

Definitions

Adult Entertainment Parlour

-means any premises or part thereof in which is provided services designed to appeal to erotic or sexual appetites or inclinations

Amusement Device

-means any mechanical or electronic machine or device intended for use as a game or source of entertainment or amusement offered for use by the public by any person for profit or gain (includes pinball machine, television game, shooting gallery, or other similar machine or device) and may dispense prizes or more free games

Applicant

-means a person who is required to be licensed pursuant to this by-law or who has made application for a license (includes licensee)

Arcade A/B

A – means a building or structure or part thereof which is open to the public and where the principal business is the provision of amusement devices for use by the public

B – means a building or structure or part thereof which is open to the public where the principal business is something other than the provision of amusement devices for use by the public but which contains one or more amusement devices

Auctioneer

- means a person who conducts a sale by auction

Auction

-means a public sale to persons at which bids on goods, articles, merchandise, effects, etc. are received by an auctioneer and where each bid offers more than the last previous bid, the article being put up being sold to the highest bidder.

Automobile Body Repair

-means a business or premise that restores or does maintenance to the exterior of an automobile to return it to good condition and may include replacement of worn out parts and may include painting, body filling or refinishing of an automobile

Automobile Lease / Sales / Rental

-means a business or premise that offers to lease, sell or rent any automobile for remuneration and where in the case of a sale, the ownership will be transferred to any individual, firm or corporation

Automobile Service

-means a business or premise that mechanically repairs automobiles, including replacement of parts and where oils and other vehicle fluids are drained or replaced, and tires, gas tanks, radiators or other similar items are replaced or repaired.

Beauty Salon / Hairstylist / Esthetician

-means a business or premise offering facial or other skin or body treatments, and dressing of the hair (cutting, trimming, dyeing, bleaching, streaking, frosting, conditioning, shampooing, etc.) also may include tanning, manicures, pedicures and ear piercing

Bed & Breakfast

-means a single detached dwelling wherein not more than five rooms are rented with breakfast included, for the temporary accommodation of the traveling public and includes the living accommodation of the owners of the dwelling

Billiard Hall

-means a building or structure of part thereof where the provision of billiard, snooker or pool tables is available for use by the public for payment or hire

Body Piercing

-means a business or premise where parts of a body are punctured by a sharp-pointed instrument for the purpose of making a hole or opening through which an item may be attached to the body (other than earlobes)

Bowling Alley

-means a building, room or area which provides facilities for the game of bowling

Carnival / Exhibition

-means a business operating amusement rides, exhibits or other devices and authorized games of chance intended to entertain or amuse or provide entertainment to the public

Car Wash

-means a building and lot used for the washing and cleaning of motor vehicles by washing equipment

Caterer

-means a person who prepares and supplies food or meals for social, professional or other similar events

Charitable Organization

-means an organization (including a church) which is established and operated for charitable purposes and that has been granted charitable status by the Federal Government

Chief Building Official (CBO)

-means a person who may, from time to time, be appointed by Council pursuant to the Building Code Act

Circuses / Similar Shows

-means a performance exhibiting animal, acrobatic, clowns and other performances and their equipage and shall include any other similar show

Clerk

-means the Clerk of the Town of Fort Frances or his/her designate

Council

-means the Council of the Corporation of the Town of Fort Frances

Dry Cleaner

-means the business of dry cleaning, dry dyeing, cleaning, pressing and spot or stain removal, or other similar application to clothing or fabric

Eating Establishment

-means an establishment which is used for preparation, service, sale or offering for sale of foodstuffs and beverages to the public for immediate consumption (including restaurants, canteens and concessions) and may include a drive-through window

Electrolysis

-means a business or premise which offers the service of body hair removal

Enforcement Officer

-means a person appointed as a By-law Enforcement Officer or hired as an OPP Officer for the purpose of enforcing Town by-laws and carrying out inspections as required

Fire Chief

-means the Chief of the Town of Fort Frances Fire Department as appointed or his/her designate

Food Shop

-means all premises where foodstuffs intended for human consumption are made for sale, offered for sale, stored or sold and includes bakery, delicatessens, snack bar, butcher shops, confectionary, etc.

Food Truck / Trailer

-means a motorized vehicle or towed trailer from which refreshments and food are cooked, carried or offered for sale for consumption to the general public

General Contractor

-means a person who makes an agreement with another to do a piece of work, retaining in themselves control of the means, method and manner of producing

the result to be accomplished and includes a person who builds, alters, repairs or renovates existing buildings or structures

Grocery

-means any business where money is received from customers for the supply of packaged food products whether fresh, canned, or frozen or combination thereof

Home Occupation

-means an occupation, business or craft carried on as an accessory use to the use of the dwelling as the private residence of the person carrying on the occupation, business or craft (includes online sales)

Hotel / Motel

-means a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public also by the furnishing of sleeping accommodation of not fewer than six rooms

Inspection

-includes a physical visit to the premises, where applicable, or a document review or search

Issuer of Licenses

-means the Clerk of the Town of Fort Frances

Laundromat

-means a business or premise where coin operated washing machines and drying machines are operated for use by the public for the purpose of laundry cleaning

License

-means a Town of Fort Frances Business License issued pursuant to this by-law

Licensing Clerk

-means a person designated to provide administrative responsibility to business licensing

Lodging House

-means a house where lodging is provided for remuneration and where meals are provided for the boarders or where boarders are allowed access to the kitchen

Motor Vehicle Service Station (Gas Station)

-means a business where fuel and lubricants for vehicles is stored and made available for sale

Pawn Shop

-means a premise or building which accepts the business of taking a pawn or pledge of any article for the repayment of money lent thereon

Pet Groomer

-means a person who grooms, brushes, trims, manicures or otherwise attends to the cosmetic care of animals

Planner

-means the Municipal Planner for the Town of Fort Frances

Professionals

-means an office (part of building) where professionally qualified persons and their staff serve clients who seek advice, consultation or treatment including services from the following list: lawyer, doctor, accountant, massage therapist, physiotherapist, chiropractor, real estate agent, insurance agent, surveyor, consultant, dental hygienist, process server, etc.

Public Hall (includes Tents)

-means a premise or building (includes portable building or tent) which is offered for use or used as a place of public assembly

Recreational Vehicle & Watercraft Sales / Lease / Rental

-means a building or premise that offers to sell, lease or rent any recreational vehicle or watercraft for remuneration and where in the case of a sale, the ownership will be transferred to any individual, firm or corporation

Recreational Vehicle & Watercraft Service

-means a building or premise that mechanically repairs recreational vehicles or watercraft, including replacement of parts and where oils and other vehicle or watercraft fluids are drained and replaced, and any other similar items are replaced or repaired.

Recreational Vehicle & Watercraft Body Repair

-means a building or premise that restores or does maintenance to the exterior of a recreational vehicle or watercraft to return it to good condition and may include replacement of worn out parts and may include painting, body filling or refinishing of a recreational vehicle or watercraft.

Refreshment Vehicle (Mobile / Stationary)

-means any vehicle propelled by muscular power from which limited food or refreshments or frozen confections are sold or offered for sale for consumption by the public (e.g. hot dog cart, ice cream cart)

Retail Sales

-means any business where the majority of the revenue received from customers is derived from the retail sale of new items and service of items (not including groceries)

Second Hand Dealer

-means any business where the majority of revenue received from customers is derived from the retail sale of second hand goods

Small Engine Repair

-means a person who mechanically repairs small engines, including replacement of parts and where oils and other engine fluids are drained and replaced, and any other similar items are replaced or repaired

Storage Facility

-means a separate unit designed to be rented or leased to individuals or businesses for the storage of goods, materials or equipment

Tattoo Parlour

-means a business or premise where the skin of an individual is marked by puncturing it and inserting a pigment or pigments to make permanent marks or designs

Temporary Vendor

-means a business or a person, who on a temporary basis and for an initial period not to exceed 30 Consecutive days, sells or offers for sale, goods, wares, merchandise, items or service at any location or premise, but does not include a sales booth or location selling or offering second hand goods for sale

Tobacco Sales

-means a location, premise or operation where tobacco products are sold or offered for sale by retail (includes cigars, cigarettes, or similar substances and any other lighted smoking equipment)

Town

-mean the Corporation of the Town of Fort Frances

Tow Trucks

-means a motor vehicle that is used for hire for towing or otherwise conveying in the Town of Fort Frances vehicles as defined in the Highway Traffic Act, whether or not any such towed or conveyed vehicle is intact or in operable condition

Trades (not specifically listed elsewhere in this by-law)

-means those that are practicing the trades and have met the qualifications to perform the work to the industry standards, which is defined by the Ontario College of Trades and its regulations and/or any code prescribed by the Province or Municipality as amended from time to time (eg. Plumbing, Carpenter, etc.

Zoning By-law

-means a by-law enacted under section 34 of the Planning Act that regulates the use of land

General Provisions

Requirement to Obtain a Business Licence

-Every person carrying on, conducting, operating, maintaining, keeping, advertising or engaging in any business specifically identified in Table 1 to this by-law, is required to obtain a Town of Fort Frances Business Licence to do so from the Issuer of Licenses.

Application for a New Licence

-Every person required to obtain a licence pursuant to this by-law shall apply in writing on the appropriate application form (Schedule XX) as provided by the Issuer of Licenses.

The applicant shall deposit, at the time of application:

- a) all required Business Licence Fees as set out in the User Fee By-law (as amended annually)
- b) all required approvals and inspections
- c) required documentation
- d) any additional information deemed necessary by the Town of Fort Frances
- e) all taxes are paid up to the Town of Fort Frances (if required as a condition of licensing).

Separate applications will be submitted for each premise.

Application for a Renewal Licence

-Every person required to renew a licence previously granted (calendar year) under this by-law, shall submit an application form (Schedule YY) for renewal of the licence as previously provided. Every applicant shall obtain all inspections, approvals and documentation as required by this by-law or as deemed necessary by the Town of Fort Frances.

Change of Ownership

Every licensee shall, upon change of ownership of the licensed business return and surrender their current license to the Town of Fort Frances within 10 business

days. The new owner shall make application for a new license as set out in this by-law.

Change of Premise / Location / Name

Where a currently licensed business changes location / premise / name, such new location / premise / name shall not be deemed to be licensed. The applicant must immediately (within 10 business days) make application for a new license under the provisions of this by-law and shall surrender to the Town of Fort Frances the license issued in respect of their previous location / premise / name. A Transfer Fee shall be applied.

Inspection

-An Enforcement Officer or other duly appointed individual may at all reasonable times, inspect or cause to be inspected the premise, facilities, equipment, vehicles, and other property used or kept for hire in connection with the carrying on of a business that is licensed or that is required to be licensed pursuant to this by-law.

-The Town of Fort Frances may waive the requirement for any inspection, approval or documentation as may be required pursuant to this by-law where such inspection, approval or documentation is not applicable to the carrying on of the business that is licensed or required to be licensed under this by-law.

Posting of Licence

-The person to whom a licence is issued shall post the current licence on the premise or part thereof to which the licence pertains in such a position that may be readily seen and read by persons entering the premise. All licences issued under this by-law shall be prominently and conspicuously posted on the licensed premise at all times.

-Where a licence is issued to a person who goes place to place or a particular place with goods, wares or merchandise for sale, the licensee shall keep the licence (wallet card) with them at all times while carrying out their business and shall exhibit it to any member of the public, enforcement officer or other duly appointed person who so requests.