

**CONSOLIDATION**

**BY-LAW NO. 2005-0067**

A By-law to license, regulate, and govern any business carried on within the Town of Halton Hills.

Amended  
by By-law  
2008-0003

**WHEREAS** the Municipal Act, S.O. 2001, c. 25, as amended, authorizes Councils of municipalities, inter alia, to pass by-laws respecting business licensing, and to provide for a system of licences with respect to a business, including any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

**AND WHEREAS** the Municipal Act, S.O. 2001, c.25 as amended, provides that a municipality may prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition under Section 131 of the Act;

**AND WHEREAS** a public meeting was held on the 21<sup>st</sup> day of February, 2005 in the Town of Halton Hills in accordance with Section 150(4) of the Act;

**NOW THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

**1.0 DEFINITIONS (Amended by By-Law 2008-0003)**

- 1.1 *Accessible to all Persons*** means free from any barrier to Persons with disabilities.
- 1.2 *Accessible Taxicab*** means a Motor Vehicle designed or modified to assist Persons with disabilities in loading and off-loading as approved by the Province.
- 1.3 *Active Repair*** means working towards the completion of restoring a Motor Vehicle to good condition after damage or wear by fixing or replacing parts and may include the time required obtaining parts.
- 1.4 *Adult Entertainment Establishment*** means any Body Rub Parlour or any Adult Entertainment Parlour where Services or Entertainment Appealing to, or Designed to Appeal to, Erotic or Sexual Appetites or Inclinations are provided in the Premises or part thereof.
- 1.5 *Adult Entertainment Owner Operator*** means a Person who alone or with others owns or has a right to possess or occupy, or actually does possess or occupy, manages, supervises, runs or controls Premises in which an Adult Entertainment Establishment business is located and includes their designate or official agent and the lessee of any Premises in which an Adult Entertainment Establishment is located.
- 1.6 *Adult Entertainment Parlour*** shall mean any Premises or part thereof in which there is provided, in pursuance of a trade, calling, business or occupation, Services or Entertainment Appealing to, or designed to Appeal to, Erotic or Sexual Appetites or Inclinations.
- 1.7 *Adult Mini-Theatre*** is an Adult Entertainment Establishment in which live adult entertainment performances, adult motion pictures, videos, tapes, digital video discs, slides or similar electronic or photographic reproductions, the principal feature of which is nudity or partial nudity of any Person, are viewed or shown in a separate viewing area with a seating capacity of one to twenty seats.

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**1.8 Amusement and Recreational Premises** means Premises which include but are not limited to an amusement arcade, including coin or token operated games, a paintball, laser tag, or billiard establishment, a bowling centre or a cinema, golf courses and country clubs, mini-golf, or a driving range, a Race Track Operation (Horses and Dogs), a Motorized Vehicle Raceway, amusement rides, or a Public Hall, but does not include an Adult Mini-Theatre..

**1.9 Appealing to, or Designed to Appeal to, Erotic or Sexual Appetites or Inclinations**, when used to describe Services or Entertainment, shall mean:

**1.9.1** Services or Entertainment of which a principal feature or characteristic is the nudity or partial nudity or any Person; or

**1.9.2** Services or Entertainment in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy”, or any other word, picture, symbol, or representation having like meaning or implication is used in any advertisement.

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**1.10 Auction** means a public sale of goods, articles, merchandise, and wares where an auctioneer calls out and receives bids and the article is sold to the highest bidder, but does not include a Silent Auction, or sale conducted by a receiver, liquidator, trustee, court, bailiff, executor, or sheriff under any general or special Act.

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**1.11 Auto Body Repair** means to restore the external and structural part of a Motor Vehicle used for carrying passengers or cargo to a good or sound condition after damage or decay and includes applying an external paint finish.

**1.12 Bed and Breakfast** means an establishment, or a single detached dwelling, with one to three guest-rooms without cooking facilities therein, operated to provide the traveling public temporary accommodation and a breakfast meal.

**1.13 Beauty Treatment** means the use of cosmetics, facials, waxing, manicuring, hairdressing, or other Personal Care Services to enhance personal appearance but does not include services provided by surgeons, optometrists, dentists, or the like licensed or registered by the Province of Ontario.

**1.14 Body Rub** shall mean the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a Person’s body or part thereof but does not include:

**1.14.1** medical or therapeutic treatment given by a Person duly qualified, licensed, or registered to do so under the laws of the Province of Ontario; or

**1.14.2** alternative health care services, such as shiatsu and reflexology, given by a Person duly qualified to provide such services through completion of formal courses and education and training in the provision of such service offered by an organization or institution that has the qualifications to provide such services.

**1.15 Body Rub Parlour** shall mean any Premises or part thereof where a Body Rub is performed, offered or solicited in pursuance of a trade, calling, business, or occupation, but shall not include:

**1.15.1** any Premises or part thereof where Body Rubs are performed for the purpose of medical or therapeutic treatment and are performed by Persons duly qualified, licensed, or registered to do so under the laws of the Province of Ontario; or

**1.15.2** any Premises or part thereof where Body Rubs are performed for the purpose of alternative health care services such as shiatsu and reflexology, and are performed by Persons duly qualified to provide such services through completion of formal courses and training in the provisions of such service offered by an organization or institution that has the qualifications to provide such services.

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**1.16** ***Canine Boarding and Breeding Establishment*** means any building or structure where dogs are kept, harboured, bred, raised, sheltered, cared for, boarded or trained for profit or offered for sale but shall not include:

**1.16.1** a veterinary hospital under the care of a licensed veterinarian;

**1.16.2** a public pound or animal shelter used by the Town for impounding dogs; and

**1.16.3** any Premises licensed under any Provincial or Federal Statute that permits the keeping of dogs under certain conditions.

**1.17** ***Council*** means the Council of the Town of Halton Hills.

**1.18** ***Drain Contracting Company*** means a Person who undertakes or is engaged in the business of drainage work including the installing, replacing, repairing or maintenance of drains, drainage systems and sewage disposal systems, who solicits and advertises such work to the public, and who either is himself a Drain Layer or employs a Drain Layer.

**1.19** ***Drain Layer*** means a Person who is skilled in the planning, superintending, installing, replacing and maintenance of drainage work including the laying of pipe into trenches to form sanitary sewers, storm sewers, storm drainage management systems, private sewers and water supply systems, the repair and replacement of drains, and the removal of obstructions from drains, and who is familiar with the laws, rules, and regulations governing same.

**1.20** ***Driving School Operator*** means a Person who has possession or control of Motor Vehicles for the purpose of teaching an individual, through on-road instruction, to operate a Motor Vehicle.

**1.21** ***Entertainer*** means a Person other than a licensed Adult Entertainment Owner Operator who provides Services or Entertainment Appealing to, or designed to Appeal to, Erotic or Sexual Appetites or Inclinations.

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**1.22** ***Film and Motion Picture Production*** means commercial or trade film production shoots, including feature films, documentaries, and commercials but does not include news reporting, non-profit productions, team photos, weddings or student productions.

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**1.23** ***Food and Accommodation Services*** means the retail sale of food, the preparation of food for sale or for immediate consumption by the public and accommodation services, and includes businesses such as a Restaurant, workplace or school cafeteria, Traveller's Accommodation, catering food service, Mobile Food Service, Portable Food Service, or Refreshment Cycle/Ice Cream Cart.

**1.24** ***General Trade*** means a Person who is skilled in any trade involving building, constructing or renovating any building or structure of any kind, and includes but is not limited to poured concrete, framing, masonry, roofing, siding, glass and glazing, finish carpentry, paint, wall, flooring, building finishing, foundation, exterior building renovations, landscape construction, pool installation, and driveway paving work.

- 1.25 General Trade Contracting Company** means a Person who undertakes or is engaged in the business of contracting General Trade work and who solicits and advertises such work to the public, except a trade, business, or occupation otherwise required to be licensed under this by-law and also except homebuilders who are insured under the Ontario Home Warranty Program.
- 1.26 Ground Passenger Transportation Service** means the conveyance of passengers or property by means of a taxicab or Limousine but does not include buses, tow trucks, or any other Motor Vehicle used for hire for the conveyance of passengers or property.
- 1.27 Heating Ventilation Air Conditioning Contracting Company** means a Person who undertakes or is engaged in the contracting of heating, ventilation, and air conditioning work including the installing, repairing, and maintaining of warm air, hot water or steam heating equipment of any kind, who solicits and advertises such work to the public, and who either is himself a Master HVAC Installer or employs a Master HVAC Installer.
- 1.28 Highway** means a highway as defined in the Municipal Act, and includes a King's Highway as defined in the Highway Traffic Act, or a road, street, bridge or highway laid out but not assumed for public use or established by by-law, whether built by a private Person or corporate body.
- 1.29 Hotel** means any Premises in which at least four (4) rooms are provided for payment for overnight accommodation to the travelling public and includes a motel, but does not include a Bed and Breakfast establishment.
- 1.30 Indoor Mall Trade Show** means a Temporary Event Sale held in the common areas of an enclosed shopping mall.
- 1.31 Indoor Mall Vendor** means a Person who sells products and/or services directly to consumers from a common area of an enclosed shopping mall.
- 1.32 Issuer of Licences** includes the Town Clerk and any Person designated by the Town Clerk.
- 1.33 Journeyman Plumber** means a Person who has been issued a certificate of qualification by the Province of Ontario, and who having served an apprenticeship is qualified to work in the plumbing trade under the direction of another more qualified Person.
- 1.34 Licensee** means the holder of a Licence.
- 1.35 Limousine** means a luxury Motor Vehicle used for hire for the conveyance of passengers that is not equipped with a Taxicab Meter for the collection of fares.
- 1.36 Limousine Owner** means a Person who owns a Limousine(s) or has possession or control of a Limousine(s) and offers such Motor Vehicle(s) for hire.
- 1.37 Master HVAC Installer** means a Person who is skilled in the planning, superintending and installation of warm air, steam and hot water heating systems, air conditioning and ventilation systems, and equipment used in connection therewith, who engages in such work, and who is familiar with the laws, rules, and regulations governing same.
- 1.38 Master Plumber** means a Person who is skilled in the planning, superintending, and installing of plumbing, who engages in such work, and who is familiar with the laws, rules, and regulations governing same.

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- 1.39 Medical Certificate** means a certificate prepared by a duly qualified medical practitioner licensed under the Regulated Health Professions Act, 1991 attesting as to whether or not a Person is physically fit, free of communicable disease, and able to operate a Motor Vehicle.
- 1.40 Mobile Food Service** means a Motor Vehicle that moves from place to place and from which food or refreshments are sold or offered for sale to the public.
- 1.41 Mock Auction** means the auctioning of goods wherein the auctioneer leads Persons in attendance at an Auction to believe that a potential purchaser has made a bid on an item, which bid has not been made.
- 1.42 Motor Vehicle** means a Motor Vehicle as defined under the Highway Traffic Act.
- 1.43 Motorized Vehicle Raceway** means any Premises where motorcycles, dirt bikes, go-carts, or other Motor Vehicles are operated for the holding of races on a defined prepared course open to the public and/or for profit but does not include a Premises on which the Owner operates only his own Motor Vehicles for personal use.
- 1.44 Municipal Law Enforcement Officer** means an employee of the Town so appointed by Council and under the authority of the Police Services Act for the purpose of enforcing Town by-laws.
- 1.45 Newspaper Distribution Box** includes any coin-operated or other box or stand that holds newspapers, periodicals, or other printed material for access by the general public.
- 1.46 Non-store Direct Selling** means the sale of goods at an Auction, Temporary Event Sale, Indoor Mall Trade Show, from a Newspaper Distribution Box or from a Person such as a Temporary Vendor, Pawnbroker, Second Hand Goods Dealer, or Sign Distributor and includes the business of film location production shoots.
- 1.47 Officer** includes a Municipal Law Enforcement Officer or other law enforcement Officer, public health inspector, fire safety Officer, peace Officer, or other Person that Council for the Town may designate a Regional Municipality of Halton Police Officer or a Provincial Offences Officer.
- 1.48 Off-Street Parking** means the parking of a Motor Vehicle that either is licensed for the current year, or meets the requirements of the Highway Traffic Act, on land not deemed to be a Highway.
- 1.49 Operation of a Crusher** means the loading and unloading of a crusher compacting machine in a Recycling Establishment.
- 1.50 Operator** includes a Person who, alone or with others, manages, supervises, runs or controls the Premises in which a business is located.
- 1.51 Owner** includes a Person who, alone or with others, owns or has a right to possess or occupy, or actually does possess or occupy, the Premises in which a business is located and includes a lessee of any Premises in which a business is located.
- 1.52 Owner's Plate** means a plate issued by the Town to the Owner of a Motor Vehicle(s) licensed under this By-law, including a taxicab, Accessible Taxicab, Limousine, tow truck, driving school Motor Vehicle, and refreshment Motor Vehicle.
- 1.53 Pawnbroker** means a Person who carries on the business of taking by way of pawn or pledge, any article for the repayment of money lent thereon as defined in the Pawnbrokers Act, R.S.O. 1990.

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- 1.54** *Person* includes an individual, corporation, partnership, company, firm, association, or party and includes the successors, assigns, heirs, executors, administrators, or other legal representative of a Person to whom the context can apply according to law.
- 1.55** *Personal Care Service Establishment* means any Premises in which one or more of the following personal care procedures for any part of the body are provided as the primary business, including acupuncture, hair cutting and styling, manicure and nail treatments, electrolysis, tattooing, tanning, micropigmentation, body and ear piercing, Beauty Treatment, and includes the retail sale of incidental products but does not include a Body Rub Parlour.
- 1.56** *Pet Care and Breeding Service Establishment* means any Premises in which services or products for animals are sold and includes a Canine Boarding and Breeding Establishment, pet store, pet food and pet supply store.
- 1.57** *Plumbing Contracting Company* means a Person who undertakes or is engaged in the business of contracting for plumbing work, who solicits and advertises such work to the public, and who either is himself a Master Plumber or employs a Master Plumber.
- 1.58** *Portable Food Service* means a booth, concession, cart or other moveable device where food is prepared, or where pre-packaged food is offered for sale, but does not include a motorized vehicle.
- 1.59** *Premises* means land, including any and all buildings or structures, or any part of a building or structure thereon used in the operation of a business, trade, or occupation and includes any Motor Vehicle or conveyance but does not include part of a Premises that is used as a private residence; or a Premises located in a dwelling where the only employees of that Premises are Persons who live in the dwelling.
- 1.60** *Public Assembly Hall* means any privately-owned Premises that are offered for use, or are used, as a place of public assembly, for events, banquets, and public performance concerts, but does not include a theatre, a school, or municipal or religious Premises.
- 1.61** *Public Event* is an event to which the public is invited requiring the approval of more than one agency or authority including but not limited to matters respecting health, parking, noise, building, lottery licensing, LCBO, TSSA, fire, police, and traffic.
- 1.62** *Race Track Operation (Horses and Dogs)* means any Premises used for the holding of horse or dog races on a defined prepared course.
- 1.63** *Recreational Vehicle Trailer and Tourist Camp* means any Premises used as a camping or parking ground or upon which cabins, trailers, or tents used for the temporary living, sleeping, or eating accommodation of the travelling public are placed, located, kept or maintained, whether or not a fee is charged.
- 1.64** *Recycling Establishment* means any Premises where materials are recovered for reuse, and includes but is not limited to a Salvage Yard.
- 1.65** *Refreshment Cycle/Ice Cream Cart* means a non-motorized vehicle including a tricycle or bicycle type vehicle, manual push cart or pull behind trailer from which ice cream, frozen treats or cold beverages are sold during the spring and summer seasons.
- 1.66** *Register* means a written record containing entries of items or details.
- 1.67** *Restaurant* means a building with interior seating where food is prepared, served, or consumed but does not include a Portable Food Service, a Mobile Food Service, or a Specialty Food Store.

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- 1.68 *Retail Trade Establishment*** means a Premise where non-food products, dry goods and general merchandise are sold, rented or leased or are displayed or offered for sale, rent, or lease to the public but does not include the sale of automobiles, gasoline, food and animals.
- 1.69 *Sale of Second Hand Goods*** means selling, offering for sale or displaying for sale, antique items, used goods, wares, materials, merchandise, or second hand items of any kind by retail.
- 1.70 *Sale of Tobacco*** means selling, offering for sale or displaying for sale, cigars, cigarettes, and other tobacco products by retail.
- 1.71 *Salvage Yard*** means any Premises used for the retrieval, recovery, or storage of scrap materials for recycling or sale, including the dismantling and storage of used or wrecked Motor Vehicles and other used equipment where parts, metals, compounds, fluids, and other waste or scrap materials are retrieved therefrom and stored for recycling, sale, or reuse.
- 1.72 *Second Hand Goods Dealer*** means a Person who sells, offers for sale or displays for sale, antique items, second hand, or used, goods, materials, merchandise, or items of any kind in a retail establishment, other than a resident conducting a yard or garage sale relating to the occasional sale of surplus domestic items originating from a private residence or neighbouring residences.
- 1.73 *Septic Tank Contracting Company*** means a Person who undertakes or is engaged in the business of contracting for septic tank installation work, who solicits and advertises such work to the public, and who either is himself a qualified on-site sewage installer registered by the Province to supervise septic tank installations or employs an on-site sewage installer.
- 1.74 *Sign Distributor*** means a Person who sells, rents or leases, or offers for sale, rent or lease, or otherwise provides, erects, installs, or locates, a sign or other advertising device.
- 1.75 *Services or Entertainment*** includes activities, performance, exhibitions, viewings, or encounters, but does not include the exhibition of film approved under the Theatres Act, as amended.
- 1.76 *Silent Auction*** means an Auction in which written bids are submitted on cards or electronically during a specified period at the end of which all the bids are compared.
- 1.77 *Specialty Food Store*** means any Premises where a specific food such as meat, seafood, fruit and vegetables, baked goods, ice cream, nuts and confections intended for human consumption are prepared, offered for sale, stored or sold.
- 1.78 *Special Sale*** means to offer for sale goods, wares, and merchandise at retail, which sale is advertised or described by the use of words such as: bankrupt, creditor, insolvent, trustee receiver, liquidator, moving out, selling out, closing out, lease expiry, discontinuing, fire, smoke, water damage, forced or any other similar words not in the ordinary course of a retail business.
- 1.79 *Specialty Trade Contractor*** includes but is not limited to Plumbing Contracting Company, Master Plumber, Journeyman Plumber, Drain Contracting Company, Drain Layer, Septic Tank Contracting Company, Heating Air Conditioning and Ventilation Contracting Company, Master HVAC Installer, and General Trade Contracting Company.

- 1.80 Specified Body Areas** includes one or more of the following:
- in the case of a female Person, her breast; and  
in the case of all Persons, the genitals and the anus.
- 1.81 Specified Sexual Activities** includes actual or simulated sexual intercourse, masturbation, urination, defecation, ejaculation, sodomy, including bestiality, anal intercourse, and oral sexual intercourse, direct physical stimulation of clothed or unclothed Specified Body Areas and flagellation, mutilation, maiming, murder or torture in the context of a sexual relationship or activity.
- 1.82 Specialty Vehicle Restoration** means the returning of a classic or antique model of a Motor Vehicle to its former condition.
- 1.83 Support Activity for Road Transportation** includes towing services and driving schools providing instruction for the operation of Motor Vehicles but does not include instructional schools for the operation of buses or transport trucks.
- 1.84 Taxicab Broker** means any Person who accepts orders for, or dispatches a taxicab in any manner.
- 1.85 Taxicab Driver** means a Person who drives or operates a taxicab.
- 1.86 Taxicab Meter** means a measuring device used in a taxicab to calculate the fare payable for a trip.
- 1.87 Taxicab Owner** means the registered Owner of a Motor Vehicle used as a taxicab according to the records maintained by the Province of Ontario.
- 1.88 Taxi Stand** means an area located on public or private property designated by the Town at the request of the property owner for a specific purpose, who must obtain a licence under this By-law subject to zoning or other approvals, and in compliance with any terms or conditions set by Council, to be used by Taxicab Owners and Taxicab Drivers who are licensed by the Town or authorized by permit under this By-law while waiting for or picking up passengers or cargo.
- 1.89 Taxi Stand Broker's Permit** means authorization by the Town to permit a non-Halton Hills Taxicab Broker to dispatch non-Halton Hills taxicabs and drivers to a designated Taxi Stand at a location in Halton Hills as specified on the permit.
- 1.90 Taxi Stand Owner's Permit** means authorization by the Town to permit non-Halton Hills taxicabs in affiliation with an authorized non-Halton Hills Taxicab Broker to operate at a designated Taxi Stand at a location in Halton Hills as specified on the permit.
- 1.91 Temporary Event Sale** means the display, demonstration, or sale of products, and/or services to the public at an event such as an exhibition, fair, carnival, festival, flea market, trade show, antique show, trunk sale, tournament sport event, concert, or any other similar Public event by two (2) or more participants or temporary vendors for a period of not more than one month in duration and is conducted and overseen by a Person, foundation, or an organization licensed under this By-law.
- 1.92 Temporary Vendor** means a Person who travels about offering the sale of products and/or services as a door-to-door salesperson, hawker or peddler, or operator of a sales stand at an event.
- 1.93 Towing Service Company** means a Person who has possession or control of a tow truck(s) and engages in collision scene response towing by arranging for the provision of such tow truck(s) for hire to any Person who is the Owner or lawfully in possession of a disabled Motor Vehicle to



be towed or any Towing Service Company who provides specialized equipment or other assistance for hire to another Towing Service Company.

**1.94 Towing Storage Compound** means any secure Premises where towed Motor Vehicles are stored until retrieved, but does not include a Salvage Yard.

**1.95 Tow Truck Driver** means a Person employed by a Towing Service Company and who is responsible for the care and operation of a tow truck, wrecker, flatbed, or any other towing Motor Vehicle and services related thereto.

**1.96 Town** means the Corporation of the Town of Halton Hills and its physical boundaries as described in the Town's Official Plan.

**1.97 Trailer** means any vehicle constructed to be attached and propelled by a Motor Vehicle and that is capable of being used by Persons for living, sleeping, or eating, even if the vehicle is jacked-up or its running gear is removed.

**1.98 Traveller's Accommodation** means a Bed and Breakfast, Hotel, Recreational Vehicle Trailer and Tourist Camp or other temporary accommodation for use by the traveling or vacationing public but does not include a residential unit, group home, residential care facility, or any residential home licensed under Provincial legislation.

**1.99 Vehicle Services Establishment** means a Premise for the repair, maintenance, sale, rent, or lease of Motor Vehicles and includes the retail sale of incidental products.

**2.0 GENERAL REGULATIONS**

2.1 No Person shall carry on or engage in any of the businesses, trades, or occupations listed below within the Town without first having obtained a licence for the current year:

- Adult Entertainment Establishment
- Amusement and Recreational Premise
- Food and Accommodation Services
- Ground Passenger Transportation Service
- Non-Store Direct Selling
- Personal Care Service Establishment
- Recycling Establishment
- Retail Trade Establishment
- Specialty Trade Contractor
- Support Activity for Road Transportation
- Pet Care and Breeding Service Establishment
- Vehicle Services Establishment

2.1.1 This section shall apply to any business operating within the Town even if carried on from a location, outside the boundaries of the Town

**DUTY TO COMPLY WITH OTHER ACTS**

2.2 No Licensee, Owner or other Person in control, or apparent control, of a business licensed under this by-law shall:

2.2.1 contravene any regulation or provision set out in this by-law, any other municipal by-law, Federal or Provincial Act, Statute, or any other legislation applicable to a licence issued pursuant to this by-law; and

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2.2.2 hold an outdoor Public Event on the Premises without first obtaining:

- 2.2.2.1 the written permission of the property Owner;
- 2.2.2.2 a Public Event permit from the Town, if required; and
- 2.2.2.3 an exemption from the noise provisions of the Town's Community Standards By-law, if applicable.

### **APPLICATION REQUIREMENTS**

2.3 Every Person at the time of making application for a licence shall provide:

2.3.1 a completed application form;

#### **Insurance**

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2.3.2 proof of current Commercial General Liability insurance in a minimum amount of not less than one (1) million dollars (\$1,000,000.00) for Amusement and Recreational Premises, Food and Accommodation Services, Personal Care Service Establishments, Specialty Trade Contractors, Towing Service Company, and Fuel Stations for the term of the licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Town by the insurance underwriter;

#### **Business Name**

2.3.3 the Business Name Registration obtained from the Ministry of Consumer and Business Services, if operating in a name other than one's own;

#### **Articles of Incorporation**

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2.3.4 Articles of Incorporation and/or the most recent Initial Notice/Notice of Change/Annual Return filed with either the Ontario Ministry of Consumer and Business Services or the Federal Ministry of Consumer and Corporate Affairs, if a corporation;

#### **Other Documentation**

2.3.5 any other documents set out in the applicable Schedule to this by-law;

2.3.6 any other documents as may be required to substantiate compliance with any other legislation to the satisfaction of the Issuer of Licenses; and

#### **Licence Fee**

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2.3.7 Except as otherwise provided in this By-law, the required annual licence fee is in accordance with the Town's Municipal Rates and Service Charges By-law.

### **APPROVALS and INSPECTIONS**

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2.4 Every application or licence must be approved to the satisfaction of the Town and Regional Municipality of Halton, as required. Inspections must be satisfactory to and passed by, including but not limited to, the Engineering, Public Works and Building Services Department, Zoning, Fire, the Regional Municipality of Halton Health Department, the Regional Municipality of Halton Police Services, the Ministry of Transportation of Ontario, the Ministry of Environment and any other department of the Town, Regional

Municipality of Halton, or Provincial or Federal government, as set out in the by-law and the applicable Schedule to this by-law prior to the issuance of a licence.

**TERM OF A LICENCE**

2.5 A licence shall be valid for a period of up to one year as indicated on the licence, and shall expire on the following dates set for each class of business:

|   |                            |
|---|----------------------------|
| Adult Entertainment Establishment           | January 31 <sup>st</sup>   |
| Pet Care and Breeding Service Establishment | February 28 <sup>th</sup>  |
| Specialty Trade Contractor                  | March 31 <sup>st</sup>     |
| Non-Store Direct Selling                    | April 30 <sup>th</sup>     |
| Amusement and Recreational Premises         | May 31 <sup>st</sup>       |
| Food and Accommodation Services             | June 30 <sup>th</sup>      |
| Ground Passenger Transportation Service     | July 31 <sup>st</sup>      |
| Recycling Establishment                     | August 31 <sup>st</sup>    |
| Retail Trade Establishment                  | August 31 <sup>st</sup>    |
| Support Activity for Road Transportation    | September 30 <sup>th</sup> |
| Personal Care Service Establishment         | October 31 <sup>st</sup>   |
| Vehicle Services Establishment              | November 30 <sup>th</sup>  |

**CALCULATION OF FEE**

2.6 When an initial application for a licence for a new business is received during the license term for that class of business, as prescribed by Section 2.5,

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2.6.1 a pro-rated fee may be calculated for every month remaining in the term of a licence until the expiry date but a minimum payment of 3 months shall apply;

2.6.2 a part of a month shall count as a full month; and

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2.6.3 every licence renewed thereafter shall be subject to the full annual fee as prescribed in the Town's Municipal Rates and Service Charges By-law.

**ADDITIONAL FEES FOR COSTS INCURRED**

2.7 Upon receipt of an invoice thereof, a Licensee shall pay additional fees at any time during the term of a licence for costs incurred by the Town attributable to the activities of the business.

**LICENCE ALTERATION**

2.8 No Person shall alter or modify or permit the alteration or modification of a licence issued by the Town.

**NON-TRANSFERABLE**

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2.9 A licence issued by the Town is not transferable and the fee is non-refundable, except as otherwise provided in this by-law.

2.10 No Person shall use, or attempt to use, either a fraudulent licence, or a license issued to another Person under this by-law.

**CHANGE OF DOCUMENT INFORMATION**

2.11 A Licensee shall notify the Issuer of Licenses within fifteen (15) days of any changes to the:

- 2.11.1 business name;
- 2.11.2 location of the business Premises;
- 2.11.3 ownership of the business

and such changes shall be subject to submission of the necessary documentation as required by the Town.

**PROPERTY RIGHT OF LICENCE**

- 2.12 Every licence shall remain at all times the property of the Town and no Person shall enjoy a vested right in any licence or the continuance of any licence.

**DISPLAY OF LICENCE ON PREMISE OR PERSON**

- 2.13 Every Licensee shall display the licence in a conspicuous place on the licensed Premises visible to the public at all times.
- 2.14 Where the Licensee does not have an establishment, the Licensee shall carry the licence issued by the Town on his or her Person and shall produce it along with a piece of identification at the request of any Officer.

**RESPONSIBILITY OF LICENSEE**

- 2.15 A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).
- 2.16 An employee of any business licensed pursuant to this by-law must comply with all provisions of this by-law that relate to that business.
- 2.17 Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable licence shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.
- 2.18 No Licensee shall advertise or promote or carry on business under any name other than the name endorsed upon the licence issued by the Town.

**ACCESSIBILITY REQUIREMENT**

- 2.19 Every Licensee and every Person in control, or apparently in control, of licensed Premises shall ensure the Premises are universally Accessible to all Persons by:
- 2.19.1 removing or eliminating any barrier that creates an immediate unsafe or hazardous condition;
  - 2.19.2 reducing or eliminating all other barriers in accordance with any other Act; and
  - 2.19.3 incorporating the barrier-free requirements of the Ontario Building Code when undertaking significant renovations of the existing Premises, and when constructing any new Premises, prior to the opening, re-opening, or relocation of any new or existing business.

**ADMINISTRATIVE SUSPENSIONS**

- 2.20 An administrative suspension of a licence without a hearing shall be imposed for:
- 2.20.1 Fourteen (14) days if the Issuer of Licences is satisfied that the continuation of the business poses an immediate danger to health or safety of any person or to any property. Before any suspension is imposed hereunder, the Issuer of Licences shall provide the licensee with the reasons for the

suspension, either orally or in writing, and an opportunity to respond to them; and

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2.20.2 Twenty-eight (28) days in the case of a licence authorizing a business to operate on a highway or other property of the municipality or its local boards, for any of the following reasons:

2.20.2.1 the holding of a special event;

2.20.2.2 the construction, maintenance or repair of public property;

2.20.2.3 the installation, maintenance or repair of a public utility service;

2.20.2.4 pedestrian, vehicular or public safety or public health.

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2.21 An administrative suspension imposed under Section 2.20 may be imposed on such conditions as the Issuer of Licences considers appropriate.

### **3.0 GROUND FOR REFUSAL, REVOCATION, OR SUSPENSION**

3.1 An applicant or Licensee is entitled to a licence upon meeting the requirements of this by-law except where:

3.1.1 the past or present 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 respect of which the application is made in accordance with the law or with honesty and integrity; or

3.1.2 the applicant or Licensee has past breaches of any law and any outstanding fines imposed by a court for the contravention of any provision of this by-law or any other municipal by-law or Provincial statute associated with the carrying on of such business; or

3.1.3 the issuing of a licence would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or

3.1.4 the applicant or Licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information; or

3.1.5 the applicant or Licensee is carrying on or engaging in activities that are, or will be, if the applicant or licensee is licensed, in contravention of this by-law, or any other applicable law; or

3.1.6 the applicant or Licensee has not paid the required licence fee.

### ***COUNCIL'S POWER TO REFUSE, REVOKE, SUSPEND A LICENCE, IMPOSE CONDITIONS INCLUDING SPECIAL CONDITIONS***

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3.2 Upon recommendation to General Committee, in-camera, by the Issuer of Licences, General Committee may recommend to Council to revoke, suspend, refuse to issue, or refuse to renew a licence, where the applicant or Licensee would not be entitled to a licence, or to the renewal of a licence, on any grounds set out in this by-law.

- 3.3 Where an application for a licence has been refused, revoked, suspended or cancelled, the fees paid by the applicant or Licensee, in respect of the application for a licence, shall be refunded less any administrative costs incurred by the Town.
- 3.4 Council may impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence.
- 3.5 Council may impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence.

#### **4.0 RIGHT TO A HEARING**

- 4.1 With the exception of Sections 2.17 and 18.7, before a licence is refused, revoked, suspended, cancelled, or issued with conditions or special conditions, written notice shall be given to the applicant or Licensee that a recommendation is to be made to Council with respect to the licence application.
- 4.2 Notice shall be served by personal delivery or by registered mail to the applicant's or Licensee's last known address filed with the Town and shall:
  - 4.2.1 contain sufficient information to specify the nature of, or reason for, any recommendation;
  - 4.2.2 inform the applicant or Licensee of entitlement to a hearing before a committee of Council on the recommendation, if a request in writing for a hearing is returned to the Issuer of Licences within fifteen (15) days after the date of service of the notice; and
  - 4.2.3 inform the applicant or Licensee that if no written request is received, Council may proceed and make any decision with respect to the licence.
- 4.3 On receipt of a written request for a hearing from an applicant or Licensee, the Issuer of Licences shall schedule:
  - 4.3.1 a hearing which shall be in-camera before a Committee of Council; and
  - 4.3.2 shall give the applicant or Licensee notice of hearing at least twenty (20) days prior to the hearing date.
- 4.4 Service of any notice on the Licensee or applicant under this by-law shall be made by personal delivery or by registered mail. The notice shall be deemed to have been served on the seventh (7th) day after the day of mailing or on the date of personal delivery.

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#### ***HEARING OF THE COMMITTEE OF COUNCIL***

- 4.5 The provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c S.22, as amended, shall apply to all hearings conducted under this by-law.
- 4.6 When a Person who has been given written notice of the hearing does not attend at the appointed time and place, the committee of Council may proceed with the hearing in his absence, and the Person shall not be entitled to any further notice of the proceedings.
- 4.7 At the conclusion of the hearing, the committee of Council shall submit a report of the hearing summarizing the relevant evidence and arguments

presented by both parties, setting out the findings of fact, making recommendations to Council, and setting out the reasons for such recommendations.

- 4.8 Council may uphold or vary the recommendation of the committee of Council or make any decision that the committee could have made. Council's decision on the matter is final and binding.
- 4.9 The Issuer of Licences shall send written notice of the decision of Council by registered mail or by personal delivery to the applicant or Licensee within five (5) days of such decision.
- 4.10 A licence that has been revoked, suspended, or cancelled shall be returned to the Issuer of Licences within two (2) days of service of the notice of decision of Council.
- 4.11 When a revoked, suspended or cancelled licence has not been returned, an Officer may enter upon the Premises for the purpose of receiving, taking, or removing the said licence.

## **5.0 POWER OF ENTRY and INSPECTION**

- 5.1 In order to assess and determine compliance with the provisions of this by-law, including the determination of an unlicensed business, an Officer is entitled to access, and may at any reasonable time inspect any Premises used for the business, and the equipment, Motor Vehicles, records, documents, and other personal property used or kept for hire in the carrying on of the business, and may remove documents or things that are relevant to the licensed business for the purpose of making copies or extracts. An Officer shall return such documents within twenty-four (24) hours of removal.
- 5.2 An Officer may at any time of day or night, enter an Adult Entertainment Establishment licensed, regulated, and governed under this by-law to determine whether the by-law is being complied with and, for this purpose, may make such examinations, investigations, and inquiries as are necessary.
- 5.3 No Person shall construct or equip any Premises used for a business licensed under this by-law so as to hinder the enforcement of this by-law.
- 5.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer or Person exercising a power or performing a duty under this by-law.

## **6.0 OFFENCES**

- 6.1 Where a Person has not renewed a licence by the expiry date, the licence is deemed to have expired. Any Person who carries on or engages in a business after a licence has expired is deemed to be operating without a licence in contravention of this by-law.
- 6.2 No Licensee shall operate his or her business when any condition imposed upon his or her licence is not fulfilled.
- 6.3 Any Person who contravenes any provision of this by-law is guilty of an offence.
- 6.4 Any Licensee or Person in control or apparent control of Premises licensed under this by-law who fails to identify himself or herself to an Officer who is investigating a breach of this by-law shall be deemed to have hindered or obstructed the Officer in the performance of his or her duties.

## **7.0 PENALTIES**

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7.1 Every Person who contravenes 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 one hundred thousand dollars (\$100,000.00) as provided for in the Municipal Act, 2001, as amended.

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7.2 Notwithstanding Subsection 7.1, every Person who is guilty of a continuing offence, on conviction is liable to a fine of no less than five hundred dollars (\$500.00), and no more than ten thousand dollars (\$10,000.00) for each day or part of a day that each offence continues, and the total of all fines for each offence is not limited to one hundred thousand dollars (\$100,000.00) as provided for in the Municipal Act, 2001, as amended.

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7.3 Every person who owns or operates an Adult Entertainment Establishment who contravenes 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 the fines mentioned in subsections 7.1 and 7.2 or to a special fine or to imprisonment for a term not exceeding one year, or to both a fine and imprisonment as provided for in the Municipal Act, 2001, as amended.

## **8.0 SEVERABILITY**

Should any section, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part, which is declared invalid.

## **9.0 INDEMNITY**

Notwithstanding the existence of any liability insurance or the failure of the Town to require the acquisition of such insurance, the applicant or Licensee hereby releases and forever discharges, and indemnifies and saves harmless, the Town, its officials, servants, employees and agents from any and all claims, demands, damages, losses, actions, causes of action or other liability sustained or suffered by the applicant, Licensee or any Person by reason of the issuance of any license, the acts or omissions of a Licensee or Person acting on his behalf, or anything done or omitted to be done in any way connected with an application or a licence under this by-law.

## **10.0 SCHEDULES**

The Schedules attached hereto form and are part of this by-law.

## **11.0 MEANING**

For the purpose of this by-law, where the words "his" or "he" are used they shall also mean or stand for the words "her" or "she" and, in the case of a corporation, "it" and where the singular is used it shall also mean or stand for the plural.

## **12.0 AMENDMENT and REPEAL OF BY-LAWS**

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THAT By-law No. 2001-0025, By-law No. 1984-0122, and By-law No. 1981-0141 respecting the Licensing of Businesses, By-law No. 1985-0006, By-law No. 1986-0097 and By-law No. 1992-0118 respecting the licensing of Trailers, By-law No. 1997-0162 respecting the licensing of Refreshment Vehicles, By-law No. 1996-0167, By-law No. 2001-0118, By-law No. 2001-0128, and By-law No.



2002-0051 respecting the licensing of Salvage Yards, By-law No. 2002-0084 respecting the licensing of Taxicabs and Limousines, and By-law No. 1981-0036 and By-law No.1997-0162 respecting the licensing of Lodging Houses, and By-law No. 1997-183 respecting Bed and Breakfast Establishments are hereby repealed in their entirety.

THAT By-law No. 2004-0023 respecting the licensing of Salvage Yards is hereby amended by deleting Sections 1,2,3,4,5,7 and 8.

THAT By-law No. 1994-0077 respecting animal control is hereby amended by deleting Section 3 and Schedule 'A' regarding the licensing of Canine Breeding and Boarding Establishments.

THAT By-law No. 2005-0017 be amended by deleting Lines 20 to 86 inclusively, as contained on Pages 12 and 13 of Schedule "A" and replacing it with Schedule "A" of this By-law.

**13.0 CONFLICT**

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Where this by-law conflicts with another by-law of the Town, the higher standard shall prevail.

**14.0 EFFECTIVE DATE**

Amended  
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This by-law shall come into force and take effect on the date of its enactment.

**BY-LAW** read and passed by the Council of the Town of Halton Hills this 28<sup>th</sup> day of June, 2005.

\_\_\_\_\_  
MAYOR Rick Bonnette

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CLERK Karen Landry