

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 024-2018

BEING A BY-LAW TO RESPECT THE LICENSING, REGULATING AND GOVERNING OF BUSINESSES IN THE TOWN OF MILTON AND TO REPEAL BY-LAW NO. 111-2004.

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

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:

- (i) "Animal Services 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 Town's Administration & Planning Committee or delegate;
- (iii) "Applicant" shall mean any person applying for a Licence under this By-law;
- (iv) "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
 - Transient Traders
 - Commercial Refreshment Vehicles
 - Salvage Yards
 - Kennels
- (v) "Commercial Refreshment Vehicle" shall mean any vehicle from which refreshments are sold 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;

- (vi) "Council" shall mean the Council of the Town;
- (vii) "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 licence;
- (viii) "Commissioner of Community Services" shall mean the Commissioner of Community Services for the Town, or his or her designate;
- (ix) "Commissioner of Engineering Services" shall mean the Commissioner of Engineering Services for the Town, or his or her designate;
- (x) "Commissioner of Planning and Development" shall mean the Commissioner of Planning and Development for the Town, or his or her designate;
- (xi) "Fire Chief" shall mean the Fire Chief for the Town, or his or her designate;
- (xii) "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;
- (xiii) "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.
- (xiv) "Licence" 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.
- (xv) "Licensee" shall mean any person Licensed under this By-law.

- (xvi) "Licensing Officer" shall mean the person or persons appointed as such by Council;
- (xvii) "Medical Officer of Health" shall mean the Medical Officer of Health for the Regional Municipality of Halton, or his or her designate;
- (xviii) "Municipal Law Enforcement Officer" shall mean a Municipal Law Enforcement Officer appointed by Council;
- (xix) "Municipality" shall include the Town and the Region of Halton;
- (xx) "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;
- (xxi) "Person" shall include an individual, partnership, corporation or other organization to whom the context may apply;
- (xxii) "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;
- (xxiii) "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;
- (xxiv) "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;
- (xxv) "Town" shall mean The Corporation of the Town of Milton;
- (xxvi) "Town Clerk" shall mean the Town Clerk for the Town or his or her designate;
- (xxvii) "Treasurer" shall mean the Treasurer for the Town or his or her designate;
- (xxviii) "Zoning By-law" shall mean the Zoning By-law of the Town as amended from time to time;
- (xxix) "Zoning Officer" shall mean the Zoning Officer for the Town, or his or her designate.

2. INTERPRETATION

2.1 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 Licences and for renewal of Licences to be issued under this By-law;
- (ii) Issue Licences 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. LICENCE REQUIRED

4.1 The businesses listed in section 4.1 of this By-law, require a licence issued by the Town under this By-law, to operate in the Town of Milton:

- Personal Service Businesses
- Transient Traders
- Commercial Refreshment Vehicles
- Salvage Yards
- Kennels

4.2 A Licence 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 Licence to do so.

4.3 No person shall carry on or engage in any business, unless the person has a valid Licence or Licences permitting the person to do so.

4.4 The Licensing Officer may require the Applicant to obtain more than one Licence 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 Licence under this By-law is in addition to and not in substitution for any other requirement to obtain a Licence or Licences 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 Licence and the Licence shall be the property of the Town and shall remain so regardless of the issuance, renewal, suspension, or revocation thereof.
- 4.7 This By-law is adopted by the Council of the Town for the purpose of consumer protection, the protection of the health and safety of the public and nuisance control.

5. SUBMISSION OF LICENCE APPLICATION TO LICENSING OFFICER

- 5.1 An application for a Licence shall be completed on the forms provided by the Licensing Officer.
- 5.2 A completed application for a Licence 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, as amended from time to time;
 - (ii) any other documentation required by the Schedules attached to this By-law;
 - (iii) 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.
- 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.

6. TERM OF LICENCE and PAYMENT OF FEES

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

- 6.3 Each Licensee shall be required to renew the said Licence prior to the expiry of the original Licence 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 Licence.
- 6.4 Where a complete application and required fee for the renewal of a Licence is not submitted to the Licensing Officer before the expiry date of the Licence, the Licence expires and in order to operate as a business listed in this By-law, the Owner must make application for a new Licence in accordance with the requirements of this By-law, rather than making application for a renewal of a Licence.
- 6.5 Where a Licence has been revoked or suspended, the Licensee is not entitled to a refund of the Licence 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 Licence or renewal of a Licence 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 Licence with or without conditions, or consider a suspension or revocation of the Licence, 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 Licence if the business was being lawfully carried on at that location in accordance with the Zoning By-law when the original Licence 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.

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 Services 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 Licence has been issued, or after ceasing to carry on the business, notify the Licensing Officer in writing of such fact and surrender the Licence.
- 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 Licence.
- 8.4 Every Licence shall have endorsed thereon the location of such business, and such endorsement shall be for one location only, and such Licence shall be valid only for the location endorsed thereon, except as otherwise provided for in the Schedules to this By-law.

9. RENEWAL OF LICENCE

- 9.1 To apply to renew a Licence, 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 as set out in the Town's User Fee By-law, as amended from time to time.
- 9.2 When a Licence can be renewed because it meets the requirements of this By-law, the Licensing Officer shall issue a Licence, which shall set out the expiry date of the Licence in accordance with section 6.1 of this By-law, and the Licence is thereby renewed.
- 9.3 Notwithstanding that a Licence has been renewed, the Licensing Officer may require the holder of a Licence 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 Licence 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 Licence in accordance with the law or with honesty and integrity.

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 Licence:
- (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 Licence 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 Licence 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 Licence 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 Licence 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 Licence has been revoked or suspended, the Licensee is not entitled to a refund of any fee paid under this By-law.
- 11. GROUND FOR REFUSAL TO ISSUE, REFUSAL TO RENEW, OR TO SUSPEND OR REVOKE A LICENCE**
- 11.1 An Applicant whose application meets all of the requirements of this By-law is entitled to a Licence, or to the renewal of a Licence, and a Licensee who meets all the requirements of this By-law is entitled to be able to continue to hold a Licence, 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 Licence or renewal of the Licence 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 Licence being applied for or for a prior Licence.
- (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 "G" 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 Licence or renewal of the Licence would be contrary to the purposes of this By-law.

12. TERMS AND CONDITIONS ON LICENCE

- 12.1 (i) The Licensing Officer may impose conditions as a requirement of obtaining, continuing to hold or renewing a Licence 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 Licence 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 Licence 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 Licence 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 Licence was issued;
- (iv) not cause, tolerate or permit shouting, noise or disturbance on or in connection with the place or premises for which a Licence 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 Licence was issued;
- (vi) not cause, tolerate, or permit any profane, offensive, or abusive language in connection with any place or premises for which the Licence was issued.

13. OPPORTUNITY TO BE HEARD

- 13.1 The Licensing Officer shall refuse to issue, renew or may revoke or suspend any Licence 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 Licence or renewal of a Licence may not be granted, conditions, including special conditions, may be imposed, or the Licence 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 Licence or renewal of the Licence may not be granted and Council may also suspend or revoke the Licence 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 Licence and there are no grounds under this By-law for denying the issuance or renewal of the Licence and the Licensing Officer does not seek to have conditions imposed on the Licence, the Licensing Officer shall issue or renew the Licence.

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 meeting, the Appeal Committee may hold the meeting in the absence of the Applicant/Licensee and otherwise proceed in accordance with section 13 of this By-law.
- 14.2 At any meeting 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.
- 14.3 Upon the conclusion of a meeting conducted by the Appeal Committee under this By-law, the Appeal Committee shall as soon as practicable:
- (i) make a written report to Council summarizing the evidence and arguments presented by the parties;

- (ii) set out the findings of fact made by the Appeal Committee; and
- (iii) set out the recommendations of the Appeal Committee with reasons therefore on the merits of the application or matter in respect of which the meeting has been conducted.

14.4 After considering the report of the Appeal Committee, Council may make any decision permitted under this By-law in respect of the granting or refusal of the issuance or renewal of a Licence, the imposing of conditions, including special conditions, on a Licence or the revocation or suspension of a Licence, that it might have made had it conducted the meeting itself and Council's decision shall be final.

15. RETURN OF LICENCE

15.1 Where a Licence has been suspended or revoked, the holder of the Licence shall return the Licence 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 Licence 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 Licence.

16. LICENCE 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 Services Officer, or a Police Officer immediately produce his or her Licence issued under this By-law, and other relevant documents required under this By-law.

16.2 Owners shall ensure that their Licence(s) is displayed in a conspicuous place at their place of business at all times.

16.3 Every person obtaining a Licence under this By-law, where the same applies to the business of such person, shall carry such Licence with him or her when engaged in the business for which the Licence is issued, and 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 Services Officer, or the Fire Chief produce the Licence for inspection.

16.4 No Licence 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 Licence 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 dog:
- (i) refuse to serve such person;
 - (ii) refuse to permit such person to enter with such dog into or upon any place, premises, vehicle or thing to which the Licence relates; or
 - (iii) refuse to permit such person and such dog to remain in or upon such place, premises, vehicle or thing, by reason only of the presence of the said dog.

17. NOTIFICATION OF CHANGE OF INFORMATION

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

18. DIRECTION TO COMPLY

- 18.1 Where the Licensing Officer, Municipal Law Enforcement Officer or an Animal Services Officer finds that any provision of this By-law has been contravened, the Licensing Officer, Municipal Law Enforcement Officer or Animal Services 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 Licence 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 Services 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 Services 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 Services 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 Commissioner of Community Services, the Commissioner 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 Licence 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 concurs in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.

27.2 Notwithstanding section 27.1 of this By-law, a corporation which contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine not exceeding \$50,000.00.

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

29. EFFECT

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

PASSED IN OPEN COUNCIL ON MARCH 19, 2018.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Troy McHarg

SCHEDULE “A” TO BY-LAW NO. 024-2018

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. Schedule “A” relating to Personal Service Businesses is adopted by Council for the Town for the purpose of consumer protection and health and safety.
2. Every person who provides or performs medical or therapeutic treatment and is licensed or registered to do so under the laws of the Province of Ontario is exempt from the requirements of this Schedule.
3. Every person carrying on a Personal Service Business who is not licensed or registered to do so under the laws of the Province of Ontario shall 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 section 2 of this Schedule.
4. Those persons not exempt from the requirements of this Schedule shall, as part of the application for a Personal Service Business Licence:
 - (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 Licence);
 - (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.

(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;

(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;

(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;

(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.

(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;

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. Storage areas are not to be included in the calculation of floor space.

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.

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*.

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.

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.

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.

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*.

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*.

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.

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*.

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*.

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 *Licence* 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.

19. The *Licensing Officer* shall issue a photo identification card to the individual providing the *mobile personal service*.

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.

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 *Licence* 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 *Licence* and annually thereafter.

SCHEDULE "B" TO BY-LAW No. 024-2018

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. Schedule "B" relating to Transient Traders is adopted by Council for the Town for the purpose of consumer protection.
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 such as, but not limited to, flowers, foodstuffs, flags, publications, sundries, and fireworks, 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.

(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, on a temporary basis, at one location, of antique or collectible goods, wares or merchandise.

(v) Class 5 – Craft Show

Shall include the exhibiting or offering for sale, on a temporary basis, at one location by crafts people of goods, wares, or merchandise that they themselves have produced.

(vi) Class 6 – Manufacturing Show

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

(vii) Class 7 – Flea Market

Shall include the exhibiting or offering for sale, on a temporary basis, at one location by two or more vendors, a variety of goods, wares or merchandise, but does not include a sale that consists of one type of goods, wares or merchandise; and also does not include a Flea Market that is in business on a permanent basis, as permitted under the Zoning By-law.

(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 Licence(s) from the Licensing Officer.
4. For Class 4, 5, 6 and 7 Transient Traders, the event organizer or property owner shall obtain the necessary Licence(s) from the Licensing Officer.
5. Every Applicant for a Transient Trader's Licence, as part of the application for such Licence 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 Licence;
 - (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 Licence if the Applicant has been convicted of any of the charges listed in Schedule "G" 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;
6. A Licence issued under Schedule "B" of this By-law is only applicable to the items or types of items listed on the Licence and any change in the classes of goods sold will require a new or separate Application.
7. (i) A Class 1 Licence shall expire on the date indicated on the Licence;
- (ii) A Class 2 Licence shall expire three (3) months after the date of issue, as indicated on the Licence;
- (iii) A Class 3 Licence shall expire one (1) week after the date of issue, as indicated on the Licence;
- (iv) A Class 4, Class 5, Class 6, Class 7, and Class 8 Licence shall expire two weeks after the date of issue, as indicated on the Licence.
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 Licence 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 “B” 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 Licence 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 Licence, however, the

Licensing Officer on behalf of the Town, shall waive the licensing fee with proof of charitable or non-profit status.

SCHEDULE “C” TO BY-LAW NO. 024-2018

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. Schedule “C” relating to Commercial Refreshment Vehicles is adopted by the Council for the Town for the purpose of consumer protection, nuisance control and health and safety.
2. For the purpose of this Schedule “C”:
 - (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.
3. A person who wishes to operate a Commercial Refreshment Vehicle shall make an application for a Commercial Refreshment Vehicle Licence under this By-law. In the case where the operator does not own the vehicle to which a Licence application is made, the application shall be a joint application by both the owner and the operator of the Commercial Refreshment Vehicle.
4. Every Applicant for a Commercial Refreshment Vehicle Licence or renewal of a Commercial Refreshment Vehicle Licence shall provide to the Licensing Officer, as part of the application for such Licence:
 - (i) a current photograph of the Commercial Refreshment Vehicle that the Applicant intends to use to sell refreshments. The Licence issued by the Town shall be issued only for the Commercial Refreshment Vehicle depicted in the photograph. The Applicant/Licensee shall not alter the Commercial Refreshment Vehicle in any fashion without the written approval of the Licensing Officer;
 - (ii) the year and make of the Commercial Refreshment Vehicle;

- (iii) details regarding insurance coverage on the Commercial Refreshment Vehicle as required by section 17 of this Schedule “C”;
 - (iv) details regarding the food supplier used by the owner or operator of the Commercial Refreshment Vehicle;
 - (v) details regarding the number of hours the Commercial Refreshment Vehicle is expected to be operated in Milton, as well as the principle area of operation in Milton;
 - (vi) a criminal records check;
 - (vii) 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 Commercial Refreshment Vehicle Licence under this By-law. The Licensing Officer shall refuse to issue a Licence if the Applicant has been convicted of any of the charges listed in Schedule “G” of this By-law, or whether the driver’s abstract affords reasonable cause to believe that the person will not operate a Commercial Refreshment Vehicle in accordance with the law or with honesty or integrity;
 - (viii) upon the initial application and each subsequent renewal for a Commercial Refreshment Vehicle Licence, take the Commercial Refreshment Vehicle in question for inspection by the Medical Officer of Health. The Applicant shall attach to the Licence application the inspection report/letter indicating that the Medical Officer of Health has approved the Commercial Refreshment Vehicle 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 Commercial Refreshment Vehicle Licence application or renewal is presented to the Licensing Officer (Notwithstanding the foregoing, subsection 4(viii) of this Schedule “C” does not apply to applications for a Class C Commercial Refreshment Vehicle Licence);
 - (ix) information regarding the use of propane appliances as required by section 18 of this Schedule;
 - (x) written approval from the Zoning Officer, where applicable, that the use of any property to operate a Commercial Refreshment Vehicle is permitted under the Zoning By-law;
5. A Commercial Refreshment Vehicle Licence may be issued, restricted to one or more of the following classifications:

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

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

Class C: A Commercial Refreshment Vehicle 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 Commercial Refreshment Vehicle from which any refreshments sold are prepared or apportioned at the Commercial Refreshment Vehicle (hot dog carts, chip trucks).

6. An Applicant who applies for a Class D Commercial Refreshment Licence, shall, if required, enter into a Site Plan Agreement with the Town. If the Commissioner 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 Licence, 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. No Licensee to whom this Schedule relates shall permit or allow any person other than an employee of the Licensee to operate the Commercial Refreshment Vehicle or any person other than an employee of the Licensee to assist in the sale of refreshments from the Commercial Refreshment Vehicle.
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;
 - (ii) 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 Licence for each Commercial Refreshment Vehicle operated by him or her, and the plate issued in respect of such Licence 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 Licence 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 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 licence number. The list shall cross reference the Commercial Refreshment Vehicle licence 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.
- 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 Licence, 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 Commercial Refreshment Vehicle shall procure a policy of insurance with respect to the operation of the Commercial Refreshment Vehicle, 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, expiration or variation in the amount of the policy and insuring in at least the amount of \$2,000,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or death of one or more persons, or from loss of or damage to property resulting from any one accident, as a result of or arising from the operation of the Commercial Refreshment Vehicle. A certified copy or certificate of such policy shall be deposited with the Licensing Officer.
18. Applications for Commercial Refreshment Vehicles with propane appliances, must include at the time of Licence 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, untraveled 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.
27. Every Licensee and every operator of a Commercial Refreshment Vehicle to which a Class A Licence 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 Licence 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.
30. On Application for a Commercial Refreshment Vehicle Licence by a charitable or non-profit organization, the Licensing Officer or Council may waive the payment of the Licence 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. Notwithstanding section 26 of this Schedule "C", the Commissioner of Community Services may request that a Commercial Refreshment Vehicle be permitted to operate on Town property. At the time of application for this special Licence, the Applicant shall present the written request from the Director of Community Services, written confirmation from the Treasurer that the Applicant has provided adequate insurance coverage, and all other provisions of this By-law must be complied with.

SCHEDULE “D” TO BY-LAW NO. 024-2018

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. Schedule “D” regulating Salvage Yards is adopted by the Council for the Town for the purpose of nuisance control, health and safety of the public and consumer protection.
2. For the purpose of this Schedule “D”:
 - (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 Licence, shall, if required, by the Commissioner 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 Commissioner 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 Licence, 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) the name and address of each vendor or purchaser;

- (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 “E” TO BY-LAW NO. 024-2018

Kennels

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

1. Schedule “E” regulating Kennels is adopted by the Council for the Town for the purpose of consumer protection and nuisance control.
2. In this Schedule “E”:
 - (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 Licence 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 Licence.
5. Each Application for a Kennel Licence 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 Licence);
 - (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 Licence when directed by the Licensing Officer or an Animal Services 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 "E", the renewal of a Kennel Licence 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 Licence will be issued or renewed, an Animal Services Officer shall inspect the Kennel.
8. Before issuing a Kennel Licence or a renewal of a Kennel Licence, the Licensing Officer shall contact Animal Services 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 Licence.
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 Licence from the Town.
10. The location of the Kennel shall conform to the provisions of the Zoning By-law.
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 shall have a drain opening constructed as a plumbing fixture, and such floor shall be thoroughly cleaned daily, or more often if necessary;
- (iv) be maintained in a sanitary, well ventilated, clean condition and free from offensive odours;
- (v) have proper climate control;
- (vi) have electric lighting;
- (vii) have hot and cold running water;
- (viii) have a food preparation area.

12. All animals shall:

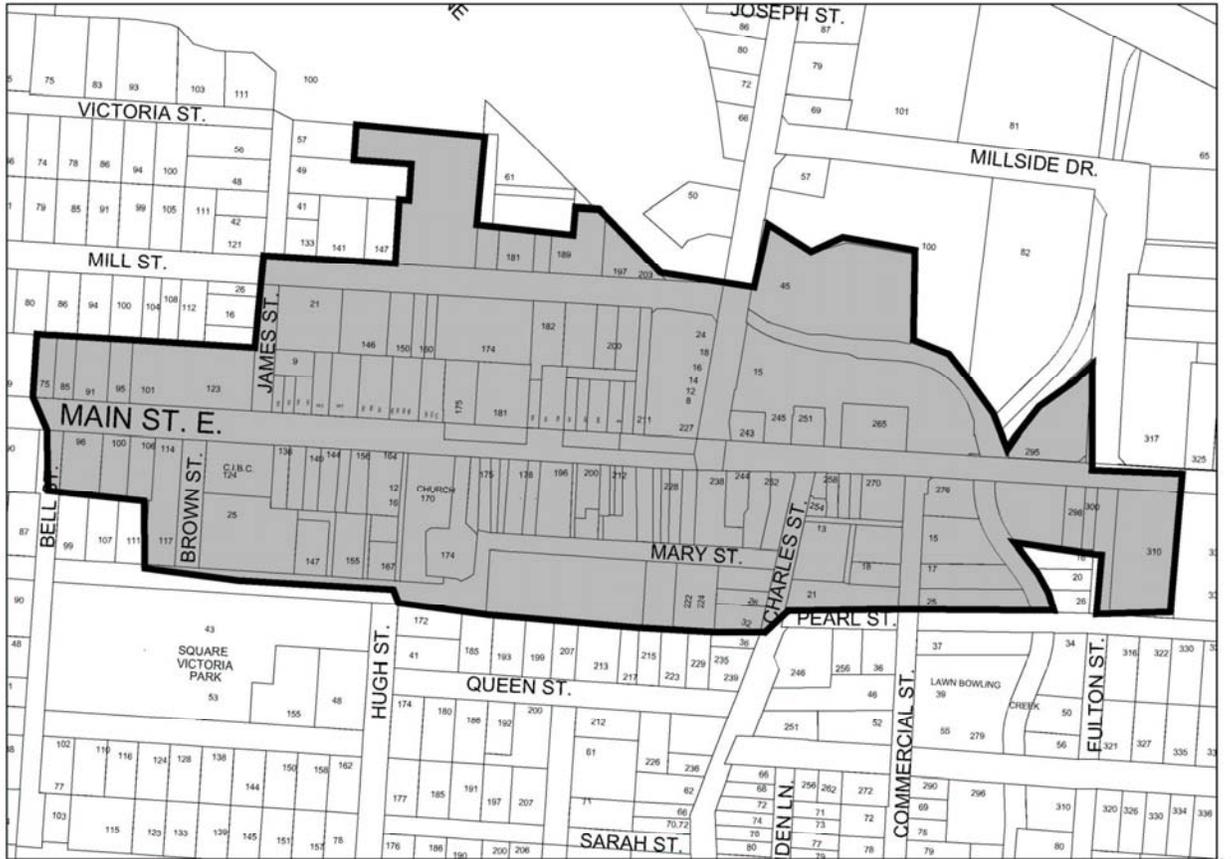
- (i) be kept in adequately sized cages to allow the animal to extend its legs to their full extent, stand or sit, turn around or lie down in a fully extended position, and all cages are to be constructed solely of metal, wire or impermeable concrete block;
- (ii) be kept in sanitary, well-bedded, well-ventilated, 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 Services 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.

SCHEDULE "F" TO BY-LAW NO. 024-2018

DOWNTOWN BUSINESS IMPROVEMENT AREA



10/20/04

 Downtown Business Improvement Area

0 25 50 100 Meters

SCHEDULE “G” TO BY-LAW NO. 024-2018

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	Offense
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 Licence 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 Licence if, during the current tenure of the Commercial Refreshment Licence, 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 Licence 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 Licence if, during the current tenure of the Licence, 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