

# TOWN OF FORT FRANCES

## DRAFT BY-LAW

A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT FRANCES TO LICENCE, REGULATE AND GOVERN BUSINESSES CARRIED ON WITHIN THE MUNICIPALITY.

**WHEREAS** The *Municipal Act, 2001*, as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising the authority under the Act;

**AND WHEREAS** The *Municipal Act, 2001*, as amended provides that a single tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

**AND WHEREAS** The *Municipal Act, 2001*, as amended provides that a local municipality may licence, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

**AND WHEREAS** The *Municipal Act, 2001*, as amended provides that a municipality may exercise its licensing powers under this section including imposing conditions for the following reasons:

- (i) Health and Safety; and/or
- (ii) Nuisance Control; and/or
- (iii) Consumer Protection

**AND WHEREAS** pursuant to the provisions of Part IV of the *Municipal Act, 2001*, as amended, a municipality may pass by-laws for licensing, regulating and governing businesses;

**AND WHEREAS** section 151 of the *Municipal Act, 2001*, as amended, provides that, without limiting sections 9 and 10 of the Act, a municipality may provide for a system of licenses with respect to a business and may,

- (a) Prohibit the carrying on or engaging in the business without a licence;
- (b) Refuse to grant a licence or to revoke or suspend a licence;
- (c) Impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) Impose special conditions on a business in a class that has not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) Impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (f) Licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and,
- (g) Require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licenses established by the municipality;

**AND WHEREAS** pursuant to the provisions of Part XII of the *Municipal Act, 2001*, as amended, enable municipalities to pass by-laws for imposing fees or charges for permits and services provided or done by them;

**AND WHEREAS** on August 10, 2015, Council approved a recommendation from the Planning & Development Executive Committee to update and make legislative changes to the Business Licensing By-Law #57/05;

**NOW THEREFORE**, the Council of The Corporation of the Town of Fort Frances enacts as follows:

## **1. Definitions**

“adult entertainment parlour” – means any premises or part thereof, which is providing services designed to appeal to erotic or sexual appetites or inclinations;

“adult person” – means a person who has attained the age of 18 years or more;

“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 but, not limited to a pinball machine, television game, shooting gallery, coin-operated billiard table, 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” – 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;

“arcade 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;

“attendant” – means any person other than a licensed owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment parlour, and shall include an entertainer;

“auctioneer” - means a person who conducts a sale by auction;

“auction” – means a public sale to persons who bid 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 lease, sale or rental of any automobile for remuneration and where in the case of 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;

“cash security deposit” – means cash or a certified cheque;

“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” – means a person who may, from time to time, be appointed by Council pursuant to the Building Code Act;

“circuses and/or 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 Rescue/Service 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 or food 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;

“fuel dealer” – means any person, firm or corporation carrying on the business of dealing in, or selling, or providing for delivery gasoline, propane, coal, oil, wood, or any other fuel by retail.

“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 a person who issues business licenses, namely 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;

“licence” – means a Town of Fort Frances Business Licence issued pursuant to this by-law;

“licensing clerk” – means a person designated to provide administrative responsibility for business licensing;

“live performance” – means any performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations:

(a) of which a principal feature or characteristic is the nudity or partial nudity of any person: and

(b) in respect of which the word “nude,” “naked,” “topless,” “bottomless,” “sexy” or any other word or picture, symbol or representation having like meaning or implication is used in any sign, advertisement, or advertising device; and without restricting the generality of the foregoing, includes any performance, exhibition or activity involving striptease dancers, go-go dancers, exotic dancers, table dancers, wet clothing contests or best body contests;

“maintain” – means to be in charge of, or have control of the operation of a business, and shall include the operation of a vehicle;

“motor vehicle service station (gas station)” – means a business where fuel and lubricants for vehicles is stored and made available for sale;

“nuisance” – means any activity which disturbs or is likely to disturb any individual;

“operate” – means to manage, work, control or maintain, put or keep in a functional state any business;

“owner” – means the registered owner of the lands and premises or the person or their authorized agent in lawful control of the premises, building or occupancy and who permits the operation or maintenance of any business;

“pawn shop” – means a business or premise which accepts the business of taking a pawn or pledge of any article for the repayment of money lent thereon;

“person” – includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires. Wherever the word “he”, “him” or “his” is used, it shall mean and include the feminine or neutral gender wherever the context so requires;

“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;

“premise” – means land, including any buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business;

“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” – means a business or premise (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 business 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 business 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 business 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 vehicles (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;

“shall” – is mandatory and not directory; words in the singular include the plural; words in the plural include the singular words in the present tense include the future or past tense;

“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;

“trailer” shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle even if the vehicle (trailer) is jacked up or has its running gear removed, but does not include any vehicle designed for the living, sleeping or eating accommodation of persons therein.

“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” – means the Corporation of the Town of Fort Frances;

“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;

## **2. GENERAL PROVISIONS**

### **2.1 REQUIREMENT TO OBTAIN A BUSINESS LICENCE**

2.1.1 Every person carrying on, conducting, operating, maintaining, keeping, advertising or engaging in any business specifically identified in Section 3 to this by-law, is required to obtain a Municipal Business Licence from the Town of Fort Frances.

### **2.2 APPLICATION FOR NEW LICENCE**

2.2.1 Every person required to obtain a licence pursuant to this by-law shall apply in writing on the appropriate application form ("Schedule A") as provided by the Town of Fort Frances.

2.2.2 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).
- b) all required approvals and inspections.
- c) all required documentation.
- d) any additional information deemed necessary by the Town of Fort Frances.
- e) Outstanding tax arrears may be a requirement that is considered during the licensing process.

2.2.3 There shall be a separate application for each premise to be used or person to be licensed.

2.2.4 Each classification or category shall be checked off on the appropriate form ("Schedule A") as provided by the Town of Fort Frances and necessary fees paid in full.

2.2.5 The applicant shall comply with any and all requirements as set out in this by-law as well as any other provisions which may govern the business, place or premise used in the carrying on of the business and/or the persons carrying on the business or engaged in it and to which the application pertains.

2.2.6 The Town of Fort Frances, upon receipt of the application for a licence may make, cause to be made, or request any additional documents, investigations or inspections to be made in respect of such application for a licence as the Issuer of Licenses deems appropriate or in the interest of the general public, and any costs incurred for such inspection or documents shall be at the applicant's expense.

2.2.7 The applicant shall be responsible for obtaining all necessary inspections, documents and approvals as set out in section 3.1 (Table of Contents) to this by-law, as set out on the application and as deemed necessary by the Town of Fort Frances.

2.2.8 Upon receipt of a completed application for a licence and the appropriate fees for a licence have been paid; the Town of Fort Frances may, before the issuance of any such licence:

- (a) make any inquiries to any municipal official or employee, who has carried out inspections relative to the business under application,
- (b) receive reports from such municipal officials or employees as may be deemed necessary; and,
- (c) inquire into all relevant matters in order to ascertain if the applicant is entitled to a licence under the provisions of this by-law.

2.2.9 Upon being satisfied that the applicant is entitled to obtain a licence under the provisions of this by-law, the Town of Fort Frances shall prepare and issue a licence to the said applicant.

2.2.10 The applicant may be required to provide to the Issuer of Licenses at the time of application, proof of WSIB Insurance by providing a certificate of clearance.

## **2.3 APPLICATION FOR RENEWAL LICENCE**

2.3.1 Every person required to renew a licence previously granted under this by-law, shall submit an application form (“Schedule B”) 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.

2.3.2 The Town of Fort Frances shall not issue a licence until all required approvals and inspections have been obtained by the applicant, all required documentation has been provided and business licence fees have been paid in full.

2.3.3 Where the Town of Fort Frances receives an application for a renewal of a licence previously granted under this by-law and the appropriate fees have been paid, they shall, before the issuance of any such licence:

- (a) ensure that all inspections, approvals and documents as may be required have been obtained,
- (b) make inquiries into all relevant matters in order to ascertain if the applicant is entitled to obtain a renewed licence under the provisions of this by-law,
- (c) inquire into any relevant changes in circumstances since the previous licence was issued to the applicant,
- (d) make any inquiries and receive reports as may be deemed necessary from any municipal official or employee, who has carried out inspections or investigations relative to the business under application,

2.3.4 The applicant may be required to provide to the Issuer of Licenses at the time of application, proof of WSIB Insurance by providing a certificate of clearance.

## **2.4 FORM OF LICENCE**

2.4.1 Every licence shall show therein:

- (a) the operating name of the business or person to whom the licence is issued;
- (b) the operating address of the premise or location for which the licence is issued;
- (c) the mailing address, phone number, contact name and email address for the business or person to whom the licence is issued;
- (d) the type of licence granted;
- (e) the date of issue;
- (f) the effective date of the licence;
- (g) the date of expiration; and
- (h) shall be signed by the Issuer of Licenses or their designate.

## **2.5 ADMINISTRATION FEE**

An administration fee as set out in the User Fee By-Law (as amended) shall apply to the following:

### **Duplicate Licence:**

2.5.1 In the event that a licence issued under this by-law is lost or destroyed, the Town of Fort Frances upon satisfactory proof of such loss or destruction, and upon payment of the administration fee, the Town of Fort Frances shall issue a duplicate of the original licence, upon which shall be stamped or marked the word “DUPLICATE”.

### **Change of Ownership:**

2.5.2 Every licensee shall, upon change of ownership of the licensed business return and surrender their current licence to the Town of Fort Frances within ten (10) business days. The new owner shall make application for a new licence as set out in this by-law and make payment of the appropriate administration fee.

### **Change of Premise or Location:**

2.5.3 Where a currently licensed business changes location or premise, such new location or premise shall not be deemed to be licensed. The applicant shall make application for a new licence under the provisions of this by-law and shall surrender the original licence issued to the Town of Fort Frances within ten (10) business days. The applicant will also pay the appropriate administration fee.

### **Change of Name:**

2.5.4 Where ownership of a business is not changed or affected, but such the operating name of the business changes, the licensee shall notify the Town of Fort Frances within ten (10) business days and upon making application, payment of the administration fee and the Issuer of Licenses being satisfied that there have been no changes in the circumstances of the licensed business, may issue a replacement of the original licence. The licensee shall return and surrender their licence in order to affect such a change.

## **2.6 INSURANCE**

2.6.1 The applicant shall maintain liability insurance consisting of a Commercial General Liability policy covering public liability, property damage and business operations in an amount not less than \$2,000,000.00 per occurrence, unless otherwise specified in Section 3.

2.6.2 The applicant may be requested to obtain liability insurance naming the Town of Fort Frances as additional insured, based on the type of business being operated.

## **2.7 INSPECTION**

2.7.1 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 any 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.

2.7.2 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.

## **2.8 NUISANCE ABATEMENT**

2.8.1 Every person required to be licensed under this by-law, in addition to any other provisions or requirements expressed elsewhere in the by-law, shall:

- (a) at all times maintain and keep safe and clean and in good condition and repair any object, amusement, vehicle, place or premise for which the licence is issued;
- (b) not cause, suffer, or permit any obstruction on any highway, lane or public place in front of or adjoining the place or premise for which the licence was issued;
- (c) not breach or violate or cause, suffer, or permit any breach or violation of any by-law of the Town of Fort Frances or of any local board, thereof, or any statute, Order-in-Council, or Regulation of the Province of Ontario or Parliament of Canada thereof, in,



upon, or in connection with the place or premise for, or in relation to which such licence was issued.

**2.9 REGISTRY**

2.9.1 The Issuer of Licenses shall keep a licence register in which the following shall be recorded:

- (a) the full operating name and address of each licensee;
- (b) the address of the place or premise in which the licensee carries on, conducts or operates, maintains, keeps, or engages in the business, trade, occupation or calling, object or amusement for which the licence was issued;
- (c) the number of the licence;
- (d) the date of issue;
- (e) the amount of the licence fee paid;
- (f) the date of expiry of the licence
- (g) the type of licence issued;
- (h) and any other particulars or observations pertaining to the same that are useful or necessary.

2.9.2 Applicants have the option of having their business name and address listed as part of the Town of Fort Frances Business Directory which is located on the Town Website ([www.fortfrances.ca](http://www.fortfrances.ca)).

**2.10 CHARITABLE ORGANIZATIONS**

2.10.1 Notwithstanding Section 2.1.1, no charitable or non-profit organization conducting tag days or approved by the Clerk to sell items, for raising funds for such charitable organization shall be required to obtain a licence under the provisions of this by-law as long as the charitable organization provides the Town of Fort Frances with their valid charitable organization number or other acceptable verification.

**2.11 POSTING OF LICENCE**

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

2.11.2 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 person, enforcement officer or other duly appointed person who so requests.

**2.12 EXPIRY OF LICENCE**

2.12.1 The date of expiry for all licenses, except those that may be otherwise specified within this by-law or specified as a Special Condition as authorized by the Issuer of Licenses, shall expire annually on December 31st, at 11:59 p.m.

2.12.2 All licenses issued by the Issuer of Licenses will remain the property of the Town of Fort Frances and shall be returned or surrendered when a business closes or as required by the provisions of this by-law.

## **2.13 REFUSAL TO GRANT OR RENEW A LICENCE**

2.13.1 The Issuer of Licenses may refuse to grant or issue a licence to any applicant who:

- (a) there are reasonable grounds to believe that any application or other document provided contains a false statement or provides false information;
- (b) the past or present conduct of the applicant, or any partner, or any director, or officer of a Corporation, affords reasonable cause to believe that the applicant, partner, or officer will carry on the activity for which the licence is to be issued, or to continue to be licensed in accordance with the law, or with honesty and integrity;
- (c) the applicant has been advised that a condition has been applied to their licence application in regards to outstanding taxes owing and no agreement has been made with the Town of Fort Frances;
- (d) the issuance of the licence or renewal of the licence would be contrary to the public interest;
- (e) has past or present breaches of this by-law or its predecessor;
- (f) the fee payable in respect of the licence applied for has not been paid;
- (g) a complaint which, in the opinion of the Issuer of Licenses, is not frivolous or vexatious, has been received about the holder of a licence relating to the operation of their business;
- (h) the applicant for a licence renewal was issued with condition(s) and the applicant has failed to comply with the condition(s).
- (i) has failed to comply with the requirements of this by-law or other applicable by-laws of the Town of Fort Frances or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Province of Ontario or the Parliament of Canada, or any Agency, Board or Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licence activity.

## **2.14 SUSPENSION/REVOCATION**

2.14.1 The administrative power and authority to refuse to issue a licence, to cancel, revoke or suspend a licence, or to impose conditions on a licence, are hereby delegated to the Issuer of Licenses and their delegates, pursuant to Section 23.2 of the Municipal Act, 2001, as amended.

2.14.2 The Issuer of Licenses may suspend or revoke a licence issued to any licensee who:

- (a) has breached this by-law or its predecessor;
- (b) has failed to comply with the requirements of this by-law or other applicable by-laws of the Town of Fort Frances or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Province of Ontario or the Parliament of Canada, or any Agency, Board or Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premise,

facilities, equipment, vehicles and other property used or kept for hire in connection with the licence activity;

## **2.15 WRITTEN DECISION OF THE ISSUER OF LICENSES**

2.15.1 The Issuer of Licenses shall provide written notice to the applicant or licensee of the decision with respect to the licence application, renewal, or its status.

2.15.2 The written notice under Subsection 2.15.1 shall:

- (a) set out the grounds for the decision;
- (b) give reasonable particulars of the grounds;
- (c) be signed by the Issuer of Licenses;
- (d) state that the applicant or licensee is entitled to request a hearing to be conducted by the Planning & Development Executive Committee;
- (e) be mailed to the applicant or licensee by regular mail, personal delivery, registered mail or such other method that the Issuer of Licenses specifies.

## **2.16 APPEAL OF A DECISION OF THE ISSUER OF LICENCES**

2.16.1 An applicant or licensee who is not satisfied with the decision, or any term or condition that has been imposed, may apply for an appeal to the Planning & Development Executive Committee by sending by regular mail, email or in person to the Secretary of the Planning & Development Executive Committee or Office of the Clerk, within ten (10) days of receipt of the decision. Along with the appeal application a non-refundable appeal fee as set out in the User Fee By-Law (as amended annually) shall be paid in full to the Town of Fort Frances.

## **2.17 APPEAL DOES NOT ACT AS A STAY OF DECISION**

2.17.1 An appeal, under Section 2.16.1, of a decision does not act as a stay of that decision.

## **2.18 REASONS FOR APPEAL**

2.18.1 An applicant or licensee may appeal the decision of the Issuer of Licenses if they believe that any of the following circumstances apply:

- (a) the decision of the Issuer of Licenses was wrong in law, fact, or both law and fact: or
- (b) there was a failure to observe a principle of natural justice.

## **2.19 CONFIRMATION OF A DECISION**

2.19.1 A decision of the Issuer of Licenses that is not appealed within the time frame referred to in Section 2.16.1 shall be deemed to be confirmed.

## **2.20 LICENCE APPEAL COMMITTEE**

2.20.1 A committee is hereby established pursuant to Section 23.5 of the *Municipal Act, 2001, as amended*, under the name “Planning & Development Executive Committee”, which shall be composed of not more than three (3) members of Council.

2.20.2 The Licence Appeal Committee has the powers and authority to conduct appeals of decisions made by the Issuer of Licenses.

2.20.3 The Licence Appeal Committee shall designate one of the members as chair and may designate one or more other members as vice-chairs of the Planning & Development Executive Committee.

2.20.4 The Chair shall have general supervision and direction over the conduct of the affairs of the Committee. Two (2) members of the Licence Appeal Committee constitutes a quorum.

2.20.5 In place of the Council, the Licence Appeal Committee shall afford the parties an opportunity to be heard, and make decisions and recommendations from hearings so held.

2.20.6 The Licence Appeal Committee shall apply By-Laws of the Council and have the powers, duties and rights as applicable under the *Statutory Powers Procedures Act, R.S.O. 1990, c. S.22*.

2.20.7 There shall be a secretary to the Licence Appeal Committee, who shall attend all meetings of the Committee and shall keep all necessary records and perform such duties required by the Licence Appeal Committee.

2.20.8 The secretary shall arrange the sittings of the Licence Appeal Committee.

2.20.9 Where a hearing is conducted, an appellant must “show-cause” why the licence should be granted, or why it should not be cancelled, refused, revoked or suspended, with or without conditions.

2.20.10 Where the Licence Appeal Committee is satisfied that the application for the hearing is frivolous or vexatious, the Committee may refuse to grant a hearing to the appellant.

2.20.11 The provisions of Sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act R.S.O. 1990, c.S.22, as amended*, shall apply to all hearings conducted by the Licence Appeal Committee under this by-law.

## **2.21 DISCLOSURE OF DOCUMENTS AND THINGS**

2.21.1 Each party to a hearing shall disclose to all other parties not less than ten (10) days before the hearing or, as otherwise ordered by the Licence Appeal Committee, the existence of every document or thing that it will refer to, or give in evidence at the hearing.

## **2.22 FAILURE TO ATTEND HEARING**

2.22.1 When the appellant who has been given written notice of the hearing does not attend at the appointed time and place, the Licence Appeal Committee may proceed with the hearing in the appellant’s absence and the appellant shall not be entitled to any further notice of the proceedings.

## **2.23 DISMISSAL OF HEARING**

2.23.1 After confirming the appellant received notice of the hearing, the Licence Appeal Committee may:

(a) where the appellant fails to appear, or fails to submit material(s), dismiss the appeal;  
or

(b) where the appellant appears and the hearing proceeds, dismiss the appeal at any time during the hearing if the Committee finds it without merit.

## **2.24 COSTS**

2.24.1 The Licence Appeal Committee may not make any order as to costs.

## **2.25 WRITTEN DECISION**

2.25.1 At the conclusion of a hearing, the Licence Appeal Committee may give its decision orally or reserve its decision, but in any case shall provide its decision in writing, with reasons, within fourteen (14) days of the hearing to the Appellant and the Issuer of Licenses.

## **2.26 POWERS OF THE COMMITTEE**

2.26.1 On an appeal, the Licence Appeal Committee has all the powers and functions of the Issuer of Licenses who made the decision and may make any decision that the Issuer of Licenses was entitled to make in the first instance, and the Licence Appeal Committee may do any of the following things if, in its opinion, doing so would maintain the general intent and purpose of the By-Law:

- (a) modify or rescind the decision or any condition;
- (b) extend any time for complying with a decision or any condition.

2.26.2 The Licence Appeal Committee, after a hearing, may consider:

- (a) a breach of the provisions of this By-Law;
- (b) anything which may be in any way adverse to the public interest;
- (c) the belief that the person will not carry on, or engage in the business in accordance with the applicable law(s), or with honesty or integrity;
- (d) if any person has made a false statement in the application for the licence or renewal thereof; and
- (e) any other matter which the Licence Appeal Committee is authorized by law to consider.

2.26.3 The Licence Appeal Committee shall send a copy of its final decision or order, including any reasons, to each party to a hearing, or to the person who represented the party by:

- (a) regular mail;
- (b) registered mail;
- (b) electronic mail; or
- (d) such other method that the Committee specifies.

## **2.27 EFFECT OF DECISION**

2.27.1 A decision that has been confirmed, modified or rescinded by the Licence Appeal Committee, as the case may be, shall be final and binding upon the appellant who shall comply with the decision within the time specified and in the manner specified in the decision where applicable.

## **2.28 RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION**

2.28.1 When a licence has been revoked, cancelled or suspended, the holder of the licence shall return the licence to the Town of Fort Frances within twenty-four (24) hours

of service of the “written notice” of the decision of the Issuer of Licenses or, where an appeal had been filed, the decision of the Licence Appeal Committee, and the Issuer of Licenses or their designate may enter the business premises belonging to the licensee for the purpose of receiving, taking, or removing the said licence.

2.28.2 When a person has their licence revoked or suspended under this By-Law, he or she shall deliver the licence to the Issuer of Licenses and in no way shall obstruct or prevent the Issuer of Licenses or their designate from obtaining the licence.

## **2.29 SERVICE OF NOTICE OR ORDER**

2.29.1 Any notice or order required to be given or served under this By-Law is sufficiently served if delivered personally or sent registered mail or by electronic mail, addressed to the person to whom delivery or service is required to be made, at the last address for service appearing in the records of the licensing registry.

2.29.2 When service is made by registered mail, the service shall be deemed to be made on the seventh day (7) after the date of mailing, unless the person on whom service is being made establishes he did not, through absence, accident, illness, or other cause beyond their control, receive the notice or order until a later date.

## **2.30 ENFORCEMENT**

2.30.1 A Municipal Law Enforcement Officer, Police Officer, or other duly appointed individual may enforce the provisions of this by-law.

2.30.2 No person shall obstruct, hinder, or otherwise interfere with an enforcement officer in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

## **2.31 SCOPE AND AUTHORITY**

2.31.1 Where a matter is subject to provincial regulation, any provision of this by-law is without effect to the extent that it prohibits or regulates the matter in substantially the same way as or in a more restrictive way than the provincial regulation.

## **2.32 SEVERABILITY**

2.32.1 Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

## **2.33 EXEMPTIONS**

2.33.1 The Issuer of Licenses may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption(s) as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

## **2.34 PENALTIES**

2.34.1 Every person or director or officer of a corporation who contravenes or knowingly concurs in the contravention of any of the provisions of this by-law, including an order

issued under this by-law, is guilty of an offence and shall, upon conviction thereof, forfeit and pay a minimum penalty of three hundred (\$300.00) or a maximum penalty of five thousand dollars (\$5,000.00), exclusive of costs and every such fine is recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P33, as amended.

2.34.2 Should this by-law be contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-Law, the court may impose an order prohibiting the continuation or repetition of the offence by the person convicted.

## 2.35 **TRAILERS**

2.35.1 Except as specifically exempted and provided for in section 2.35.2 of this section, no business or persons carrying on or engaged in a business shall:

- (a) store or warehouse anything in or on a trailer; nor
- (b) have a trailer in or which to store or warehouse anything.

2.35.2 A business which, as an integral part of its operations:

- (a) stores or parks trailers, buses, or semi-trucks/tractors, for commercial purposes; or
- (b) leases or rents trailers, buses or semi-trucks/tractors, for hire for commercial purposes, and to which a license has been granted by the Municipality permitting the business to do the things provided for in this section, is exempted from section 2.35.1 of this Part.

2.35.3 Notwithstanding that a business may have been exempted by section 2.35.2 of this Part, the persons carrying on or engaged in such exempted business shall nonetheless:

- (a) keep all trailers and surrounding area clean and clear of waste, mess and unsightly clutter and litter; and
- (b) ensure that all trailers and the things so stored or warehoused in or on the trailers are maintained, parked, and otherwise kept in a manner that is:
  - (i) safe; and
  - (ii) not a danger to the health and safety of the inhabitants of the Town; and;
- (c) not permit the trailers or things stored in them to be, or become a public nuisance.

2.35.4 It shall be a condition of the obtaining, continuing to hold or renewing a license by the Municipality under this by-law (permitting the business to do the things provided in

2.35.2 (a) and (b) of this Part) that the persons carrying on or engaged in a business exempted from section 2.35.1 of this Part shall allow the Municipality at any reasonable times to inspect places and premises used in the carrying on of the business and the trailers, vehicles, and other personal property used or kept for hire in connection with the carrying on of the business.

### 3 **OPERATING CRITERIA FOR ALL BUSINESSES**

#### 3.1 **Table of Contents**

Please be advised that the listing of required approvals or inspections may not include all information required. Such other civic departments, boards, commissions, authorities or other agencies that the Issuer of Licenses considers may have an interest in the application, may be requested to submit comments or recommendations to the Town of Fort Frances within such time as specified by the Issuer of Licenses.

LICENCE CATEGORY	REQUIRED APPROVALS, INSPECTIONS OR DOCUMENTATION
Adult Entertainment Parlour Sec 3.2	Zoning, Building, Fire, OPP, Liability Insurance \$2,000,000.00, By-Law, Council Location Approval, NWHU, WSIB (if applicable).
Arcade – Class A Sec 3.3	Zoning, Building, Fire, Liability Insurance \$2,000,000.00, By-Law, Consent Forms for people under 16 years of age, WSIB (if applicable).
Arcade – Class B Sec 3.3	Zoning, Building, Fire, Liability Insurance \$2,000,000.00, By-Law.
Auctioneer Sec 3.4	Zoning, Building, Liability Insurance \$2,000,000.00, By-Law.
Automobile Lease/Sales/Rental Sec 3.5	Zoning, Building, Fire, Liability Insurance \$2,000,000.00, By-Law, WSIB (if applicable).
Automobile Body Repair Sec 3.6	Zoning, Building, Fire, By-Law, List of Current Employees and Certificate of Qualification for each, Liability Insurance \$2,000,000.00, WSIB (if applicable).
Automobile Service Sec 3.7	Zoning, Building, Fire, Liability Insurance \$2,000,000.00, By-Law, Certificate of Qualification for each, WSIB (if applicable).
Beauty Salon / Hairstylist / Esthetician Sec 3.8	Zoning, Building, Health Unit Inspection, List of Current Employees and Certificate of Qualification for each, Liability Insurance \$2,000,000.00, By-Law, Water Meter, WSIB (if applicable).
Bed & Breakfast / Lodging House Sec 3.9	Zoning, Building, Fire, Health Unit Inspection, Liability Insurance \$2,000,000.00 ESA, WSIB (if applicable).
Billiard Hall	Zoning, Building, Fire, Liability Insurance \$2,000,000.00, By-Law, Criminal Reference



Sec 3.10	Check (if required), WSIB (if applicable), Consent Forms for people under 16 years of age.
Bowling Alley Sec 3.11	Zoning, Building, Fire, Liability Insurance \$2,000,000.00, Criminal Reference Check (if required), WSIB (if applicable), By-Law, Consent Forms for people under 16 years of age (if required).
Carnival / Exhibition Sec 3.12	Zoning, Building, Fire, Ontario Amusement Device Permit, TSSA Certificate, Liability Insurance \$5,000,000.00 with Town named as additional insured if held on municipal property, By-Law, FFPC, ESA, WSIB (if applicable).
Car Wash Sec 3.13	Zoning, Building, Liability Insurance \$2,000,000.00, By-Law, Water Meter, WSIB (if applicable).
Charitable Organization Sec 2.10	Zoning, Building, By-Law, List of all Employees working in Town and copy of Charitable Organization Number.
Circuses / Similar Shows Sec 3.14	Zoning, Building, Fire, Liability Insurance \$5,000,000.00 with Town named as additional insured if held on municipal property, Criminal Reference Check (if required), WSIB (if applicable).
Eating Establishment / Food Shop / Caterer Sec 3.15	Zoning, Building, Fire, Health Unit Inspection, By-Law, Liability Insurance \$2,000,000.00, Water Meter, Liquor License (if applicable), WSIB (if applicable), ESA.
Food Truck / Trailer Sec 3.16	Zoning, Building, Fire, Health Unit Inspection, By-Law, TSSA Certificate, Liability Insurance \$2,000,000.00, Location(s) list with owner approvals of business operating, Safety Standards Certificate, WSIB (if applicable).
Fuel Dealer Sec 3.17	Zoning, Building, Fire, By-Law, Liability Insurance \$5,000,000.00, WSIB (if applicable).
General Contractor Sec 3.18	Zoning, Building, Fire, By-Law, Liability Insurance \$2,000,000.00, WSIB (if applicable).

Grocery Sec 3.19	Zoning, Building, Fire, By-Law, Liability Insurance \$2,000,000.00, WSIB (if applicable).
Home Occupation Sec 3.20	Zoning, Building, By-Law, Liability Insurance \$2,000,000.00, Water Meter (if applicable), WSIB (if applicable).
Hotel / Motel Sec 3.21	Zoning, Building, Fire, Health Unit Inspection, Liability Insurance \$2,000,000.00, By-Law, WSIB (if applicable).
Laundromat / Dry Cleaner Sec 3.22	Zoning, Building, Fire, Liability Insurance \$2,000,000.00, By-Law, WSIB (if applicable).
Motor Vehicle Service Station (Gas Station) Sec 3.23	Zoning, Building, Fire, Liability Insurance \$2,000,000.00, By-Law, WSIB (if applicable).
Pawn Shop Sec 3.24	Zoning, Building, By-Law, OPP, Liability Insurance \$2,000,000.00, Security Deposit \$2,000.00, Signage Requirements, Security System Installation, Record Keeping System, Redemption Requirements WSIB (if applicable).
Pet Groomer Sec 3.25	Zoning, Building, By-Law, Liability Insurance \$2,000,000.00, Water Meter, WSIB (if applicable).
Professionals Sec 3.26	Zoning, Building, By-Law, Liability Insurance \$2,000,000.00, WSIB (if applicable).
Public Hall Sec 3.27	Zoning, Building, Fire, By-Law, Liability Insurance \$2,000,000.00 ESA, WSIB (if applicable).
Recreational Vehicle & Watercraft Sales/Lease/Rental Sec 3.28	Zoning, Building, Fire, By-Law, Liability Insurance \$2,000,000.00, WSIB (if applicable).
Recreational Vehicle & Watercraft Service Sec 3.29	Zoning, Building, Fire, By-Law, Liability Insurance \$2,000,000.00, WSIB (if applicable).
Recreational Vehicle & Watercraft Body Repair Sec 3.29	Zoning, Building, Fire, By-Law, Liability Insurance \$2,000,000.00, WSIB (if applicable).

Refreshment Vehicle (Mobile / Stationary) Sec 3.30	Zoning, Building, Fire, Vehicle Safety Certificate, Health Unit Inspection, Liability Insurance \$2,000,000.00 and Written Permission of Property Owner(s), TSSA, WSIB (if applicable).
Retail Sales Sec 3.31	Zoning, Building, Fire, By-Law, Liability Insurance \$2,000,000.00, WSIB (if applicable).
Second Hand Dealer Sec 3.32	Zoning, Building, Fire, By-Law, Record Keeping System, Liability Insurance \$2,000,000.00 WSIB (if applicable).
Small Engine Repair Sec 3.33	Zoning, Building, Fire, By-Law, Liability Insurance \$2,000,000.00 WSIB (if applicable).
Tattoo Parlour / Body Piercing / Electrolysis Sec 3.34	Zoning, Building, Fire, Health Unit Inspection, Liability Insurance \$2,000,000.00, WSIB (if applicable).
Temporary Vendor (Door to Door Sales) Sec 3.35	Zoning, Building, By-Law, Liability Insurance \$2,000,000.00, Written Permission from Property Owner(s), WSIB (if applicable).
Tobacco Sales Sec 3.36	Provincial Tobacco License, Liability Insurance \$2,000,000.00, Health Unit Inspection, Zoning, WSIB (if applicable).
Trades Sec 3.37	List of Current Employees College of Trades Certificates for each, Vehicle Information, Zoning, Building, By-Law, Liability Insurance, WSIB (if applicable).

### 3.2 **Adult Entertainment Parlour**

Authority: Municipal Act, S.O. 2001, c.25

#### 3.2.1 **Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Adult Entertainment Parlours within Municipal boundaries to:

- (a) Ensure that consumers are protected;
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of an Adult Entertainment Parlour.

#### 3.2.2 **Location Designations**

- (a) No person shall operate an adult entertainment parlour within Municipal boundaries except:
  - (i) in defined areas or locations designated by Council for the Town of Fort Frances.

(ii) under the authority of a current licence or renewed license pursuant to this by-law and that is not suspended or revoked.

(b) The number of licenses authorized for the operation of adult entertainment parlours within the municipality may be limited at any time by the Council of the Town of Fort Frances and not more than one licence shall be issued with respect to each Area designated.

### **3.2.3 Operating Requirements – New/Renewal Licenses**

(a) No person shall operate or maintain an Adult Entertainment Parlour with the Town of Fort Frances without first having obtained a business licence to do so.

(b) The applicant shall provide to the Issuer of Licenses at the time of application, proof of liability insurance in the minimum amount of \$2,000,000 and the licensee shall provide to the Issuer of Licenses at the time of application, proof of WSIB Insurance by providing a certificate of clearance.

(c) The full name, street address and mailing address of the applicant and location where business is to be located as well as evidence that the applicant has an interest in the lands and premises upon which the adult entertainment parlour is to be operated which will enable the owner or operator to carry on the business. As well as, the full name and address of any employee whose name is not otherwise disclosed and who has any financial interest beneficially in or otherwise exercises control or direction over the applicant.

(d) Shall provide whether or not the applicant is a sole proprietorship, partnership or corporation. Also, the applicant shall provide a Criminal Reference Check for themselves as well as any other person whose name is disclosed in the application.

(e) The applicant shall provide the class of any licence issued in respect of the premises under the Liquor Licence Act and the particulars of the licence along with any special terms and conditions that are attached thereto.

(f) No holder of an adult entertainment parlour licence nor operator of an adult entertainment parlour shall permit any person under the age of 19 years to enter and remain in the adult entertainment parlour during the hours of operation where the premises is licensed under the Liquor Licence Act, and it is a term and condition of that licence that neither the holder of that licence nor the operator of an adult entertainment parlour shall not permit any person under or apparently under the age of 19 years to enter or remain upon the licensed premises.

(g) No holder of an adult entertainment parlour licence or operator of an adult entertainment parlour shall employ a person under the age of 18 years to entertain in an adult entertainment parlour.

(h) No holder of a licence nor operator of an adult entertainment parlour shall, in respect of any adult entertainment parlour operated by such persons, knowingly permit any attendant, while providing services as an attendant, to touch, or be touched by, or have physical contact with, any other person in any manner whatsoever involving any part of that person's body.

(i) No holder of an adult entertainment parlour licence nor operator of an adult entertainment parlour shall fail to ensure that all services provided by an attendant are within view of the main stage without obstruction by any wall, curtain or other enclosure.

(j) No attendant shall while providing services as an attendant at an adult entertainment parlour, touch or have physical contact with any other person in any manner whatsoever involving any part of that person's body.

(k) No holder of an adult entertainment parlour licence nor operator shall use or permit to be used a public address system, sound equipment, loud speaker or any similar device outside the premises in which an adult entertainment parlour is located.

(l) No holder of an adult entertainment parlour licence nor operator of an adult entertainment parlour shall permit any person to carry on the activity outside the premises of shouting or speaking to or distributing handbills to persons passing by for the purpose of promoting the adult entertainment parlour or soliciting persons passing by to patronize or enter the adult entertainment parlour.

(m) No holder of an adult entertainment parlour licence nor operator of an adult entertainment parlour shall use any sign, advertising or advertising device, including any printed matter, posted or used outside the premises for the purpose of promoting the adult entertainment parlour, or any photograph, drawing or other artistic rendering appealing to, or designed to appeal to, erotic or sexual appetites or inclinations that shows:

(i) the nipples or areolae uncovered of a female person or the public, perineal or perineal areas uncovered of a male or female person; or

(ii) the act, whether actual or simulation, of sexual intercourse, cunnilingus, fellatio, bestiality, masturbation, urination or defecation, or the bonding, flagellation, mutilation, maiming or murder of one or more human beings.

### **3.3 Arcade Classes A & B**

#### **3.3.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to license, regulate and govern Arcades within Municipal boundaries to:

(a) Ensure that consumers are protected;

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of an Arcade.

(d) Ensure the safety of children under the age of 16 years in Arcades – Class A.

#### **3.3.2 Operating Requirements – New/Renewal Licenses**

##### **3.3.2.1 Arcade – Class A**

(a) No person shall operate an Arcade – Class A within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) An Arcade – Class A must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) The full name, street address and mailing address of the applicant and location where business is to be located as well as evidence that the applicant has an interest in the lands and premises upon which the Arcade – Class A is to be operated which will enable the owner or operator to carry on the business. As well as, the full name and address of any employee whose name is not otherwise disclosed and who has any financial interest beneficially in or otherwise exercises control or direction over the applicant.

(d) Shall provide whether or not the applicant is a sole proprietorship, partnership or corporation. Also, the applicant shall provide a Criminal Reference Check for themselves as well as any other person whose name is disclosed in the application.

(e) No person who is a holder of an Arcade – Class A licence shall fail to have every part of the Arcade – Class A sufficiently lighted so as to permit the safe use of the facility by the public.

(f) No person who is a holder of an Arcade – Class A licence shall fail to locate within the Arcade – Class A electrical receptacles accessible to users of the premises.

(g) No person who is a holder of an Arcade – Class A licence shall fail to have the Arcade – Class A supervised by an adult person who shall remain on the premises at all times when the premises is open in accordance to this by-law.

(h) The holder of an Arcade – Class A licence or the operator or supervisor of an Arcade – Class A shall not permit any person under the age of 16 years to play or operate any amusement machines or amusement devices unless said person's parent or guardian has submitted written consent with respect to said person in the form of Schedule "C", attached hereto and forming part of this by-law.

#### **3.3.2.2 Arcade - Class A Hours of Operation**

No person who is a holder of an Arcade – Class A license shall operate:

(a) on any day which is defined as a "Holiday" under the Retail Business Holidays Act, as amended.

(b) between the hours of 11:00 pm (of said day) to 9:00am (following day).

#### **3.3.2.3 Arcade – Class B**

(a) No person shall operate an Arcade – Class B within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) No person who is a holder of an Arcade – Class B licence shall fail to have every part of the Arcade – Class B sufficiently lighted so as to permit the safe use of the facility by the public.

(c) No person who is a holder of an Arcade – Class B licence shall fail to locate within the Arcade – Class B electrical receptacles accessible to users of the premises.

(d) No person who is a holder of an Arcade – Class B licence shall fail to have the Arcade – Class B supervised by an adult person who shall remain on the premises at all times when the premises is open in accordance to this by-law.

#### **3.3.2.4 Arcade – Class B Hours of Operation**

(a) An Arcade – Class B shall only be permitted to operate during the regular hours of operation of the principal business.

### **3.4 Auctioneer**

#### **3.4.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Auctioneers within the Municipal boundaries to:

(a) Ensure that consumers are protected by having auction items sold by an individual with no criminal record;

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of an Auctioneer;

(d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.4.2 Operating Criteria**

(a) No person shall sell or put up for sale goods, wares, merchandise or effects by public auction within the Town without first having obtained a licence to do so.

(b) The auctioneer shall, prominently display at each auction, their licence issued and shall in all public advertisements of any nature used by them in the course of their business, include their municipal licence number.

(c) No auctioneer shall permit any disorder in their auction room or offices.

(d) No auctioneer shall knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale.

(e) No auctioneer shall do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he pays for any article(s) or give away articles or sell them for nominal amounts to stimulate bidding.

(f) No auctioneer shall by deceit, falsehood, or other fraudulent means stimulate or raise bids or cause to stimulate or raise bids affecting the selling price of any item offered for sale to the public by public auction.

(g) No auctioneer shall sell or put up for sale by auction any goods, wares, merchandise or effects on a reserve bid basis without first having announced to those in attendance at the auction the fact that such item is held on reserve bid.

(h) Every auctioneer shall advise the Issuer of Licenses a minimum of seven (7) days in advance, the time, date and location of every auction scheduled.

(i) Nothing herein contained shall apply to a Sheriff or Bailiff Sale.

(j) Nothing in this section shall in anyway affect or invalidate the claim of any auctioneer for goods warehoused with them, and on which have made advances.

(k) Service clubs and registered charitable organizations conducting Silent Auctions or Chinese Auctions, and as approved by the Issuer of Licenses shall be exempt from the provisions of this by-law.

(l) Every auctioneer shall keep proper books of account of the business transacted by them as an auctioneer. Such books shall give the names and addresses of the owners of the goods, wares, merchandise or effects to be sold. The description of the same, the price for which the same may be sold, the names and addresses of the persons purchasing such goods, wares, merchandise or effects or any portion thereof. The price for which the same was sold and the auctioneers shall forthwith, after the sale of same, or any portion thereof, account for the proceeds and pay the same to the person(s) entitled to such proceeds, less the auctioneer's legal and proper commissions and charges. They shall, in case of no sale is made of such goods, on payment of their proper costs and charges, return such goods to the person(s) entitled to receive such goods on proper demand being made for such goods.

### **3.5 Automobile Lease/Sales/Rental**

#### **3.5.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to license, regulate and govern Automobile Lease/Sales/Rental Services within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.5.2 Operating Criteria**

- (a) No person shall operate or maintain the business of Automobile Leasing or Automobile Rental or Automobile Sales within Municipal boundaries without first having obtained a licence to do so.
- (b) The licensee shall provide to the Issuer of License at the time of application, a valid Motor Vehicle Dealers Certificate issued by the Ministry of Transportation.
- (c) The licensee shall ensure that the make, model, vehicle identification number and licence plate number is recorded for each automobile leased or rented.
- (d) No person shall permit the licensed premises to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law.
- (e) No person shall park or store any motor vehicle on any sidewalk, boulevard, highway or roadway.
- (f) No person shall permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes.
- (g) No person shall remove or cause to be removed any snow from the premises to any public sidewalk, street or roadway.
- (h) Every person shall keep the premises free from rubbish and in a clean and neat condition.
- (i) Every person shall keep any sidewalk or street upon which the premises abuts free from any dirt or other foreign substance derived from or resulting from the use thereof.

### **3.6 Automobile Body Repair**

#### **3.6.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Automobile Body Repair within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;



(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.6.2 Operating Criteria**

(a) No person shall operate or maintain the business of Automobile Body Repair within Municipal boundaries without first having obtained a licence to do so.

(b) The licensee shall provide to the Issuer of License at the time of application, a valid Certificate of Qualification from the Ontario College of Trades.

(c) The licensee shall ensure that the make, model, vehicle identification number and licence plate number is recorded for each automobile leased or rented.

(d) No person shall permit the licensed premises to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law.

(e) No person shall park or store any motor vehicle on any sidewalk, boulevard, highway or roadway.

(f) No person shall permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes.

(g) No person shall remove or cause to be removed any snow from the premises to any public sidewalk, street or roadway.

(h) Every person shall keep the premises free from rubbish and in a clean and neat condition.

(i) Every person shall keep any sidewalk or street upon which the premises abuts free from any dirt or other foreign substance derived from or resulting from the use thereof.

## **3.7 Automobile Service**

### **3.7.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Automobile Service within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.7.2 Operating Criteria**

(a) No person shall operate or maintain the business of Automobile Service within Municipal boundaries without first having obtained a licence to do so.

(b) The licensee shall provide to the Issuer of Licenses at the time of application, a valid Certificate of Qualification from the Ontario College of Trades and provide a copy of their

Motor Vehicle Inspection Station Certificate and Drive Clean Program License (if applicable) issued in the name of the applicant.

- (c) The licensee shall ensure that the make, model, vehicle identification number and licence plate number is recorded for each automobile leased or rented.
- (d) No person shall permit the licensed premises to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law.
- (e) No person shall park or store any motor vehicle on any sidewalk, boulevard, highway or roadway.
- (f) No person shall permit the engine of any motor vehicle to run in any building whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes.
- (g) No person shall remove or cause to be removed any snow from the premises to any public sidewalk, street or roadway.
- (h) Every person shall keep the premises free from rubbish and in a clean and neat condition.
- (i) Every person shall keep any sidewalk or street upon which the premises abuts free from any dirt or other foreign substance derived from or resulting from the use thereof.

### **3.8 Beauty Salon/Hairstylist/Esthetician**

#### **3.8.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Beauty Salon/Hairstylist/Esthetician within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.8.2 Operating Criteria**

- (a) No person shall operate or maintain the business of Beauty Salon/Hairstylist/Esthetician within Municipal boundaries without first having obtained a licence to do so.
- (b) The licensee shall provide to the Issuer of Licenses at the time of application, or as otherwise requested, an annual Certificate of Inspection letter from the Northwestern Health Unit.
- (c) The licensee shall provide to the Issuer of Licenses at the time of application and maintain with the Issuer of Licenses at all times, a current list of employees providing service as an esthetician and/or hairstylist (including trade numbers).
- (d) No licensee shall employ as a hairstylist in any establishment or permit any person to engage in the trade of hairstyling therein, unless such person is employed or engaged in such trade is:
  - (i) a holder of a current Certificate of Qualifications as a hairstylist as issued pursuant to the Ontario College of Trades.

(ii) registered as an apprentice hairstylist under the Ontario College of Trades.

(e) The licensee shall ensure that no room in any premises licensed hereunder is used as a living, eating, food preparing, bathing or sleeping quarters.

(g) The applicant shall make the necessary arrangements with the Operations & Facilities Division in regards to the requirements for, and installation of a water meter.

### **3.9 Bed & Breakfast/Lodging House**

#### **3.9.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Bed & Breakfast/Lodging House within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.9.2 Operating Criteria**

(a) No person shall operate or maintain the business of Bed & Breakfast or Lodging House within Municipal boundaries without first having obtained a licence to do so.

(b) The applicant shall provide at the time of application the name, address and telephone number of the registered owner of the property. If the registered owner of the property is a corporation, the name, address and telephone number of the Chief Officer and the secretary. As well as the name, address and telephone number of the keeper, manager, superintendent or custodian of the building, if not the same as the owner.

(c) Every person shall keep a register of all patrons showing their name, address, the vehicle make and license plate number including Province or State from which such plate was issued. The date of admission and departure and shall provide such register upon the request of any enforcement officer in the course of their duties as authorized by this by-law.

(d) The licensee shall at all times maintain a list detailing the number of guestrooms and facilities offered by the establishment.

(e) Every person shall ensure that each guestroom is provided with clean linens, including towels, and any other customary toiletry for each registered individual on a daily basis.

(f) Every person shall ensure that the use and intended use of the property is in compliance with the Town of Fort Frances Zoning By-Law, as amended.

(g) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business.

(h) An electrical inspection certificate is required at the time of application, or as otherwise requested, by the Issuer of Licences, verifying the building is in compliance with the Electrical Safety Authority.

(i) An inspection certificate may be required at the time of application, by the Issuer of Licences, from a certified technician that the heating system is in safe working order.

### **3.10 Billiard Hall**

#### **3.10.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Billiard Halls within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.10.2 Operating Criteria**

- (a) No person shall operate a Billiard Hall within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A Billiard Hall must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.
- (c) The full name, street address and mailing address of the applicant and location where business is to be located as well as evidence that the applicant has an interest in the lands and premises upon which the billiard hall is to be operated which will enable the owner or operator to carry on the business. As well as, the full name and address of any employee whose name is not otherwise disclosed and who has any financial interest beneficially in or otherwise exercises control or direction over the applicant.
- (d) Shall provide whether or not the applicant is a sole proprietorship, partnership or corporation. Also, the applicant shall provide a Criminal Reference Check for themselves as well as any other person whose name is disclosed in the application.
- (e) No person who is a holder of a billiard hall licence shall fail to have every part of the billiard hall sufficiently lighted so as to permit the safe use of the facility by the public.
- (f) No person who is a holder of a billiard hall license shall fail to locate within the billiard hall electrical receptacles accessible to users of the premises.
- (g) No person who is a holder of a billiard hall licence shall fail to have the billiard hall supervised by an adult person who shall remain on the premise at all times when the premise is open in accordance to this by-law.
- (h) The holder of a billiard hall license or the operator or supervisor of a billiard hall shall not permit any person under the age of 16 years to play or operate any pool table unless said person's parent or guardian has submitted written consent with respect to said person in the form of Schedule "C", attached hereto and forming part of this by-law.

#### **3.10.3 Billiard Hall Hours of Operation**

No person who is a holder of a billiard hall licence shall operate:

(a) on any day which is defined as a “Holiday” under the Retail Business Holidays Act, as amended.

(b) between the hours of 11:00 pm (of said day) to 9:00am (following day).

### **3.11 Bowling Alley**

#### **3.11.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Bowling Alleys within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.11.2 Operating Criteria**

(a) No person shall operate a Bowling Alley within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) A Bowling Alley must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) The full name, street address and mailing address of the applicant and location where business is to be located as well as evidence that the applicant has an interest in the lands and premises upon which the billiard hall is to be operated which will enable the owner or operator to carry on the business. As well as, the full name and address of any employee whose name is not otherwise disclosed and who has any financial interest beneficially in or otherwise exercises control or direction over the applicant.

(d) Shall provide whether or not the applicant is a sole proprietorship, partnership or corporation. Also, the applicant shall provide a Criminal Reference Check for themselves as well as any other person whose name is disclosed in the application.

(e) No person who is a holder of a bowling alley licence shall fail to have every part of the bowling alley sufficiently lighted so as to permit the safe use of the facility by the public.

(f) No person who is a holder of a bowling alley licence shall fail to locate within the bowling alley electrical receptacles accessible to users of the premises.

(g) No person who is a holder of a bowling alley licence shall fail to have the bowling alley supervised by an adult person who shall remain on the premise at all times when the premise is open in accordance to this by-law.

### **3.12 Carnival/Exhibition**

#### **3.12.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Carnivals/Exhibitions within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.12.2 Operating Criteria**

(a) No person shall operate a Carnival/Exhibition within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) A Carnival/Exhibition must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) The applicant shall provide the Issuer of Licenses at the time of application. Proof of liability insurance in the minimum amount of \$5,000,000.00 and where the carnival is to take place on municipal property, such insurance shall name the Town of Fort Frances as an additional insured and proof of WSIB Insurance by providing a certificate of clearance.

(d) The applicant shall provide the Issuer of Licenses at the time of application, or as otherwise requested, an Ontario Amusement Device Permit and TSSA Certificate issued within 12 months of the date of application.

(e) The applicant shall provide to the Issuer of Licenses at the time of application, the name and address of the person having control and charge of the operation of the carnival/exhibition.

(f) No person having control or charge of such an operation shall commence to assemble or erect any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus, or mechanical device or ride or any other structure or erection until a licence has been obtained.

(g) The licensee shall ensure that the electrical system, equipment, fuses and switches are inaccessible to the public and cables in the ground in areas used by the public are placed in trenches or suitably protected as required by the Electrical Safety Authority.

(h) The licensee shall ensure that all electrical systems are operated and maintained in a safe manner as per Electrical Safety Authority Regulations.

(i) The licensee may be requested by the Issuer of Licenses to provide a Criminal Reference Check at the time of application.

## **3.13 Car Wash**

### **3.13.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Car Washes within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.13.2 Operating Criteria**

(a) No person shall operate a Car Wash within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) A Car Wash must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) This section shall not apply to a bay(s) contained within any premises where car washing is performed as a provided operation to any other primary purpose of such premises.

(d) No person shall permit the engine of a motor vehicle to run in any building, unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes.

(e) No person shall use or permit to be used, any portion of the premises for washing of motor vehicles unless during hours of business, adequate illumination is provided to the service bay(s), such lighting is to be arranged as to deflect light into the service bay(s) and away from adjoining properties or streets.

(f) No person shall use or permit to be used, any portion of the premises for washing of motor vehicles unless one-way driveways are clearly designated by a sign at the street line.

(g) The applicant shall make the necessary arrangements with the Operations & Facilities Division in regards to the requirements for, and installation of a water meter.

## **3.14 Circuses & Similar Shows**

### **3.14.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Car Washes within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.14.2 Operating Criteria**

(a) No person shall operate a Circus & Similar Show within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) A Circus & Similar Show must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) The applicant shall provide to the Issuer of Licenses at the time of application, proof of liability insurance in the minimum amount of \$5,000,000 and the licensee shall provide to the Issuer of Licenses at the time of application, such insurance shall name the Town of Fort Frances as an additional insured and proof of WSIB Insurance by providing a certificate of clearance.

(d) No person owning, operating or having control or charge of a circus, travelling show or similar show shall locate within the Town or commence to assemble or erect within the Town, any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus or mechanical device or ride or other structure or erection.

(e) No licensee of a public hall within the Town who has rented or leased such public hall or authorized the same to be used by a circus or similar show, shall permit or allow such circus or show to assemble or erect in such assembly hall, any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus or mechanical device, ride or any other structure or erection until a licence has been obtained for the operation and conduct of such circus, travelling or similar show.

(f) The licensee shall ensure that the electrical system, equipment, fuses and switches are inaccessible to the public and cables in the ground in areas used by the public are placed in trenches or suitably protected as required by the Electrical Safety Authority.

(g) The licensee shall ensure that all electrical systems are operated and maintained in a safe manner as per Electrical Safety Authority Regulations.

(h) The licensee may be requested by the Issuer of Licenses to provide a Criminal Reference Check at the time of application.

### **3.15 Eating Establishment/Food Shop/Caterer**

#### **3.15.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Eating Establishments/Food Shops/Caterers within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.15.2 Operating Criteria**

(a) No person shall operate an Eating Establishment/Food Shop/Caterer within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) An Eating Establishment/FoodShop/Caterer must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners and the licensee shall ensure that all premises comply with the Building Code Act, S.O. 1992, c.23, as amended

(c) The applicant shall provide to the Issuer of Licenses at the time of application, or as otherwise requested an annual Certificate of Inspection Letter from the Northwestern Health Unit and remain in compliance with all requirements of the Northwestern Health Unit.

(d) The applicant shall provide to the Issuer of Licenses at the time of application, or as otherwise requested the occupant load for the premise as set out by the Fire Chief of the Fort Frances Fire/Rescue Service and comply with all requirements within the Fire Protection and Prevention Act S.O. 1997, c.4, as amended.



- (e) The licensee shall ensure that the operation (if alcohol is served) is in compliance with the Liquor License Act R.S.O. 1990, c.L19, as amended.
- (f) The licensee shall ensure that no dogs, cats or other animals are allowed in any premise or place where food is kept, stored, cooked, prepared or served, unless it is in respect of any person who is visually impaired and being guided or led by a service animal.
- (g) The applicant shall provide to the Issuer of Licenses at the time of application, a copy of the Liquor Licence as issued by the Alcohol and Gaming Commission of Ontario, if alcohol is served within the premise.
- (h) No person shall operate an outdoor patio as an extension to an eating establishment without proper licensing.
- (i) No person shall operate a refreshment vehicle of any class as an extension of an eating establishment without proper licensing.
- (j) Every person employed in such premise shall keep themselves and their wearing apparel in a clean and sanitary condition.
- (k) No person licensed hereunder shall purchase, use, sell, offer for sale or have in their possession any meat unless such meat has been inspected and displays on the carcass, the inspection legend of the Ontario Ministry of Agriculture, Food and Rural Affairs or of the Department of Agriculture or Agriculture Canada.
- (l) The licensee shall ensure that all fresh meat and fish offered for sale shall be clearly identified.
- (m) The applicant shall make the necessary arrangements with the Operations & Facilities Division in regards to the requirements for, and installation of a water meter.

### **3.16 Food Truck/Trailer**

#### **3.16.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Eating Establishments/Food Shops/Caterers within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.16.2 Operating Criteria**

- (a) No person shall operate a Food Truck/Trailer within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A Food Truck/Trailer must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners and the licensee shall ensure that all premises comply with the Building Code Act, S.O. 1992, c.23, as amended

- (c) The applicant shall provide to the Issuer of Licenses at the time of application, or as otherwise requested an annual Certificate of Inspection Letter from the Northwestern Health Unit and remain in compliance with all requirements of the Northwestern Health Unit.
- (d) The applicant shall provide to the Issuer of Licenses at the time of application the vehicle identification number and license plate number as issued by the Ministry of transportation for each vehicle owned by the company and a valid and current Safety Standards Certificate issued pursuant to the Highway Traffic Act R.S.O. 1990, c. H.8, as amended.
- (e) The applicant shall provide to the Issuer of Licenses at the time of application a valid and current Mobile Food Service Equipment Approval from the TSSA (Technical Standards & Safety Authority).
- (f) The applicant shall comply with all the requirements as set out by the Fire Chief of the Fort Frances Fire/Rescue Service and comply with all requirements as set out within the Fire Protection and Prevention Act S.O. 1997, c.4, as amended.
- (g) Every licensee shall ensure that every refreshment vehicle is equipped with adequate refuse containers with lids, and such containers shall be kept in a clean and sanitary condition and emptied as necessary and are located to be easily accessible by the public making purchases while the vehicle is stopped.
- (h) No licensee shall permit any individual other than a bona fide employee to operate the food truck/trailer.
- (i) The licensee shall ensure that every vehicle displays in a contrasting colour and in clearly visible letters on both side panels, the operating name of the business as it appears on their business license.
- (j) Every owner shall take out a separate licence for each refreshment vehicle owned and operated by them and the plate issued in respect of such licence shall be securely affixed to the rear of the vehicle and be visible at all times.
- (k) Every licensee shall at their own expense, whenever required to do so by the Issuer of Licenses or any enforcement officer in the course of their duties request such vehicle to be brought for an inspection.
- (l) No person shall operate a food truck/trailer on adequately zoned private property without the express written permission of the owner or their authorized agent.
- (m) No person shall operate a food truck/trailer within any park, boulevard, sidewalk or any other municipal property unless authorized to do so by the Town.
- (n) No person shall stop, park or otherwise carry on business from a food truck/trailer for the purpose of selling or offering for sale any refreshments or product at a distance of less than 50 feet from any intersection, within 100 feet of any school grounds or within 100 feet of any public park, unless authorized by the Town to do so.
- (o) No person shall stand, stop or park or permit to stand, stop or be parked, any vehicle contrary to any Municipal By-Law, the Highway Traffic Act or other statute or by-law that may be applicable.
- (p) No person shall operate a food truck/trailer between the hours of 12:00am (midnight) to 7:00am on any day.

### **3.17 Fuel Dealer**

#### **3.17.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Fuel Dealers within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.17.2 Operating Criteria**

- (a) No person shall operate a Fuel Dealer within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A Fuel Dealer must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners and the licensee shall ensure that all premises comply with the Building Code Act, S.O. 1992, c.23, as amended
- (c) The applicant shall provide to the Issuer of Licenses at the time of application, proof of liability insurance in the minimum amount of \$5,000,000 and the licensee shall provide to the Issuer of Licenses at the time of application, proof of WSIB Insurance by providing a certificate of clearance.
- (d) Every person shall ensure that each delivery person employed to deliver fuel within the municipal limits of the Town holds a valid Province of Ontario Driver's Licence with the appropriate classes designated to operate a fuel delivery truck.
- (e) Every person shall ensure that all fuel products are adequately stored and maintained in a safe manner.
- (f) The applicant shall comply with all the requirements as set out by the Fire Chief of the Fort Frances Fire/Rescue Service and comply with all requirements as set out within the Fire Protection and Prevention Act S.O. 1997, c.4, as amended.

### **3.18 General Contractor**

#### **3.18.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern General Contractors within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.18.2 Operating Criteria**

- (a) No person shall operate as a General Contractor within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A General Contractor must meet the Town of Fort Frances Zoning By-Law requirements, as amended and shall not be a nuisance to surrounding landowners.
- (c) Every general contractor shall ensure that all necessary permits are obtained prior to commencement of any work and shall ensure that any and all inspections of completed work are obtained, as may be necessary.
- (d) No building permit shall be issued unless such general contractor has obtained a municipal licence to carry on the business as a general contractor.

### **3.19 Grocery**

#### **3.19.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Grocery Stores within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of an this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.19.2 Operating Criteria**

- (a) No person shall operate as a Grocery Store within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A Grocery Store must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.
- (c) Upon request by the Issuer of Licenses, the applicant shall provide any other requirements or copies of inspections by other agencies to validate that the business is in accordance with all relevant legislation.

### **3.20 Home Occupation**

#### **3.20.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Home Occupation within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.20.2 Operating Criteria**

(a) No person shall operate as a Home Occupation within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) A Home Occupation must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) Upon request by the Issuer of Licenses, the applicant shall provide any other requirements or copies of inspections by other agencies to validate that the business is in accordance with all relevant legislation.

(d) The applicant shall ensure that they have advised Operations & Facilities of the business being conducted and fulfilled the requirement(s) for a water meter as determined by the Operations & Facilities Manager.

## **3.21 Hotel/Motel**

### **3.21.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Hotel/Motels within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.21.2 Operating Criteria**

(a) No person shall operate as a Hotel/Motel within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) A Hotel/Motel must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) The applicant shall comply with all the requirements as set out by the Fire Chief of the Fort Frances Fire/Rescue Service and comply with all requirements as set out within the Fire Protection and Prevention Act S.O. 1997, c.4, as amended.

(d) The applicant shall provide to the Issuer of Licenses at the time of application, or as otherwise requested a Certificate of Inspection Letter from the Northwestern Health Unit and remain in compliance with all requirements of the Northwestern Health Unit.

## **3.22 Laundromat/Dry Cleaner**

### **3.22.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Laundromat/Dry Cleaner within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.22.2 Operating Criteria**

(a) No person shall operate a Laundromat/Dry Cleaner within Municipal boundaries without holding a current valid license for such premises or business issued under the provisions of this by-law.

(b) A Laundromat/Dry Cleaner must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) The applicant shall provide to the Issuer of Licenses a Certificate of Inspection Letter from the Fort Frances Fire/Rescue Service, ensuring compliance with the Fire Prevention & Protection Act S.O. 1997, c.4, as amended.

(d) Every person who holds a licence as a laundromat/dry cleaner shall keep their premise and any appurtenances or equipment thereto in a clean and sanitary condition as required by the Northwestern Health Unit and shall not allow any of the rooms used in connection with the said licence to be used for sleeping quarters.

(e) Every person employed in such premises licensed under this section shall keep themselves and his wearing apparel in a clean and sanitary condition.

(f) Every licensee shall cause the premises, in respect of such licence, together with any offices, appurtenances and any vehicles, wagons or trucks used by them in their business, to be kept in a clean and sanitary condition.

## **3.23 Motor Vehicle Service Station (Gas Station)**

### **3.23.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Motor Vehicle Service Station (Gas Station) within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of an this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.23.2 Operating Criteria**

(a) No person shall operate a Motor Vehicle Service Station within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) A Motor Vehicle Service Station must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

- (c) No person shall permit the licensed premise to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law.
- (d) No person shall park or store any motor vehicle on any sidewalk, boulevard, highway or road.
- (e) Every person shall keep the premise free from rubbish and in a clean and neat condition.
- (f) Every person shall keep any sidewalk, boulevard or street upon which the premise abuts free from snow, dirt or other foreign substances resulting from the use thereof.
- (g) Every person shall display in a conspicuous place at or upon the licensed premise a sign or signs bearing, in readily legible letters, the hours during which the licensed premise are open for business and clearly identifying the business name and address.

### **3.24 Pawn Shop**

#### **3.24.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Pawn Shops within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.24.2 Operating Criteria**

- (a) No person shall operate as a Pawn Shop within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A Pawn Shop must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.
- (c) The applicant shall provide to the Issuer of Licenses at the time of application, proof of liability insurance in the minimum amount of \$2,000,000 and the licensee shall provide to the Issuer of Licenses at the time of application, proof of WSIB Insurance by providing a certificate of clearance.
- (d) The applicant shall comply with all of the requirements as set out in the Pawnbrokers Act R.S.O. 1990, c P.6, as amended. (i.e.: record keeping, security deposit, signage, etc).
- (e) The licensee shall ensure that every vehicle displays in a contrasting colour and in clearly visible letters on both side panels, the operating name of the business as it appears on their business licence and shall provide the vehicle identification, description of vehicle and plate number with Province or State issued to the Issuer of Licenses at the time of application.

### **3.25 Pet Groomer**

#### **3.25.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Pet Groomer within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.25.2 Operating Criteria**

- (a) No person shall operate as a Pet Groomer within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A Pet Groomer must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.
- (c) No person shall allow any pet being accommodated in respect of the pet grooming services, to be kept in any outdoor run, compound or other area.
- (d) Every person shall ensure that while such pet is in their possession, the pet is kept in a sanitary, well ventilated and clean, safe and healthy location.
- (e) Every person shall ensure that while such pet is in their possession, the pet is kept in accordance with all Municipal By-Laws and the Dog Owner's Liability Act R.S.O. 1990, C D16., as amended.
- (f) Every person shall ensure that any cage in which a pet is to be kept is appropriate for the safe harbouring of such animal and that in no case shall such cage be kept at a height greater than five feet from the floor level when a pet is being kept in or harboured in such cage.
- (g) The applicant shall ensure that they have advised Operations & Facilities of the business being conducted and fulfilled the requirement(s) for a water meter as determined by the Operations & Facilities Manager.

## **3.26 Professionals**

### **3.26.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Professionals within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.26.2 Operating Criteria**

- (a) No person shall operate as a Professional within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.



(b) A Professional must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) Upon request by the Issuer of Licenses, the applicant shall provide any other requirements or copies of inspections by other agencies to validate that the business is in accordance with all relevant legislation.

### **3.27 Public Hall**

#### **3.27.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Public Hall within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.27.2 Operating Criteria**

(a) No person shall operate as a Professional within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) A Professional must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) The applicant shall provide to the Issuer of Licences at the time of application, or when otherwise requested the occupant load for the premise as set by the Fire Chief of the Fort Frances Fire/Rescue Service and shall be in compliance with all requirements under the Fire Prevention and Protection Act S.O. 1997, c. 4, as amended.

(d) No licence shall be required by any religious organization in respect of a hall used for entertainment given or held by it, however, every such hall shall in all other aspects comply with this by-law.

(e) The licensee of a Public Hall shall ensure that all obstructions, including accumulations of ice and snow are removed from all entry/exit ways and fire escapes prior to admitting members of the public.

(f) Every person shall keep any sidewalk, boulevard or street upon which the premise abuts free from any dirt, snow or other foreign substance derived from or resulting from the use thereof.

(g) No person shall smoke in a public hall contrary to any Municipal By-Law or Provincial Legislation.

(h) The licensee shall ensure that the public hall is kept in a clean and well maintained state and clear of any rubbish or debris.

(i) The licensee shall ensure that the heating equipment is cleaned and maintained in a good state of repair.

(j) The licensee shall ensure that the electrical system and any portable electrical systems are inspected by the Electrical Safety Authority, and any defects found are corrected before the premise is occupied by the public.

### **3.28 Recreational Vehicle & Watercraft Sales/Lease/Rental**

#### **3.28.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Recreational Vehicle & Watercraft Sales/Lease/Rental within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.28.2 Operating Criteria**

- (a) No person shall operate as a Recreational Vehicle & Watercraft Sales/Lease/Rental within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A Recreational Vehicle & Watercraft Sales/Lease/Rental must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.
- (c) No person shall permit the licensed premise to be used for the wrecking or storage of wrecked vehicles, unless licensed to do so under the provisions of this by-law.
- (d) No person shall park or store any recreational or watercraft vehicle on any sidewalk, boulevard, highway or road.
- (e) No person shall permit the engine of any recreational or watercraft vehicle to run in any building whether on a frame or in a recreational or watercraft vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes.
- (f) Every person shall keep the premise free from rubbish or debris and in a clean and neat condition.
- (g) Every person shall keep any sidewalk, boulevard or street upon which the premise abuts free from any dirt, snow or other foreign substance derived from or resulting from the use thereof.

### **3.29 Recreational Vehicle & Watercraft Service/Body Repair**

#### **3.29.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Recreational Vehicle & Watercraft Service/Body Repair within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

### **3.29.2 Operating Criteria**

(a) No person shall operate as a Recreational Vehicle & Watercraft Sales/Lease/Rental within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) A Recreational Vehicle & Watercraft Sales/Lease/Rental must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) No person shall park or store any recreational or watercraft vehicle on any sidewalk, boulevard, highway or road.

(d) No person shall permit the engine of any recreational or watercraft vehicle to run in any building whether on a frame or in a recreational or watercraft vehicle, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes.

(e) Every person shall keep the premise free from rubbish or debris and in a clean and neat condition.

(f) Every person shall keep any sidewalk, boulevard or street upon which the premise abuts free from any dirt, snow or other foreign substance derived from or resulting from the use thereof.

### **3.30 Refreshment Vehicle (Mobile/Stationary)**

#### **3.30.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Refreshment Vehicles (Mobile/Stationary) within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.30.2 Operating Criteria**

(a) No person shall operate a Refreshment Vehicle (Mobile/Stationary) within the Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) A Refreshment Vehicle (Mobile/Stationary) must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) The applicant shall provide to the Issuer of Licenses at the time of application, or as otherwise requested a Certificate of Inspection Letter from the Northwestern Health Unit and remain in compliance with all requirements of the Northwestern Health Unit.

- (d) The applicant shall provide to the Issuer of Licenses at the time of application a valid and current Mobile Food Service Equipment Approval from the TSSA (Technical Standards & Safety Authority).
- (e) The applicant shall comply with all the requirements as set out by the Fire Chief of the Fort Frances Fire/Rescue Service and comply with all requirements as set out within the Fire Protection and Prevention Act S.O. 1997, c.4, as amended.
- (f) Every licensee shall ensure that every refreshment vehicle is equipped with adequate refuse containers with lids, and such containers shall be kept in a clean and sanitary condition and emptied as necessary and are located to be easily accessible by the public making purchases while the vehicle is stopped.
- (g) No licensee shall permit any individual other than a bona fide employee to operate the food truck/trailer.
- (h) The licensee shall ensure that every vehicle displays in a contrasting colour and in clearly visible letters on both side panels, the operating name of the business as it appears on their business licence.
- (i) Every owner shall take out a separate licence for each refreshment vehicle owned and operated by them and the licence issued in respect of such business shall be securely affixed to the vehicle and be visible at all times.
- (j) Every licensee shall at their own expense, whenever required to do so by the Issuer of License or any enforcement officer in the course of their duties request such vehicle to be brought for an inspection.
- (k) No person shall operate a refreshment vehicle on adequately zoned private property without the express written permission of the owner or their authorized agent.
- (l) No person shall operate a refreshment vehicle within any park, boulevard, sidewalk or any other municipal property unless authorized to do so by the Town.
- (m) No person shall stop, park or otherwise carry on business from a refreshment vehicle for the purpose of selling or offering for sale any refreshments or product at a distance of less than 50 feet from any intersection, within 100 feet of any school grounds or within 100 feet of any public park, unless authorized by the Town to do so.
- (n) No person shall stand, stop or park or permit to stand, stop or be parked, any vehicle contrary to any Municipal By-Law, the Highway Traffic Act or other statute or by-law that may be applicable.
- (o) No person shall operate a refreshment vehicle between the hours of 12:00am (midnight) to 7:00am on any day.
- (p) Every person selling or handling refreshments and foodstuffs shall be clean and neat in appearance and shall maintain clean hands at all times.
- (q) Every licensee shall ensure that the vehicle and all parts and equipment for use in the dispensing of refreshments are maintained in a clean and sanitary condition and at all times in good repair.

### **3.31 Retail Sales**

#### **3.31.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Retail Sales Stores within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.31.2 Operating Criteria**

- (a) No person shall operate a Retail Sales Store within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A Retail Sales Store must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

### **3.32 Second Hand Dealer**

#### **3.32.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Second Hand Dealers within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of an this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.32.2 Operating Criteria**

- (a) No person shall operate as a Second Hand Dealer within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A Second Hand Dealer must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.
- (c) Upon request by the Issuer of Licenses, the applicant shall provide any other requirements or copies of inspections by other agencies to validate that the business is in accordance with all relevant legislation.
- (d) The applicant shall ensure that a sound record keeping system is kept of all transactions. The record system shall be made available to an enforcement officer in the performance of their duties.

### **3.33 Small Engine Repair**

#### **3.33.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Small Engine Repair within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.33.2 Operating Criteria**

- (a) No person shall operate a Small Engine Repair within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A Small Engine Repair must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.
- (c) No person shall park or store any piece of machinery on any sidewalk, boulevard, highway or road.
- (d) No person shall permit the engine of any piece of machinery to run in any building whether on a frame or on a machine, unless adequate ventilation is provided to ensure dilution of carbon monoxide fumes.
- (e) Every person shall keep the premise free from rubbish or debris and in a clean and neat condition.
- (f) Every person shall keep any sidewalk, boulevard or street upon which the premise abuts free from any dirt, snow or other foreign substance derived from or resulting from the use thereof.

### **3.34 Tattoo parlour/Body Piercing/Electrolysis**

#### **3.34.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Tattoo Parlour/Body Piercing/Electrolysis Shop within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.34.2 Operating Criteria**

- (a) No person shall operate a Tattoo Parlour/Body Piercing/Electrolysis Shop within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) A Tattoo Parlour/Body Piercing/Electrolysis Shop must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.

(c) The applicant shall provide to the Issuer of Licenses at the time of application, or as otherwise requested a Certificate of Inspection Letter from the Northwestern Health Unit and remain in compliance with all requirements of the Northwestern Health Unit.

(d) The licensee shall ensure that no food or beverages are offered for sale or sold on the premises.

(e) The licensee shall ensure that no room in the premises is being used as a living, eating, food preparing, bathing or sleeping quarters.

(f) The applicant shall comply with all the requirements as set out by the Fire Chief of the Fort Frances Fire/Rescue Service and comply with all requirements as set out within the Fire Protection and Prevention Act S.O. 1997, c.4, as amended.

### **3.35 Temporary Vendor (Door to Door Sales)**

#### **3.35.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Temporary Vendors within Municipal boundaries to:

(a) Ensure that consumers are protected.

(b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;

(c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;

(d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.35.2 Operating Criteria**

(a) No person shall operate as a Temporary Vendor within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.

(b) No person shall operate or maintain a temporary sales booth or location on any private property within Municipal boundaries without the express written permission of the property owner including specific time for which the applicant, is permitted to operate at such location.

(c) The applicant shall provide to the Issuer of Licenses at the time of application, or as otherwise requested, such written permission and statement of time frame from the property owner.

(d) No person shall operate or maintain a temporary sales booth or location on any Town property without first having obtained permission from the Town to do so.

(e) No person shall operate a temporary sales location for a period not exceeding 30 consecutive days on any one occasion.

(f) Every person acting as a temporary vendor shall produce at the time of application to the Issuer of Licenses two (2) pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current address.

(g) No person shall engage in, or carry on their business by passing door to door within the Town before 9:00am any day and after 9:00pm any day.

### **3.36 Tobacco Sales**

#### **3.36.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Tobacco Sales within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.36.2 Operating Criteria**

- (a) No person shall operate as a Tobacco Sales within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A Tobacco Sales must be located in accordance with the Town of Fort Frances Zoning By-Law, as amended and shall not be a nuisance to surrounding landowners.
- (c) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested a copy of their Tobacco Retail Dealer's Permit/Licence as issued by the Ontario Ministry of Finance.
- (d) The applicant shall provide to the Issuer of Licenses at the time of application, or as otherwise requested a Certificate of Inspection Letter from the Northwestern Health Unit and remain in compliance with all requirements of the Northwestern Health Unit.

### **3.37 Trades**

#### **3.37.1 Purpose**

The Council of the Town of Fort Frances has deemed it expedient to enact a by-law to licence, regulate and govern Tradesmen within Municipal boundaries to:

- (a) Ensure that consumers are protected.
- (b) Ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer;
- (c) Ensures that the Licensee maintains compliance with all relevant municipal by-laws which pertain to the operation of this type of business;
- (d) Ensure that the Licensee complies with all nuisance control regulations.

#### **3.37.2 Operating Criteria**

- (a) No person shall operate as a Tradesmen within Municipal boundaries without holding a current valid licence for such premises or business issued under the provisions of this by-law.
- (b) A Tradesmen must meet the Town of Fort Frances Zoning By-Law requirements, as amended and shall not be a nuisance to surrounding landowners.



- (c) Every tradesperson shall ensure that all necessary permits are obtained prior to commencement of any work and shall ensure that any and all inspections of completed work are obtained, as may be necessary.
- (d) No building permit shall be issued unless such tradesperson has obtained a municipal licence to carry on the business as a general contractor.
- (e) The applicant shall provide to the Issuer of Licences at the time of application, or as otherwise requested a list of all employees along with a copy of their Trade Certificate(s) as issued by the Ontario College of Trades.

4 **TRANSITION**

4.1 For the purpose of business licenses issued under the provisions of By-Law #57/05, the date of expiry shall be December 31<sup>st</sup>, 2016 at 11:59 p.m.

5 **REPEAL**

5.1 By-Law 57/05 and By-Law 12/82 and all amendments are hereby repealed effective January 1<sup>st</sup>, 2017.

This By-Law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
R. Avis, Mayor

\_\_\_\_\_  
E. Slomke, Clerk