



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 184 - 2023

To provide for a System of Licensing for Stationary Businesses and to repeal Business Licensing By-Law 332-2013, as amended.

WHEREAS Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues; and

WHEREAS Section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under any Act; and

WHEREAS Subsection 11(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

WHEREAS Subsection 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property, including consumer protection; and

WHEREAS Subsection 11(3) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 9, Animals, and in paragraph 11, Business Licensing; and

WHEREAS Pursuant to the provisions of Part IV – Licences of the *Municipal Act, 2001*, a municipality may pass by-laws for licensing, regulating and governing any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality; and

WHEREAS Subsection 151(1) of the *Municipal Act, 2001* provides that a municipality may provide for a system of licences with respect to a business and may prohibit the carrying on or engaging in the business without a licence, refusing, revoking or suspending a licence, imposing conditions on a licence, regulating property used for a business that requires a licence and regulating persons carrying on a business that requires a licence; and

WHEREAS Section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers where the council of the municipality is of the opinion that the power being delegated is of a minor nature; and

WHEREAS Subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it; and

WHEREAS the Council of The Corporation of the City of Brampton ("Council") considers it desirable and necessary to license, regulate and govern certain types of businesses for the purpose of health, safety and well-being of persons, consumer protection and nuisance control to ensure that the business is conducted in a fashion and manner that will not adversely affect or could possibly adversely affect the health and safety of person(s) or result in illness, hazardous conditions, injury or loss; and

WHEREAS Council considers it desirable and necessary to license, regulate and govern certain types of businesses for the purpose of nuisance control to ensure that the facility is operated in a manner and location such that it will not adversely affect or become a nuisance to other persons or businesses; and

WHEREAS Council considers it desirable and necessary to license, regulate and govern certain types of businesses for the purpose of consumer protection for the prevention of unfair or potentially unfair business practices that could result in loss on the part of the consumer; and

WHEREAS Council considers it desirable and necessary to license, regulate and govern the businesses listed within this By-law.

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

PART I – TITLE, INTERPRETATION AND SEVERABILITY

1. This By-law may be referred to as the "Business Licensing By-law".
2.
 - (1) Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in Part II of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
 - (2) Wherever a word defined in Part II of this by-law is used in the form of a noun, verb, adverb or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case.
 - (3) All words importing the singular shall include the plural, and words imparting the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law requires otherwise.
3. If a court of competent jurisdiction declares any provision or part of a provision of this Bylaw to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

PART II – DEFINITIONS

4. For the purposes of this By-law:

"Act" means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;

"Additional Fee" means a fee, in addition to the Licence fee, imposed by the City on a business at any time during the term of the Licence for costs incurred by the City that are attributable to the activities of the business;

"Applicant" means a Person or Individual applying for a new Licence or renewing a Licence under this By-law;

“Application” means an application for a new Licence or a Licence renewal in the form provided by the Licence Issuer which must be accompanied by the appropriate documentation and fee;

“By-law” means this by-law.

“City” means The Corporation of the City of Brampton or the land within the municipal boundaries of the City of Brampton, as the context requires;

“Clerk” means the Clerk of the City of Brampton or the Clerk’s duly appointed Deputy;

“Closed File Administration Fee” means the fee as set out in Appendix A that is required when an Application file is closed under this By-law;

“Commercial Use” means the use of land, building or structures for the purposes of buying and selling of commodities and supplying of services, as distinguished from the manufacturing, assembling or storage of goods.

“Council” means the Council of The Corporation of the City of Brampton;

“Criminal Record” means a record of past crimes for which an individual has been convicted;

“Fire Chief” means the Chief of the Brampton Fire and Emergency Services or his or her designate;

“Individual” means a natural Person and does not include a corporation, partnership or association;

“Inspector” means any one of the following:

- (a) Municipal Law Enforcement Officer;
- (b) Peel Region Health Inspector; or
- (c) Police as defined in this By-law;

“Late Renewal Fee” means the fees set out in Appendix A that are required for the late renewal of a Licence;

“Licence” means a licence issued under this By-law, or predecessor by-law.

“Licence Fee” means the fee set out in Appendix A that is required to be paid to the City for a new Licence or a Licence renewal;

“Licence Issuer” means the person appointed under this By-law and includes his or her designate;

“Licensed Premises” means the Premises referred to in a Licence;

“Licensee” means any Person licensed under this By-law;

“Medical Officer of Health” means the Medical Officer of Health for The Regional Municipality of Peel and includes any Peel Region Health Inspector acting on his or her behalf;

“Municipal Law Enforcement Officer” means a person employed by the City and appointed as a Municipal Law Enforcement Officer by the City;

“Notice of Additional Fee” means a written notice from the Licence Issuer to a Licensee advising of the requirements to pay an Additional Fee;

“Ontario Building Code” means Ontario Regulation 332/12 enacted under the *Building Code Act, 1992*, S.O. 1992, c.23, or successor legislation;

“Ontario Fire Code” means Ontario Regulation 213/07 made under *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, or successor legislation

“Operator” means a proprietor or any other Person who alone or with others, operates, manages, supervises, runs or controls a business;

“Owner” means a Person who, alone or with others:

- (a) is the owner of the business;
- (b) has control over the business; or
- (c) directs the operation of the business;

“Person” includes a corporation and its directors and officers, and the heirs, executors, assignees and administrators;

“Premises” means land and includes the structures on the land, such as buildings, fences and sheds;

“Police” means a police officer, constable or cadet of the Regional Municipality of Peel Police Service;

“Peel Region Health Inspector” means a public health inspector employed by The Regional Municipality of Peel;

“Tribunal” means the Brampton Appeal Tribunal appointed by Council to conduct hearings under the Brampton Appeal Tribunal By-law No. 48-2008, as amended, or any successor by-law;

“Zoning Approval” means that a Licence Application has been examined and approved by the City’s Zoning Services staff for compliance with the Zoning By-law;

“Zoning By-law” means the City’s Zoning By-law No. 270-2004, as amended, or any successor by-law.

PART III – LICENSING REQUIRED

5. (1)A Licence shall be taken out under this By-law by every Person or Individual who:
- (a) owns or operates an Animal Kennel or Doggie Daycare (S-1);
 - (b) acts as an Auctioneer (S-2);
 - (c) owns or operates an Automobile Service Station (S-3);
 - (d) is engaged in the Building Renovator business (S-4);
 - (e) owns or operates a Carnival or Animal Exhibition (S-5);
 - (f) owns or operates a Catering business (S-6);
 - (g) is engaged in the contractor business of Drain Laying (S-7);
 - (h) is engaged in the contractor business of Driveway Paving (S-8);
 - (i) is engaged in the contractor business of Fence Installation (S-9);
 - (j) owns or operates a Fixed Food Premises (S-10);
 - (k) owns or operates a Flea Market (S-11);
 - (l) is engaged in the contractor business of Heating, Air Conditioning and Ventilation (S-12);

- (m) owns or operates a Horse Riding Establishment (S-13);
 - (n) owns or operates a Lodging House (S-14);
 - (o) owns or operates an Outdoor Storage Facility or Parking Lot (S-15);
 - (p) is engaged in the business of Pawnbroker (S-16);
 - (q) is engaged in the business of Payday Loans (S-17);
 - (r) owns or operates a Personal Service Facility (S-18);
 - (s) owns or operates a Pet Grooming business (S-19);
 - (t) owns or operates a Pet Shop (S-20);
 - (u) owns or operates a Place of Amusement (S-21);
 - (v) owns or operates a Place of Public Assembly or Public Hall (S-22);
 - (w) is engaged in the contractor business of Plumbing (S-23);
 - (x) is engaged in the contractor business of Pool Installation (S-24);
 - (y) owns or operates a Salvage Shop or Salvage Yard (S-25);
 - (z) owns or operates a Second Hand Goods Shop (S-26);
 - (aa) owns or operates a retail store where tobacco, and/or vapour products are sold (S-27);
 - (bb) owns or operates a Vehicle Pound Facility (S-28); or
- (2) Any Person or Individual who falls within subsections 5.(1)(a) through to and including (z) is engaged in a business for the purposes of this By-law.
 - (3) The defined terms for the businesses listed within subsections 5.(1)(a) through to and including (z) are found in the schedules referred to in the subsections and are attached to this By-law.
 - (4) No Person or Individual shall carry on, or engage in any of the businesses that are listed in subsections 5.(1)(a) through to and including (z) unless the Person or Individual is licensed under this By-law.
 - (5) No Person or Individual, licensed under this By-law, shall carry on the Licensed business in a name that is different from the business name that is endorsed on the Licence, unless the Licence Issuer has provided his or her approval.
 - (6) No Person or Individual shall publish or cause to be published any representation that the Person or Individual is licensed under this By-law if the Person or Individual is not so licensed.
 - (7) No Person or Individual shall hold him or herself out to be licensed if he or she is not licensed under this By-law.
 - (8) For the purpose of this By-law, a business shall be deemed to be carried on within the City if any part of the business is carried on in the

City, even if the business is being conducted from a location outside the City.

- (9) No Person or Individual shall provide false or misleading information or documents when applying for a Licence or Licence renewal, or when required to provide any information or documents under this By-law.

PART IV – REQUIREMENTS FOR LICENSEES

- 6. Every Applicant, Person or Individual licensed under this By-law shall be:
 - (a) at least 18 years of age, and
 - (b) a Canadian citizen, a permanent resident of Canada or have a valid employment authorization issued by the Government of Canada.

PART V – LICENCE ISSUER

- 7.
 - (1) The City Clerk is appointed as the Licence Issuer for the purposes of this By-law.
 - (2) Council delegates to the Licence Issuer the power to issue, refuse to issue, renew, refuse to renew, cancel, revoke, suspend, reinstate and impose conditions on a Licence under this By-law.
 - (3) Council is of the opinion that the delegation under subsection 7.(2) is minor in nature.
- 8. Where the Licence Issuer is of the opinion that,
 - (a) a new Licence or a Licence renewal should be issued;
 - (b) an Application for a new Licence or renewal of a Licence should be refused;
 - (c) a reinstatement should not be made;
 - (d) a Licence should be revoked;
 - (e) a Licence should be suspended; or
 - (f) a term or condition on a new Licence or Licence renewal should be imposed;the Licence Issuer shall make that decision.
- 9. The Licence Issuer shall,
 - (a) receive and process all Applications for new Licences and for the renewal of Licences;
 - (b) issue a new Licence or renew a Licence when,
 - (i) an Application is made in accordance with the provisions of this By-law;
 - (ii) the Application is complete;
 - (iii) the applicable Licence Fee is paid; and
 - (iv) the Application meets all of the requirements under this By-law;unless there are grounds to refuse to issue a new Licence or renew a Licence as set out under section 23 of this By-law;
 - (c) impose terms and conditions on a new Licence or Licence renewal when the Licence Issuer is of the opinion that a term or condition of a Licence should be imposed under this By-law;

- (d) maintain complete records showing all Applications received and Licences issued;
- (e) enforce or cause to be enforced the provisions of this By-law;
- (f) prepare or cause to be prepared all notices, forms and any other document, including any amendments thereto, that are necessary for the administration of this By-law; and
- (g) generally perform all the administrative functions that may be required by this By-law.

PART VI - APPLICATION FOR A LICENCE AND FOR A LICENCE RENEWAL

10. (1) In order to apply for a new Licence or a Licence renewal, the Applicant shall,
- (a) complete and submit an Application in the form approved by the Licence Issuer;
 - (b) submit all documentation required under this By-law or requested by the Licence Issuer; and
 - (c) submit the Licence Fee as set out in the Fee Schedule attached as Appendix A.
- (2) An Application for a new Licence or Licence renewal shall not be processed by the City until all of the requirements of subsection (1) are met and any outstanding Licence Fee(s) and any outstanding Additional Fees have been paid.
11. (1) The Licence Issuer may require any one or more of the following as part of the Application:
- (a) Proof of citizenship, permanent resident status or other employment authorization issued by the Government of Canada.
 - (b) A statement from the Applicant as to whether charges against the Applicant are pending under the *Criminal Code*, the *Controlled Drugs and Substances Act*, the *Building Code Act, 1992*, the *Fire Protection and Prevention Act, 1997*, the City's Zoning By-law or this By-law.
 - (c) A Criminal Record Search conducted by the Police Services in the area where the Applicant resides or from an approved provider of criminal records checks in Canada.
 - (d) A Zoning Approval indicating that the use for the Premises for which the Application has been made is permitted under the City's Zoning By-law.
 - (e) A letter of approval issued by the Fire Chief indicating no apparent violations of applicable by-laws or other legislation.
 - (f) A letter of approval issued by the Medical Officer of Health or Peel Regional Health Inspector.
12. (1) Where the Owner is a corporation, the Application shall be accompanied by a copy of the incorporating documents, a copy of the last annual information filed and a copy of the business name registration.
- (2) Where the Owner is a registered partnership, the Application shall be accompanied by a copy of the registered declaration of partnership and a copy of the business name registration.
- (3) Where the Owner is a sole proprietor, the Application shall be accompanied by a copy of the business name registration.

- (4) Despite subsection 12.(1) where a corporation applies for a renewal of a Licence and there has been no change in the officers or directors of the corporation, only a copy of the last annual information filed must be submitted by the Owner with the Application.
- 13. (1) Despite subsection 11.(1)(d), where an Application is made for a Licence renewal and where a Zoning Approval was received with the original Licence Application approving the use of the Premises, a new Zoning Approval may not be required.
 - (2) Where an Application is made for a new Licence or Licence renewal and where a Zoning Approval has been issued based upon the use being allowed by a Committee of Adjustment decision, the Zoning Approval is subject to all conditions and restrictions imposed on the use by the Committee of Adjustment, including a time limit for the use, and upon expiry of any time limit imposed on the use by the Committee of Adjustment, the Zoning Approval shall no longer be valid.
- 14. (1) Where an Application for a Licence or Licence renewal is withdrawn by the Applicant, the Licence Fee shall be refunded with the exception of \$50.00.
 - (2) Where an Application for a Licence or Licence renewal is refused 50% of the Licence Fee paid shall be refunded.
 - (3) Any Licence Fee refund calculated pursuant to subsections 14.(1) or (2) shall be reduced by any Additional Fee amount, or part thereof, that is outstanding at the time of the refund.
- 15. An Owner shall obtain a separate Licence for every Premises where the Owner carries on a business for which a Licence is required under this By-law.
- 16. Regardless of when an Application for a new Licence or Licence renewal is made, the Applicant is required to pay the full annual Licence Fee.
- 17. (1) Where a Person or Individual who has a Licence fails to renew the Licence by the renewal date, the Person or Individual shall, upon submitting an Application for renewal, be subject to a Late Renewal Fee in accordance with Appendix A.
 - (2) Where an Applicant applies for a Licence renewal and for a period of 60 days after the Licence expiry date the Application is incomplete or any fee under this By-law is unpaid, the Licence Issuer may, in his or her sole discretion, deem the Application to be an Application for a new Licence.
 - (3) Where a Person or Individual holding a Licence fails to renew the Licence within 90 days of the specified renewal date, the Person or Individual shall no longer be entitled to renew the Licence and shall be required to apply for a new Licence under this By-law, subject to the payment of such fees as may be required.
- 18. Regardless of whether a Licence may have been issued or renewed, the Licence Issuer may require that the Applicant file further information or provide further documentation in respect of a fact which the Applicant has already attested to or previously supplied documentation for.
- 19. Any Person or Individual licensed by any regulatory body where that licence is a requirement for the issuance of a Licence under this By-law, shall immediately report to the Licence Issuer any suspension of the licence issued by the regulatory body.
- 20. (1) Where an Applicant has failed to provide any fee or document required under this By-law for the issuance of a new Licence or a Licence renewal, the Application shall be considered incomplete.

- (2) If the Application remains incomplete after 30 days from the date the Application was submitted, the Licence Issuer may issue a Notice of Incomplete Application and close the file.
- (3) Where an Application file is closed, the Applicant is required to pay the Closed File Fee to the City as set out in Appendix A.
- (4) Subject to the time limitation in subsection 17.(3), the Closed File Fee in subsection 20.(3) must be paid to the City before the Licence Issuer can reopen a closed Application file.
- (5) The issuance of a Notice of Incomplete Application is not a statutory power of decision and is not subject to appeal to the Tribunal.

PART VII – ISSUANCE OF A LICENCE OR LICENCE RENEWAL

21. When an Application for a Licence or Licence renewal is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law, which include any requirements that may be requested by the Licence Issuer, a Licence shall be issued to the Applicant or Licensee.

PART VIII – TERMS AND CONDITIONS

22. (1) Despite any other provision in this By-law, the Licence Issuer may impose terms and conditions on any Applicant or Licensee at issuance, renewal or any time during the Licence period, including special conditions as are necessary to give effect to this By-law.
- (2) The Licence Issuer may impose conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a Licence.
- (3) Despite any other provision in this By-law, the Licence Issuer may impose Additional Fees on a Licensee by way of a Notice of Additional Fee at any time during the term of the Licence for any costs incurred by the City attributable to the activities of the Licensee.
- (4) The Notice of Additional Fee shall be sent to the Licensee by personal delivery, e-mail or fax delivery, or by regular mail and the notice shall provide the Licensee with 60 days to pay the Additional Fee from the date of the notice.

PART IX - GROUNDS FOR REFUSAL TO ISSUE OR RENEW A LICENCE

23. Despite section 21, the Licence Issuer may refuse to issue a Licence or renew a Licence, if the Licence Issuer has reasonable grounds to believe any one or more of the following:
 - (a) The issuance or the holding of a Licence would be contrary to the public interest in respect of:
 - (i) the health and safety of any person,
 - (ii) a nuisance affecting any land or person in the City or Canada, or
 - (iii) the protection of any consumer.
 - (b) The conduct of the Applicant or Licensee or other circumstances afford reasonable grounds for belief that the carrying on of the business has infringed, or would infringe, the rights of other members of the public.

- (c) Any Application or other document provided to the Licence Issuer by or on behalf of the Applicant or Licensee contains a false statement or provides false information.
- (d) The financial position of the Applicant or Licensee demonstrates that the business has not or will not be carried on in a financially responsible manner.
- (e) The business of the Applicant or Licensee is carried on or intended to be carried on in an area where it is prohibited.
- (f) The business for which the Licence has been issued has not been carried on for a continuous period of 60 days or more, except if the Licence Issuer has been informed that the licensed premises is undergoing renovations, or as a result of a Licence-Issuer recognized extenuating circumstance such as a pandemic.
- (g) The building, premises, place or part thereof in which the business is carried on does not comply with the provisions of this By-law or with any other law, regulation, Regional or City by-law, including the Zoning By-law, and the *Building Code Act, 1992*, and the *Fire Protection and Prevention Act, 1997*, as amended or any successor legislation.
- (h) The Premises in which the business is carried on is in an unsafe or dangerous condition.
- (i) The conduct of the Applicant, or of any partner, in the case of an Applicant which is a partnership, or of any director or officer of the corporation, if the Applicant is a corporation, affords reasonable grounds for the belief that the Applicant will not carry on the activity for which he is to be licensed or to continue to be licensed in accordance with law and with integrity and honesty.
- (j) There are reasonable grounds for belief that the carrying on of the trade, business or occupation by the Applicant or Licensee has resulted or will result in a breach of this By-law or any other law.
- (k) Any fee payable by the Licensee pursuant to this By-law has not been paid.
- (l) Any Additional Fee imposed on an Applicant or Licensee remains unpaid after the due date as indicated in a Notice of Additional Fee sent to the Applicant or Licensee.
- (m) The Applicant or Licensee has failed to pay an administrative penalty imposed by the City or a fine or fines imposed by a Court for convictions for breach of this or any other City by-law or provincial offence.
- (n) The Applicant or Licensee has failed to comply with any condition or direction of the Licence Issuer or Inspector or has failed to permit any investigation by the Licence Issuer or Inspector.
- (o) The Applicant or Licensee has failed to comply with the requirements set out in any of the Schedules referenced in subsections 5.(1)(a) to and including 5.(1)(aa) applicable to the Applicant or Licensee.

PART X – GROUNDS FOR REVOKING OR SUSPENDING A LICENCE

- 24. The Licence Issuer may revoke or suspend a Licence for any one or more of the grounds listed in subsections 23.(a) through to and including (p).
- 25. If the Licence Issuer is satisfied that the continuation of the operation of a business poses an immediate danger to the health or safety of any person or property, the Licence Issuer may, without a hearing, suspend a Licence,

for the time and on such conditions as the Licence Issuer considers appropriate, subject to the following:

- (a) Before suspending the Licence, the Licence Issuer shall, either orally or in writing, provide the Licensee with the reasons for the suspension and allow the Licensee with an opportunity to respond.
- (b) The suspension shall not exceed 14 days.

PART XI – WRITTEN NOTICE AND SERVICE

26. (1) After a decision is made by the Licence Issuer to refuse, cancel, revoke or suspend a Licence, written notice of that decision shall be given forthwith to the Applicant or Licensee.
- (2) The written notice provided under subsection 26.(1) shall:
- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds for the decision;
 - (c) be signed by the Licence Issuer; and
 - (d) state that the Applicant or Licensee is entitled to a hearing by the Tribunal if the Applicant or Licensee delivers to the Clerk within 15 days after the notice is served, a notice in writing requesting a hearing by the Tribunal accompanied by the appropriate appeal fee.
- (3) Any written notice given under this By-law shall be deemed to be received on the receipt date which is one of the following:
- (a) In the case of mailed documents, 5 days following the mailing as determined from the post mark.
 - (b) In the case of personal delivery, e-mail or faxed document, the day of delivery.
 - (c) Where more than one method of delivery is used, the operative receipt date for the calculation of the time for an appeal is the latest of the possible receipt dates.
- (4) Where any written notice is mailed under this By-law, it is sufficient to use the Applicant's or Licensee's last known business or residential address.

PART XII – RIGHT TO APPEAL

27. (1) The Applicant or Licensee may appeal the Licence Issuer's decision to refuse, cancel, revoke or suspend a Licence, or to impose any condition in a Licence to the Tribunal by filing a written notice of appeal with the City Clerk, with reasons in support of the appeal, to the Clerk, accompanied by the appropriate appeal fee as set out in the City's User Fee By-law within 15 days following the receipt date of the written notice of the Licence Issuer's decision.
- (2) On receipt of a written request for an appeal from the Applicant or Licensee, the Clerk shall schedule a hearing of the Tribunal and shall give the Applicant or Licensee and the Licence Issuer reasonable written notice of the date, time and place of the hearing in accordance with the Brampton Appeal Tribunal By-law, No. 48-2008, as amended, or any successor by-law.

- (3) The decision of the Licence Issuer shall be final if the City Clerk does not receive an appeal by the 15th day following the receipt date of the written notice of the Licence Issuer's decision,
- (4) No member of the Tribunal, Council, or an employee of the City is personally liable for anything done under authority of this By-law.
- (5) Where the Tribunal has ordered that a Licence be granted, re-instated, a suspension to a Licence ended or a change to the condition(s) of a Licence, the Applicant or Licensee shall fulfill any outstanding requirements for the Licence under this By-law.
- (6) The provisions of the Brampton Appeal Tribunal By-law No. 48-2008, as amended, or any successor by-law, apply to any appeal that is made under this section.

PART XIII – RETURN OF LICENCE

- 28. (1) Where a Licence has been revoked or suspended, and written notification as set out in section 26 is deemed received, the Person or Individual to whom the Licence was issued shall return the Licence to the Licence Issuer forthwith.
- (2) A Person or Individual whose Licence has been revoked or suspended shall not refuse to deliver the Licence to the Licence Issuer or in any way obstruct or prevent the Licence Issuer from receiving or taking the Licence.
- (3) Where a Licence has been revoked or suspended, the Licence Issuer may enter upon the business premises of the Person or Individual to whom the Licence was issued for the purpose of receiving, taking or removing the Licence.

PART XIV – CHANGE OF INFORMATION

- 29. (1) A Licensee shall carry on business in the City in the name which is set out on the Licence and shall not carry on business in the City in any other name unless the Licensee has first notified the Licence Issuer and complied with the relevant provisions of this By-law.
- (2) A Licensee shall notify the Licence Issuer within 7 days of any change of name, address or any other change to the information related to the Licence, and where the Licensee is a corporation, it shall notify the Licence Issuer of any change in the names and addresses of officers and directors, the location of the corporate head office and change of ownership of shares within 7 days of the change, and if necessary, the Licence shall be returned immediately to the Licence Issuer for amendment.
- (3) A Licensee shall not alter, erase or modify or permit such alteration, erasure or modification of the Licensee's Licence or part thereof unless approved by the Licence Issuer.

PART XV – GENERAL PROVISIONS

- 30. An Applicant or Licensee whose Licence has been revoked, shall not be entitled to make a new Application for the same or similar type of Licence for a period of at least twelve (12) months from the date of revocation.
- 31. The Licence Issuer shall reinstate any Licence that has been suspended upon satisfactory proof that the administrative requirements have been met.

32. Any Licence issued under this By-law may be cancelled at any time upon the written request of the Licensee.
33. A Person or Individual shall not enjoy a vested right in the continuance of a Licence and upon the issuance, renewal, transfer, cancellation or suspension thereof, the value of a Licence shall be the property of the City.
34. A Person or Individual licensed to carry on business under this By-law shall not advertise, promote or carry on the business under any name other than the name endorsed upon the Licence, without the approval of the Licence Issuer.
35.
 - (1) Any Licence issued under this By-law shall be posted on the Premises to which the Licence relates, in a conspicuous place that is clearly visible to the public.
 - (2) Where the Licensee does not have a Licensed Premises, the Licensee shall carry the Licence with him or her at all times when engaged in the activity for which the Licence has been issued.
36. The City is exempt from the provisions of this By-law.

PART XVI – INSURANCE

37.
 - (1) Every Person or Individual shall, before the issuance of a Licence to him or her, provide proof of Commercial General Liability insurance against all claims for personal injury including bodily injury resulting in death, and property damage with an inclusive limit of not less than Two Million (\$2,000,000.00) per occurrence insuring him or her against liability imposed by law for any loss or damage resulting from the carrying on of the business to which the Licence relates.
 - (2) Every Person or Individual who obtains a Licence shall ensure that the insurance policy in subsection 37.(1) is maintained in good standing while the Licence is valid and the business to which the Licence applies is in operation.
 - (3) The Licence Issuer shall be given at least ten (10) days' notice in writing, by regular mail, personal delivery, e-mail or fax delivery, of cancellation, expiration or variation in the amount or conditions of the policy required by subsection 37(1).
 - (4) A certificate of insurance issued in respect of the insurance policy in subsection 37. (1) shall be provided to the Licence Issuer, before the issuance of the Licence that it applies to, in the form of proof set out in Appendix B to this By-law.

PART XVII – INSPECTION

38.
 - (1) An Inspector may enter on any land and building or structure thereon, at any reasonable time for the purpose of carrying out an inspection to determine whether any one or more of the following are being complied with:
 - (a) The provisions of this By-law.
 - (b) An order made under this By-law.
 - (c) A condition of a Licence issued under this By-law.
 - (d) An order made under section 431 of the *Municipal Act, 2001*.
 - (2) For the purposes of an inspection under subsection 38.(1) the person carrying out the inspection may do any one or more of the following:

- (a) Require the production for inspection of any goods, articles, books, records and other documents of or relating to any trade, business or occupation licensed under this By-law.
 - (b) Inspect and remove documents or things relevant to the inspection, including anything listed in subsection 38.(2)(a), for the purpose of making copies or extracts.
 - (c) Require information from any Person concerning a matter related to the inspection.
 - (d) Alone or in conjunction with a Person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (3) No Person shall obstruct or hinder or cause to be obstructed or hindered the making of an inspection under subsections 38.(1) or 38.(2).
- (4) Upon request of the Licence Issuer or Inspector, the Licensee shall produce the Licence and any other requested documents forthwith.

PART XVIII – ORDER TO COMPLY

39. (1) Where an Inspector believes that a contravention of this By-law has occurred they may issue:
- (a) an order to discontinue the contravening activity;
 - (b) an order to correct the contravention; or
 - (c) an order to discontinue the contravening activity and correct the contravention.
- (2) The orders contemplated in subsection 39.(1) shall set out:
- (a) the name of the Person or Individual who is believed to have contravened this By-law and the municipal address or the legal description of the land to which the contravention applies;
 - (b) reasonable particulars of the contravention;
 - (c) the date by which there must be compliance with the order;
 - (d) if applicable, the work to be done and the date by which the work must be done; and
 - (e) if applicable, a statement that the City may have the work done at the expense of the Licensee if the work is not done in compliance with the order.
- (3) An order issued under this By-law may be served personally or served by pre-paid regular mail to the last known address of the Person and such other persons affected by it as determined by the Licence Issuer or Inspector and a copy of the order may be posted on any property to which the contravention or Licence applies.
- (4) If an order is served by pre-paid regular mail or by registered mail, the service shall be deemed to have been made five (5) days after mailing.
- (5) Where service cannot be carried out in accordance with subsection 39.(3), the Licence Issuer or Inspector may place a placard containing the terms of the order in a conspicuous place on the property to which the contravention or Licence applies, and the placing of the placard

shall be deemed to be sufficient service of the order on the Person or persons to whom the order is directed.

- (6) Every Person or Individual who fails to comply with an order made under this section is guilty of an offence.
40. (1) Where a Person or Individual is ordered to correct a contravention of this By-law under subsection 39.(1), and fails to do so, the City may carry out any work required to correct the contravention.
- (2) The City may, at any reasonable time, enter onto the property to which the contravention or Licence applies in order to carry out any work under subsection 40.(1).
 - (3) The City may retain a contractor or any other party in order to carry out any work under subsection 40.(1).
 - (4) All expenses incurred by the City in carrying out any work contemplated by this section shall be considered a debt owed to the City by the Person or Individual who was ordered to correct the contravention and shall be paid to the City within thirty (30) days of the billing date; and in the event of failure to pay the entire amount due within thirty (30) days, the outstanding balance of the expenses owed may be added to the tax roll of the property to which the contravention or Licence applies and collected in the same manner as property taxes.

PART XIX – CONTRAVENTION AND PENALTIES

41. (1) Every Person or Individual who contravenes any provision of this By-law, including an order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended (the "*Provincial Offences Act*") and the *Municipal Act*, 2001.
- (2) In addition to subsection 41.(1), any Person or Individual who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the fine provisions of the *Municipal Act*, 2001, to the following fines:
- (a) The minimum fine for an offence is \$500 and the maximum fine for an offence is \$100,000.
 - (b) In the case of a continuing offence, for each day or part of a day that the offence continues the minimum fine shall be \$500 and the maximum fine shall be \$10,000, and the total of all daily fines for the offence is not limited to \$100,000.
 - (c) In the case of a multiple offence, for each offence included in the multiple offence the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000.
 - (d) In addition to the fine provisions in subsections 41.(2)(a) to (c), if a Person or Individual is convicted of an offence under this By-law, any economic advantage or gain obtained by the Person or Individual from operating a business without a Licence may be considered an aggravating factor for sentencing purposes which may attract a special fine, which shall be equal to or greater than the economic advantage or gain obtained by the Person or Individual from operating the business without a Licence.
 - (e) The maximum amount for a special fine in subsection 41.(2)(d) may exceed \$100,000.

- (3) If a Person or Individual is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order:
 - (a) prohibiting the continuation or repetition of the offence by the Person or Individual convicted; and
 - (b) requiring the Person or Individual convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- (4) Where a Person or Individual fails to pay any part of a fine for a contravention of this By-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's delegate may give the Person or Individual a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than twenty-one (21) days after the date of the notice.
- (5) If any part of a fine for a contravention of this By-law remains unpaid after the final date specified in the notice provided under subsection 41.(4), the outstanding fine is deemed to be unpaid taxes pursuant to section 351 of the *Municipal Act, 2001*.
- (6) Administrative Penalties (Non-Parking) By-law 218-2019, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in Schedule A of the Administrative Penalties (Non-Parking) By-law 218-2019, shall upon issuance of a Penalty Notice be and is liable to pay to the City of Brampton an administrative penalty in the amount set out in the Administrative Penalties (Non-Parking) By-law 218-2019.

PART XX – FEES

42. (1) The Licence Fees required under this By-law are set out in Appendix A attached to this By-law.
- (2) The Licence Issuer may waive the payment of a Licence Fee required under this By-law where an Application is made by a charitable organization that is registered as such under the *Income Tax Act*, R.S.C. c.1, as amended.

PART XXI – DISCRIMINATION

43. (1) No Person or Individual, in carrying out a business licensed under this By-law, shall discriminate against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- (2) No Person or Individual, in carrying out a business licensed under this By-law, shall with respect to any person being guided or assisted by a service animal:
 - (a) refuse to service the person,
 - (b) refuse to permit the person to enter with the animal into or upon any place or premises to which the Licence relates; or
 - (c) refuse to permit the person and such animal to remain in or upon such place or premises by reason only of the presence of such animal.

PART XXII – SCHEDULES AND APPENDICES

44. (1) All Schedules and Appendices attached to this By-law shall form part of this By-law.
- (2) In the event of a conflict between any of the general provisions of this By-law and any provisions set out in the Schedules attached to this By-law, the provisions of the Schedules shall prevail.
- (3) The expiry dates of Licences issued under this By-law, except for those issued per day or per event, are set out in Appendix A to this By-law.

PART XXIII – TRANSITIONAL PROVISIONS

45. (1) If a Licence or a Licence renewal has been issued for a business under the City’s Licensing By-law No. 332-2013, as amended, and the applicable schedule for that Licence has been repealed and replaced under this By-law, the provisions of Licensing By-law No. 332-2013 and the schedule in effect at the time of the Licence issuance or Licence renewal continues to apply for the term of that Licence or Licence renewal.
- (2) The Schedules under this By-law apply to all Licence renewals made after this By-law comes into effect, even if the Licence which is the subject of a renewal was issued under Business Licensing By-law No. 332-2013, as amended.

PART XXIV – BY-LAW AMENDMENTS, REPEAL AND EFFECTIVE DATE

46. (1) By-law 332-2013 and all amending by-laws are hereby repealed.
- (2) The Brampton Appeal Tribunal By-law 48-2008, as amended, is further amended by deleting the definition of “Business Licensing By-law” in section 1 of the by-law and replacing with the following:
- “Business Licensing By-law” means Business Licensing By-law 332-2013, as amended, or any successor by-laws;
47. This By-law is comes into effect on November 1, 2023.

ENACTED and PASSED this 1st day of November, 2023.

Approved as to
form.


2023/10/27

Colleen Grant


Approved as to
content.

2023/10/17

Janice Adshead



Patrick Brown, Mayor



Peter Fay, City Clerk

**SCHEDULE 1 TO THE STATIONARY BUSINESS LICENSING BY-LAW
RELATING TO
ANIMAL KENNELS AND DOGGIE DAYCARES**

1. In this Schedule:

"Boarding" means the taking of custody of an animal for the keeping, accommodation, care, training, feeding, grooming, and may include for a fee, reward, or compensation at a property other than the animal(s) place of residence;

"Cat" means any member of the species *felis catus* or *felis domesticus*;

"Dog" means any member of the species *canis familiaris*;

"Doggie Daycare" means a facility where dog(s) are boarded during which the dog(s) are socialized with other dog(s) in an open (meaning without barriers), controlled and secure setting and typically the dog(s) are not kept in individual kennels and runs. The dogs boarded in a doggie daycare are typically boarded for short periods of time and during the majority of the dog's stay the dogs are socializing and playing with other dog(s), but does not include,

- i. a kennel as defined in the Business Licensing By-law, or
- ii. a location where three (3) or less dog(s) are kept, and the dogs are licensed and owned by the person residing at that property.

"Domestic Animal" means a Dog, Cat or other pet generally understood to be domesticated and typically kept indoors at a residential dwelling;

"Dwelling Unit" means one or more habitable rooms designed or capable of being used together in a single and separate housekeeping unit, containing its own kitchen and sanitary facilities, with a private entrance from outside of the unit itself.

"Kennel" means a structure, shelter, building or collection of buildings, a run, or other small structures, separate from and not including the residential dwelling, in which animal(s) are kept and includes those parts of a property referenced, in which Dog(s), Cat(s) or other Domestic Animals are housed, maintained, bred, boarded, trained, and groomed but does not include a,

- i. doggie day care as defined in the Business Licensing By-law, or
- ii. a location where three (3) or less dogs are kept, and the dogs are licensed and owned by the person residing at the property

"Veterinarian" means a person registered to practice veterinary science under the Veterinarians Act, R.S.O. 1990,c.V.3.

2. No Person or Individual shall operate a Kennel or Doggie Daycare unless the Person or Individual obtains the appropriate class of Licence under this Schedule.

3. This Schedule does not apply to:

- (a) an animal shelter operated by the City, or a public authority;
- (b) a publicly funded institute;
- (c) an animal shelter operated by a branch or affiliate of the Ontario Society for the Prevention of Cruelty to Animals;
- (d) a veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- (e) a facility in which animals are placed for care pursuant to the *Pounds Act*;
- (f) a facility registered as a research facility in accordance with the *Animals for Research Act*.

4. No Person or Individual operating a Kennel or Doggie Daycare shall Board, breed, keep any animal(s) prohibited by law, or the Animal Services By-law.
5. Every Licensee under this Schedule shall at all times:
 - (a) maintain and make readily available to personnel at all times written animal care procedures dealing with, amongst other matters, methods of handling animals, sickness, injury or death and contact information for a veterinarian;
 - (b) take all reasonable and humane steps to prevent nuisance caused by undue noise; and
 - (c) ensure that the dog(s) are not barking and creating noise to disturb the neighbouring property owners;
 - (d) ensure the excrement and other waste resulting from the keeping of dog(s) shall be removed from the premises as necessary and in accordance with any applicable by-laws or regulations and in a manner that avoids any offensive odors from emanating to surrounding properties, and is disposed of in a manner that will not create a public nuisance or health hazard;
 - (e) ensure that the premise is sanitary, well-ventilated and free of offensive odours;
 - (f) ensure that before any animal is taken into any kennel or doggie day care, that each animal is current in its vaccinations against rabies and that every animal be inspected for distemper or other contagious or infectious disease; and
 - (g) ensure all dog(s) boarded at a doggie daycare or kennel shall be individually licensed with a current licence (dog tag) from the municipality in which the dog resides and wear the dog tag at all times, as well as the premise and operator shall be licensed under this by-law.
6. Every Licensee under this Schedule shall at all times:
 - (a) maintain and make readily available to Animal Control Officers written animal care procedures dealing with, amongst other matters, methods of handling animals, sickness, injury or death and contact information for a veterinarian;
 - (b) ensure that any animal suffering from any disease, ailment or injury shall be given care and attention from a veterinarian within 24 hours of the onset of symptoms and that the animal is kept in a quarantine area, separate from all other animals, until a veterinarian certifies that the animal is in good health;
 - (c) provide each species of animal with adequate food specific to the animals' needs;
 - (d) ensure that every animal has access to clean water at all times;
 - (e) keep bulk food supplies in pest proof containers;
 - (f) keep animal(s) in a clean, healthy conditions, free of vermin and disease;
 - (g) provide adequate light specific to the needs of each species of animal;
 - (h) provide animals with the opportunity to exercise; and
 - (i) ensure animals have access to shelter if and when required.
7. Every Licensee under this Schedule shall at all times:
 - (a) ensure that every cage or other container used for the purpose of keeping or housing of any animal,
 - (i) is of adequate size to permit the animal to stand normally to its full height, to extend its legs and body to their full natural extent, to turn around, and lie down in a fully extended position;
 - (ii) if equipped, with receptacles for food water the receptacles shall be mounted or situated so that they cannot be easily overturned or contaminated;

- (iii) is in good working condition and is not dangerous to the animal's health or well-being;
 - (iv) is maintained in a clean and sanitary condition at all times with all excrement, refuse and other objectionable material;
 - (v) is maintained with suitable and clean bedding which shall be sanitary and changed regularly;
 - (vi) is maintained in a sanitary well-ventilated clean condition and free from offensive odours;
 - (vii) is maintained with proper air circulation to prevent the spread of contaminants, viruses, bacteria and molds; and
 - (viii) is maintained at a temperature for an indoor facility which is at a healthful and comfortable temperature depending on the age and species of animal.
8. Notwithstanding the rules set out in this by-law no Licensee shall board more than one animal in a single enclosure without prior consent from the animal owner, with the exception of doggie day cares and nursing animals.
9. Every Licensee under the Schedule shall record:
- (a) the names and addresses of the owners of all the animals boarded at the kennel or doggie day care;
 - (b) emergency contact number for the owners of the animals;
 - (c) the name, breed, description, health, dog Licence number, vaccination information and microchip number if available; and
 - (d) the dates of arrival and departure of all animals.
10. Every Licensee shall retain the records for a period of (12) months, following the end of the term of the Licence; and
- (a) shall ensure the records are available for inspection by the City during business hours.
11. Every Licensee under this Schedule shall at all times:
- (a) permit only persons to operate or manage a doggie day care or kennel who are skilled and conscientious in animal care, and who have knowledge of the characteristics, care and handling of the animal(s) entrusted to their care;
 - (b) permit only persons to attend to the care, feeding and cleaning of animal(s) in the doggie day care or kennel, who have been adequately trained, commensurate with their responsibilities, by the kennel or doggie day care owner, and who demonstrate that they are able to discharge their responsibilities in a positive, caring matter;
 - (c) provide for a sufficient number of employees, to provide for the care of animals and maintenance of facilities during normal business hours, on weekends and holidays; and
 - (d) keep posted in a conspicuous place for employees, instructions issued to all personnel for the cleaning, care, feeding of the animals and detailed steps of how to handle an emergency situation.
12. Every Licensee of a "Doggie Daycare" shall at all times:
- (a) ensure that at least one (1) person is present at all times when dog(s) are boarded at the doggie daycare and interacting with one another;
 - (b) ensure that dog(s) less than four (4) months of age are separated from dog(s) older than four (4) months that are not owned by the same person unless the owner of the dog less than (4) months of age have provided written authorization to the licensee;
 - (c) provide a fenced exercise area to enable each dog to exercise freely and,

- (i) maintain health and well-being, ensuring that fencing is erected and is of adequate height, size, gauge, and maintained in order to prevent any dog(s) from exiting the property;
 - (ii) ensure any area containing dog(s) must be secured and locked at all times to ensure that the dog(s) contained therein, cannot run loose, and that any unauthorized person cannot freely access the area;
 - (d) ensure any area containing dog(s) must be secured and locked at all time to ensure that the dog(s) contained therein, cannot run loose, and that any unauthorized person cannot freely access the area;
 - (e) ensure that for the purpose of this part, a Dwelling Unit shall not be deemed to be a kennel; and
 - (f) ensure all provisions of the Dog Owner's Liability Act, R.S.O. 1990, c. D16 are adhered to at all times and any observation of a potential violation of the Dog Owner's Liability Act by a client shall be immediately reported by the Licensee to Brampton Animal Services.
13. Every Licensee of a "Kennel" shall at all times ensure:
- (a) no Kennel is located within any part of any Dwelling Unit or attached to any Dwelling Unit or part thereof.
 - (b) no part of any building or structure enclosing a Kennel shall be used for human habitation.
 - (c) the kennel building and its location shall conform to the Zoning By-law and the Ontario Building Code and the building shall be maintained in damage-free condition.
 - (d) the kennel building shall have a floor of concrete or other impermeable material, and shall have a drain opening constructed as a plumbing fixture.
 - (e) where dog(s) or other animal(s) are permitted to use an outside run as part of a kennel, the run shall be completely enclosed with not less than 12 gauge chain link fencing, or material of equal strength;
 - (f) notwithstanding section 13(d) above, where an outside run as described above, is located less than 60.0 m (196.85 ft.) from any property line, the outside run shall be screened by a solid board fence of not less than 1.2 m (3.94 ft.) in height.
 - (g) the kennel building has:
 - (i) electric lighting;
 - (ii) windows which may be opened for proper ventilation;
 - (iv) a heating system sufficient to adequately heat the building;
 - (v) hot and cold running water; and
 - (vi) a food preparation area.
 - (i) where a clipping and grooming service is performed, it shall be carried out in the kennel building only.
14. If the kennel is found not to conform to the requirements set out herein, the License Inspector may direct that the animals be seized and impounded and may revoke the license issued to the kennel.

SCHEDULE 2 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

AUCTIONEERS

1. In this Schedule:

"Auction" means a publicly held sale where goods are sold to the highest bidder;

"Auctioneer" means a Person or Individual who sells or offers for sale goods, wares, merchandise or effects or livestock by public auction.
2. A Person or Individual shall not carry on the business, trade or occupation of an Auctioneer without a Licence.
3. This Schedule does not apply to:
 - (a) A sheriff or bailiff offering for sale goods or chattels seized on execution or distrained for rent;
 - (b) An auction of unclaimed or surplus property held by or on behalf of Peel Police Services, the Region of Peel or the City of Brampton;
 - (c) A municipal tax sale held pursuant to the *Municipal Act, 2001* or any successor legislation thereto;
 - (d) Any person holding a licence under the *Livestock Community Sales Act*, R.S.O. 1990, c. L.22, as amended for the sale of pure-bred livestock
 - (e) A person conducting an auction on behalf of a service club or similar organization to raise money for charitable purposes; or
 - (f) A person registered under the *Real Estate and Business Brokers Act*, 2002, S.O. 2002, c.30 who is selling real estate by public auction.
4. A completed Application for a Licence or at the discretion of the Licence Issuer for a Licence renewal shall be accompanied by a security clearance issued to the Applicant within the last 30 days by the Police Services in whose jurisdiction the Applicant resides.
5. A Licence shall not be issued if at any time within three years prior to the Application the Person or Individual has been convicted of any offence relating to fraudulent practices, stolen goods, theft or burglary under the *Criminal Code*, R.S.C. 1985, c. C-46.
6. Every Person or Individual licensed as an Auctioneer under this Schedule shall:
 - (a) Prominently display his or her name and business address at the place of each Auction;
 - (b) Include his or her name, and business address in all public advertisements of any nature;
 - (c) Maintain and keep proper records showing:
 - (i) the names and addresses of the owners of the goods auctioned;
 - (ii) a description of the goods and the price at which they were sold;
 - (iii) the amount of any commission or fee;
 - (iv) the names and addresses of the purchasers; and
 - (v) the date of payment and amounts paid to the owners for the goods sold, or the date of return of unsold goods to the owners;

- (d) Inform the purchasers and sellers that their personal information set out in subsection 6.(c) is being collected and that the personal information will only be used if necessary for law enforcement purposes;
 - (e) Ensure that the records set out in subsection 6.(c) are maintained for a period of 2 years;
 - (f) Upon request by the Licence Issuer or anyone else charged with inspection or enforcement powers under this By-law, present the required records for inspection, and permit them to remove specific entries from the register required for use in any Court or other law enforcement proceedings.
7. No Person or Individual licensed as an Auctioneer under this Schedule shall:
- (a) Permit any disorder in the place of the Auction;
 - (b) Conduct or permit to be conducted any mock Auction;
 - (c) Knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale by them;
 - (d) Give away articles or sell for nominal amounts for the purpose of stimulating bidding;
 - (e) Do any act that is calculated to or which may reasonably be expected to have the effect of confusing a purchaser as to the amount to be paid for any article or articles;
 - (f) Avail themselves of the services of, or act in concert with, persons known in the trade as "beaters", "boosters", or "shills" for the purpose of raising or stimulating bids;
 - (g) Sell or put up for sale by Auction, any goods, wares, merchandise or effects on a reserve-bid basis without first having announced clearly to those in attendance at the Auction the fact of such reserve bid;
 - (h) Give a false statement to the owner or to a purchaser as to a sale.

SCHEDULE 3 TO THE STATIONARY BUSINESS LICENSING BY-LAW

RELATING TO

**AUTOMOBILE SERVICE STATIONS, AND VEHICLE SALES,
LEASING AND RENTALS**

(Amended by By-law 184-2019)

1. In this Schedule:

"Automobile Service Station" means a building or structure or part thereof open to the public where Motor Vehicles are washed, detailed, serviced, repaired, fueled, leased, sold or displayed and may include, but are not limited to a gas bar, car wash, automotive dealership, car rental establishment, body shop or general or specialty repair shop;

"Car Wash" means a building or structure used for the washing or detailing of Motor Vehicles;

"Motor Vehicle" means an automobile, truck, motorcycle, motor-assisted bicycles and scooters, and any other vehicle propelled or driven, electric or hybrid, other than by muscular power but does not include a motorized snow vehicle or motor-assisted vehicle;

"Parking Lot" means any lot, building, structure or part thereof used for the temporary storage of more than 3 Motor Vehicles, excluding transport trailers and cabs, boats, recreational vehicles, etc., where consideration is paid for such storage but does not include parking facilities provided by landlords for tenants or by Condominium Corporations to unit owners or tenants.

2. No Person or Individual shall operate an Automobile Service Station unless the Person or Individual obtains the appropriate property class of Automobile Service Station Licence under this Schedule, the classes of which are described as follows:

(a) "Class A" includes any Premises where:

- (i) gasoline, oil or lubrication is dispensed or electric or hybrid vehicles are charged, excluding employer provided dispensing stations;
- (ii) minor automotive parts, supplies and accessories are kept for sale;
- (iii) Tire installation and sales; and
- (vii) minor repairs (i.e. window tint, electronic installations and/or car detailers to Motor Vehicles may be performed;

(b) Class "B" includes any Premises used for the repair and servicing of Motor Vehicles;

(c) "Class C" includes Out-of-Town Car Rentals;

(d) "Class D" includes any Premises used for carrying on the business of a Car Wash whether by mechanical means, non-mechanical means or coin operated;

(e) "Class E" includes any Premises used for carrying on the business of renting, leasing, buying or selling of new or used Motor Vehicles;

(f) "Class F" includes any Premises used for carrying on the business of repairing, rebuilding or painting of the exterior portions of Motor Vehicles.

3. No Person or Individual operating a licensed Automobile Service Station facility shall:
- (a) Commence any work on a Motor Vehicle without first preparing a written and sequentially numbered work order, unless the owner of the Motor Vehicle waives the preparation of the order;
 - (b) Use or permit any exterior portion of the property on which the Automobile Service Station is located to be used for storing Motor Vehicles, that are in a state of disrepair, for a period in excess of 30 days, unless he or she is required by law to retain the Motor Vehicle for a longer period of time; and
 - (c) Charge a hazardous waste fee that exceeds \$10.00 all inclusive, other than the applicable taxes.
 - (d) Permit excessive noise or other emissions in the operation of a motor vehicle, contrary to any provincial legislation or regulation or the City's Noise By-law or other such City by-law or policy, as may be established and amended from time to time;
 - (e) Modify any motor vehicle, including vehicle emission control systems, contrary to any provincial legislation or regulation or other such City by-law or policy, as may be established and amended from time to time.
 - (f) In particular, a person must not do any of the following before 7:00 a.m. and after 9:00 p.m. on weekdays or before 9:00 a.m. and after 9:00 p.m. on Saturdays, Sundays and statutory holidays:
 - (g) repair, rebuild, modify or test out of doors any motor vehicle, motorcycle, motor boat, outboard motor or recreational vehicle within 150 m of a residential property.
4. Every Licensee under this Schedule:
- (a) May charge a parking fee, as per the Repair and Storage Liens Act, not to exceed an all-inclusive fee of \$40.00 per day with no other additional service charges, if a vehicle is not picked up within 24 hours of being repaired, for every 24-hour period that the vehicle remains at the vehicle repair facility, to a maximum of 7 days not to exceed \$280;
 - (b) Shall enter into a written agreement with the owner of the Motor Vehicle that clearly details all the fees and costs that the owner of the Motor Vehicle may be required to pay for the parking or storage of the Motor Vehicle;
 - (c) Shall accept cash, debit and credit methods of payment for fees and costs incurred by the vehicle owner
5. An Automobile Service Station shall not be issued a Licence under this By-law unless the Licence Issuer is satisfied that all other applicable laws and any other regulations have been complied with.
6. Every Licensee under this Schedule shall:
- (a) Not use an Automobile Service Station for the wrecking of Motor Vehicles;
 - (b) Conduct the repair of Motor Vehicles or any parts thereof, or exhibit for sale Motor Vehicle tires, tubes, tire accessories, electric light bulbs, spark plugs, batteries or other minor vehicle parts within an enclosed service building on the Licensed Premises;
 - (c) Not store or park, or allow to be stored or parked on the Licensed Premises any trailer used for human habitation;
 - (d) Keep the premises and any sidewalk or street upon which the premises abut in a clean and neat condition, free from debris, snow, ice, dirt,

rubbish or other substances that may be derived from the licensed premises or resulting from the use of the Licensed Premises;

- (e) Not deposit any snow or ice on any public sidewalk or on any roadway that abut the Licensed Premises;
 - (f) Provide adequate storage facilities for all waste materials;
 - (g) Only run the engine of a Motor Vehicle during a repair within an enclosed building that has adequate ventilation to ensure the dilution or removal of any carbon monoxide fumes;
 - (h) Keep and maintain all washroom facilities in a clean and sanitary condition;
 - (i) Park all Motor Vehicles on the Licensed Premises in a neat and orderly manner;
 - (j) Be the holder of a valid Ontario driver's licence issued under the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, if he or she engages in driving, operating or moving Motor Vehicles parked or stored at or upon the Licensed Premises, and shall not employ any person or permit any employee to drive or operate any Motor Vehicle unless such person is the holder of such an Ontario driver's licence;
 - (k) If the Licensed Premises is open to the public, display in a conspicuous place at or upon the Licensed Premises, the applicable rates or charges, including for the parking or storing of Motor Vehicles and the hours during which the Licensed Premises are open to the public; and
 - (l) Whenever any Motor Vehicle remains continuously without lawful excuse at or upon the Licensed Premises, forthwith, prior to removal, report to the Police the make and Provincial permit number or vehicle identification (VIN) of the Motor Vehicle.
7. Every Licensee shall comply with all relevant legislation pertaining to the storage and disposal of hazardous materials on the Licensed Premises.
8. Every Applicant for an Automobile Service Station Licence shall include in his or her Application, a site plan showing:
- (a) The location and dimension of the lands and buildings in respect of which he or she seeks a Licence; and
 - (b) The maximum number of Motor Vehicles proposed to be parked or stored at or upon the Licensed Premises at any one time.
9. Every Premises of a "Class B" Automobile Service Station, shall have at least one licensed mechanic on staff but this section does not apply to a "Class B" Automobile Service Station that only permits the Owners of Motor Vehicles to carry out the repairs and servicing.
10. Every Licensee of a "Class F" Automobile Service Station shall:
- (a) Have at least one licensed body person on staff; and
 - (b) Not charge an administrative fee that exceeds \$50.00 all inclusive, other than the applicable taxes.
11. Every Licensee of a "Class C" Automobile Service Station shall:
- (a) Ensure that all Out of Town Car Rental businesses has a valid business licence to operate in the municipality that the business is located in, as required.
 - (b) No Person or Individual licensed as a "Class C" Automobile Service Station shall commence any proceedings in relation to a rental vehicle until the customer is made fully aware of rates and charges prior to

entering into a contract and every rental transaction shall be subject to a signed contract.

12. Every Licensee of a "Class D" Automobile Service Station shall:
 - (a) Ensure that lighting fixtures used are of a type and are arranged so that they do not cause nuisance or distraction to passing traffic or adjoining properties;
 - (b) Use signs that are legible and that do not distract or confuse motorists or pedestrians;
 - (c) Identify all entrance and exit driveways so that they are clearly visible from the street;
 - (d) Ensure that all Motor Vehicles awaiting the car wash are parked or remain standing on the licensed premises.
13. Every Licensee of a "Class B" and "Class F" Automobile Service Station shall, when a Motor Vehicle is left at the Licensed Premises for automotive service or body work:
 - (a) Maintain a register in a form approved by the Licence Issuer in which shall be entered:
 - (i) Time and date of receipt of Motor Vehicle
 - (ii) A description of the Motor Vehicle, including make, model and year; and
 - (iii) Name, address and telephone number of the Motor Vehicle owner.
 - (b) Retain the register in subsection 13.(a) for a period of 2 years;
 - (c) Request that the Motor Vehicle ownership document be removed from the vehicle and deposited with the Licensee to be securely stored on the Licensed Premises, and the document shall be returned upon completion of the work;
 - (d) Inform the person for whom the work is being done that personal information is being collected and that this information will only be used, if necessary, for law enforcement purposes;
 - (e) Open the register to inspection, at all times during regular business hours, by the Licence Issuer, Police or any other person duly authorized by the Licence Issuer, and permit them to remove specific entries from the register required for use in any Court or other law enforcement proceedings.
14. No Person or Individual licensed as a "Class E" Automobile Service Station shall commence any proceedings in relation to a rental vehicle until the customer is made fully aware of rates and charges prior to entering into a contract and every rental transaction shall be subject to a signed contract.
15. No Person or Individual licensed under this Schedule shall:
 - (a) Park any Motor Vehicle on any highway adjacent to the Licensed Premises; or
 - (b) Make any Motor Vehicle repairs unless licensed so to do under this Schedule and the vehicle owner has requested that the Motor Vehicle be repaired.
16. No Person or Individual licensed as a "Class B" and a "Class F" Automobile Service Station shall accept a work order for repairs to a Motor Vehicle that has been towed to their facility that:
 - (a) Is not signed by the hirer; or

- (b) Is signed by the hirer and does not contain an itemized written estimate of the total cost of the work required to repair the Motor Vehicle from the Automobile Service Station to which the vehicle has been towed.

SCHEDULE 4 TO THE STATIONARY BUSINESS LICENSING BY-LAW

RELATING TO BUILDING RENOVATORS

1. In this Schedule:

"Building Renovator" means a Person or Individual engaged in the business of altering, repairing or renovating buildings, structures, roofs, chimneys and includes any Person or Individual who solicits such work, but does not include a building contractor whose principal business is the construction of buildings and structures.

2. No Person or Individual shall be licensed as a Building Renovator unless he or she has a regular place of business and, if other than a corporation, is 18 years old.

3. Every Building Renovator licensed under this Schedule shall:

- (a) Submit proof, to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act*, 1997, S.O. 1997, c.16, as amended;
- (b) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising materials, the Building Renovator's name, address and telephone number; and
- (c) Prepare a written contract which shall be signed by the Licensee and the person for whom the work is being done before commencing any work and a copy of this contract shall be given to the person for whom the work is being done and the contract shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the person for whom the work is being done;
 - (ii) The address where the work is being done;
 - (iii) A description of the work being done, including materials and services being provided;
 - (iv) The itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
 - (v) Warrantees or guarantees, if any; and
 - (vi) The estimated date of completion.

4. No Building Renovator licensed under this Schedule shall:

- (a) Perform work that is extra or additional to an existing contract unless and until the Licensee has entered into a second or additional contract;
- (b) Permit the use of the Licensee's name by any other Person or Individual, either directly or indirectly, for the purpose of obtaining a permit to do any renovating work; or
- (c) Perform any work which requires a Licence or permit without such Licence or permit.

5. A Person or Individual licensed as a Building Renovator under this Schedule shall provide, on request from the person for whom the work was being done or from the Licence Issuer, a written itemized account of all work performed.

6. A Person or Individual licensed as a Building Renovator under this Schedule may carry on business under a trade name other than his or her own but shall not carry on business under more than one name, and only one Licence shall be issued.

**SCHEDULE 5 TO THE STATIONARY BUSINESS LICENSING BY-LAW
RELATING TO
CARNIVALS AND ANIMAL EXHIBITIONS**

1. In this Schedule:

“Carnival” means a travelling amusement show featuring exhibits, games and rides but which does not feature domestic (i.e. ponies) or wild animals, and includes any similar travelling exhibition;

“Animal Exhibition” means a travelling entertainment show consisting of, but not limited to, performances by domesticated and/or trained animals, and includes any similar travelling exhibition;

“Equipment” includes a tent, shelter, cage, pole, stand platform, seating accommodation, machinery, platform, apparatus, mechanical device, ride, or any other structure.
2. No Carnival or Animal Exhibition shall be exhibited in the City of Brampton for a period of longer than 7 days.
3. Every Application for a Licence made under this Schedule shall be accompanied by:
 - (a) Written approval for the establishment of the Carnival or Animal Exhibition from the owner of the lands being used;
 - (b) A map detailing the location of the Carnival or Animal Exhibition on the property;
 - (c) A certificate of insurance as required by section 37 of this By-law that:
 - (i) is endorsed to include The Corporation of the City of Brampton as additional insured; and
 - (ii) provides commercial general liability coverage in the amount of \$5,000,000.00;
 - (d) Submit proof, to the satisfaction of the Licence Issuer that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act*, 1997, S.O. 1997, c.16, as amended;
 - (e) An Emergency Plan in a form satisfactory to the City’s Fire Chief and Animal Services Division.
4. No Equipment shall be erected until the Licensee has complied with Section 3(d) of this Schedule.
5. Where the Carnival or Animal Exhibition includes rides or like contrivances, the Licensee under this Schedule shall obtain:
 - (a) A valid and current licence to carry on business in Ontario issued by the Technical Standards & Safety Authority, or its successor; and
 - (b) A valid and current Ontario Amusement Device Permit issued by the Technical Standards & Safety Authority, or its successor, for each ride.
6. No Licensee shall open the Carnival or Animal Exhibition for public admittance until an approved fire inspection has been completed upon final set up of the Carnival or Animal Exhibition.
7. A Licensee under this Schedule shall not operate or allow to be operated, rides or like contrivances for use by the public in an improper or dangerous manner.
8. Every Licensee under this Schedule shall:

- (a) Keep order and, at the Licensee's own expense, shall keep sufficient number of employees or volunteers to maintain such order;
 - (b) Ensure that the care, feeding and housing of all the animals is done in compliance with the *Provincial Animal Welfare Services Act*, 2019, S.O. 2019, c. 13, as amended; and any regulations made under the Act, and with any other applicable laws or requirements; and
 - (c) Ensure compliance with all applicable requirements of the *Health Protection and Promotion Act*, R.S.O. 1990, c.H.7, and Ontario Fire Code as amended.
9. Despite any other provision of this By-law, an outdoor Animal Exhibition or carnival shall not operate between the hours of 11:00 p.m. and 7:00 a.m.

SCHEDULE 6 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

CATERERS

1. In this Schedule:

“Food Check Peel Sign” means a certificate in a form approved by the Medical Officer of Health which sets out the results of the most recent inspection conducted under Regulation 562-90 of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, or any successor legislation, which states that the establishment was in compliance with the conditions required for safe handling of food at the time of the inspection (i.e. Red, Yellow, Green signs posted at Premises).

2. A Catering Licence is not required:

- (a) Where the only food items offered for sale are non-hazardous, low-risk food items, pre-packaged food items, or a combination of low-risk food items and pre-packaged food items including but not limited to chocolate bars, potato chips and canned or bottled beverages and foods that are not considered to be a “potentially hazardous food” according to Ontario Regulation 493/17 Food Premises, enforced by the Region of Peel Health Department;
- (b) Where the food Premises is a cafeteria that is operated directly by a Municipal, Provincial or Federal Government, University, College, Public School, Separate School, Private School, or Boards of Education including provincially regulated daycares;
- (c) Not for profit organizations such as food banks, and places of worship.

3. No Person or Individual shall operate as a Caterer unless the Person or Individual obtains the appropriate class of Catering Licence under this Schedule, the classes of which are described as follows:

- (a) “Class A - In-Town Catering” includes any business Premises which is located within the City of Brampton, where food intended for human consumption is prepared for sale to the public, then transported for distribution including but not limited to; conference centers; banquet halls; community centers; etc.
 - i. Every Applicant for a new “Class A - In-Town Catering” Licence who meets all the requirements under this By-law shall be issued a conditional Licence which is valid for 90 days or until such time as a Food Check Peel Sign is obtained or refused by the Medical Officer of Health.
 - ii. Every Class A Licensee of a conditional In-Town Catering Licence who obtains a Food Check Peel Sign within 90 days shall be issued a Licence.
 - iii. Every Licensee of a conditional Fixed Food Premises Licence who fails to obtain a Food Check Peel Sign within 90 days, subject to an extension of time by the Licence Issuer which is solely within his or her discretion, shall not be issued an In-Town Catering Licence and shall no longer be able to operate the Catering Premises under the conditional Licence.
- (b) “Class B - Out-of-Town Catering” includes any business Premises located outside of the City of Brampton, where food intended for human consumption is prepared for sale to the public, then transported for distribution including but not limited to; conference centers; banquet halls; community centers; etc.

- i. Every Applicant for a new "Class B - Out-of-Town Catering" Licence who meets all the requirements under this By-law shall be issued a Licence.
 - ii. Every Class B Licensee must provide proof that they have a valid business licence in the municipality in which the Premises is located, if required under local municipal by-law.
4. Every Application for the renewal of a Class A Catering Licence must be accompanied by a Food Check Peel Sign issued by the Medical Officer of Health or Peel Region Health Inspector within the preceding 12 month period.
5. Every Person or individual carrying on the business of Catering (Class A and B) shall be responsible for maintaining the Premises and property in a sanitary, clean and litter free condition, and litter containers shall be emptied of waste as often as necessary and must kept clean and odourless as set out in Ont. Reg. 562/90 Food Premises or any successor legislation.
8. Every Class A Licensee under this Schedule shall:
 - (a) Permit a Peel Region Health Inspector to post a Food Check Peel Sign in a clearly visible and conspicuous location at all entrances by which customers may enter the Premises, and where a Premises does not have an entrance by which customers may enter the Premises, the Food Check Peel Sign shall be posted in a clearly visible and conspicuous location at the pick-up window or other location from which customers are served; and
 - (b) Permit a Peel Region Health Inspector, at any reasonable time, to remove a Food Check Peel Sign that has been posted in the establishment.
9. When a Food Check Peel Sign has been removed by a Peel Region Health Inspector under subsection 7.(b), the Person or individual who carries on the business of an In-Town Catering shall not post a copy of a Food Check Peel Sign or any facsimile of it at any location on the Premises.
10. When a Food Check Peel Sign has been removed by a Peel Region Health Inspector, the food Premises shall remain closed to the public until such time as the Premises is re-inspected and approved by the Peel Region Health Inspector.

SCHEDULE 7 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

DRAIN CONTRACTORS

1. In this Schedule:

“Drain Contractor” means a Person or Individual who carries on the business of laying, repairing and installing public or private drains and sewage disposal systems on the exterior of any building;
2. No Person or Individual shall be licensed as a Drain Contractor under this By-law unless the Person has a regular place of business and if the Person or Individual is at least 18 years old.
3. Every Drain Contractor licensed under this Schedule shall:
 - (a) If performing drainage system design work or installing septic tanks, submit the name and address of a qualified on-site sewage installer and the registration issued by the Province of Ontario indicating that the installer has the qualifications set out in the Ontario Building Code;
 - (b) Submit proof, to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act 1997*, S.O. 1997, c.16, as amended.
 - (c) Display the Licensee’s name using letters with a minimum height of 10 centimetres on both sides of all vehicles owned, leased or used on a regular basis by the Licensee in the course of business;
 - (d) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising materials, the Licensee’s name, address and telephone number;
 - (e) Prepare a written contract which shall be signed by the Licensee and the person for whom the work is being done before commencing any work and a copy of this contract shall be given to the person for whom the work is being done and the contract shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the person whom the work is being done;
 - (ii) The address where the work is being done;
 - (iii) A description of the work being done, including materials and services being provided;
 - (iv) The itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
 - (v) Warranties and guarantees, if any; and
 - (vi) The estimated date of completion;
 - (f) Obtain all necessary Plumbing or Building Permits or any other permit required by law prior to the commencement of any work and, upon completion, shall procure a final inspection from the City.
4. No Person or Individual licensed as a Drain Contractor shall permit the use of the Licensee’s name by any other person, either directly or indirectly for the purpose of obtaining a permit to do any work as a Drain Contractor.
5. Despite the prohibitions set out in this By-law, a Person or Individual licensed as a Plumbing Contractor under this By-law, or an owner of land performing drain work on property on which that person resides or who is building a residence for his or her own use, is not required to be licensed under this Schedule.

SCHEDULE 8 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

DRIVEWAY PAVING CONTRACTORS

1. In this Schedule:

“Contravention Administration Costs” means outstanding fees for Licences, penalties, administrative and enforcement costs, fees set out in the User Fee By-law, and related charges incurred by the Driveway Paving Contractor in the event that the contractor fails to comply with any applicable by-laws or statutory obligations.

“Driveway” means an area of hard and level surface (consisting of, but not limited to, asphalt, pavement, concrete, patterned concrete, compacted gravel and dirt, interlocking brick or paving stone), including a surfaced walkway and any hard and level surface that is capable of being parked or driven upon by part or the whole of a vehicle.

“Driveway Paving Contractor” means a Person or Individual engaged in the business of residential paving, or repairing Driveways, lanes, roadways and parking areas situated on privately owned property which may include municipal boulevards adjacent to such private property.

“Driveway Paving Information Course” is an online course, which provides training related to the City’s zoning requirements pertaining to paving, repairing or sealing Driveways, lanes, roadways and parking areas situated on privately owned property which may include municipal boulevards adjacent to such private property. The Driveway Paving Information Course is a mandatory annual training test, due upon renewal, which must be taken by a minimum of 1 person per job site.

“Paving Work” means any Paving Work on a Driveway, including installing, constructing, paving, resurfacing, repairing, expanding or altering a Driveway, lane, roadway or parking area. Excludes driveway sealing.

2. Every Person or Individual licensed as a Driveway Paving Contractor under this By-law shall deposit a Letter of Credit or other security satisfactory to the Licence Issuer in the amount of \$5,000.00 that shall be valid for the term of the Licence.

- (a) This security shall be used for purposes as set out in the “Security Acknowledgement” which the Contractor shall enter into with and the City prior to licence issuance. Execution of the Security Acknowledgement is a condition of the licence issuance.
- (b) Any funds drawn upon the security for breach of the Acknowledgement must be replaced within 48 hours or the licence will be subject to revocation.
- (c) Should the security posted not be sufficient to cover the Contravention Administrative Costs in which the security was drawn upon, the City shall charge any additional costs related to the contravention under Section 22 of this By-law which shall be paid by the Driveway Paving Contractor.
- (d) The City shall maintain the security for up to 90 days after the licence expires or is cancelled to perform any required inspections on paving work completed to ensure compliance.

3. Notwithstanding Clause 2, any Driveway Paving Contractor whose sole business involves the application of a protective sealcoating to an existing paved driveway shall be exempt from depositing a \$5,000.00 security at the time of application

4. No Person or Individual shall be licensed as a Driveway Paving Contractor unless the Person or Individual has a regular place of business and, if the Person or Individual is at least 18 years old.
5. Every Driveway Paving Contractor licensed under this Schedule shall:
 - (a) Submit proof, to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act*, 1997, S.O. 1997, c.16, as amended;
 - (b) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising material, the Licensee's name, address and telephone number;
 - (c) Prepare a written contract which shall be signed by the Licensee and the person for whom the Paving Work is being done before commencing any work and a copy of this agreement shall be given to the person for whom the work is being done and the agreement shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the person for whom the Paving Work is being done;
 - (ii) The address where the Paving Work is being done;
 - (iii) A description of the materials and services supplied, including the depth of asphalt, concrete, gravel or other material to be applied (this description may be supplemented by a sketch);
 - (iv) The itemized price for the materials and services to be supplied a detailed statement of the terms of payment;
 - (v) Warranties or guarantees, if any; and
 - (vi) The estimated date of completion;
 - (e) Obtain all necessary permits required by law prior to the commencement of any Paving Work.
 - (f) Provide confirmation of completion by the Applicant, and any other required employees of the business, in the current calendar year, of the Driveway Paving Information Course from the City of Brampton.
6. No Person or Individual licensed as a Driveway Paving Contractor shall:
 - (a) Perform Paving Work that is extra or additional to an existing agreement unless the Licensee has entered into a second or additional contract with the person for whom the work is being done;
 - (b) Permit the use of the Licensee's name by any other Person or Individual, either directly or indirectly, for the purpose of obtaining a permit to do any Driveway Paving Work; or
 - (c) Perform any Paving Work that requires a licence or permit without such licence or permit.
 - (d) Perform any Paving Work that requires a permit unless the permit is displayed in view of the public in the area in which the Paving Work is being performed;
 - (e) Perform any Paving Work that is not in compliance with the City's Zoning By-Law 270-2004, as amended, or any other City by-law, unless a valid permission, supporting decision or approval required by law is obtained prior to the commencement of any Paving Work.

- (f) Allow paving work to be completed without having, on site, either the contractor or an employee who has successfully completed the City of Brampton Driveway Paving Information course and test.
 - (g) Should a zoning violation be found in relation to the work performed by the contractor, the licence may be suspended until such time as the zoning infraction has been remedied by the Contractor at the Contractor's expense
7. Despite an Application being complete and all fees paid, the Licence Issuer shall refuse to issue or renew a Licence and in the case of an existing Licence, the Licence Issuer shall suspend the Licence, if an applicant or Licensee has six (6) or more by-law related convictions within the last twelve (12) months concerning the licensed business or individual, or any other of the individual's businesses that were licensed or were required to be licensed, or any other of the individual's prior businesses that were licensed or are required to be licensed.
8. The Licence Issuer may issue a warning letter to be placed in an applicant's or Licensee's file if, at the time of an application for a licence or renewal, the applicant has four (4) or more by-law related convictions concerning the licensed business or individual, or any of the individual's prior businesses that were licensed or required to be licensed, within the last twelve (12) months immediately preceding the date of issuance or renewal. The warning letter must advise the applicant or licensee about the specific applicable threshold.
9. A Person or Individual licensed under this Schedule may carry on business under a trade name other than his or her own but shall not carry on business under more than one name and only one Licence shall be issued.

SCHEDULE 9 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

FENCE INSTALLATION CONTRACTORS

1. In this Schedule:

"Fence Installation Contractor" means a Person or Individual engaged in the business of constructing residential fences.
2. No Person or Individual shall be licensed as a Fence Installation Contractor unless the Person or Individual has a regular place of business and, if the Person or Individual is 18 years old.
3. Every Fence Installation Contractor licensed under this Schedule shall:
 - (a) Submit proof, to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act, 1997*, S.O. 1997, c.16, as amended;
 - (b) Ensure that all stationery, forms, bills, invoices, statements and any other printed or written advertising material used by the Fence Installation Contractor in the course of business, display in clearly legible letters and numbers, the business name, address and telephone number;
 - (c) Prepare a written contract which shall be signed by the Licensee and the Person(s) or Individual(s), in the case of boundary fence cost sharing, for whom the work is being done before commencing any work and a copy of this contract shall be given to the Person(s) or Individual(s) for whom the work is being done and the contract shall contain:
 - (i) The name and address of the Licensee and the name and address of the Person(s) or Individual(s) for whom the work is being done;
 - (ii) The address where the work is being done;
 - (iii) A description of the materials and services to be supplied;
 - (iv) The itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
 - (v) Warranties or guarantees, if any; and
 - (vi) The estimated date of completion;
 - (d) Obtain all necessary permits required by law prior to the commencement of the work and, upon completion, shall procure a final inspection from the City.
4. No Licensee under this Schedule shall:
 - (a) Perform work that is extra or additional to an existing contract unless the Licensee has entered into a second or additional contract with the Person(s) or Individual(s) for whom the work is being done;
 - (b) Permit the use of the Licensee's name by any other Person or individual, either directly or indirectly, for the purpose of obtaining a permit to construct any fences; or
 - (c) Perform any work that requires a licence or permit without such licence or permit.
5. A Licensee under this Schedule may carry on business under a trade name or name other than his or her own but shall not carry on business under more than one name, and only one Licence shall be issued.

SCHEDULE 10 TO THE STATIONARY BUSINESS LICENSING BY-LAW

RELATING TO

FIXED FOOD PREMISES

1. In this Schedule:

"Fixed Food Premises" includes every Premises where food intended for human consumption is prepared, stored or offered for sale to the public including but not limited to food stores, restaurants (dine-in and take-out), convenience stores, bakeries and butchers;

"Food Check Peel Sign" means a certificate in a form approved by the Medical Officer of Health which sets out the results of the most recent inspection conducted under Regulation 562-90 of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, or any successor legislation, which states that the establishment was in compliance with the conditions required for safe handling of food at the time of the inspection (i.e. Red, Yellow, Green signs posted at Premises).

2. A Fixed Food Premises Licence is not required:

- (a) Where the only food items offered for sale are non-hazardous, low-risk food items, pre-packaged food items, or a combination of low-risk food items and pre-packaged food items including but not limited to chocolate bars, potato chips and canned or bottled beverages and foods that are not considered to be a "potentially hazardous food" according to Ontario Regulation 493/17 Food Premises, enforced by the Region of Peel Health Department;
- (b) Where the food Premises is a cafeteria that is operated directly by a Municipal, Provincial or Federal Government, University, College, Public School, Separate School, Private School, or Boards of Education including provincially regulated daycares;
- (c) Not for profit organizations such as food banks, and places of worship.

3. No Person or Individual shall operate a Fixed Food Premises unless or the Person or Individual obtains the appropriate class of Fixed Food Premises Licence under this Schedule, the classes of which are described as follows:

- (a) "Class A" includes any Premises used for carrying on the business of operating a Bakery;
- (b) "Class B" includes any Premises used for carrying on the business of operating a Cafeteria;
- (c) "Class C" includes any Premises used for carrying on the business of operating a Café or Coffee Shop;
- (d) "Class D" includes any Premises used for carrying on the business of operating a Convenience Store;
- (e) "Class E" includes any Premises used for carrying on the business of operating a Grocery Store;
- (f) "Class F" includes any Premises used for carrying on the business of operating a Restaurant (Dine-in, may offer take-out as an option);
- (g) "Class G" includes any Premises used for carrying on the business of operating a Take-Out Only Restaurant;
- (h) "Class H" includes any Premises used for operating a Residential-Based Food Preparation business.

4.

- (a) Every Applicant for a new Fixed Food Premises Licence who meets all the requirements under this By-law shall be issued a conditional Fixed Food Premises Licence which is valid for 90 days or until such time as a Food Check Peel Sign is obtained or refused by the Medical Officer of Health.
 - (b) Every Licensee of a conditional Fixed Food Premises Licence who obtains a Food Check Peel Sign within 90 days shall be issued a Fixed Food Premises Licence.
 - (c) Every Licensee of a conditional Fixed Food Premises Licence who fails to obtain a Food Check Peel Sign within 90 days, subject to an extension of time by the Licence Issuer which is solely within his or her discretion, shall not be issued a Fixed Food Premises Licence and shall no longer be able to operate the Fixed Food Premises under the conditional Fixed Food Premises Licence.
5. Every Application for the renewal of a Fixed Food Premises Licence must be accompanied by a Food Check Peel Sign issued by the Medical Officer of Health or Peel Region Health Inspector within the preceding 12-month period.
6. A Licence issued under this By-law is permission to sell only from inside the location for which the Licence has been issued.
7. Every Person or individual carrying on the business of a Fixed Food Premises shall be responsible for maintaining the Premises and property in a sanitary, clean and litter free condition, and shall provide covered litter containers in a number satisfactory to the Licence Issuer, and the containers shall be emptied of waste as often as necessary and must kept clean and odourless as set out in Ont. Reg. 562/90 Food Premises or any successor legislation.
8. Every Licensee under this Schedule shall:
- (a) Permit a Peel Region Health Inspector to post a Food Check Peel Sign in a clearly visible and conspicuous location at all entrances by which customers may enter the Premises, and where a Premises does not have an entrance by which customers may enter the Premises, the Food Check Peel Sign shall be posted in a clearly visible and conspicuous location at the pick-up window or other location from which customers are served; and
 - (b) Permit a Peel Region Health Inspector, at any reasonable time, to remove a Food Check Peel Sign that has been posted in the establishment.
9. When a Food Check Peel Sign has been removed by a Peel Region Health Inspector under subsection 7(b), the Person or individual who carries on the business of a Fixed Food Premises shall not post a copy of a Food Check Peel Sign or any facsimile of it at any location on the Premises.
10. When a Food Check Peel Sign has been removed by a Peel Region Health Inspector, the food Premises shall remain closed to the public until such time as the food Premises is re-inspected and approved by the Peel Region Health Inspector.
11. Notwithstanding the requirements of this schedule, any Fixed Food Premise with a seating capacity over 100 persons will also be subject to the licensing provisions as set out in Schedule 21, Places of Public Assembly.

SCHEDULE 11 TO THE STATIONARY BUSINESS LICENSING BY-LAW

RELATING TO

FLEA MARKETS

1. In this Schedule:

"Farmers Market" means a seasonal, multi-vendor operation at a fixed location selling agricultural, food and arts and crafts products including home-grown-produce, homemade crafts and value-added products where the vendors are the primary producers.

"Flea Market" means that area, whether enclosed by a building or not, in which individual stalls are rented to vendors other than those who own the premises, for the purpose of individually exposing new or used goods for sale, and shall include a Farmers Market. Excludes City-run farmers markets.

"Owner of a Flea Market" includes any Person or individual who operates a Flea Market or manages the property at which the market is situated;

"Shopping mall" includes the premises upon which a group of at least five separate commercial uses have been developed and are managed as a unit by a single owner or tenant, or by a group of owners or tenants;

"Stall" shall include a table, booth, counter or other similar sales facility, whether within or outside of a building and whether the table, booth, counter or other similar sales facility is or is not readily identifiable as a separate selling unit, and whether or not the table, booth, counter or other similar sales facility has any degree of permanence which is, in fact, being used by an individual vendor within the market.

2. An Applicant for a Flea Market Licence shall:

- (a) agree to maintain a record of the vendors, their names, addresses and phone numbers, together with details as to the type of items to be sold and shall comply with the following requirements:
 - (i) Make all entries in the record at the time of rental or immediately thereafter;
 - (ii) Not knowingly make any false entries in the record;
 - (iii) Preserve all records for at least 2 years; and
 - (iv) Keep the record available for inspection at any reasonable time when requested by the Licence Issuer or Inspector;
- (b) file a floor plan showing where vendors will be located; and
- (c) submit a letter of approval issued by the Fire Chief.

3. Every Licensee under this Schedule shall:

- (a) Ensure orderly conduct is maintained on the Flea Market Premises;
- (b) Be responsible for the conduct of the vendors at the Flea Market;
- (c) Ensure that queues which form for the purpose of gaining entrance to the Premises do not obstruct sidewalks or highways;
- (d) Cooperate with the Licence Issuer to ensure that all required inspections, including building, fire and health inspections, are conducted as required; and

- (e) Provide trash receptacles in sufficient numbers and at suitable locations to keep up with the amount of trash generated by the event and empty the trash receptacles as often as required to prevent overflow.

4. The provisions of this Schedule do not apply to:

- (a) Farmers' Markets and events that are sponsored by, and benefit Farmers' Markets;
- (b) Public markets managed by the City;
- (c) Agricultural Fairs and events that are sponsored by and benefit Agricultural Fairs;
- (d) Coin and Stamp trade shows;
- (e) Flea markets that primarily promote original arts and crafts creations;
- (f) Flea markets raising funds for a charitable organization or a not-for-profit organization as determined by the Licence Issuer provided that the organization has a Revenue Canada number and the profits go to the charitable or not-for-profit organization represented; and
- (g) An event that takes place indoors at a shopping mall.

SCHEDULE 12 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

HEATING, AIR CONDITIONING AND VENTILATION CONTRACTORS

1. In this Schedule:

"Air Conditioning" means the simultaneous control of:

- (i) Temperature (heating or cooling air);
- (ii) Humidity (humidifying or dehumidifying air);
- (iii) Cleanliness (mechanical or electronic air cleaning); and
- (iv) Air Motion (the proper air distribution within a building with related fresh air for comfort conditions;

"Heating, Air Conditioning and Ventilating Contractor" means a Person or individual engaged in the business of contracting for the installation, maintaining, repairing or replacing of warm air heating or cooling equipment or refrigeration or ventilation equipment and systems of any kind, excepting the installation of oil tanks and oil and gas burners;

"Heating, Air Conditioning, Ventilating and Refrigeration" means the layout, assembly, installation, repairs and manufacturing in the field, any cooling or refrigeration or heating/cooling combination system for residential, commercial, institutional or industrial purpose and includes the manufacturing, fabrication, assembly, installation or service of ferrous and non-ferrous sheet metal work, and further includes the installation of piping that conveys gas or the tubing of any air handling systems;

"Master Warm Air Heating, Air Conditioning and Ventilation Installer" means any Person or individual who:

- (a) has been issued a Certificate of Qualification under the OCTAA as a Refrigeration and Air Conditioning Mechanic or Steam Fitter/Pipe Fitter; or
- (b) is licensed as a gas technician, oil burner mechanic or gas pipe fitter under the *Technical Standards and Safety Act, 2000*, S.O. 2000, c.16, as amended and the regulations thereunder;

"OCTAA" means the *Ontario College of Trades and Apprenticeship Act, 2009*, S.O. 2009, c.22, as amended and any regulations made thereunder.

2. The provision of this Schedule shall apply to all Persons or individuals engaging in any Heating, Air Conditioning, Refrigeration or Ventilation work as:

- (a) Heating, Air Conditioning and Ventilation Contractor;
- (b) Refrigeration and Air Conditioning Mechanic, a Steam Fitter/ Pipe Fitter or Sheet Metal Worker who hold a Certificate of Qualification under the OCTAA;
- (c) Gas technician, oil burner mechanic or gas pipe fitter qualified under the *Technical Standards and Safety Act, 2000*, S.O. 2000, c.16, as amended and the regulations thereunder.

3. Every Licensee under this Schedule shall observe and comply with and be governed by this Schedule and all the provisions of the OCTAA, the *Technical Standards and Safety Act, 2000*, and any other applicable provincial and federal legislation and any regulations made thereunder.

4. No Person or individual shall carry on the business of a Heating, Air Conditioning and Ventilation Contractor without a Licence under this Schedule entitling him or

her so to do and has a Master Warm Air Heating, Air Conditioning and Ventilation Installer in his or her employ.

5. When the Master Warm Air Heating, Air Conditioning and Ventilation Installer whose name appears on a Heating, Air Conditioning and Ventilation Contractor's Licence, is no longer regularly employed and in charge of the work, the Contractor shall, within 7 days notify the Licence Issuer in writing of the name and address of the Master who will henceforth be in charge, or with particulars of his or her arrangements pending the engaging of a Master to be in charge of the Contractor's work.
6. It shall be an offence for a Master Warm Air Heating, Air Conditioning and Ventilation Installer to be employed by more than one Heating, Air Conditioning and Ventilating Contractor for the same period of time.
7. The business name of the Licensee shall be displayed in any advertising for that trade.
8. Every Person or individual licensed as a Heating, Air Conditioning and Ventilation Contractor shall:
 - (a) Submit proof to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act, 1997*, S.O. 1997, c.16, as amended and the regulations thereunder.
 - (b) Have printed or otherwise impressed on all business stationery, forms, bill, statements and advertising materials, the licensee's name, address and telephone number;
 - (c) Prepare a written contract which shall be signed by the Licensee and the Person or individual for whom the work is being done before commencing any work and a copy of this contract shall be given to the Person or individual for whom the work is being done and the contract shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the person for whom the work is being done;
 - (ii) The address where the work is being done;
 - (iii) A description of the work being done, including materials and services being provided;
 - (iv) The itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
 - (v) Warrantees or guarantees, if any; and
 - (vi) The estimated date of completion;
 - (e) Obtain all necessary Permits required by-law prior to the commencement of any work and, upon completion, arrange for a final inspection.
9. The provisions of this Schedule shall not apply to the repair and maintenance of a heating, air conditioning or ventilation system and related equipment where the repair and maintenance is done by:
 - (a) A person who is the owner or tenant, where the equipment is contained within the premises occupied by the owner or tenant; or
 - (b) A person who is a full-time employee of a property owner or tenant and who is engaged by the property owner or tenant for maintenance of heating/cooling/ventilating equipment within the premises of the property owner or tenant.

**SCHEDULE 13 TO THE STATIONARY BUSINESS LICENSING BY-LAW
RELATING TO**

HORSE RIDING ESTABLISHMENTS

1. In this Schedule:

"Assistant Instructor" means an Individual who:

- (a) Is at least 16 years old;
- (b) Has at least 3 consecutive years of experience riding or training horses in the immediate preceding 5 years; and
- (c) Is directly supervised by an Instructor;

"Assistant Trail Guide" means an Individual who:

- (a) Is at least 16 years old; and
- (b) Has at least 3 consecutive years of riding experience and working with horses at a horse riding establishment, where trail riding is provided, in the preceding 7 years;

"Drug" means a substance as listed in Schedules I, II, III, IV and V of the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as may be amended from time to time;

"Horse" means any animal of the equine species;

"Horse Riding Establishment" means the carrying on of a business in the equine industry and is further divided into the following disciplines:

"Instructional Riding Establishment" means:

- (a) The carrying on of a business where horses are let out for hire and where instruction for payment is provided, either at a permanent or temporary location; or
- (b) The carrying on of a business where instruction is provided in Horse riding where the Horse is owned and boarded or part boarded or brought in by the day.

"Instructor" means an Individual who:

- (a) Is at least 18 years old and has had at least 5 consecutive years of experience in riding or training horses during the immediately preceding 7 years; or
- (b) Is at least 18 years old and has been certified by the Canadian Equestrian Federation, Ontario Equestrian Federation, Canadian Therapeutic Riding Association, Certified Horseman's Association or Institution or has been a member of the Canadian Equestrian Team.

"Trail Guide" means a person who is at least 18 years old and has at least 3 consecutive years of experience assisting or leading trail riders in the immediately preceding 5 years.

"Trail Riding Establishments" means the carrying on of a business where Horses are let out for hire for recreational riding for payment, either at a permanent or temporary location.

Regulations Applying to Both Instructional and Trail Riding

2. No Licensee of a Horse Riding Establishment shall:

- (a) Permit a person to mount, ride or remain on a Horse unless that person is at all times wearing a designated riding helmet that is properly fitted and fastened securely upon the rider's head by an attached harness;
 - (b) Permit a person to mount, ride or remain on a Horse unless that person is wearing properly fitting, hard and smooth soled footwear with a minimum half inch heel or proper riding footwear with a minimum half inch heel;
 - (c) Conduct trail riding with less than 1 Trail Guide for the first 6 persons and an Assistant Trail Guide for every additional group of 6 or less;
 - (d) Conduct trail riding unless a Trail Guide or Assistant Trail Guide is carrying, at all times, a two-way communication device where the signal will be received by another lead trail guide or Assistant Trail Guide who is not on the same trail ride;
 - (e) Permit more than one person to ride a Horse at the same time, except for disabled riders with special needs within a designated controlled environment;
 - (f) Rent a Horse unless that horse is known to be safe, sound and schooled for the purposes intended and appropriately suited to the rider's size and ability;
 - (g) Rent a lame, sick or blind Horse;
 - (h) Rent a Horse unless the horse is a minimum of 5 years of age and the horse has 1 year of schooling;
 - (i) Permit any person with less than 52 hours of riding experience to mount or dismount a Horse for the purpose of trail riding unless that horse is held at the bridle by an employee or volunteer of the person carrying on the business and who is supervised by a Trail Guide;
 - (j) Rent a Horse to a person who is taking, consuming, possessing or is, or appears to be, intoxicated by alcohol or a Drug on any premises used for the carrying on of the business of a Horse Riding Establishment where trail riding is provided or
 - (k) In the performance of duties at a Horse Riding Establishment, take, consume, possess or be intoxicated by alcohol or a Drug.
3. Prior to beginning riding instruction or leading a trail ride, the Instructor or Assistant Instructor, Trail Guide or Assistant Trail Guide assigned, as the case may be, shall examine the condition and fit of all equipment to be used by each rider to ensure that it is clean, supple, well-fitting, secure and fully functional.
4. The Licensee of a Horse Riding Establishment shall:
- (a) Ensure a qualified first aid provider with current certification in first aid and cardiopulmonary resuscitation is available whenever riding lessons or trail rides are being conducted;
 - (b) Maintain a fully stocked first aid kit on the premises;
 - (c) Ensure that all the medical records of all Horses for hire are available on the Premises, including a pictorial description of the horse;
 - (d) Ensure that the Premises, or any portion of the Premises, ordinarily used for the riding of Horses is clear of all ground and overhanging obstructions; and
 - (e) Where any obstructions in subsection 4(d) cannot be cleared, the Licensee shall barrier these obstructions such that Horses and riders will not come into contact with them.

5. "Release and Acknowledgment" forms shall be signed by all participants. Those participants under the age of 18 must have such forms signed by a parent or legal guardian.
6. Fire precautions and emergency evacuation procedures shall be posted and understood by staff in the event of an emergency.
7. Hazardous material or equipment of any kind shall be stored out of reach of Horses, riders and the general public.
8. A Licensee shall provide potable safe water to the users of a Horse Riding Establishment premises.
9. Accident forms shall be available at the facility and shall be completed by the Instructor or Trail Guide and any witnesses immediately after an accident has occurred.
10. Section 2(b) of this Schedule shall not apply where a rider has been provided with proper functioning and appropriately sized hooded stirrups, safety stirrups which are designed to prevent a rider's foot from passing through or becoming wedged in the stirrup or stirrups which are designed to break-away when a rider falls from the Horse.
11. For the purposes of an inspection under Part XVII of the By-law, an Inspector shall include a City of Brampton Animal Control Officer.
12. Every Horse Riding Establishment licensed under this By-law shall carry on the business in accordance with the provisions of the *Horse Riding Safety Act, 2001*, S.O. 2001, c.4, as amended.

Instructional Riding

13. For the purpose of dressage or precision riding performed as part of a special event where ceremonial dress is worn by all riders, the requirements of Section 2(b) will not apply.
14. (1) No Person or Individual licensed under this Schedule where instructional riding is provided, shall instruct a person to ride a Horse unless:
 - (a) the Horse is at least 3 years of age;
 - (b) the Horse has 1 year of schooling; and
 - (c) Horses between 3 years of age and 6 years of age have proof of an annual dental inspection by an equine dentist or veterinarian;
- (2) Section 14(1) does not apply to a Horse owned by a person receiving instructions.
15. An Assistant Instructor shall be permitted to assist in the instruction of persons in the riding of horses at a Horse Riding Establishment.
16. The Licensee of a Horse Riding Establishment where instructional riding is provided shall erect on the Premises in a location clearly visible to all patrons, a sign to be created and erected at the expense of the Licensee, with lettering a minimum of a 1/2 inch in height in the form prescribed in Appendix 1 to this Schedule.

Trail Riding

17. Despite any other provision in this Schedule, a Person or Individual who carries on the business of a Horse Riding Establishment where trail riding is provided, may rent to a person who is at least 6 years old, to lead line ride a Horse where the horse is led by a person on foot who is deemed capable by the Licensee, and where the person is under the age of 6 years, the lead line rider must be led by a person deemed capable by the Licensee and accompanied by another person.
18. Prior to conducting or leading a trail ride, the Trail Guide or Assistant Trail Guide assigned to the ride, as the case may be, shall provide basic information on the

handling of a horse and the basics of riding a Horse to every person who is taking part in the trail ride.

19. The Licensee of a Horse Riding Establishment where trail riding is provided, shall erect on the Premises in a location clearly visible to all patrons, a sign to be created and erected at the expense of the Licensee, with letters a minimum of 1/2 inch in height in the form prescribed in Appendix 2 to this Schedule.
20. Every guide must have functional two-way communication with the stable through the use of walkie talkies or cell phones, or any other similar device that would allow for two-way communication with the stable. Riders cannot ride without being accompanied by a guide.

**APPENDIX 1 TO SCHEDULE 13 TO THE STATIONARY
BUSINESS LICENSING BY-LAW**

**SIGN TO BE POSTED ON LICENSED PREMISES OF A HORSE RIDING
ESTABLISHMENT WHERE INSTRUCTIONAL RIDING IS PROVIDED**

The following regulations are set out in the City of Brampton Business Licensing By-law - Schedule 15 - Horse Riding Establishments. Patrons should be made aware that even with the requirement of safety equipment, horse riding has inherent risks that may result in serious injury or death.

- 1) Approved riding helmets to be worn by all persons under the age of 18 and strongly recommended for persons over the age of 18.
- 2) Hard and smooth soled shoes with a defined heel must be worn by all riders unless using hooded, safety or break-away stirrups.
- 3) Patrons must disclose any medical problem or condition that may cause risk during riding instructions, to the instructor.

**APPENDIX 2 TO SCHEDULE 13 TO THE STATIONARY
BUSINESS LICENSING BY-LAW**

**SIGN TO BE POSTED ON LICENSED PREMISES OF A HORSE
RIDING ESTABLISHMENT WHERE TRAIL RIDING IS PROVIDED**

The following regulations are set out in the City of Brampton Business Licensing By-law - Schedule 15 - Horse Riding Establishments. Patrons should be made aware that even with the requirement of safety equipment, horse riding has inherent risks that may result in serious injury or death.

- 1) Maximum 6 riders per leader.
- 2) Minimum age for trail riding is 10 years.
- 3) Lead line riding is permitted for children under the age of 10.
- 4) Approved riding helmets to be worn by all persons under the age of 18 and is strongly recommended for persons over the age of 18.
- 5) Hard and smooth soled shoes with a minimum half inch heel must be worn by all riders unless using hooded, safety or break-away stirrups.
- 6) Inexperienced riders must identify themselves to a trail guide.
- 7) Patrons must disclose any medical issue or condition that may cause risk during the trail ride, to the trail guide

SCHEDULE 14 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

LODGING HOUSES

1. In this Schedule:

'Lodging House' shall mean a single detached dwelling in which residential accommodation is provided, or is intended to be provided in which each lodger does not have access to all of the habitable areas of the building and consists of more than four (4) lodging units; or a single detached dwelling in which lodging is provided for more than four (4) persons with or without meals'.

"Owner" means a Licensee under this Schedule, the registered owner of the property in which the Lodging House is located, and includes any person who operates or manages the Lodging House.

2. An Application for a Licence under this Schedule, and at the discretion of the Licence Issuer for the renewal of a Licence, shall be accompanied by:

- (a) An inspection report from the Electrical Safety Authority stating that the condition of the electrical wiring and electrical fixtures are satisfactory and setting out any recommendations in connection therewith;
- (b) Letters of approval issued by the Fire Chief and Property Standards Section of the City;
- (c) If the Lodging House is owned by a corporation, a copy of the incorporating documents and the names and addresses of all Directors and Officers;
- (d) An occupancy certificate issued by the Chief Building Official for the change of use of the building to a boarding, rooming or lodging house and any additions to the building, or for previously licensed Lodging Houses, a statutory declaration prepared for the Chief Building Official or designate, stating that the building or structure is in compliance with the requirements of the Ontario Building Code, with respect to any new additions or alterations requiring a building permit;
- (e) A letter of approval issued by the Medical Officer of Health or Peel Region Health Inspector;
- (f) An inspection report from a qualified H.V.A.C. contractor showing heating/cooling equipment and chimneys are safe and in good repair;
- (g) An up-to-date emergency plan approved by the Fire Chief;
- (h) A complete set of floor plans showing all rooms, stairways and exits, number of bathtubs, showers, wash basins, water closets and sinks in the building and the number of sleeping rooms available for lodgers;
- (i) Written confirmation of the maximum number of lodgers to be accommodated;
- (j) The name and telephone number of any manager who resides on the premises or other emergency contact person; and
- (k) Zoning Approval of the Licence Application confirming that a Lodging House is a permitted use of the subject property.

3. Every Owner of a Lodging House shall ensure that the building complies with the *Ontario Fire Code* and *Ontario Building Code* unless otherwise specified within this Schedule.

4. Every Owner of a Lodging House shall ensure that:
- (a) All halls, stairways and means of entrance and egress is kept free from obstruction at all times;
 - (b) Every Owner of a Lodging House shall ensure if the building contains a fuel burning appliance:
 - (i) A carbon monoxide detector is installed on each floor and shall be equipped with an alarm that is audible within all rooms when the intervening doors are closed; and
 - (ii) All carbon monoxide detectors are maintained in good operating condition and in accordance with the manufacturer's instructions;
 - (c) Where an electrically powered carbon monoxide detector is installed, each electronically powered carbon monoxide detector:
 - (i) Is equipped with visual indications that indicate it is in an operating condition; and
 - (ii) Has no power switch between the carbon monoxide detector and the power distribution panel;
 - (d) Toilet and bathing facilities are provided as required under the Ontario Building Code, are maintained in a clean and sanitary manner to prevent and eliminate any health hazards, within at least one room with access provided by means of an entrance from a common hallway or corridor; said facilities containing at least one wash-basin, one water closet and one bathtub or shower for each 4 lodgers;
 - (e) Where food is prepared or intended to be prepared, adequate facilities for the proper preparation and protection of food are provided that meet the requirements of Peel Health and O. Reg. 562/90 - Food Premises Regulation made under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7;
 - (f) A register is kept in the Lodging House detailing the name of every lodger who occupies the premises and shall ensure that the register, as well as the Lodging House premises are open to inspection at any reasonable time by the Licence Issuer or Inspector;
 - (g) The Chief Building Official, License Issuer or Inspector is permitted to enter the premises at any reasonable time for the purpose of inspecting the premises and no person shall prevent or obstruct any such officials from entering the premises;
 - (h) Each resident of the Lodging House is provided separate lockable mail box;
 - (i) A secure area in the Lodging House is provided for the personal belongings of the resident, if requested; and
 - (j) All necessary steps are taken to prevent and eliminate any effects of health hazards on occupants of the facility.

4. No Licensee shall:

- (a) Permit a person to occupy for sleeping purposes, any cellar or any space used as a lobby, hallway, closet, bathroom, laundry, stairway, kitchen or any accessory building or shed;
- (b) Permit a room to be used for sleeping purposes unless it contains a window or window opening directly to the outside air, having an area equal to or not less than 5% of the floor area of the room and having an

unobstructed ventilation area (that may be opened) to the outdoors of 1.5 square feet per occupant unless such room is otherwise ventilated by mechanical means;

- (c) Permit any cooking appliance of any kind in any room used for sleeping purposes; and
 - (d) Permit any heating appliances to be installed or maintained in any room used for sleeping purposes, other than those specifically designed and authorized by the regulations made under the Ontario Building Code.
5. The requirement to obtain a Lodging House Licence does not apply to:
- (a) A student residence owned or operated by a university or college;
 - (b) A dwelling unit within an apartment building;
 - (c) Housing provided by a registered charity;
 - (d) A Supportive Housing Residence;
 - (e) A foster home;
 - (f) A medical treatment facility;
 - (g) A long term care home as defined under the *Long Term Care Home Act, 2007*;
 - (h) A retirement home as defined under the *Retirement Homes Act, 2010*; a Senior Citizen Residence, or a supportive housing, types 1 and 2.

SCHEDULE 15 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

OUTDOOR STORAGE FACILITY OR PARKING LOT

1. In this Schedule:

"Outdoor Storage Facility" means the storage of merchandise, goods, inventory, materials or equipment or other items, which are not intended for immediate sale, by locating them on a lot exterior to a building. This includes boat, snowmobile, jet skis, trailer storage, transport storage and shipping container storage and excludes vehicle pound facilities.

"Parking Lot" means any lot, building, structure or part thereof used for the temporary storage of more than 3 Motor Vehicles, excluding transport trailers and cabs, boats, recreational vehicles, etc., where consideration is paid for such storage but does not include parking facilities provided by landlords for tenants or by Condominium Corporations to unit owners or tenants.

2. Every Licensee under this Schedule shall:

- (a) Ensure that all driveways into and out of the parking lot, as well as the parking spaces in the parking lot are paved with asphalt, concrete or other similar substances;
- (b) Ensure that all parking spaces are clearly delineated by painted contrasting lines;
- (c) Ensure that all parking spaces are readily accessible at all times for the parking or removal of Motor Vehicles without the necessity of moving any other Motor Vehicle;
- (d) Display in a conspicuous place at or upon the Licensed Premises, a sign that states:
 - (i) In letters and figures of uniform size not less than 8 centimeters in height, the rates or charges for parking Motor Vehicles; and
 - (ii) In readily legible letters, the hours during which the Licensed Premises is open for business, together with the Licensee's name, address and telephone number.
- (e) Where any Motor Vehicle remains continuously and without lawful excuse at or upon the Licensed Premises for more than 24 hours, forthwith report to the nearest police station, the model and Provincial permit number of the Motor Vehicle;
- (f) Ensure that Motor Vehicles that are parked illegally are only removed from the Licensed Premises:
 - (i) where signage has been posted clearly notifying persons that illegally parked vehicles will be ticketed and towed at the owner's expense; and
 - (ii) when a designated Municipal Law Enforcement Officer, not necessarily employed by the City, has issued a ticket or penalty notice for the violation;
- (g) Ensure that the signage in subsection 11.(f):
 - (i) provides the name and telephone number of the pound facility the Motor Vehicle will be taken to; and
 - (ii) is placed in a conspicuous location clearly visible to the patrons in all lighting levels;

- (h) Report to the police any Motor Vehicle which he or she may have reason to suspect is either stolen or abandoned;
 - (i) At the time of receiving each Motor Vehicle for the purpose of parking on the Licensed Premises, give or cause to be given to the person from whom the Motor Vehicle is received, a numbered receipt bearing on the same side as the number:
 - i) A clear statement of the extent of the responsibility accepted by the Licensee in respect to loss of, or damage to the Motor Vehicle and contents thereof while parked, stored or otherwise in the care and custody of the Licensee or any of the Licensee's employees; and
 - ii) The Licensee's name, the location of the Licensed Premises and the business hours that are specified on the sign or signs as required by subsection 11.(d).
3. Every Licensee shall comply with all relevant legislation pertaining to the storage and disposal of hazardous materials on the Licensed Premises.
4. Every Applicant for an Outdoor Storage Facility or Parking Lot Licence shall include in his or her Application, a site plan showing:
- (a) The location and dimension of the lands and buildings in respect of which he or she seeks a Licence; and
 - (b) The maximum number of Motor Vehicles proposed to be parked or stored at or upon the Licensed Premises at any one time.
5. (a) Ensure that all parking spaces are readily accessible at all times for the parking or removal of Motor Vehicles without the necessity of moving any other Motor Vehicle;
- (b) Display in a conspicuous place at or upon the Licensed Premises, a sign that states:
- (i) In letters and figures of uniform size not less than 8 centimeters in height, the rates or charges for parking Motor Vehicles; and
 - (ii) In readily legible letters, the hours during which the Licensed Premises is open for business, together with the Licensee's name, address and telephone number.
- (c) Where any Motor Vehicle remains continuously and without lawful excuse at or upon the Licensed Premises for more than 24 hours, forthwith report to the nearest police station, the model and Provincial permit number of the Motor Vehicle;
- (d) Ensure that Motor Vehicles that are parked illegally are only removed from the Licensed Premises:
- (i) where signage has been posted clearly notifying persons that illegally parked vehicles will be ticketed and towed at the owner's expense; and
 - (ii) when a designated Municipal Law Enforcement Officer, not necessarily employed by the City, has issued a ticket or penalty notice for the violation;
- (e) Ensure that the signage in subsection 11.(f):
- (i) provides the name and telephone number of the pound facility the Motor Vehicle will be taken to; and
 - (ii) is placed in a conspicuous location clearly visible to the patrons in all lighting levels;

- (f) Report to the police any Motor Vehicle which he or she may have reason to suspect is either stolen or abandoned;
- (g) At the time of receiving each Motor Vehicle for the purpose of parking on the Licensed Premises, give or cause to be given to the person from whom the Motor Vehicle is received, a numbered receipt bearing on the same side as the number:
 - i) A clear statement of the extent of the responsibility accepted by the Licensee in respect to loss of, or damage to the Motor Vehicle and contents thereof while parked, stored or otherwise in the care and custody of the Licensee or any of the Licensee's employees; and
 - ii) The Licensee's name, the location of the Licensed Premises and the business hours that are specified on the sign or signs as required by subsection 11.(d).

SCHEDULE 16 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

PAWNBROKERS

1. In this Schedule:

"Pawnbroker" means a Person or Individual who exercises the trade of receiving or taking by way of pawn or pledge, any goods for the repayment of money lent thereon.

2. No Person or Individual shall by virtue of one Licence, carry on business as a Pawnbroker in more than one shop.
3. Where two or more Persons or Individuals carry on business as Pawnbrokers in partnership in the same shop, only one Licence is necessary.
4. An Application for a Licence or at the discretion of the Licence Issuer for a Licence renewal shall be accompanied by a security clearance issued within the last 30 days by the Police Services in whose jurisdiction the Applicant resides.
5. A Licence shall not be issued if at any time within 3 years prior to the Application the Person or Individual has been convicted of any offence relating to fraudulent practices, stolen goods, theft or burglary under the *Criminal Code*, R.S.O. 1985, c. C-46.
6. Every Applicant for a Licence under this Schedule shall file with the Application, cash, certified cheque or letter of credit in the amount of \$2,000.00 which shall be held by the City of Brampton as a guarantee of the Applicant's compliance with the Business Licensing By-law and the provisions of the *Pawnbrokers Act*, R.S.O. 1990, c. P.6, as amended.
7. Every Pawnbroker shall, before noon of every business day, make a report for Peel Police Services, such report shall contain in respect of every transaction made on the next preceding business day, all the information required under Section 9 of the *Pawnbrokers Act* to be entered into the Pawnbroker's book.
8. Every police officer shall, at all times, be given access to and may inspect a pawnbroker's books, papers and pledges and when so engaged may have with him or her such other Persons or Individuals as he or she considers advisable.
9. Every Person or Individual licensed as a Pawnbroker under this By-law shall carry on the business in accordance with the provisions of the *Pawnbrokers Act*.
10. Every Person or Individual who acts as a lender in accordance with the *Payday Loans Act*, 2008, S.O. 2008, c.9, as amended, shall be in possession of a licence issued by the Registrar, under the *Payday Loans Act*, and under Schedule 19 of this By-law when applying for or renewing a Pawnbroker's Licence.

SCHEDULE 17 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

PAYDAY LOAN BUSINESSES

1. In addition to the definitions in section 4 of this By-law 332-2013 for the purpose of this Schedule the followings words have the following meaning:

“Cannabis Sales Retail Establishment” means a provincially regulated cannabis retail business that is licensed and authorized by the Alcohol and Gaming Commission of Ontario (AGCO).

“Gaming Establishment” means an establishment with a primary purpose of accommodating the wagering of money and includes, but is not limited to, casinos, off-track betting and bingo halls.

“Liquor Retail Establishment” means a provincially regulated liquor retail business including but not limited to LCBO’s, The Beer Stores and grocery retail stores that sell beer and wine.

“*Payday Loans Act, 2008*”, means the *Payday Loans Act, 2008*, S.O. 2008, C.O. as amended, and includes any Regulations passed under it.

“Payday Loan Business” means any Premises where payday loans as defined under the *Payday Loans Act, 2008* are offered or made or where assistance is offered in obtaining a payday loan as defined under the *Payday Loans Act, 2008*.

“Provincial Payday Loan Licence” means a lender or loan broker licence issued under the *Payday Loans Act, 2008*.

General Conditions

2. No Person or Individual shall act as a lender or loan broker as defined under the *Payday Loans Act, 2008*, without a valid Provincial Payday Loan Licence and Licence issued under this Schedule.
3. No Person or Individual shall own or operate a Payday Loan Business without a valid Provincial Payday Loan Licence and Licence issued under this Schedule.

Application Requirements

4. Before a Licence under this Schedule may be issued, every Applicant for such Licence shall submit the following for the approval of the Licence Issuer:
 - a) The name of the Owner;
 - b) The address of the proposed location where the Owner is seeking to operate a business for which a licence is being sought under this Schedule;
 - c) Proof that the Applicant has a current and valid Provincial Payday Loan Licence;
 - d) The credit counselling information that will be given in accordance with section 14 of this Schedule; and
 - e) Such other information as may be required by the Licence Issuer.

Location and Number of Licences Restricted

5. No Licence shall be issued under this Schedule if the proposed location of the business is:
 - a) within 300 metres of another Payday Loan Business licensed under this Schedule or the *Payday Loans Act, 2008*;
 - b) within 500 metres of a Gaming Establishment;
 - c) within 500 metres of a Liquor Retail Establishment; or
 - d) within 500 metres of a Cannabis Sales Retail Establishment.
6. Subject to compliance with this By-law, a Licence issued under this Schedule permits the operation of a Payday Loan Business only at the location authorized by the Licence.
7. The total number of Licences which may be granted by the City under this Schedule shall be limited to 49 representing the total number of Provincial Payday Loan Licences issued to businesses operating within the City as of the date this Schedule comes into effect.
8. Despite Section 5 of this Schedule, any business operating in the City with an existing Provincial Payday Loan Licence on the date this Schedule comes into effect, as listed in Appendix 1 to this Schedule, may continue to operate in the same location provided that:
 - a) The Owner obtains a Licence issued under this Schedule by November 5, 2020;
 - b) The Business is operated continuously as a business licensed under the *Payday Loans Act, 2008*;
 - c) The Business is, at all times, operated in compliance with this By-law and all applicable municipal, provincial and federal laws; and
 - d) The Licence issued under this Schedule is renewed annually as required by this By-law.
9. Despite section 7 of this Schedule, no Licence shall be issued under this Schedule before November 6, 2020, except to a business described in section 8 of this Schedule.

Operator Requirements

10. An Owner or Operator shall:
 - a) Inform the Licence Issuer immediately if the Licensee's Provincial Payday Loans Licence under the *Payday Loans Act, 2008* is suspended, ceases to be valid, is revoked or expires;
 - b) Operate only at the location authorized by a Licence issued under this Schedule; and
 - c) Cease operating at a location authorized by a Licence issued under this By-law if the Operator's Provincial Payday Loans Licence or Licence issued under this Schedule has been suspended, ceases to be valid, is revoked or expires.

Transfer or Change of Location

11. A Licence issued under this Schedule may not be transferred to another Person or Individual.
12. Any change of location shall constitute a new Application for a Licence under this Schedule, and shall be subject to the provisions of this Schedule and sections 5 and 7 of this Schedule shall apply to the new Application.

13. A Payday Loan Business operating under a Licence issued under this Schedule shall not change its location, unless and until it first applies for and obtains a new Licence issued under this Schedule for the new location and pays any applicable Fees and Charges.

Borrower Protection

14. Every business operating under a Licence issued under this Schedule shall:
- a) Prominently display a poster in a location that is visible to a person immediately upon entering the premises that provides credit counselling agencies and contact information in the form and containing the content prescribed by the License Issuer; and
 - b) Ensure that each person who attends at the premises is given, immediately upon expressing an interest in a loan, credit counselling information that has been approved in advance by the License Issuer.
15. This Schedule shall come into force and effect on July 8, 2020.

**APPENDIX 1 TO SCHEDULE 17 TO THE STATIONARY BUSINESS
LICENSING BY-LAW**

**PRE-EXISTING PROVINCIAL LICENCES
PAYDAY LOAN BUSINESSES**

The existing Payday Loan Businesses, that are licensed under the *Payday Loans Act, 2008* as of July 8, 2020, and have obtained a municipal business licence as of November 5, 2020 as per Clause 8 of this Schedule, are at the following locations:

Ward 1

367 Main Street North
425 Main Street North
244 Queen Street East
212A Queen Street East
372 Queen Street East
320 Main Street North

Ward 2

164 Sandalwood Parkway East, Unit 221
10015 Hurontario Street, Unit 3
10906 Hurontario Street

Ward 3

279 Queen Street East, Unit 2
83 Kennedy Road South, Unit 27
149 Clarence Street, Unit C
269 Queen Street, Unit 5
1 Steeles Avenue East, Unit 3
83 Kennedy Road South, Unit 13
196 Main Street, Unit 2A
85 Kennedy Road South, Unit 32
263 Queen Street East, Unit 21
400 Steeles Avenue East, Unit 6
2-30 Rambler Drive, Unit 1
495 Main Street South
1 Kennedy Road
267 Queen Street East, Unit C

279 Queen Street East, Unit 3

225 Queen Street E, Unit 2A

Ward 4

7900 Hurontario Street, Unit 13

7700 Hurontario Street, Unit 108B

17 Ray Lawson Boulevard, Unit 6

7686 Hurontario Street

Ward 5

110 McLaughlin Road, Unit 1

10 Gillingham Drive, Unit 103

Ward 6

20 Brisdale Drive

Ward 7

25 Peel Centre Drive

Ward 8

9025 Torbram Road, Unit 15

15 Gateway Boulevard, Unit 104

9899 Airport Road, Unit 2

9185 Torbram Road, Unit 2

2456 Queen Street East, Unit 1

2880 Queen Street East, Unit 6

1771 Queen Street East

2200 Queen Street East, Unit 6

2956 Queen Street East

1785 Queen Street East

Ward 10

3955 Cottrelle Boulevard

SCHEDULE 18 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

PERSONAL SERVICE FACILITIES

1. In this Schedule:

"Best Practices Document" means *Guide to Infection Prevention and Control in Personal Service Settings, 3rd edition*, as current and any other applicable guidelines or standards established by the Province of Ontario or the Medical Officer of Health;

"Invasive Procedure" means a service that involves penetration of the skin, such as, but not limited to, tattooing, ear lobe piercing, body piercing, body modification, electrolysis and micropigmentation (as defined in *Ontario Regulation 136/18*);

"Personal Service Facility" means a Premises where a Personal Service is provided to members of the public;

"Personal Services" means any service where substances, instruments, tools or other equipment are applied to any part of the human body for purposes of aesthetic, cosmetic or therapeutic treatment, where there is a risk of exposure to blood, such as, but not limited to hairdressing and barbering, tattooing and body piercing, manicure/pedicure services, removing hair by electrolysis, removing hair by waxing, skin care, provide facial treatments, tanning and other aesthetic services;

"Tanning" means to provide for use an area where ultra-violet or other light sources are used to radiate the skin in an attempt to produce changes in skin pigmentation and also include the application or sale of artificial bronzing and tanning lotions designed to change skin tone or colour;

Application

2. Every Application for a new, renewal, or change of Ownership of a Personal Service Facility Licence shall be accompanied by evidence of completion of a satisfactory health inspection, issued and signed by the Medical Officer of Health or authorized designate.
3. Every Person or Individual operating a Personal Service Facility shall obtain one or more class(es) of Licence described as follows:
 - (a) "Class A", includes premises operated for the purpose of marking the skin with indelible pigment or other such substance so as to produce a permanent design or similar feature on the skin, as well as piercing of body parts;
 - (b) "Class B" includes premises operated for the purpose of aesthetic, cosmetic or therapeutic treatment such as hairdressing and barber shops, nail salons, electrolysis and other aesthetic services;
 - (c) "Class C" includes premises operated for the purpose of a Tanning salon.

Exemptions

4. Any Person or Individual who provides medical or therapeutic treatment in their capacity as a duly authorized member of a College of Health profession as set out in schedule 1 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 is exempt from all licensing requirements to own or operate a Personal Services Facility.

Structural Requirements

5. Every Person or Individual who operates a Personal Service Facility shall comply with:
- (a) This By-law;
 - (b) Any other law or by-law, including any Region of Peel By-laws;
 - (c) Provincial legislation including *Ontario Regulation 136/18: Personal Service Setting*.
 - (d) Any applicable Provincial regulations, guidelines or standards including the Best Practices Document (Guide to Infection Prevention and Control in Personal Service Settings, 3rd edition); and,
 - (e) The Federal Government Guidelines for Tanning Equipment Owners, Operators and Users, *Ontario Skin Cancer Prevention Act (Tanning Beds)*, 2013, S.O. 2013 c.5 and Regulation and any amendments thereto.

General Operational Requirements

6. Every Person or Individual who operates a "Class B" Personal Service Facility where hairstyling services are provided shall not employ any person as a hairdresser hairstylist, or barber unless such person is the holder of a current certificate of qualification issued under the *Building Opportunities in the Skilled Trades Act, 2021*, S.O. 2021, c. 28, or successor legislation, or is registered with Skilled Trades Ontario as an apprentice hairdresser or hairstylist.
7. Every Person or Individual who operates a "Class C" Personal Services Facility must comply with all applicable guidelines and regulations established by the Province of Ontario and the Region of Peel as well as other applicable laws as may be amended from time to time.

Requirements for Invasive Services

8. Every Licensee of a "Class A" Personal Service Facility shall:
- (a) Maintain a record of all invasive procedures on site for a minimum of 1 years and on file for a minimum of 3 years and the record shall include:
 - (i) Name, address and telephone number of the client;
 - (ii) Name of service provider;
 - (iii) Date of procedure;
 - (iv) Description of procedure;
 - (v) Lot numbers and expiry dates of the pre-packaged sterile equipment used in the procedure; and,
 - (vi) Information provided to the client explaining the procedure and information about any risks associated with the procedure.
 - (b) Open the record in subsection 8. (a) to inspection, at all times during regular business hours to the Licence Issuer, Medical Officer of Health, Inspector or any person authorized by the Licence Issuer.
9. Despite the general provisions of this By-law, "Class A" establishments shall:
- (a) Require proof of commercial general liability insurance, however, a professional liability exclusion clause shall be accepted; and
 - (b) Be required to display signage approved by the City, posted in a conspicuous location at the entrance to the establishment, clearly visible to the public at all times, advising potential clients of the high risk nature of the tattooing procedure and that the establishment does not have the requisite insurance should the client contract a blood borne illness as a result of the tattooing procedure.

**SCHEDULE 19 TO THE STATIONARY BUSINESS LICENSING BY-LAW
RELATING TO**

PET GROOMING ESTABLISHMENT

1. In this Schedule:

"Cat" means any member of the species felis catus or felis domesticus;

"Dog" means any member of the species canis familiaris;

"Domestic Animal" means a Dog, Cat or other pet generally understood to be domesticated and typically kept indoors at a residential dwelling;

"Dwelling Unit" means one or more habitable rooms designed or capable of being used together in a single and separate housekeeping unit, containing its own kitchen and sanitary facilities, with a private entrance from outside of the unit itself.

"Pet Grooming Establishment" means a building, part of a building, vehicle, or other place in which animals are groomed and may also include pet obedience training, daily animal-sitting, or be accessory to a veterinary clinic or Pet Shop;

2. No Pet Grooming Establishment shall be located within any part of any Dwelling Unit or attached to any Dwelling Unit or part thereof.
3. No part of any building or structure enclosing a Pet Grooming Establishment shall be used for human habitation.
4. Ensure that every cage or other container used for the keeping or housing of any Animal:
 - (a) is of adequate size to permit the Animal to stand normally to its full height, to turn around, and to lie down in a fully extended position; and
 - (b) has a floor of either solid or wire mesh construction or any combination thereof, provided that:
 - (i) all spaces in wire mesh shall be smaller than the pads of the foot of any Animal confined therein;
 - (ii) any such wire mesh shall be of a thickness and design adequate to prevent injury to any such animal; and
 - (iii) such floor shall be of sufficient strength to support the weight of any such Animal;
5. Every Owner of a Pet Grooming Establishment shall provide an adequate constant supply of potable water and food for each animal's consumption.
6. Every Pet Grooming Establishment shall be kept in a sanitary, well lit, ventilated condition and free from offensive odours, diseases and vermin and all animal feces shall be removed daily and disposed of properly.
7. No Pet Grooming Establishment shall:
 - (a) devote more than thirty percent (30%) of its Gross Floor Area to the retail of accessory products;
 - (b) include any overnight boarding; or

- (c) perform any Services that are not within a fully enclosed building or vehicle.
- 8. The Owner of a Pet Grooming Establishment shall maintain control of all Dogs, Cats or Domestic Animals under their care at all times.
- 9. The Owner of a Pet Grooming Establishment shall comply with the provisions of the City's Noise By-law at all times.
- 10. Every Owner of a Pet Grooming Establishment shall have sufficient number of employees competent in the care of animals to properly care for every animal in such Pet Grooming Establishment.
- 11. Every Owner of a Pet Grooming Establishment shall ensure all pets kept in their Pet Grooming Establishment have current municipal Licences and wear tags except while in the process of being groomed.
- 12. Every Owner of a Pet Grooming Establishment shall keep appropriate records on animals, which shall be provided to Animal Control Officers in case of inspection. Such records include:
 - (a) Owner's information;
 - (b) emergency contacts;
 - (c) information on animals, including vaccination records;
 - (d) dates of animal's arrival(s) and departure(s).
- 13. Every Owner of a Pet Grooming Establishment shall ensure that all enclosures in a Pet Grooming Establishment have durable and impervious surfaces.
- 14. Every Owner of a Pet Grooming Establishment shall ensure that all enclosures in Pet Grooming Establishment have species-appropriate temperatures.
- 15. Every Owner of a Pet Grooming Establishment shall ensure that their personnel are competent in animal care and have knowledge of characteristics, care and handling of the animals.
- 16. Every Owner of a Pet Grooming Establishment shall keep posted in conspicuous places instructions for handling of emergency situations.
- 17. Every Owner of a Pet Grooming Establishment shall ensure that:
 - (a) all Dogs kept in its a Pet Grooming Establishment have valid vaccination status for rabies, canine distemper, canine adenovirus type 2, canine parvovirus, and canine parainfluenza.
 - (b) all Cats kept in its a Pet Grooming Establishment have valid vaccination status for rabies, Feline Viral Rhinotracheitis, Calicivirus and Panleukopenia
- 18. Every Owner of a Pet Grooming Establishment shall isolate animals from other animals and people in case of suspected or confirmed contagious diseases.
- 20. Every Owner of a Pet Grooming Establishment shall ensure that any area containing Dogs is secured and closed at all times.

**SCHEDULE 20 TO THE STATIONARY BUSINESS LICENSING BY-LAW
RELATING TO**

PET SHOPS

(Amended by By-law 270-2016)

1. In this Schedule:

"Animal" means all non-human species, and includes birds;

"Pet Shop" means a building, structure or part thereof where Animals or birds for use as pets are sold or kept for sale.
2. A Pet Shop that includes for sale only live fish, is exempted from the requirement to obtain a Licence under this Schedule.
3. An Application for a Licence and at the discretion of the Licence Issuer for a Licence renewal shall be accompanied by a letter of approval from the Animal Services Section.
4. Every Person or Individual licensed under this Schedule shall:
 - (a) Obtain a separate Licence for each Pet Shop that is under the same ownership;
 - (b) Comply with the provisions of the *Provincial Animal Welfare Services Act*, 2019, S.O. 2019, c. 13, as amended;
 - (c) At all times maintain the premises in a sanitary, well-ventilated, clean condition;
 - (d) Ensure the facility or operation's floor shall be thoroughly cleaned at least once every day or more often as may be necessary to keep the floor in a clean and sanitary condition;
 - (e) Keep all Animals in sanitary, well-bedded, well-lighted, clean quarters and kept at a temperature appropriate for the health requirements of the species of Animals housed therein;
 - (f) Locate all cages, tanks, containers or other enclosures in which Animals are housed in such a way as to provide maximum comfort to satisfy the known and established needs for the particular species so housed and shall be provided with safeguards to prevent extreme environmental changes;
 - (g) Prevent undue direct physical contact with the Animals by the general public;
 - (h) Where the quarters used for the housing of any Animal form part of or are physically attached to a building used for human habitation or to which the public has access, ensure that such quarters have a concrete or other impermeable floor with a drain opening hooked to a sanitary system, and such floor shall be thoroughly washed with water at least once each day, or more often than once if necessary in order to keep the floor clean;
 - (i) Ensure that every cage or other container used for the keeping or housing of any Animal:
 - (a) is of adequate size to permit the Animal to stand normally to its full height, to turn around, and to lie down in a fully extended position; and

- (b) has a floor of either solid or wire mesh construction or any combination thereof, provided that:
- i. all spaces in wire mesh shall be smaller than the pads of the foot of any Animal confined therein;
 - ii. any such wire mesh shall be of a thickness and design adequate to prevent injury to any such animal; and
 - iii. such floor shall be of sufficient strength to support the weight of any such Animal;
 - (j) Equip all cages or containers with receptacles for food and for water, so mounted or situated that they cannot be easily overturned or contaminated;
 - (k) Provide water to every Animal in sufficient quantity to maintain at all times a potable supply available to the Animal;
 - (l) Provide food in accordance with the particular food requirements of each type or species of Animal;
 - (m) Provide adequate light in the premises that is appropriate for the species kept there;
 - (n) Provide a cage of a dimension to enable all birds to have sufficient perch space to permit full extension of their wings in every direction;
 - (o) Ensure that all persons responsible for the care, feeding or cleaning of Animals are adequately instructed and supervised in the handling and care of all such Animals;
 - (p) Ensure that any Animal showing signs of sickness or disease is examined and treated immediately by a veterinarian and that the Animal is kept in a quarantine area until a veterinarian certifies that the Animal is in good health;
 - (q) Give to the purchaser on any sale or disposition of an Animal, a receipt showing the name and address of the vendor and the purchaser, the date of sale, the sale price, the breed or crossbreed, sex, age and description, including colour and placing of markings, if any, of the Animal;
 - (r) Obtain dogs and cats for sale only from such organizations as municipal animal shelters, humane societies, and other animal shelters or rescue groups;
 - (s) Publicly post on-premises and through electronic means where available, the source(s) of the dogs and cats being offered for sale by their establishment;
 - (t) Keep and maintain in good condition a register, in which shall be entered:
 - (i) A record of each Animal purchased or otherwise obtained; each entry shall be made at the time each Animal comes into the Licensee's possession and shall include the date of purchase, a full description of the Animal, together with the name, address and telephone number of the person from whom it was purchased or otherwise obtained;
 - (ii) A record of each Animal sold and shall include the date of sale, a full description of the Animal, together with the name, address and telephone number of the person to whom the Animal was sold;
 - (iii) Inform purchasers that their personal information is being collected and that this personal information will only be used, if necessary, for law enforcement purposes;
 - (u) Ensure that the register in subsection 4(t) is open to inspection by the Licence Issuer and Inspector at any time during business hours and be made available to be removed at any time by the Licence Issuer, Inspector

and Peel Police Services for use in any Court or law enforcement proceeding; and

- (v) Ensure that while the register in subsection 4 (t) is removed, a record of entries continues to be made.
5. No Person or Individual licensed under this Schedule shall:
- (a) Sell any Animal prohibited by any by-law of the City and without limiting the effect of this subsection, shall not sell or permit the sale of any chick, duckling, live poultry or other livestock;
 - (b) Keep animals in crowded quarters or cages;
 - (c) Sell or display any diseased Animal;
 - (d) Sell, permit to be sold, offer for sale or give away, any dog or cat under the age of 8 weeks; or
 - (e) Confine or display incompatible Animals in the same cage.
6. No Licence shall be required for the following operations:
- (a) An animal shelter operated by or on behalf of a public authority;
 - (b) A veterinary hospital/clinic;
 - (c) A publicly funded educational institute; or
 - (d) Any facility in which Animals are placed for care pursuant to the *Animals for Research Act* R.S.O. 1990, c. A.22, as amended.
7. Where an Inspector properly inspecting a licensed premises determines that an Animal appears to require medical attention, the Inspector may order the Licensee to immediately take the Animal to a qualified veterinarian.
8. If grooming services are provided at the premises, a Pet Grooming Facility Licence is not required but the Licensee must comply with the provisions of the Pet Grooming Facility Licence Schedule.
9. Any of the following infections shall render an Animal unfit for sale or release:
- (a) infectious diseases such as distemper, hepatitis, rabies or other similar diseases;
 - (b) nutritional deficiencies, including rickets or emaciation;
 - (c) fractures or congenital abnormalities affecting the general health of the animal.

SCHEDULE 21 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

PLACES OF AMUSEMENT

1. In this Schedule:

“Amusement Arcade” means a Premises where four or more amusement machines are installed, placed or operated;

“Amusement Machine” means any mechanical or electronic machine or device intended as a game, entertainment or amusement, offered for use by the public by any Person or Individual, for profit or gain and shall include but is not limited to a computer, pinball machine, television, video game, laser tag, paintball, golf or other similar machine or device;

“Billiard Hall” means any Premises to which the public has access and that is equipped with more than two billiard, pool or bagatelle tables offered for use by the public for hire or gain;

“Bowling Alley” means any Premises to which the public has access and that is equipped with one or more bowling lanes offered for use by the public for hire or gain;

“Place of Amusement” includes, but is not limited to amusement arcades, billiard halls, bowling alleys, Go Kart facilities, virtual reality simulators; etc;

“Escape Room”, indoor children's playground, skating facility, swimming pool, paintball facility, tree top trekking, zip-lining;

2. No Person or Individual shall operate a Place of Amusement unless the Person or Individual obtains the appropriate class of Amusement Licence under this Schedule, the classes of which are described as follows:

(a) “Class A” Amusement Arcade;

(b) “Class B” Amusements Activities include but are not limited to:

- (i) a privately owned escape room amusement facility;
- (ii) a privately owned commercial skating/ roller skating facility;
- (iii) a privately owned commercial swimming pool;
- (iv) a privately owned commercial indoor childrens' playground;
- (v) a privately owned zip-lining facility;
- (vi) a privately owned paintball facility;
- (vii) a privately owned go Kart facility;
- (viii) a privately owned knife and axe throwing; or
- (ix) a privately owned rock climbing;
- (x) a virtual reality facility;

(c) “Class C” Billiard Hall;

(d) “Class D” Bowling Alley.

3. Every Owner and Operator of a Place of Amusement shall:

- (a) Obtain a separate Licence for each Place of Amusement that is under the same ownership;
- (b) Ensure the Premises meet all requirements of the Ontario Building Code and Ontario Fire Code;
- (c) Post in a conspicuous place in the Premises, a notice indicating that disorderly conduct, loitering and gambling are not permitted;
- (d) Keep the Premises in a clean and sanitary condition at all times;

- (e) Keep as an employee on the licensed Premises at all times, a person over the age of 18 years whose duties include the supervision, overseeing and maintenance of the orderly conduct of the patrons within the building or part thereof that contains the Places of Amusement;
- (f) Provide adequate washroom facilities and where necessary change room facilities; and
- (g) Obtain a Fixed Food Premises Licence under this By-law if food is being served on the Premises.

4. Every Owner and Operator of a "Class A" Places of Amusement licence shall:

- (a) File with the Licence Issuer a floor plan of the Premises, showing the location of all Amusement Machines;
- (b) (Maintain sufficient space between rows of Amusement Machines as to permit unimpeded access by patrons at all times to any door or other exit; and
- (c) Not permit on the licensed Premises any more Amusement Machines than the number for which the Licence was issued and no additional Amusement Machines shall be added to the premises after the Licence has been issued, unless the Licensee shall first submit an amended floor plan of the premises, and receive the approval of the Licence Issuer.

5. No Owner or Operator of a Places of Amusement shall:

- (a) Permit persons younger than the age of 14 years to use any Amusement Machine or to remain on the Premises unless accompanied by a parent or guardian, except on Monday to Friday between the hours of 4:00 p.m. to 9:00 p.m. and on Saturday and Sunday between the hours of 9:00 a.m. and 9:00 p.m.;
- (b) Permit the sale or use of alcohol on the Premises, except where Amusement Machines are incidental to a business licensed pursuant to the Alcohol and Gaming Commission of Ontario;
- (c) Permit any disorderly conduct to take place on the Licensed Premises;
- (d) Permit any person to loiter, create a disturbance or cause undue noise in or about the Licensed Premises;
- (e) Fail to ensure the protection of the public's health and safety; and
- (f) Permit any gambling or wagering at a "Class C" Places of Amusement based on the outcome of play of any game of billiards or pool on or about the Licensed Premises.

6. Every Applicant of a "Class C" and "Class D" Places of Amusement Licence or Licence renewal shall produce a letter of approval from the Medical Officer of Health indicating that the Premises to be licensed are in a sanitary condition and have the required bathrooms in accordance with the Ontario Building Code and other required facilities as determined by the Medical Officer of Health.

7. Every owner and operator of a Place of Amusement shall, at all times during the hours of operation, permit the entry by and the inspection of the Place of Amusement by the Licence Issuer, Medical Officer of Health or an Inspector.

SCHEDULE 22 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

PLACES OF PUBLIC ASSEMBLY

1. For the purpose of this Schedule:

“Night Club” means a building or structure or part thereof whose primary function is the provision of theatrical performances, pre-recorded music, or live musical entertainment whether such pre-recorded or live music is provided for listening or dancing by the patrons, or any combination of the above functions, and whose secondary function may include the sale and consumption on the premises of food and/or alcoholic beverages but which does not include a restaurant, a takeout restaurant or an Adult Entertainment Business

“Place of Public Assembly” shall mean any place open to the public or particular members of the public, including but not limited to Public Halls, banquet halls, private clubs, driving ranges, golf courses, cinemas and theatres, but does not include a personal residence, place of worship and public educational facility;

“Public Hall” means a building or tent with a seating capacity for over 100 persons that is offered for use or used as a Place of Public Assembly, including restaurants and nightclubs but does not include a theatre.

“Restaurant” means a building or structure or part thereof where food is prepared and/or offered for sale to the public with the primary purpose of offering food for consumption on site.

2. A Place of Public Assembly Licence may be issued for one or more of the following categories and the Licence issued pursuant to this Schedule is restricted to the categories identified on the Licence:

- (a) “Class A” – Public Hall, Banquet Hall, Bingo Hall
- (b) “Class B” - Golf Course, Driving Range, Mini Golf
- (c) “Class C” - Cinema and Theatre

3. Every new Application for a “Class A” and “Class C” Licence or at the discretion of the Licence Issuer for a Licence renewal, shall be accompanied by:

- (a) A letter of approval from the Fire Chief;
- (b) A detailed plan of the premises for which the Place of Public Assembly Licence is sought depicting, at a minimum:
 - (i) the perimeter and total area of the premises;
 - (ii) the location and dimensions of exits;
 - (iii) a floor plan depicting dimensions, possible seating arrangements, tables, and bars proposed for the premises; and
 - (i) the location of fire safety systems including fire alarms, emergency lighting, exit signs, sprinklers, standpipe systems and other similar fire safety systems.

4. No Licence fee shall be payable under this By-law for the operation of a Public Hall by any religious organization, where it does not receive any remuneration for the use of its Public Hall.

5. No Licence shall be required under this By-law for the operation of Public Halls by any Municipal, or the Provincial or Federal governments, University, College,

Public School, Separate School or Boards of Education in respect of the use of their Public Halls.

6. No Licensee shall:
 - (a) Permit any disorderly conduct to take place on the licensed premises;
 - (b) Permit any person to loiter, create a disturbance or cause undue noise in or about the licensed premises;
 - (c) Fail to ensure the protection of the public health and public safety on the licensed premises; or
 - (d) Permit the licensed premises to be open to the public unless a person over the age of 18 years is present to supervise the use of the licensed premises.
7. Every Person or Individual licensed under this Schedule shall provide public washroom facilities in accordance with the requirements of the Ontario Building Code.
8. Every Person or Individual licensed under this Schedule shall comply with all applicable requirements of the *Health Protection and Promotion Act*, R.S.O. 1990, c.H.7. as amended.
9. Where the Applicant for a Licence under this Schedule is not the owner of the property, he or she shall produce a letter from the owner authorizing the use of the property as a Place of Public Assembly.

SCHEDULE 23 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

PLUMBING CONTRACTORS

1. In this Schedule:

"Master Plumber" means a Person or Individual who:

- (i) Has been issued a Certificate of Qualification in the plumbing trade under the *Ontario College of Trades and Apprenticeship Act, 2009*, S.O. 2009, c.22, as amended and is aware of and knowledgeable in the general regulations under this act and operates in a manner pursuant to the requirements of the act and its Regulations and is skilled in the planning, superintending and installing, maintaining and repair of plumbing equipment and who is familiar with the laws, rules and regulations governing the same; and
- (ii) Has a regular place of business in Ontario, and who, himself or herself or by journeyman tradesmen under his or her supervision, performs the trade of plumber;

"Plumbing" includes any procedure, method, matter or thing described in the Ontario Building Code, and plumbing work has a corresponding meaning;

"Plumbing Contractor" means a Person or Individual engaged in the business of contracting with a member of the public or another contractor for the placing, installing, maintaining, repairing or replacing of any pipe, fixture or other device, equipment or facility of a plumbing system or in other plumbing work, and includes any Person or Individual who solicits for plumbing work, and who in any way advertises or holds himself or herself out to the public as doing or contracting to do plumbing work by him or herself or through another qualified person, or as being a plumbing contractor and who has a regular place of business in Ontario and includes an individual certified as a Master Plumber.

2. Every Person or Individual licensed as a Plumbing Contractor under this By-law shall:

- (a) Submit proof to the satisfaction of the Licence Issuer that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act, 1997*. S.O. 1997. C.16. as amended;
- (b) Display the Licensee's name using letters with a minimum height of 10 centimetres on both sides of all vehicles owned, leased or used on a regular basis by the Licensee in the course of business;
- (c) Have printed or otherwise impressed on all business stationery, forms, bills statements and advertising materials, the Licensee's name, address and telephone number;
- (d) Prepare a written contract which shall be signed by the Licensee and the person for whom the work is being done before commencing any work and a copy of this contract shall be given to the person for whom the work is being done and the contract shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the person for whom the work is being done;
 - (ii) The address where the work is being done;
 - (iii) A description of the work being done, including materials and services being provided;
 - (iv) The itemized price for the materials and services to be supplied and a detailed statement for the terms of payment;
 - (v) Warranties and guarantees, if any; and
 - (vi) The estimated date of completion;

- (e) Obtain all necessary Plumbing and Building Permits or any other permit required by law prior to the commencement of any work and, upon completion, shall procure a final inspection from the City;
 - (f) Be a Master Plumber or have a Master Plumber in his or her employ.
3. A Person or Individual licensed under this By-law as a Plumbing Contractor shall not:
- (a) Cause or permit an apprentice or helper or other unqualified person to perform any plumbing works or install any plumbing materials or appliances except as an assistant to and under the direct personal supervision of a licensed Master Plumber or a provincially certified journeyman plumber continuously employed on the same contract or job who is under the direct supervision of a Master Plumber;
 - (b) Permit the use of the Licensee's name by any other person, either directly or indirectly, for the purpose of obtaining a permit to do any plumbing work;
 - (c) Perform any work which requires a Licence or permit unless a Licence or permit is first obtained;
 - (d) Perform work that is extra or additional to an existing contract unless and until the Licensee has entered into a second or additional contract.
4. The provisions of this By-law shall not apply to the repair and maintenance of a plumbing system and related equipment where the repair and maintenance is done by:
- (a) A person who is an owner or tenant, where the equipment is contained within the premises occupied by the owner or tenant; or
 - (b) A person who is a full-time employee of a property owner or tenant who is engaged by the property owner or tenant for maintenance of plumbing equipment within the premises of the property owner or tenant.

SCHEDULE 24 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

POOL INSTALLATION CONTRACTORS

1. In this Schedule:

"Contravention or Damage Costs" means outstanding fees for administrative and enforcement costs, fees set out in the User Fee By-law, damage to City property or infrastructure and related charges

"Pool Installation Contractor" means a Person or Individual who carries on the business of installing residential swimming pools.

2. Every Person or Individual licensed as a Pool Installation Contractor under this By-law shall deposit a Letter of Credit or other security satisfactory to the Licence Issuer in the amount of \$10,000.00 that shall be valid for the term of the Licence.

- (a) This security shall be used for purposes as set out in the "Security Acknowledgement" which the Contractor shall enter into with and the City prior to licence issuance. Execution of the Security Acknowledgement is a condition of the licence issuance.
- (b) Any funds drawn upon the security for breach of the Acknowledgement must be replaced within 48 hours or the licence will be subject to revocation.
- (c) Should the security posted not be sufficient to cover the Contravention or Damage Costs in which the security was drawn upon, the City shall charge any additional costs related to the contravention under Section 22 of this By-law which shall be paid by the Pool Installation Contractor.
- (d) The City shall maintain the security for a minimum of 60 days after the licence expires and/or any required inspections on City infrastructure in locations where swimming pools have been installed by the Contractor are conducted to ensure compliance.

3. No Person or Individual shall be licensed as a Pool Installation Contractor under this By-law unless he/she has a regular place of business and, if the person or Individual is at least 18 years old.

4. Every Pool Installation Contractor licensed under this By-law shall:

- (a) Submit proof, to the satisfaction of the Licence Issuer, that all workers and employees are protected under the provisions of the *Workplace Safety and Insurance Act, 1997*. S.O.1997. c.16, as amended;
- (b) Have printed or otherwise impressed on all business stationery, forms, bills, statements and advertising materials, the Licensee's name, address and telephone number; and
- (c) Prepare a written contract which shall be signed by the Licensee and the person for whom the work is being done before commencing any work and a copy of this contract shall be given to the person for whom the work is being done and the contract shall contain:
 - (i) The name, address and telephone number of the Licensee and the name and address of the person for whom the work is being done;
 - (ii) The address where the work is being done;

- (iii) A description of the work being done, including materials and services being provided;
 - (iv) The itemized price for the materials and services to be supplied and a detailed statement of the terms of payment;
 - (v) Warrantees and guarantees, if any; and
 - (vi) The estimated date of completion;
- (e) Obtain all necessary permits required by law prior to the commencement of any work and upon completion of any work shall obtain a final inspection from the City.
5. A Person or Individual licensed as a Pool Installation Contractor under this By-law shall not:
- (a) Permit the use of the Licensee's name by any other Person or Individual, either directly or indirectly, for the purpose of obtaining a permit to do any pool installation work;
 - (b) Perform work that is extra or additional to an existing contract unless and until the Licensee has entered into a second or additional contract.
6. A Person or Individual licensed as a Pool Installation Contractor may carry on business under a trade name or name other than his or her own but shall not carry on business under more than one name, and only one Licence shall be issued.

**SCHEDULE 25 TO THE STATIONARY BUSINESS LICENSING BY-LAW
RELATING TO**

SALVAGE SHOPS AND SALVAGE YARDS

1. In this Schedule:

"Salvage Yard" includes a building or place used as an automobile wrecking yard;

"Salvage Shop" includes a building or place used for the collection, purchase, keeping or selling of items such as bicycles, automobile tires, old metal, scrap material and appliances.

2. Every Application for a Salvage Yard or Salvage Shop Licence, or at the discretion of the Licence Issuer renewal of a Salvage Yard or Salvage Shop Licence under this By-law, shall be accompanied by a letter of approval from the Fire Chief.

3. An Application for a Licence, or at the discretion of the Licence Issuer for a Licence renewal, shall be accompanied by a security clearance issued to the Applicant within the last 30 days by the Police Services where the Applicant resides.

4. A Licence will not be issued if at any time within 3 years prior to the Application, the Person or Individual has been convicted of any offence relating to fraudulent practices, stolen goods, theft or burglary under the *Criminal Code*, RSO 1985, c. C-46, as amended.

5. Every Licensee under this Schedule shall:

- (a) Carry on business within an enclosed building or within an area surrounded by a rigid fence which provides a complete visual barrier. The fence shall be a minimum height of 1.8 metres above grade and shall be constructed of either masonry, metal, wood or any combination thereof and if metal or wood, shall be painted a uniform colour;
- (b) Provide stable surface treatment on all driveways and parking areas;
- (c) Keep all buildings and fences in good repair;
- (d) Maintain a register in a form approved by the Licence Issuer in which shall be entered:
 - (i) A description of all goods taken in exchange or otherwise obtained including make, serial number, model number marking and titles where applicable;
 - (ii) The purchase price of each item or a description of the item exchanged for it;
 - (iii) The date and time on which the goods were taken;
 - (iv) The name, address, telephone number and e-mail address of the person from whom the goods were obtained and if the goods were delivered or conveyed by a motor vehicle, the licence number of that motor vehicle; and
 - (v) The name of the employee who conducted the transaction;
- (e) Ensure the register is retained for a period of 2 years;

- (f) Inform sellers that their personal information is being collected and that this personal information will only be used, if necessary, for law enforcement purposes;
 - (g) Notify the Police and the Licence Issuer forthwith of the particulars of any goods or articles of any kind which the Licensee has reasonable grounds to believe may have been stolen or unlawfully obtained;
 - (h) Forthwith on the demand of the Police, Municipal Law Enforcement Officer or the Licence Issuer:
 - (i) Identify themselves;
 - (ii) Open the register to inspection at all times during regular business hours by the Licence Issuer, Municipal Law Enforcement Officer and Police who may remove specific entries from the register for use in any Court or other law enforcement proceedings.
6. No Licensee shall directly or indirectly purchase from or take in exchange any goods:
- (a) From any person under the age of 18 years; or
 - (b) From any person who appears to be under the influence of alcohol or drugs.

SCHEDULE 26 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

SECOND HAND GOOD SHOPS

1. In this Schedule:

"Exempt Organization" means a religious, philanthropic, patriotic, fraternal or charitable organization or society;

"Second Hand Goods" includes used clothing, household materials, precious metals, electronics, videos, digital video recordings, electronic games, sporting goods and jewelry that were previously owned or used;

2. No Licence shall be required under this By-law by a Person or Individual:

- (a) Selling or dealing in Second-Hand Goods on behalf of an Exempt Organization where the entire proceeds of the sale are used to further the objectives of the foregoing organization or society;
- (b) Selling or dealing in Second-Hand Goods that have been purchased from an Exempt Organization, where such Second-Hand Goods were originally donated to that Exempt Organization; and
- (c) Dealing in goods which are recognized antiques or works of art.

3. An Application for a Licence, or at the discretion of the Licence Issuer for a Licence renewal, shall be accompanied by a clearance issued to the Applicant within the last 30 days by the Police Services where the Applicant resides.

4. A Licence shall not be issued if at any time within 3 years prior to the Application the person has been convicted of any offence relating to fraudulent practices, stolen goods, theft or burglary under the *Criminal Code*, RS. 1985, c.C-46, as amended.

5. No Licensee shall:

- (a) Receive from any person or persons any article or goods which the licensee knows or has reasonable grounds to believe have been stolen or otherwise secured by the person in possession of same by means of a commission of an offence under the *Criminal Code*, RS. 1985, c. C-46, as amended;
- (b) Purchase, take in exchange, or receive directly or indirectly, any goods, article or thing from any person who appears to be under the age of 18 years old;
- (c) Purchase, take in exchange, or receive directly or indirectly, any goods, article or thing from any person who appears to be under the influence of drugs or alcohol;
- (d) Alter, repair, dispose of or in any way part with, any goods or articles purchased or taken in exchange until after the expiration of 30 days and during these 30 days, the goods or articles obtained shall remain on the licensed premises and shall be kept in a location separate from goods previously purchased and shall be subject to inspection at any time during business hours by the Peel Regional Police; or
- (e) Transact any business between the hours of 11:00 p.m. and 7:00 a.m.

6. Every Licensee shall:

- (a) Maintain a register in a form approved by the Licence Issuer in which shall be entered:
 - (i) A description of all goods taken in exchange or otherwise obtained, including, make, serial number, model number marking and titles where applicable;
 - (ii) The purchase price of each item or a description of the item exchanged for it;
 - (iii) The date and time on which the goods were taken;
 - (iv) The name, address, telephone number and e-mail address of the person from whom the goods were obtained and if the goods were delivered or conveyed by a motor vehicle, the licence number of that motor vehicle; and
 - (v) The name of the employee who conducted the transaction;
 - (b) Ensure the register is retained for a period of 2 years;
 - (c) Inform sellers that their personal information is being collected and that this personal information will only be used, if necessary, for law enforcement purposes;
 - (d) Notify Peel Regional Police of the name and description of any goods or articles of any kind which he or she has reasonable grounds to believe may have been stolen or unlawfully obtained;
 - (e) Open the register to inspection at all times during regular business hours by the Licence Issuer, Municipal Law Enforcement Officer and Police who may remove specific entries from the register for use in any Court or other law enforcement proceedings; and
 - (f) Obtain a separate licence in respect of each and every shop, store or other place used for the transaction of business or for taking in or storing of second-hand goods.
7. Every Licensee who acts as a lender in accordance with the *Payday Loans Act, 2006*, S.O. 2008, c.9, as amended, shall be in possession of a licence issued by the Registrar under the act, and Schedule 19 of this By-law when applying for or renewing a Second Hand Goods Shop Licence.

SCHEDULE 27 TO THE STATIONARY BUSINESS LICENSING BY-LAW RELATING TO

TOBACCO AND VAPOUR PRODUCT RETAILERS

1. In this Schedule:

“Electronic cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine

“Tobacco Retailer” means any store or shop where tobacco, cigars, cigarettes, electronic cigarettes and/or vapour products are sold by retail.

“Vapour Products” means an electronic cigarette, an e-substance, or any component of an electronic cigarette and includes the package in which the electronic cigarette, e-substance or component is sold.

2. Every Person or Individual licensed under this Schedule shall comply with the provisions of the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, as amended, the *Tobacco and Vaping Products Act*, S.C. 1997, c.13, as amended, the *Tobacco Tax Act*, R.S.O. 1990, c. T.10, as amended, and any other relevant legislation.
3. No Person or Individual shall sell or supply any tobacco, cigars, cigarettes, electronic cigarettes and/or vapour products to any person who is less than 19 years old.
4. Every Person or Individual licensed under this Schedule shall maintain the premises in a clean condition, free from litter and must provide litter containers around the premises in size, number and location so that they adequately contain all refuse caused by the operation of the business.
5. Where an automatic prohibition order is issued by the Minister of Health for the sale of tobacco, vapour products or electronic cigarettes (if and when applicable), the Licence issued by the City is automatically suspended for the period of time specified in the automatic prohibition order. There shall be no appeal under this By-law for a Licence suspended under this section.
6. Every applicant for a Tobacco Retailer’s Licence or for the renewal of such Licence shall be in possession of a retail Dealer’s Permit issued under the *Tobacco Tax Act*, R.S.O. 1990, c.T10, as amended, or as of June 30, 2010, held a valid Retail Sales Tax Vendor’s Permit issued under the *Retail Sales Tax Act*, R.S.O. 1990, c. R.31, as amended.

SCHEDULE 28 TO THE STATIONARY BUSINESS LICENSING BY-LAW

RELATING TO

VEHICLE POUND FACILITIES

(Amended by By-laws 187-2014, 184-2019)

1. In this Schedule:

“Motor Vehicle” means an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a motorized snow vehicle or motor-assisted vehicle;

“Storage Fee” means the fee for the storage of a Vehicle based upon a 24 hour period, or part thereof, from the time the Vehicle enters the Vehicle Pound Facility and shall be inclusive of all costs associated with the storage of the Vehicle, including but not limited to administration fees, environmental charges and insurance costs;

“Vehicle Pound Facility” means land, buildings, or structures or parts thereof, used for the temporary storage of Vehicles within a secure area that is fenced and gated or inside a building and where a storage fee is charged and may include property held under police or other government authority.

2. Every Licensee under this Schedule shall:

- (a) Provide in writing the maximum number of Vehicles that may be stored in the Vehicle Pound Facility at any one time.
- (b) Before demanding payment for the storage of a Motor Vehicle, present the Motor Vehicle owner or his or her agent an invoice for the storage of the vehicle, such invoice to detail the time and day the Vehicle first entered the Vehicle Pound Facility and total cost for the storage of the Motor Vehicle;
- (c) Retain a copy of the invoice referred to in Section 2. (a) for a minimum of 2 years from the date the Motor Vehicle is removed from the Vehicle Pound Facility, and be subject to inspection by the Licence Issuer or Inspector who shall provide at least 3 business days' notice of such inspection;
- (d) Comply with all the appropriate provisions of the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25 when disposing of an unclaimed vehicle;
- (e) Ensure that the Motor Vehicle owner or his or her agent shall be able to obtain the release of the vehicle at any time (24 hours a day, 7 days a week, 365 days a year), provided payment of the storage fee is made;
- (f) Allow access to the Owner of the vehicle to obtain personal belongings within 48 hours of the vehicle arriving at the Vehicle Pound facility.
- (g) Maintain a sign at the Vehicle Pound Facility, visible from the entrance to the facility, detailing the daily hours of operation of the facility, the telephone number to use for after hours vehicle release service, the storage fee rates to be charged for the storage of the Motor Vehicles, City's by-law number and telephone number for the City's By-law Enforcement Division in case of disagreement over storage rates or service provided, and the Region of Peel telephone number for the reporting of a hazardous material spill;
- (h) Ensure that sufficient staff is available during normal business hours as well as after hours, 365 days a year in order to release a Vehicle;
- (i) Erect a fence to the satisfaction of the City and install a secure lock on the fence to protect the Motor Vehicles and Motor Vehicle contents stored in the facility, and ensure sufficient secured lighting is installed to illuminate the pound and perimeter fence;

- (j) Keep the Vehicle Pound Facility and any sidewalk or street upon which the Premises abut, in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other foreign substances, including but not limited to tires and Vehicle parts derived from the licensed Premises or resulting from the use of the licensed Premises;
 - (k) Comply with all relevant legislation pertaining to the storage and disposal of hazardous materials on the Premises; and
 - (l) Ensure that where a daily storage fee is charged, it shall be based on each 24-hour period that the vehicle has been held in storage or any part thereof. Charges shall commence from the time the Motor Vehicle is placed in the Vehicle Pound Facility.
3. Every Licensee of a Vehicle Pound facility shall, when a Motor Vehicle is left at the Licensed Premises:
- (a) Maintain a register in the form approved by the License Issuer in which shall be entered:
 - i. Time and date of receipt of the Motor Vehicle;
 - ii. A description of the Motor Vehicle, including make, model and year; and
 - iii. Name, address and telephone number, email address of the Motor Vehicle Owner.
 - (b) Retain the register in subsection 3. (a) for a period of 2 years;
 - (c) Request that the Motor Vehicle ownership document be removed from the Vehicle and deposited with the Licensee to be securely stored on the Licensed premises, and the document shall be returned when the Motor Vehicle is released;
 - (d) Inform the Motor Vehicle Owner that personal information is being collected and that this information will only be used, if necessary, for law enforcement purposes; and
 - (e) Open the register to inspection, at all times during regular business hours, by the Licence Issuer, Police or any other person duly authorized by the Licence Issuer, and permit them to remove specific entries from the register required for use in any court or other law enforcement proceedings.
4. No Licensee shall:
- (a) Permit the Premises to be used for the purpose of servicing or repairing Motor Vehicles; or
 - (b) Charge a storage fee for any period of time that the Motor Vehicle owner or his or her agent was unable to obtain the Motor Vehicle as a result of some fault on the part of the Vehicle Pound Facility or its staff.
5. Despite any other provisions, a Person or Individual operating a Vehicle Pound Facility shall only be allowed to charge or cause to be charged an all-inclusive storage fee of up to \$75.00 dollars per day with no other additional service charges and a onetime \$50.00 Administration Fee and a onetime \$10.00 Environmental Fee and the applicable taxes for the charges.
6. This Schedule does not apply to the parking of a Vehicle awaiting repairs at any other Automobile Service Station/Public Garage facility.

APPENDIX A TO THE STATIONARY BUSINESS LICENSING BY-LAW
FEES

Schedule #	Type of Licence	Licence Fee	Expiry Date
1	Animal Kennels or Doggie Daycare	\$239.00	May 31
2	Auctioneer	\$ 207.00	May 31
4	Automobile Service Station		
	Class A – Gasoline, Oil, Lubrication	\$ 243.00	Jan 31
	Class B – Repair and Servicing	\$ 243.00	Jan 31
	Class C – Out-of-Town Car Rentals	\$ 243.00	Jan 31
	Class D – Car Wash	\$ 243.00	Jan 31
	Class E – Renting, Leasing, Buying, Selling	\$ 243.00	Jan 31
	Class F – Autobody Repair, Painting	\$ 243.00	Jan 31
4	Building Renovator	\$ 221.00	Apr 30
5	Carnivals and Animal Exhibition	\$ 248.00	per event/up to 7 days)
6	Catering		
	Class A – In-Town Catering	\$209.00	Jan 31
	Class B – Out-of-Town Catering	\$25.00	Jan 31
7	Drain Laying Contractor	\$ 194.00	Apr 30
8	Driveway Paving Contractor	\$ 194.00	Apr 30
9	Fence Installation Contractor	\$ 194.00	Apr 30
10	Fixed Food Premises		

Schedule #	Type of Licence	Licence Fee	Expiry Date
	Class A – Bakery	\$ 209.00	Jan 31
	Class B – Cafeteria	\$ 209.00	Jan 31
	Class C – Café or Coffee Shop	\$ 209.00	Jan 31
	Class D – Convenience Store	\$ 209.00	Jan 31
	Class E – Grocery Store	\$ 209.00	Jan 31
	Class F – Restaurant	\$ 209.00	Jan 31
	Class G – Restaurant – Take-Out Only	\$ 209.00	Jan 31
	Class H – Residential-Based Food Preparation	\$ 209.00	Jan 31
11	Flea Markets	\$3,940.00	Apr 30
12	Heating, Ventilation and Air Conditioning Contractor	\$ 194.00	Apr 30
13	Horse Riding Establishment	\$ 163.00	May 31
14	Lodging Houses	\$709.00	one year from issue date
	Licence Fee	\$407.00	
	Fire Inspection	\$191.00	
	Property Standards Inspection	\$111.00	
15	Outdoor Storage Facility or Parking Lot	\$ 243.00	Jan 31
16	Pawnbroker	\$ 245.00	May 31
17	Payday Loans	\$1,200.00	
18	Personal Service Facility	\$ 217.00	May 31

Schedule #	Type of Licence	Licence Fee	Expiry Date
19	Pet Grooming	\$163.00	Jan 31
20	Pet Shops	\$ 239.00	May 31
21	Place of Amusement	\$ 272.00	Jan 31
22	Place of Public Assembly	\$ 280.00	Jan 31
23	Plumbing Contractor	\$ 212.00	Apr 30
24	Pool Installation Contractor	\$ 285.00	Apr 30
25	Salvage Yard	\$ 475.00	May 31
26	Second Hand Goods Shop	\$ 282.00	May 31
27	Tobacco and/or Vapour Products Sales	\$ 321.00	Jan 31
28	Vehicle Pound Facilities	\$ 243.00	Jan 31
	Other Fees		
	Late Renewal	\$ 50.00	

These rates shall automatically increase and be rounded up to the nearest dollar on the first day of January in each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the 12-month period ending on September 30 in the year immediately preceding the rate increase date.

Number 2023-008

City Council Meeting – Adoption of By-laws

Under the *Municipal Act, 2001*,

I, Patrick Brown, Mayor of the City of Brampton, hereby approve the following by-laws passed at the Brampton City Council meeting of November 1, 2023, in accordance with subsection 284.11(4)(a)(i) of the *Municipal Act, 2001*:

- By-laws as considered and enacted under the By-laws Section (Council Agenda Item 18)
- Confirming By-law (Council Agenda Item 20)

Dated at Brampton, this 1st day of November, 2023.



Patrick Brown
Mayor