Rubs* are performed shall provide the Licensing Officer with the information required in this By-law, together with:
 - (a) a floor plan of the *Personal Service Business* showing the designated room(s) for the provision of *Body-Rubs* and no *person* may provide *Body Rubs* in any other room, cubicle, enclosure or partitioned area located within the *Personal Services Business*. In the event that the *Owner* or *Operator* wishes to amend the floor plan, he or she shall first file a copy of the amended floor plan with the *Licensing Officer*, and shall not proceed to make such alterations without first obtaining the approval of the *Licensing Officer*.
 - (b) a *Criminal Records Check* for each *Attendant*. (as amended by by-law 048-2006)
10. Every recipient of a *Body-Rub* where *Body Rubs* are performed or provided in conjunction with other personal care procedures, shall be clothed in a manner that ensures that the person's *Specified Body Areas* are fully covered at all times by opaque material. (as amended by by-law 048-2006)
11. Every *Attendant* shall be clothed in a manner that ensures that the *Attendant's Specified Body Areas* are fully covered at all times by opaque material. (as amended by by-law 048-2006)
12. No *Owner*, *Operator*, or *Attendant* shall perform or permit, allow or cause to be performed a *Body-Rub* as described in this Schedule, by or upon any *person* whom he or she has reasonable cause to suspect has been exposed to or is suffering from any communicable disease, including any communicable skin disease. (as amended by by-law 048-2006)
13. No *Owner* or *Operator* shall, in respect of any *Personal Service Business* where *Body Rubs* are performed or provided as described in this Schedule, owned or operated by such *Owner* or *Operator*, permit, allow or cause any *Attendant* to touch, or be touched by, or have physical contact with, any *person* in any manner whatsoever involving any *Specified Body Areas*. No *Attendant* shall, while at a *Personal Service Business* where *Body Rubs* are performed or provided as described in this Schedule, touch or allow, permit or cause herself or himself to be touched or have physical contact with any other *person* in any manner whatsoever involving any *Specified Body Areas*. (as amended by by-law 048-2006)

14. The *Owner* or *Operator* may designate one or more rooms for use as an office and/or storage room. Such designated office and/or storage rooms may be equipped or constructed with a locking device. The rooms for office and/or storage space shall not be used for the provision of *Body Rubs*. (as amended by by-law 048-2006)
15. Every *Owner* or *Operator* shall ensure that no means of access to any room, cubicle, enclosure or partitioned area in a *Personal Service Business* where *Body Rubs* are performed or provided as described in this Schedule, save and except the designated office and/or storage room, is equipped or constructed with a locking device of any kind or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such area. (as amended by by-law 048-2006)
16. In addition to complying with the *Town's Sign By-law*, all advertising, advertising devices, including interior or exterior signage, and/or any other communication or thing used to promote the *Body Rub* services of a *Personal Service Business* where *Body Rubs* are performed, must be approved by the *Licensing Officer*. (as amended by by-law 048-2006)
17. Valid *personal service business licenses* may be extended to provide for a *mobile personal service* for hair cutting, manicures and nail treatments. *Mobile personal service* shall not be provided for massage, tattooing, body/ear piercing, or any other category of *personal service*. (By-law No. 043-2009)
18. Each individual carrying on a *mobile personal service* as described in section 17 of this Schedule shall provide a *criminal records check* to the *Licensing Officer*. The *Licensing Officer* shall refuse to issue a *License* if the *Applicant* has been convicted of any of the charges listed in Schedule "K" or whether these convictions afford reasonable cause to believe that the person will not provide a *Mobile Personal Service* in accordance with the law or with honesty or integrity. (By-law No. 043-2009)
19. The *Licensing Officer* shall issue a photo identification card to the individual providing the *mobile personal service*. (By-law No. 043-2009)
20. If a client is less than 18 years of age, a parent or guardian must be present when the *mobile personal service* is being provided. (By-law No. 043-2009)

21. Every applicant for *Mobile Personal Services* and *Personal Services Businesses* shall procure a Broad Form Commercial General Liability policy of insurance with respect to the operations in a form satisfactory to the Treasurer endorsed to the effect that the *Town, through the Licensing Officer* shall be given at least ten (10) days' notice in writing of any cancellation.

Such policy shall be written with limits of no less than TWO MILLION DOLLARS (\$2,000,000) per occurrence and shall apply to all operations of the Named Insured and include coverage for bodily injury including death, broad form property damage, personal injury, products and completed operations liability, blanket contractual liability, contingent employer's liability, non-owned automobile. It shall also include cross liability and/or severability of interest clauses.

A certified copy of such policy or a certificate of insurance must be provided to the Licensing Officer thirty (30) days' prior to the issuance of the required License and annually thereafter.

If applicable Professional Liability Insurance in an amount not less than One Million Dollars (\$1,000,000) per claim shall also be required, and a certified copy of such policy or a certificate of insurance must be provided to the Licensing Officer thirty (30) days' prior to the issuance of the required License and annually thereafter. **(By-law No. 043-2009)**

SCHEDULE "B" TO BY-LAW NO. 111- 2004

Pawnbrokers

In addition to the other requirements of this By-law, the following regulations apply to *Pawnbrokers* as defined in this By-law:

1. Deleted per By-law No. 043-2009.
2. Every *Pawnbroker* shall provide the *Town* with security in a form satisfactory to the *Treasurer*, in the sum of \$2,000.00 as required by the *Pawnbrokers Act*, R.S.O. 1990, c. P.6, as amended.
3. Every *Applicant* for a *Pawnbrokers License* under this By-law, shall, as part of the application for such *License*:
 - (i) provide written approval from the *Zoning Officer* that the use of the property is permitted under the *Zoning By-law* (this notice will not be required for the renewal of a *License*);
 - (ii) provide written confirmation from the *Treasurer* that he or she has received the security described in section 2 of this Schedule.
4. Every *Pawnbroker* licensed under this By-law shall carry on his or her *business* in accordance with the provisions of the *Pawnbrokers Act*, as amended from time to time.

SCHEDULE "C" TO BY-LAW No. 111- 2004

Transient Traders

In addition to the other requirements of this By-law, the following regulations apply to *Transient Traders* as defined in this By-law:

1. Deleted per By-law No. 043-2009.
2. Classes of *Transient Traders*:

The following shall be the classes of *Transient Traders* under this By-law:

(i) Class 1 – Day Sales

Shall include the sale of goods and/or the meting out or distribution of goods, such as, but not limited to, flowers, *foodstuffs*, flags, publications, and sundries for a one to three day period from one specific location where the commercial use is permitted by the *Zoning By-law*, and approved by the *Licensing Officer*. **(By-law No. 043-2009)**

(ii) Class 2 – Seasonal Sales

Shall include temporary *businesses* such as, but not limited to, gardening product sales and Christmas tree sales for one period of up to three months from one specific location and may include the use of a temporary structure such as a greenhouse or sales office where such commercial use is permitted by the *Zoning By-law*, and approved by the *Licensing Officer*.

(iii) Class 3 – Door to Door Sales

Shall include any *person* that conducts door-to-door solicitation and/or sales.

(iv) Class 4 – Antique/Collectible Show

Shall include the exhibiting or offering for sale, and/or the meting out or distribution, on a temporary basis, at one location, of antique or collectible goods, wares or merchandise. **(By-law No. 043-2009)**

(v) Class 5 – Craft Show

Shall include the exhibiting or offering for sale, and/or the meting out or distribution of, on a temporary basis, at one location by crafts people, goods, wares, or merchandise that they themselves have produced. **(By-law No. 043-2009)**

(vi) Class 6 – Manufacturing Show

Shall include the exhibiting or offering for sale, and/or the meting out or distribution of, on a temporary basis, at one location by several manufacturers or distributors, goods, wares or merchandise which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer; but excludes a consumer show open to the public or a trade show open by invitation or registration only, the primary purpose of which is the display of goods and products and not direct sale of them and also excludes a consumer show or trade show operating as an integral part of a convention or conference. **(By-law No. 043-2009)**

(vii) Class 7 – Flea Market

Shall include the exhibiting or offering for sale, and/or the meting out or distribution of, on a temporary basis, at one location by vendors, a variety of goods, wares or merchandise, but does not include a sale that consists of one type of goods, wares or merchandise; and also does not include a Flea Market that is in business on a permanent basis, as permitted under the *Zoning By-law*. **(By-law No. 043-2009)**

(viii) Class 8 – General

Shall include any *Transient Trader* not previously defined in Classes 1 to 7.

3. For Class 1, 2, 3 and 8 *Transient Traders*, the *person* operating the *business* shall obtain the necessary *License(s)* from the *Licensing Officer*.
4. If the event organizer is a *service club*, the Executive Officer of the *service club* shall ensure that necessary license(s) have been obtained. **(By-law No. 043-2009)**
5. Every *Applicant* for a *Transient Trader's License*, as part of the application for such *License* shall:
 - (i) furnish a statement in writing containing a full description of the goods, wares or merchandise to be sold or offered for sale under this *License*. The sale or keeping for sale of *animals* or birds by any vendor in a Flea Market is prohibited; **(By-law No. 043-2009)**

- (ii) provide written confirmation from the *Zoning Officer*, where applicable, that the use of the property is permitted under the *Zoning By-law*;
- (iii) submit written permission for the use of the property from the property owner, landlord or agent of the owner, before offering goods, wares or merchandise for sale from privately owned lands;
- (iv) submit an accurate drawing of the location from which any goods, wares, or merchandise will be hawked, peddled, or sold, where applicable. This drawing shall include the location of all sidewalks, driveways, edges of roads and parking areas, and shall be drawn to the satisfaction of the *Licensing Officer*;
- (v) provide written confirmation from the *Medical Officer of Health* approving the sale of *foodstuffs*, if applicable;
- (vi) each individual carrying on Door to Door Sales as described in section 2(iii) of this By-law shall provide a *criminal records check* to the *Licensing Officer*. The *Licensing Officer* shall refuse to issue a *License* if the *Applicant* has been convicted of any of the charges listed in Schedule "K" or whether these convictions afford reasonable cause to believe that the person will not operate a Door to Door Sales *business* in accordance with the law or with honesty or integrity;
- (vii) Every applicant for a *Transient Trader's License where food will be served shall* procure a Broad Form Commercial General Liability policy of insurance with respect to the operations in a form satisfactory to Treasurer, endorsed to the effect that the Town through the *Licensing Officer* shall be given at least ten (10) days' notice in writing of any cancellation.

Such policy shall be written with limits of no less than TWO MILLION DOLLARS (\$2,000,000) per occurrence and shall apply to all operations of the Named Insured and include coverage for bodily injury including death, broad form property damage, personal injury, products and completed operations liability, blanket contractual liability, contingent employer's liability, non-owned automobile. It shall also include cross liability and/or severability of interest clauses.

A certified copy of such policy or certificate of insurance must be provided to the Licensing Officer thirty (30) days' prior to the issuance of the required License and annually thereafter. **(By-law No. 043-2008)**

- 5.1. Completed applications for Class 1, 2 and 3 *Transient Traders licenses* shall be submitted to the *Licensing Officer* at least three (3) weeks prior to the first day items are proposed to be offered for sale. **(By-law No. 043-2008)**
- 5.2. Completed applications for Class 4, 5, 6, 7 and 8 *Transient Traders Licenses* shall be submitted to the *Licensing Officer* at least thirty (30) days prior to the event. **(By-law No. 043-2008)**
- 5.3. For Class 4, 5, 6 and 7 *Transient Traders*, the event organizer shall provide the *Licensing Officer* with a list of all vendors and vendors' contact information. The *Licensing Officer* shall ensure that all vendors, where applicable, possess a valid *Business License* with the *Town*. **(By-law No. 043-2008)**
- 5.4. If applicable, the *Licensing Officer* shall contact the vendor(s) and require that the vendor(s) obtain a *Business License*. In the event the vendor fails to obtain the necessary *License*, that vendor shall be prohibited from participating in the Class 4, 5, 6 or 7 event. **(By-law No. 043-2008)**
6. A *License* issued under Schedule "C" of this By-law is only applicable to the items or types of items listed on the *License* and any change in the classes of goods sold will require a new or separate Application.
7.
 - (i) A Class 1 *License* shall expire on the date indicated on the *License*;
 - (ii) A Class 2 *License* shall expire three (3) months after the date of issue, as indicated on the *License*;
 - (iii) A Class 3 *License* shall expire one (1) week after the date of issue, as indicated on the *License*;
 - (iv) A Class 4, Class 5, Class 6, Class 7, and Class 8 *License* shall expire two weeks after the date of issue, as indicated on the *License*.
 - (v) Notwithstanding section 7(i) to (iv) above, the *Licensing Officer* may extend the term for all classes of *Transient Trader licenses*. **(By-law No. 043-2008)**

8. A separate *Transient Trader License* shall be obtained for each location from which the goods, wares or merchandise is to be sold, and a *Transient Trader License* will not be issued to one company or affiliated companies for more than three (3) locations at one given time. (This section 8 does not apply to Door to Door Sales).
9. No person shall:
 - (i) hawk, peddle or sell any goods, wares or merchandise in any manner as to impede or confine vehicular or pedestrian traffic;
 - (ii) hawk, peddle or sell any goods, wares or merchandise in any location that is within six (6) meters of any driveway, curb, entranceway or exit point, or within fifteen (15) meters of any intersection. No goods, wares or merchandise shall be hawked or peddled in a public/municipally owned parking lot, except for Class 2 – Seasonal Sales;
 - (iii) hawk, peddle or sell any goods, wares or merchandise in a location within the defined limits of the Downtown Business Improvement Area as illustrated in Schedule “J” to this By-law;
 - (iv) act or carry on the *business* of a Transient Trader on municipally owned or leased lands or facilities;
 - (v) fail to comply with all applicable regulations of the Fire Code and all requirements of the Town of Milton Fire Department;
 - (vi) fail to comply with the requirements of the *Zoning By-law*.
10. Schedule “C” does not apply to:
 - (i) the sale of stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to 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; or
 - (ii) the sale of a *business* to a purchaser who continues the *business*.

11. Only one (1) sign is permitted, having a maximum sign area of 3.0m² per face used in conjunction with *Licensed Class 1 Day Sales* or *Licensed Class 2 Seasonal Sales* is permitted. Such sign does not require a permit and shall be a portable sign. A *Transient Trader* will abide by the Town of Milton Sign By-law, and By-law No. 97-2000 prohibiting signs on road allowances, as amended, or any successor by-law, and any other *Town* or Region of Halton by-law prohibiting signs on road allowances.
12. No *License* shall be required for hawking, peddling or selling goods, wares or merchandise:
 - (i) to wholesale or retail dealers in similar goods, wares or merchandise; or
 - (ii) if the goods, wares 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.
13. *Persons* selling goods, wares or merchandise on behalf of a charitable or non-profit organization requires a *Transient Trader License*, however, the *Licensing Officer* on behalf of the *Town*, shall waive the licensing fee with proof of charitable or non-profit status.
14. All *Transient Traders* shall have a 5lb ABC fire extinguisher at their location when a heat or fuel source is in use. **(By-law No. 043-2009)**

SCHEDULE "D" TO BY-LAW NO. 111- 2004

Commercial Refreshment Vehicles

In addition to the other requirements of this By-law, the following regulations apply to *Commercial Refreshment Vehicles* as defined in this By-law:

1. Deleted per By-law No. 043-2009.
2. For the purpose of this Schedule "D":
 - (i) "*operate*" when used in relation to a *Commercial Refreshment Vehicle* shall mean to drive the said *Vehicle* and offer *refreshments* for sale;
 - (ii) "*public place*" shall mean a place to which the general public is invited or permitted access, whether or not for a fee;
 - (iii) "*refreshment*" shall include but is not limited to fruit, candy, sandwiches, cakes, doughnuts, pies, peanuts, popcorn, hot dogs, hamburgers, french fries, potato chips, ice cream, ice cream bars and cones, iced water, iced milk, or any other ice confectionary or other *food* or drink;
 - (iv) "*Town property*" shall mean land and premises owned by the *Town*, but does not include *highways*.
 - (v) "Operator" when used in relation to a Commercial Refreshment Vehicle shall mean the person who offers refreshments for sale and includes a mobile or stationary vehicle. (By-law No. 129-2011)
 - (vi) "Operator Attendant" when used in relation to a Commercial Refreshment Vehicle (CRV) shall mean the person who offers refreshments for sale from a Class "D" (CRV) in conjunction with an Operator. (By-law No. 129-2011)
3. The Owner shall make an application for a *CRV License* under this By-law. In the case where the operator does not own the vehicle to which a *License* application is made, the application shall be a joint application by both the *owner* and the operator of the *CRV*. (By-law No. 043-2009)
 - 3.1 No person shall carry on or engage in the business of being an Operator or Operator Attendant, unless the person has a valid License permitting the person to do so.
 - (i) There shall be no fee charged to a person submitting an application to carry on or engage in the business of being an Operator Attendant. (By-law No. 129-2011)

4. No person shall be licensed as an Owner/Operator unless the person provides to the *Licensing Officer*, as part of the application for such *License*:
- (i) the year and make of the *CRV*;
 - (ii) details regarding insurance coverage on the *CRV* as required by section 17 of this Schedule “D”;
 - (iii) details regarding the *food* supplier used by the *owner* or operator of the *CRV*;
 - (iv) details regarding the number of hours the *CRV* is expected to be operated in Milton, as well as the principle area of operation in Milton;
 - (v) the original of a *criminal records* check for Class B and C *Licenses* if deemed necessary by the *Licensing Officer*. Such criminal records check shall be issued by the Halton Regional Police Service, or by another Police Service, and shall be dated within sixty (60) days of the date of the application for a *CRV License* under this By-law. The *Licensing Officer* shall refuse to issue a *License* if the Applicant has been convicted of any of the charges listed in Schedule “K” to this By-law, or where these convictions, if any, afford reasonable cause to believe that the person will not operate the *CRV business* in accordance with the law or with honesty or integrity;
 - (vi) his or her original current driver’s abstract from the Ministry of Transportation, if applicable, dated within sixty (60) days of the date of the application for a *CRV* under this By-law. The *Licensing Officer* shall refuse to issue a *License* if the *Applicant* has been convicted of any of the charges listed in Schedule “K” of this By-law, or where the driver’s abstract affords reasonable cause to believe that the person will not *operate* a *CRV* in accordance with the law or with honesty or integrity;
 - (vii) upon the initial application and each subsequent renewal for a *CRV License*, take the *CRV* in question for inspection by the *Medical Officer of Health*. The *Applicant* shall attach to the *License* application the inspection report/letter indicating that the *Medical Officer of Health* has approved the *CRV* for the purpose of selling *refreshments* to the general public. The inspection report/letter must be dated within the last six (6) months prior to the date that the *CRV License* application or renewal is presented to the *Licensing Office* (Notwithstanding the foregoing, subsection 4(viii) of this Schedule “D” does not apply to applications for a Class C *CRV License*);
 - (viii) information regarding the use of propane appliances as required by section 18 of this Schedule;

- (ix) written approval from the *Zoning Officer*, where applicable, that the use of any property to operate a *CRV* is permitted under the *Zoning By-law*;
 - (ix.1) written approval from the *Chief Fire Official*, where applicable, that fire regulations are being complied with;
 - (ix.2) if the Owner/Operator is between 14 and 18 years of age, a copy of the applicant's birth certificate and/or written consent from the applicant's parent or guardian stating that he or she consents to the applicant owning/operating a *CRV*. **(By-law No. 043-2009)**
- 4.1 As part of the licensing process, the *Licensing Officer* or *Municipal Law Enforcement Officer* shall take a photograph of the *CRV* that the *Applicant* intends to use to sell *refreshments*. The *License* issued by the *Town* shall be issued only for the *CRV* depicted in the photograph. The *Applicant/Licensee* shall not alter the *CRV* in any fashion without the written approval of the *Licensing Officer*. **(By-law No. 043-2009)**
 - 4.2 Every Owner shall require that all individuals who will be operating or offering refreshments for sale at his or her *CRV* be properly licensed as a *CRV Operator* or *Operator Attendant* prior to driving and/or operating or offering refreshments for sale at the *CRV*. At no time shall an Owner allow a *CRV Operator* to drive and/or operate the *CRV* without first confirming that the individual has a valid *CRV Operator's license* issued by the *Licensing Officer*. The *Operator* or *Operator Attendant* shall carry the *CRV Operator's license* on his or her person at all times while operating or offering refreshments for sale at the *CRV*, and shall produce the license when required by a *Municipal Law Enforcement Officer*, the *Licensing Officer* or the *Halton Regional Police Service*. **(By-law No. 043-2009) & (By-law No. 129-2011)**
 - 4.2.1 No person under 14 years of age shall be licensed as a *CRV Operator* or *Operator Attendant*. **(By-law No. 043-2009) & (By-law No. 129-2011)**
 - 4.3 No person shall be licensed as a *CRV Operator* or *Operator Attendant* unless the person: **(By-law No. 129-2011)**
 - (i) holds, in his or her name, a current, valid Class "G" driver's license issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation;
 - (ii) for Class B and C licenses, and Class D licenses at the discretion of the *Licensing Officer* - provides to the *Licensing Officer* the original of a criminal records check. The *Licensing Officer* shall refuse to issue a *License* if the *Applicant* has been convicted of any of the charges listed in Schedule "K" to this *By-law*, or where these

convictions, if any, afford reasonable cause to believe that the person will not operate the CRV in accordance with the law or with honesty or integrity;

- (iii) provides to the *Licensing Officer* his or her original current driver's abstract from the Ministry of Transportation, dated within sixty (60) days of the date of the application for a *Driver's License* under this By-law. The *Licensing Officer* shall refuse to issue a *License* if the *Applicant* has been convicted of any of the charges listed in Schedule "K" to this By-law, or where the driver's abstract affords reasonable cause to believe that the person will not *Operate* the *Commercial Refreshment Vehicle* in accordance with the law or with honesty or integrity. **(By-law No. 043-2009)**

4.3.1 Notwithstanding section 4.3(i) to this By-law, if the Operator or Operator Attendant is between 14 and 18 years of age, and does not hold in his or her name, a current, valid Class "G" driver's license issued by the Province of Ontario, the applicant shall provide the Licensing Officer with a copy of the his or her birth certificate and/or written consent from his or her parent or guardian stating that he or she consents to the applicant operating a CRV. **(By-law No. 043-2009) & (By-law No. 129-2011)**

5. A *CRV License* may be issued, restricted to one or more of the following classifications:

Class A: A *CRV* from which *refreshments* sold are prepared in a commissary or a place other than the *CRV* (includes catering trucks).

Class B: A *CRV* that is exclusively a vendor of factory pre-packaged frozen products (includes ice cream trucks).

Class C: A *CRV* that is non-motorized and does not require a health certificate from the *Medical Officer of Health* because it is exclusively a vendor of factory pre-packaged frozen products (includes ice cream bikes, yoghurt and juice carts).

Class D: A *CRV* from which any *refreshments* offered are prepared or apportioned at the *CRV* (hot dog carts, chip trucks), and/or vehicles containing portable cooking facilities such as a barbeque.

Class E: A *CRV* that is used for charitable or non-profit functions only. **(By-law No. 043-2009)**

6. An *Applicant* who applies for a Class D *Commercial Refreshment License*, shall, if required, enter into a Site Plan Agreement with the *Town*. If the *Director of Planning and Development* states that a Site Plan Agreement is not required, the *Applicant* shall provide written confirmation from that Director stating that such Agreement is not required. If a Site Plan Agreement is required, at the time of application for a *Commercial Refreshment License*, the *Applicant* shall provide proof that the Agreement has been registered on title to the lands where the Class D *Commercial Refreshment Vehicle* is to be located.

7. Every operator, driver of or assistant in a *Commercial Refreshment Vehicle* from which *refreshments* are sold for consumption by the public shall observe and comply with the following regulations or cause the same to be observed and complied with:
 - (i) the *Commercial Refreshment Vehicle* from which the *refreshments* are sold, shall be of a type approved by the *Licensing Officer*, a *Municipal Law Enforcement Officer*, or the *Medical Officer of Health*;
 - (ii) all condiments, milk, cream and sugar shall be dispensed from containers approved by the *Licensing Officer*, the *Medical Officer of Health*, or a *Municipal Law Enforcement Officer*;
 - (iii) only single-service disposable cups, plates, containers, forks, spoons and serviettes provided in dispensers or individually wrapped shall be used in the sale of all *refreshments*;
 - (iv) every *person* selling or handling *refreshments* shall wear clean clothes, be clean and neat in appearance, and have clean hands;
 - (v) the *Commercial Refreshment Vehicle* and all parts and equipment thereof for use in the dispensing of *refreshments* shall at all times be kept in a clean and sanitary condition and in good repair;
 - (vi) all milk sold from the *Commercial Refreshment Vehicle* shall be kept in dry storage at a temperature no higher than 5 degrees Celsius and shall be sold only in individual disposable containers;
 - (vii) all sandwiches, cakes, doughnuts, pies and other similar *foods* shall be wrapped and sold in individual servings;
 - (viii) the date of preparation shall be clearly and legibly marked as such on or affixed to the wrapper of all sandwiches sold from the *Commercial Refreshment Vehicle*;

- (ix) no prepared *foods* other than those kept in unopened cans shall be sold more than twenty-four (24) hours after their preparation;
 - (x) the *Commercial Refreshment Vehicle* shall be equipped so as to maintain hot, prepared *foods* at a temperature of not less than 66 degrees Celsius, and such *foods* shall be kept so heated; and
 - (xi) all *refreshments* sold from the *Commercial Refreshment Vehicle* shall be clean, fresh and in a wholesome state suitable for human consumption.
8. **Deleted per By-law No. 043-2009.**
9. No *person* to whom this Schedule relates shall sell, permit or offer for sale any *refreshments* not prepared, assembled and wrapped under conditions complying with the requirements of the *Medical Officer of Health*.
10. Every *Licensee* to which this Schedule relates shall comply with, or cause to be complied with, the following regulations:
- (i) the body, doors and windows of such *Commercial Refreshment Vehicle* shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious or unhealthy matter or things;
 - (iv) the floor of such vehicle shall be of a suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition;
 - (iii) the *Commercial Refreshment Vehicle* shall have painted in a contrasting colour on both side panels in letters and figures at least 10 centimeters high, the name and business telephone number of the *Licensee* thereof;
 - (iv) the *Commercial Refreshment Vehicle* shall be equipped with either:
 - (a) a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or
 - (b) a disposable litter container, which shall be replaced daily; and such containers shall be used for the disposal of all refuse.
11. Every *Licensee* shall take out a separate *License* for each *Commercial Refreshment Vehicle* operated by him or her, and the plate issued in respect of such *License* shall be securely affixed to the rear of the *Vehicle*, or in a location designated by the *Licensing Officer* or a *Municipal Law Enforcement Officer*.

12. Before a new *License* is issued, the *Licensee* must return the previous year's plate to the *Licensing Officer*.
13. Every *Licensee* shall keep a list of drivers/operators or Operator Attendants of Commercial Refreshment Vehicles Licensed under this Schedule. The list shall include the name, address, telephone number and age of the driver/operator, and in the case of drivers/operators of motorized vehicles, the driver's/operator's Provincial driver's license number. The list shall cross reference the Commercial Refreshment Vehicle license plate number issued by the Town with each driver/operator of the Commercial Refreshment Vehicle. A current list shall be kept by the *Licensee* and shall be produced upon the request of any officer or employee of the Town, the Region of Halton or the Halton Regional Police Service. **(By-law No. 129-2011)**
14. Every owner of a *Commercial Refreshment Vehicle* shall, whenever required to do so by the *Licensing Officer* or *Municipal Law Enforcement Officer*, bring such *Vehicle* to any person designated by the *Licensing Officer* or a *Municipal Law Enforcement Officer* to inspect the same, at the place and time indicated by the *Licensing Officer* or *Municipal Law Enforcement Officer*.
15. No *refreshments* shall be sold from a *Commercial Refreshment Vehicle* drawn by an animal.
16. Every *Licensee* of a *Commercial Refreshment Vehicle* to which this Schedule relates shall:
 - (i) at the time he or she receives his or her *License*, specify in writing to the *Licensing Officer* the source of supply of all *refreshments* to be sold from the *Commercial Refreshment Vehicle*;
 - (ii) notify the *Licensing Officer* in writing forthwith of any change in such source of supply;
 - (iii) refrain from selling, offering or permitting to be sold from the *Commercial Refreshment Vehicle* any *refreshments* from a source of supply other than that specified by him or her in writing to the *Licensing Officer*.
17. Every Applicant and *Licensee* of a CRV shall procure a Broad Form Commercial General Liability policy of insurance with respect to the operation of the CRV in a form satisfactory to the *Treasurer*, endorsed to the effect that the Town, through the *Licensing Officer* shall be given at least ten (10) days' notice in writing of any cancellation.

Such policy shall be written with limits of no less than TWO MILLION DOLLARS (\$2,000,000) per occurrence and shall apply to all operations of the Named Insured and include coverage for bodily injury including death, broad form property damage, personal injury, products and completed operations liability, blanket contractual liability, contingent employer's liability, non-owned automobile. It shall also include cross liability and/or severability of interest clauses.

A certified copy of the policy or certificate of insurance must be provided to the Licensing Officer thirty (30) days' prior to the issuance of the required License and annually thereafter. **(By-law No. 043-2009)**

18. Applications for *Commercial Refreshment Vehicles* with propane appliances, must include at the time of *License* application:
 - (i) vehicle ownership;
 - (ii) a copy of a propane safety check certificate issued by a licensed propane fitter;
 - (iii) the type and number of propane appliances installed at the time of the safety check;
 - (iv) written confirmation from the *Fire Chief* confirming that the *Refreshment Vehicle(s)* meets the requirements of the Fire Department.
19. Every *Commercial Refreshment Vehicle* equipped with a heater shall also be equipped with a 5lb all purpose fire extinguisher.
20. All *Commercial Refreshment Vehicles* with propane appliances must comply with Fire Department regulations for the operation of such appliances.
21. No *person* shall sell *refreshments* within 100 metres of the entrance or exit to any school grounds or public parks, or within 15 meters of an intersection or a bus stop, or within 30 meters of any school ground or public park. No *person* shall sell *refreshments* within 1 meter of any driveway, or 6 meters of any entranceway, or exit point. No *person* shall sell *refreshments* from areas designated as parking spaces, unless there is sufficient parking in the area beyond the requirements of the *Zoning By-law*. No *person* shall sell *refreshments* from any landscaped area, untravelled area of a road allowance or in any location that will impede the flow of vehicular or pedestrian traffic. All *persons* selling *refreshments* shall abide by posted parking regulations in a commercial or industrial area.

22. No designated parking space within the road allowance shall be used to sell *refreshments*.
23. No *person* shall stop any *Commercial Refreshment Vehicle* to sell *refreshments* on the travelled portion of a *highway*. For the purpose of stopping off the travelled portion of a *highway* to sell *refreshments* while servicing a construction site or work crew, in no case shall the duration of such stop exceed 15 minutes.
24. Every *Licensee* and every operator of a *Commercial Refreshment Vehicle* that remains in any location for a period exceeding 15 minutes shall:
 - (i) submit an accurate drawing of the location for selling *refreshments* to the *Zoning Officer* at the time of application for zoning approval, and the selling of the *refreshments* may be from the approved location only; and
 - (ii) provide written permission from the property owner, clearly identifying the location and the zoning of the property. This written permission shall be kept with the *Commercial Refreshment Vehicle* and produced at the request of the *Licensing Officer*, a *Police Officer*, or a *Municipal Law Enforcement Officer*.
25. No *person* shall solicit business to a *Commercial Refreshment Vehicle* through the use of any noise-making device in a manner likely to disturb inhabitants, and shall comply with the requirements of the *Town's Noise By-law*.
26. No vehicle shall be operated on *Town* property or *Regional* property for the purpose of soliciting, offering for sale or selling *food* or *refreshments*.
- 26.1 Notwithstanding section 26 of Schedule "D", the *Director of Community Services* may request that a *CRV* operate on *Town* property. The *Applicant* shall provide the *Licensing Officer* with the written request from the *Director of Community Services*, and written confirmation from the *Treasurer* that the *Applicant* has procured a Broad Form Commercial General Liability policy of insurance with respect to the operations in a form satisfactory to *Treasurer*, endorsed to the effect that the *Town* through the *Licensing Officer*, shall be given at least ten (10) days' notice in writing of any cancellation.

Such policy shall be written with limits of no less than TWO MILLION DOLLARS (\$2,000,000) per occurrence and shall apply to all operations of the Named Insured and include coverage for bodily injury including death, broad form property damage, personal injury, products and completed operations liability, blanket contractual liability, contingent employer's liability, non-owned automobile. It shall also include cross liability and/or severability of interest clauses.

- A certified copy of the policy or certificate of insurance must be provided to the Licensing Officer thirty (30) days' prior to the issuance of the required License and if applicable annually thereafter. **(By-law No. 043-2009)**
27. Every *Licensee* and every operator of a *Commercial Refreshment Vehicle* to which a Class A *License* has been issued shall be restricted to areas zoned as industrial or commercial and to workers on construction projects in any zone.
 28. Every *Licensee* and every operator of a *Commercial Refreshment Vehicle* to which a Class D *License* has been issued shall be restricted to areas where the *Zoning By-law* permits the retail sale of food.
 29. Only one (1) *Licensed* vendor of *refreshments* shall be permitted per location, property, or premises.
 - 29.1 Applicants for a Class E *CRV License* shall provide the *Licensing Officer* with:
 - (i) a list of locations where the Class E *CRV* will be operated;
 - (ii) written confirmation from the *Medical Officer of Health* that all necessary inspections of the Class E *CRV* have been completed;
 - (iii) a list of types of food to be sold. No items, other than food, are permitted to be sold by a Class E *CRV*;
 - (iv) written permission from the property owner, if applicable;
 - (v) written approval from the *Zoning Officer*, if applicable;
 - (vi) such other information as required by this *By-law*. **(By-law No. 043-2009)**
 30. On Application for a *Commercial Refreshment Vehicle License* by a charitable or non-profit organization, the *Licensing Officer* or *Council* may waive the payment of the *License* fee required pursuant to this *By-law*. The charitable or non-profit organization shall be required to prove its status to the satisfaction of the *Licensing Officer*.
 31. **Deleted per By-law No. 043-2009.**
 32. All Class A and Class B *CRVs* shall be equipped with a properly maintained and operational audible sound-emitting warning device which is activated when the vehicle is operating in reverse. **(By-law No. 043-2009)**
 33. Notwithstanding section 32, by the 2011 licensing term, all Class A and Class B *CRVs* licensed as of the date of passing of this *By-law* shall be equipped with a properly maintained and operational audible sound-emitting warning device which is activated when the vehicle is operating in reverse. **(By-law No. 043-2009)**

SCHEDULE "E" TO BY-LAW NO. 111- 2004

Auctioneers

In addition to the other requirements of this By-law, the following regulations apply to *Auctioneers* as defined in this By-law:

1. Deleted per By-law No. 043-2009.
2. Every *person* who intends to hold an auction in the *Town* shall obtain a *License*, or, if necessary, renew his or her *License* prior to holding the sale.
3. The *owner* of the premises or land where the auction is being held must ensure that the *Auctioneer* holding the auction is licensed by the *Town* under this By-law.
4. Every *person* who engages in the *business* of an *Auctioneer* shall, at the place of each auction, prominently display his or her name and *business* address and shall, in all public advertisements of any nature used in the course of such *business*, include his or her name, *business* address and Milton business *License* number in the advertisement.
5. Every *Auctioneer* shall keep proper books of account, written in the English language, of the *business* transacted by him or her as an *Auctioneer*, which books shall:
 - (i) Deleted per By-law No. 043-2009;
 - (ii) the description of the goods, wares or merchandise to be sold (By-law No. 043-2009);
 - (iii) the price for which the same are sold;
 - (iv) Deleted per By-law No. 043-2009,

and the *Auctioneer* shall forthwith, after the sale of the goods, wares or merchandise, or any portion thereof, account for the proceeds and pay the same to the *person* or *persons* entitled to such proceeds, less the *Auctioneer's* proper and legal commissions and charges. He or she shall, in case no sale is made of such goods, on payment of his or her proper costs and charges, return such goods to the *person* or *persons* entitled to receive the same on proper demand being made therefor, provided that this section shall not in any way affect or invalidate the claim of any *Auctioneer* for goods warehoused with him or her, and on which he or she shall have made advances.

All books of accounts kept by the *Auctioneer* hereunder shall be open at all times during reasonable hours to the inspection of the *Licensing Officer*, a *Municipal Law Enforcement Officer* and/or the Halton Regional Police Service.

6. No *Auctioneer* shall:
 - (i) permit any disorder in his or her auction room or offices;
 - (ii) conduct or permit to be conducted any mock auctions;
 - (iii) knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale by him or her;
 - (iv) give away articles or sell them for nominal amounts for the purpose of stimulating bidding;
 - (v) do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he or she pays for any article(s);
 - (vi) avail himself or herself of the services of, or act in concert with, *persons* known in the trade as “beaters”, “boosters” or “shills” for the purpose of raising or stimulating bids; and
 - (vii) sell or put up for sale by auction any goods, wares, merchandise or effects on a reserve-bid basis without first having announced clearly to those in attendance at the auction the fact of such reserve bid.
7. No refund of *License* fees or reduction in *License* fees for part of the year shall be allowed.
8. No *Auctioneer* shall conduct a sale on *Town highways* or on *Town* property without the written permission of the *Director of Community Services*.
9. Nothing in this By-law shall apply to a sheriff or bailiff offering goods or chattels for sale that are seized under an execution or distrained for rent.

10. No *Auctioneer* shall dispose of, by auction, the stock in trade of a merchant except for the purpose of closing out an enterprise in which the *owner* has been engaged continuously for a period of not less than one (1) year. No *Auctioneer* shall conduct such sale for more than one (1) day for every year that the *owner* has carried on the same enterprise continuously and in no case shall the period exceed six (6) days. No goods, wares or merchandise shall be added to the stock of such *owner* for the purpose of sale by auction.
11. No *Auctioneer* shall use any sound equipment, loudspeaker or similar device emitting sound to a *highway* or adjacent lands.

SCHEDULE "F" TO BY-LAW NO 111- 2004

Salvage Yards

In addition to the other requirements of this By-law, the following regulations apply to *Salvage Yards* as defined in this By-law:

1. Deleted per By-law No. 043-2009.
2. For the purpose of this Schedule "F":
 - (i) "*Fence*" shall mean a structure of either metal or wood. The metal or wood used must be specifically intended for use as fencing, and such fencing shall be constructed in a way to fully obscure the *Salvage Yard* from view. Such fence shall be constructed to a height of between 2.43 metres and 3.0 metres, and constructed to discourage entry. The fence shall have gateways with a clear width of at least 3.5 m and shall be high enough to permit the entry of Fire Department vehicles. The gateways shall be kept clear of obstructions so that the gates may be opened fully at all times, and shall be locked when the *Salvage Yard* is not staffed;
 - (ii) "*Holiday*" shall mean "holiday" as defined in the *Retail Business Holidays Act*, R.S.O. 1990. c. R.30, as amended;
 - (iii) "*Off-Street Parking*" shall mean the parking of a motor vehicle licensed for the current year on the lands of the *Salvage Yard* but outside of the *Fenced area* of the *Salvage Yard*, during the hours when a *Salvage Yard* may be operated;
3. No *person* shall operate a *Salvage Yard*, or permit a *Salvage Yard* to be operated other than in those areas that are designated for such use under the *Zoning By-law*.
4. An *Applicant* who applies for a *Salvage Yard License*, shall, if required, by the *Director of Planning and Development*, enter into a Site Plan Agreement with the *Town*. If the Director states that a Site Plan Agreement is not required, the *Applicant* shall provide written confirmation from the *Director of Planning and Development* stating that such Agreement is not required. If a Site Plan Agreement is required, at the time of application for a *Salvage Yard License*, the *Applicant* shall provide proof that the Agreement has been registered on title to the lands where the *Salvage Yard* is to be located.

5. No *Salvage Yard Licence* shall be issued or renewed until the property to be *Licensed* has been inspected by the *Fire Chief*, a *Municipal Law Enforcement Officer*, the *Licensing Officer* or other *Town* employee and found to meet the following requirements:
 - (i) the area to be used as a *Salvage Yard* shall be fenced so that the portion fronting a highway shall be enclosed by a *Fence* as described in section 2(i) of this Schedule “F” and the side yards that do not abut a *highway* shall be enclosed by a *Fence* as described in section 2(i) for a distance of two-thirds of the depth of the property, measured from the front of the property. The remainder of the property shall be fenced to discourage entry, and chain link and/or metal or wood fencing as described in section 2(i) may be used to fence this portion of the property;
 - (ii) the *Fence* enclosing the *Salvage Yard* shall not be located closer than 7.62 m from the nearest *highway*;
 - (iii) *Off-Street Parking* shall be provided in accordance with s.2(iii) of this Schedule “F” and as required by the Site Plan Agreement, if any, and any other applicable law;
 - (iv) all requirements of the Fire Code and the Town of Milton Fire Department.
6. No salvage material shall be placed in a *Salvage Yard* so as to have a higher elevation than any point on the *Fence* surrounding the *Salvage Yard*.
7. Any salvage material whatsoever stored, placed or deposited outside the *Fence* by any *person*, including the owner of the property, *Licensee* or employee of a *Salvage Yard*, shall be removed immediately from the area outside the *Fence* by the *Licensee*, or, in the event the *Salvage Yard* is closed at the time, immediately upon opening the *Salvage Yard* to the general public.
8. No *Salvage Yard* shall transact any sale or be open for business to the general public except between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday. The *Licensee* and the owner of the property shall ensure that all provisions of the *Town’s* Noise By-law are complied with.

9. The *Licensee* shall maintain an up to date register, entered in the English language, with consecutively numbered pages, recording the details of all sales and purchases, including:
 - (i) Deleted per By-law No. 043-2009;
 - (ii) the make, model and serial number of the item;
 - (iii) the amount paid or received; and
 - (iv) the date and time of the transaction.

The register that is required to be kept by the *Highway Traffic Act*, as amended, for the buying, selling, wrecking or otherwise dealing in second hand motor vehicles, trailers or bicycles shall be sufficient to meet the requirements of section 9 of this By-law respecting the sale and/or purchase of second hand motor vehicles, trailers or bicycles. The buying, selling or otherwise dealing in items or goods other than motor vehicles, trailers or bicycles must be recorded in a register as described in section 9 of this By-law.

Said register shall be in electronic or paper format and the *Licensee* shall retain said register for the current year and the previous year. The *Licensee* shall produce the register for inspection upon the request of the *Licensing Officer*, a *Municipal Law Enforcement Officer*, or a Police Officer.

10. The *Licensee* shall provide the *Licensing Officer*, a Fire Official, a Police Officer, or a *Municipal Law Enforcement Officer* with access to the *Salvage Yard* at any time for inspections respecting compliance with this By-law.
11. Every accessory building, structure or *Fence* and every part thereof shall be kept in good repair and free from safety, fire and accident hazards and be maintained in a structurally sound condition, so as to be capable of sustaining its own weight, together with any load to which it might reasonably be subject.
12. The *Licensee* or his or her employees shall notify staff at the nearest police station, or a Police Officer, the *Licensing Officer* or a *Municipal Law Enforcement Officer* of the name and description of any person who offers the *Licensee* or his or her employees goods or articles of any kind which the *Licensee* or his or her employees has cause to believe may have been stolen or unlawfully obtained.

13. No *Licensee* or his or her employees shall purchase, take in exchange or receive any goods or articles from any person actually or apparently under sixteen (16) years of age or from any person who appears to be under the influence of drugs or alcohol.

SCHEDULE "G" TO BY-LAW NO. 111- 2004

Deleted per By-law No. 063-2014

SCHEDULE "H" TO BY-LAW NO. 111- 2004

Relating to a Place Where Foodstuffs Intended for Human Consumption are Made for Sale, Offered for Sale, Stored or Sold and the Carrying on of a *Business* of an Eating Establishment or a Place for the Lodging, Reception, Refreshment or Entertainment of the Public.

In addition to the other requirements of this By-law, the following regulations apply to the sale of *Foodstuffs* as defined in this By-law:

1. Deleted per By-law No. 043-2009
2. For the purpose of this Schedule "H":
 - (i) "*equipment*" includes, but is not limited to, counters, slabs, fittings, apparatus, stoves, appliances, utensils, pots and pans, crockery and cutlery;
 - (ii) "*food premises*" shall mean a premises where food is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, but does not include a private residence;
 - (iii) "*food room*" shall mean a room in a *food premises* where food is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale;
 - (iv) "*infestation*" shall mean the overrunning of a premises by vermin, rodents and insects.
3. Every application for a *License* under this Schedule shall be accompanied by
 - (i) a clear health inspection report from the *Medical Officer of Health*, dated within the last six (6) months prior to the date that the *Food Business License* application or renewal is presented to the Licensing Officer;
 - (ii) written approval from the *Zoning Officer*, if applicable; **(By-law No. 043-2009)**
- 3.1 Every applicant with respect to operation of the *food business* shall procure a Broad Form Commercial General Liability policy of insurance with respect to the operations in a form satisfactory to Treasurer, endorsed to the effect that the Town through the *Licensing Officer*, shall be given at least ten (10) days' notice in writing of any cancellation.

Such policy shall be written with limits of no less than TWO MILLION DOLLARS (\$2,000,000) per occurrence and shall apply to all operations of the Named Insured and include coverage for bodily injury including death, broad form property damage, personal injury, products and completed operations liability, blanket contractual liability, contingent employer's liability, non-owned automobile. It shall also include cross liability and/or severability of interest clauses.

A certified copy of such policy or a certificate of insurance must be provided to the Licensing Officer thirty (30) days' prior to the issuance of the required License and annually thereafter. **(By-law No. 043-2009)**

4. The *Licensing Officer*, a *Municipal Law Enforcement Officer*, a *Police Officer*, and the *Medical Officer of Health* may inspect all *food premises* to which this Schedule "H" applies.
5. No *Food Business* shall be carried on in or at any unsanitary *food premises* or in any *food premises* the use of which, because of the situation, construction or condition thereof, exposes the *food* to the risk of contamination.
6. Suitable sanitary conveniences shall be provided for every *Food Business* and every sanitary convenience situated in or upon any *food premises*:
 - (i) shall be kept clean and in efficient order;
 - (ii) shall be so placed that no offensive odours therefrom can penetrate into any *food room*;
 - (iii) shall be suitably and sufficiently lighted and ventilated.
7. No sanitary convenience shall have direct access to any *food room*.
8. Suitable and efficient means of lighting shall be provided in every *food room* and every such *food room* shall be suitably and sufficiently lighted.
9. Except in the case of humidity-controlled or temperature-controlled chambers, suitable and sufficient means of ventilation shall be provided in every *food room*, and suitable and sufficient ventilation shall be maintained therein.
10. No *food room* shall be used as a sleeping place.
11. Any person operating a *Food Business* shall take suitable precautions to prevent *infestation* of the premises by rodents, insects, and vermin.
12. Any person operating a *Food Business* shall not cause a nuisance by way of offensive and/or obnoxious dust and fumes.

13. All sewage and wastewater shall be discharged to a means of disposal approved by the *Medical Officer of Health*.
14. Any *Food Business* shall be provided with a supply of water adequate for efficient operation, the quality of which is satisfactory to the *Medical Officer of Health*.
15. Suitable and sufficient hand washing facilities for the use of all persons engaged in the handling of *food* on or about the *food premises* shall be provided and maintained in a position conveniently accessible to such persons.
16. An adequate supply of hot and cold water shall be provided and maintained for hand washing facilities in a *food premises*.
17. At or near such hand washing facilities shall be provided and maintained for the use of the persons engaged in the handling of *food* on or about the *food premises*, adequate supplies of soap or other suitable detergent, nail brushes, and clean towels or other suitable drying facilities, which shall be used by such persons only for securing personal cleanliness.
18. All such hand washing facilities shall be kept clean.
19. 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.
20. 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 clothing and footwear not worn during working hours of all persons engaged in the handling of *food*.
21. No refuse or filth, whether solid or liquid, shall be deposited or allowed to accumulate in a *food room* except so far as may be unavoidable for the proper carrying on of the *business*.
22. Suitable storage facilities and garbage containers shall be provided for refuse from any *food business* and the refuse shall be removed on a regular basis.
23. Individuals who have a valid *Town food business license*, issued under this By-law, may apply to the *Licensing Officer*, at least three (3) weeks prior to the extension, to temporarily extend their food service outdoors, for a maximum of two (2) days, at their existing *business* location as noted on the *food license*. **(By-law No. 043-2009)**

24. Owners requesting an extension to their existing *food license* shall notify the following individuals and/or agencies:
- (i) the *Medical Officer of Health, Chief Fire Official, Alcohol and Gaming Commission*, if alcohol is being served, and the *Zoning Officer* of their intention to extend their *license*;
 - (ii) the property owner, if applicable;
 - (iii) the Building Department if a tent or other structure is to be used. **(By-law No. 043-2009)**

SCHEDULE "I" TO BY-LAW NO. 111 - 2004

Kennels

In addition to the other requirements of this By-law, the following regulations apply to Kennels as defined in this By-law.

1. Deleted per By-law No. 043-2009.
2. In this Schedule "I":
 - (i) "*Dog Tag*" shall mean a disc or other shape of metal or plastic furnished by the *Town* in connection with the licensing and registering of a dog, which tag shall demonstrate that the dog has been licensed and registered with the *Town*;
 - (ii) "*Dwelling Unit*" shall mean a room or rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside;
 - (iii) "*Kennel Operator*" shall mean any person who owns, operates, manages, controls or supervises any *Kennel* within the *Town*;
 - (iv) "*Veterinary Clinic*" shall mean a premises where animals or pets are given medical or surgical treatment, within which there may be shelter facilities provided for overnight medical treatment, but shall not include a *Kennel*;
 - (v) "*Veterinary Hospital*" shall mean a premises where animals or pets are given medical or surgical treatment, within which there may be shelter facilities provided for overnight or long-term medical treatment and may include accessory boarding facilities, but shall not include a *Kennel*.
3. No *person* shall keep more than three (3) dogs over twelve (12) weeks of age or five (5) cats over the age of six (6) weeks unless a *Kennel License* is obtained from the *Town* under this By-law.
4. Any *business* where the principal or accessory use is a *Kennel* must obtain a *Kennel License*.

5. Each Application for a *Kennel License* shall be made on the form provided by the *Licensing Officer* and shall be accompanied by the following information:
 - (i) a detailed drawing of the property showing the location of the *Kennel* in relation to the *Dwelling Unit*, dog runs, fencing, and other buildings on the property;
 - (ii) a letter of compliance from the *Zoning Officer* stating that all provisions of the *Zoning By-law* have been complied with (Notwithstanding the foregoing, this subsection 5(ii) does not apply to applications to renew a *Kennel License*);
 - (iii) written confirmation from the *Medical Officer of Health* that the *Kennel* meets all requirements of the Halton Region Health Department, and all applicable health regulations. Written confirmation from the *Medical Officer of Health* shall be only required for an Application for renewal of a *License* when directed by the *Licensing Officer* or an *Animal Control Officer*;
 - (iv) written permission from the registered owner of the lands where the *Kennel* is located, if the *Applicant* is not the owner of the lands, confirming that such registered owner permits the *Kennel* use;
 - (v) payment of the applicable fee as prescribed in the *Town's User Fee By-law*, as amended from time to time.
6. Notwithstanding section 5 of this Schedule "I", the renewal of a *Kennel License* shall be made on the form provided by the *Licensing Officer* and shall be accompanied by the appropriate fee as prescribed in the *Town's User Fee By-law*, as amended from time to time.
7. Before a *Kennel License* will be issued or renewed, an *Animal Control Officer* shall inspect the *Kennel*.
8. Before issuing a *Kennel License* or a renewal of a *Kennel License*, the *Licensing Officer* shall contact *Animal Control Officers* to ensure that there are no convictions for cruelty to animals against the *Applicant*. A conviction for cruelty to animals is grounds to refuse to issue, renew or to revoke or suspend a *Kennel License*.
9. Owners of dogs used in a law enforcement role by the Halton Regional Police Service, the Ontario Provincial Police, the Royal Canadian Mounted Police, the Canadian Military, or any other public law enforcement agency are not required to obtain a *Kennel License* from the Town.

10. The location of the *Kennel* shall conform to the provisions of the *Zoning By-law*. Specifically, *Kennels* are permitted only on a lot having an area of greater than 4.0 hectares and provided that it is setback a minimum of 80 metres from any front lot line and 100 metres from any side lot line. *Kennels* are only permitted on a lot with an existing detached dwelling and must be operated by a resident of the dwelling. *Kennels* licensed as of the date of passing of this By-law shall be exempt from these requirements. **(By-law No. 043-2009)**
11. The building in which the *Kennel* is operated shall:
- (i) be separated and enclosed and shall not be attached to a *Dwelling Unit* or any other building which is or can be used for human habitation;
 - (ii) conform to the *Building Code Act* and the *Ontario Fire Code*, as well as any other applicable law, and be maintained in such a manner as to be free from damage;
 - (iii) have a floor of concrete or other impermeable material and such floor shall be thoroughly cleaned daily, or more often if necessary; **(By-law No. 043-2009)**
 - (iv) be maintained in a sanitary, well ventilated, clean condition and free from offensive odours;
 - (v) have proper climate control;
 - (vi) have electric lighting;
 - i. have hot and cold running water;
 - ii. have a food preparation area.
12. All animals shall:
- (i) be kept in adequately sized cages to allow the animal to extend its legs to their full extent, stand or sit, turn around or lie down in a fully extended position, and all cages are to be constructed solely of metal, wire or impermeable concrete block;
 - (ii) be kept in sanitary, well-bedded, well-ventilated, clean quarters and such quarters shall be maintained and kept at a healthy temperature at all times;
 - (iii) be adequately fed and watered, periodically each day and kept in a clean, healthy condition, free from vermin and disease.

13. Every *Kennel Operator* shall:
- (i) ensure that competent and experienced *Kennel* staff or attendants are on duty for a minimum of eight (8) hours in every twenty-four (24) hour period, including weekends;
 - (ii) record, in the English language, the names and addresses of the owners of all animals cared for at the *Kennel*;
 - (iii) record the dates of arrival and departure of all animals cared for at the *Kennel*;
 - (iv) produce breeding records when requested to do so by the *Licensing Officer* or an *Animal Control Officer*.
 - (v) where clipping and grooming service is performed, such clipping and grooming shall be carried out in the *Kennel* building only.
 - (vi) no *Kennel Operator* shall permit the operation to become a nuisance by reason of noise that disturbs residents, including the barking of dogs.
 - (vii) the *Licensing Officer* or an *Animal Control Officer* may at any reasonable time enter a *Kennel* and inspect to ensure compliance with this By-law.
 - (viii) Where animal runs are permitted under the *Zoning By-law* as part of a *Kennel*:
 - (a) no *Kennel Operator* shall permit a dog to utilize the runs between the hours of 8:00 p.m. and 9:00 a.m., except during supervised exercise periods, at which time the *Kennel Operator* or *Kennel* staff shall be in direct control of the dog;
 - (b) the perimeter of the animal run shall be enclosed by a closed board fence, having a minimum height of 2 meters (6 feet), and shall be constructed around such area, and shall be deemed part of the *Kennel* for the purposes of this By-law.

(c) notwithstanding subsection 13(viii)(b), the perimeter of the animal run in a *Kennel business* existing prior to the date of the passage of this By-law may be enclosed by a chain link fence, if such fence was in place prior to the passage of this By-law. However, a closed board fence, having a maximum height of 2 metres (6 feet) may be required by the *Town* to be constructed around the perimeter of the animal run if or when the *Kennel business* becomes a public nuisance as determined by the *Town*. Such closed board fence shall be deemed part of the *Kennel* for the purposes of this By-law.

14. The premises at the following municipal addresses have been in actual use for the purposes of a *kennel* : **(By-law No. 043-2009)**

1093 Lower Base Line, West	7594 Auburn Road	6115 8th Line
3225 30th Side Road, R.R.#2	12355 Sixth Line, R.R.#1	3125 30 Side Road, R.R.#2
2092 5th Side Road, R.R.#5	1081 3rd Side Road, RR2	14220 Fifth Line, R.R. #2
10510 First Line, R.R. #1	5555 Highway 25	

15. Notwithstanding sections 5(i), 5(ii), and 10 of Schedule I, the properties listed in section 13 of Schedule I are each hereby eligible for a *Kennel License* under this By-law and all such premises are eligible to be licensed for so long as such premise continues to be lawfully used for such purpose. **(By-law No. 043-2009)**

16. Should either of the premises referred to in section 13 of this Schedule cease to be used for the purposes of a *kennel*, any license issued for a *kennel* at the premises under this By-law may be revoked. If the *kennel* operator sells the premises, no renewal or further *kennel license* shall be issued unless the *kennel* can comply with licensing requirements of this By-law. In the case of sections 5(ii) and 10, the new *kennel* operator must establish that the legal non-conforming use has been continuous. **(By-law No. 043-2009)**

SCHEDULE "I-1" TO BY-LAW NO. 111 - 2004

Group Homes (schedule added by By-law No. 043-2009)

In addition to the other requirements of this By-law, the following regulations apply to *Group Homes* as defined in this By-law:

1. In this Schedule "I-1":
 - (i) "Correctional Group Home" shall mean a detached dwelling occupied by not less than 3 and not more than 10 residents, exclusive of staff or receiving family, who live as a single housekeeping unit, supervised on a daily basis, for persons who have been placed on probation, released on parole or admitted for correctional purposes, and which is licensed, approved, supervised or funded by the Province.
 - (ii) "Group Home Type 1" shall mean a detached dwelling occupied by not less than 6 and not more than 8 residents within the Urban or Hamlet Areas (as defined in the *Town's* Official Plan), and not more than 10 residents in the Agricultural and Rural Areas (as defined in the *Town's* Official Plan), exclusive of staff or receiving family, who live as a single housekeeping unit requiring specialized or group care, supervised on a daily basis, and which is licensed, approved, supervised or funded by the Province as:
 - Home for Special Care, Homes for Special Care Act
 - Approved Home, Mental Hospitals Act
 - Children's Residence, Child and Family Services Act
 - Approved Home or Facility, Developmental Services Act
 - Charitable Home for the Aged, Charitable Institutions Act
 - Home for the Aged, Homes for the Aged and Rest Homes Act
 - (iii) "Group Home Type 2" shall mean a detached dwelling occupied by not less than 3 and not more than 8 residents within the Urban or Hamlet Areas (as defined in the *Town's* Official Plan), and not more than 10 residents in the Agricultural and Rural Areas (as defined in the *Town's* Official Plan), exclusive of staff or receiving family, who live as a single housekeeping unit requiring specialized or group care, supervised on a daily basis, and which is licensed, approved, supervised or funded by the Province under any general or specialized Act and which shall be maintained and operated primarily for:
 - Persons who require temporary care and transient or homeless persons
 - Persons requiring treatment and rehabilitation for addiction to drugs or alcohol.

- (iv) "Service Provider" shall mean an owner and/or operator of a *Group Home Type 1, Group Home Type 2 or Correctional Group Home* as approved, licensed and/or funded by a Ministry or Government Agency.
2. Every person required to license a *Group Home Type 1, Group Home Type 2 or Correctional Group Home* shall file an application with the *Licensing Officer* on the form provided by the *Licensing Officer* and shall provide the following:
- (i) Written notification from the approving Ministry or Government Agency that it has issued a license to, granted approval for funding, or entered into an agreement with respect to the *Group Home Type 1, Group Home Type 2 or Correctional Group Home*.
 - (ii) The contact names and telephone numbers of Ministry or Government Agency staff who will be overseeing the *Group Home Type 1, Group Home Type 2 or Correctional Group Home* program.
 - (iii) The name and type of program and the number of occupants.
 - (iv) The name, address and telephone number of the Owner and/or Service Provider of the *Group Home Type 1, Group Home Type 2 or Correctional Group Home*.
 - (v) Every applicant with respect to operation of the *group home shall* procure a Broad Form Commercial General Liability policy of insurance with respect to the operations in a form satisfactory to Treasurer, endorsed to the effect that the Town through the *Licensing Officer*, shall be given at least ten (10) days' notice in writing of any cancellation.

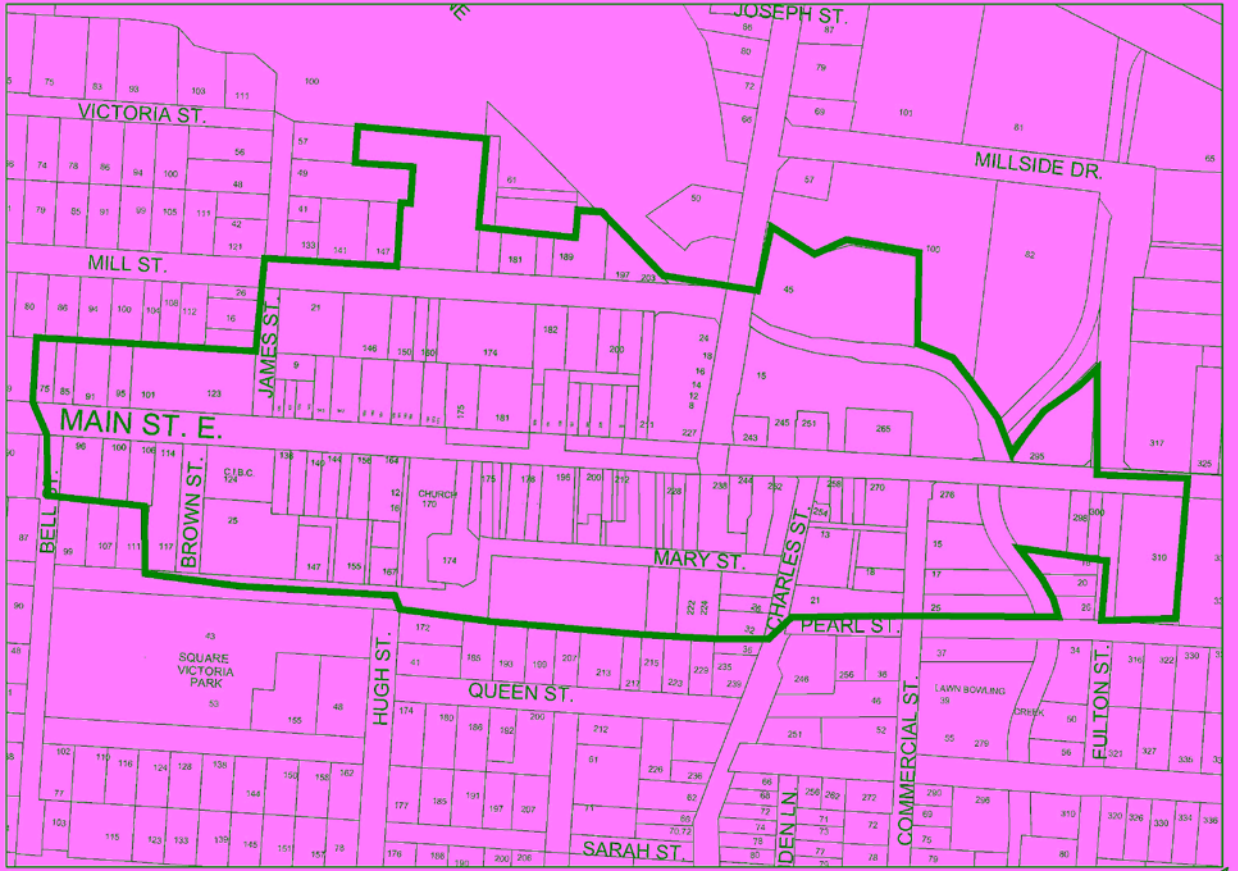
Such policy shall be written with limits of no less than TWO MILLION DOLLARS (\$2,000,000) per occurrence and shall apply to all operations of the Named Insured and include coverage for bodily injury including death, broad form property damage, personal injury, products and completed operations liability, blanket contractual liability, contingent employer's liability, non-owned automobile. It shall also include cross liability and/or severability of interest clauses.

A certified copy of such policy or a certificate of insurance must be provided to the Licensing Officer thirty (30) days' prior to the issuance of the required License and annually thereafter.

3. The *Licensing Officer* shall not issue a *Group Home License* for a *Group Home Type 1, Group Home Type 2 or Correctional Group Home* until receiving written confirmation from the *Zoning Officer* that the site conforms to the *Zoning By-law*. This requirement is waived for the renewal of a *Group Home License* provided the renewal is for the same operation as was originally licensed.
4. Where a *Group Home Type 1, Group Home Type 2 or Correctional Group Home* ceases to operate for a period of 90 days or more, the license of that Home under this By-law is deemed to be revoked and any new *Group Home Type 1, Group Home Type 2 or Correctional Group Home* at the same location shall be required to license in accordance with the provisions of this By-law.
5. The *Licensing Officer* shall, by regular postage paid mail, send out a confirmation of licensing to the Halton District School Board and Halton Catholic District School Board, subject to the *Licensing Officer* receiving written confirmation from the Fire Department advising that all Fire Code regulations and safety standards have been satisfied.
6. A *Group Home Type 1, Group Home Type 2 or Correctional Group Home License* shall be renewed by filing a renewal application with the *Licensing Officer* on the form provided and shall include written documentation from the *Group Home Type 1, Group Home Type 2 or Correctional Group Home* operator that the Group Home continues to be operated as approved and that the sponsoring Ministry or Government Agency has renewed the licence or approval.

SCHEDULE "J" TO BY-LAW NO. 111- 2004

DOWNTOWN BUSINESS IMPROVEMENT AREA



10/20/04

 Downtown Business Improvement Area

0 25 50 100 Meters

SCHEDULE “K” TO BY-LAW NO. 111- 2004

Business Licensing Thresholds for the Town of Milton

Classes of Offences:

- 1 – Violent offenses resulting in death
- 2 – Violent and sexual offences
- 3 – Prostitution and violent property offenses
- 4 – Property and negligence offenses
- 5 – Narcotics offenses
- 6 – Highway Traffic Act (“HTA”) offenses

Class Code	<u>Offense</u>
1	Accessory after the fact to murder
1	Attempt to commit murder
1	Manslaughter
1	Murder
2	Acquisition of firearms without firearms certificate
2	Assault
2	Causing bodily harm with intent – firearm
2	Criminal negligence
2	Dangerous operation of motor vehicles, vessels and aircraft
2	Indecent acts
2	Kidnapping
2	Procuring
2	Sexual offenses
2	Sexual offenses
2	Use and possession of firearms
2	Using explosives
3	Arson
3	Extortion
3	Offense in relation to prostitution
3	Participation in activities of criminal organization
3	Possession of property obtained by crime
3	Robbery
4	Criminal harassment
4	Failure to stop at scene of accident
4	Fraud
4	Operation while impaired
4	Theft
4	Theft, forgery, etc. of credit card
5	Importing and exporting

5	Laundering proceeds of crime
5	Possession
5	Possession of property obtained by proceeds of crime
5	Production
5	Trafficking
6	Careless driving
6	Exceeding speed limit by 50 km/hr
6	Failing to remain at the scene of an accident
6	Failing to stop for a school bus
6	Failing to stop when signalled or requested by a Police Officer
6	Racing

Commercial Refreshment Vehicles

1. The *Licensing Officer* shall not issue or renew a *Commercial Refreshment Vehicle License* if the *Applicant/Licensee* has:

- any criminal offence convictions involving minors;
- any convictions for violent offences resulting in death within the last 10 years;
- any convictions for violent and sexual offences within the last 2 years;
- 2 or more convictions for violent and sexual offences within the last 5 years;
- any convictions for property and negligence offences or narcotics offences within the last year;
- 3 or more convictions for property and negligence offences or narcotics offences, or combinations thereof, within the last 5 years;
- any convictions for Highway Traffic Act offences within the last 2 years;
- accumulation of 9 demerit points;
- overdue by-law fines.

2. The *Licensing Officer* shall revoke or suspend a *License* if, during the current tenure of the *Commercial Refreshment License*, the *Licensee* is:

- convicted of any criminal offence involving minors;
- convicted of any violent offences resulting in death charges;
- convicted of any violent and sexual charges;
- convicted of any property and negligence offences or narcotics charges, or a combination thereof;
- convicted of any Highway Traffic Act charges;
- accumulation of 9 demerit points;
- owing overdue by-law fines.

Transient Trader – Door to Door Sales

1. The *Licensing Officer* shall not issue or renew a *Transient Trader License* if the *Applicant/Licensee* has:

- any criminal offence convictions involving minors;
- any convictions for violent offences resulting in death within the last 10 years;
- any convictions for violent and sexual offences within the last 2 years;
- 2 or more convictions for violent and sexual offences within the last 5 years;
- any convictions for property and negligence offences or narcotics offences within the last year;
- 3 or more convictions for property and negligence offences or narcotics offences, or combinations thereof, within the last 5 years;
- overdue by-law fines.

2. The *Licensing Officer* shall revoke or suspend a *Transient Trader License* if, during the current tenure of the *License*, the *Licensee* is:

- convicted of any criminal offence involving minors;
- convicted of any violent offences resulting in death charges;
- convicted of any violent and sexual charges;
- convicted of any property and negligence offences or narcotics charges, or a combination thereof;
- owing overdue by-law fines.

Definitions:

- Violent Offences Resulting in Death = accessory after the fact to murder, attempt to commit murder, manslaughter, murder
- Violent and Sexual Offences = acquisition of firearms without firearms certificate, assault, causing bodily harm with intent – firearm, criminal negligence, dangerous operation of motor vehicles, vessels and aircraft, indecent acts, kidnapping, procuring, sexual offences, use and possession of firearms, using explosives
- Property and Negligence Offences = criminal harassment, failure to stop at scene of an accident, fraud, operation while impaired, theft, theft, forgery, etc. of a credit card
- Narcotics Offences = importing and exporting, laundering proceeds of crime, possession, possession of property obtained by proceeds of crime, production, trafficking

- Highway Traffic Act Offences = careless driving, exceeding speed limit by 50 km/hr, failing to remain at the scene of an accident, failing to stop for a school bus, failing to stop when signalled or requested by a police officer, accumulation of 9 demerit points, racing