



OFFICE CONSOLIDATION  
BUSINESS LICENCING BY-LAW  
BY-LAW NUMBER 135-05

Passed by Council on December 12, 2005

Amendments:

By-Law Number	Date Passed	Section Amended
74-07	June 11, 2007	Part 1 - Definitions Part 14 - Special Events
116-07	August 27, 2007	Part 1 - Definitions Part 15 - Clothing Donation Boxes
121-07	September 24, 2007	Part 1 - Definitions Part 16 - Group Homes
02-08	January 14, 2008	Part 13 - Taxicabs
32-08	May 12, 2008	Part 14 – Sale of birds & animals
52-08	June 30, 2008	Schedule “A” – Taxicab – Tariff of Rates
76-10	Sept 27 2010	To delete Schedules “A” & “B” and reference thereto

By-Law Number 135-05

A By-Law to provide for the Licencing and  
Regulation of Various Businesses in  
the Township of Scugog

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THE CORPORATION OF THE TOWNSHIP OF SCUGOG

BY-LAW NUMBER 135-05

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BEING A BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF VARIOUS BUSINESSES IN THE TOWNSHIP OF SCUGOG.

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**WHEREAS** Section 150 of the *Municipal Act, 2001*, permits municipalities to license, regulate and govern any business wholly or partly carried on within the municipality;

**AND WHEREAS** except as otherwise provided, a municipality may only exercise its licensing powers under this section, including imposing conditions, for one or more of the following purposes - health and safety, nuisance control, consumer protection;

**AND WHEREAS** a By-Law licensing or imposing conditions shall include an explanation as to the reason the municipality is licensing it or imposing the conditions and how that reason relates to the purposes under the *Municipal Act, 2001*, Section 150, subsection (2);

**AND WHEREAS** it has been determined that it is appropriate to license, regulate and govern certain businesses for the purposes of:

- Health and Safety - being an activity or undertaking that could result in hazardous conditions, injury or loss, and/or
- Nuisance Control - being an activity that adversely effects, or could possibly adversely effect, the “quality of life” of any Person(s), and/or
- Consumer Protection - being the prevention of unfair or potentially unfair business practice(s) that could result in loss(es) on the part of the consumer;

**AND WHEREAS** the said Council has from time to time enacted licensing By-Laws relating to a variety of businesses pursuant to its powers as set out in the said *Municipal Act*, and its predecessor Act;

**AND WHEREAS** the Council of the Corporation of the Township of Scugog deems it advisable to consolidate and revise its various licensing By-Laws;

**AND WHEREAS** the following businesses are licensed for the following reasons;

*ADULT ENTERTAINMENT PARLOURS*, for the purpose of protecting the health and safety of the Attendants, to ensure that the business is not a nuisance to the surrounding properties and neighbourhood, and the consumer protection of those individuals who attend and partake in the Services of the parlour;

*CARNIVALS, MIDWAYS AND SPECIAL EVENTS*, for the purposes of health and safety and ensuring that all health and safety regulations are complied with to ensure that consumers are not harmed in any way;

*FIREWORKS*, for the purposes of health and safety and ensuring that the vendor is following all required health and safety regulations to ensure that the consumers is not harmed in any way;

*HAWKER & PEDLAR*, for the purpose of ensuring the vendor is following all required health and safety regulations to ensure that the consumer does not become ill, to ensure that the business is not a nuisance by hindering Vehicles or pedestrian traffic and/or causing a hazard in any way and/or having a negative aesthetic impact on the municipality, and to protect the consumer who is purchasing products being sold;

*REFRESHMENT VEHICLE*, for the purposes of health and safety and ensuring that the vendor is following all required health and safety regulations, and to ensure that the consumer does not become ill, and to ensure that the vendors are not hindering Vehicle or pedestrian traffic and/or causing a hazard in any way and/or having a negative aesthetic impact on the municipality;

*SALVAGE YARD/SECOND HAND GOODS SHOPS*, for the purposes of protecting the consumer purchasing items and to ensure that the building/yard is safe and healthy for the Persons who enter;

*TAXICABS*, for the purposes of health and safety to ensure that the Vehicles are safe for the Persons who use the service and consumer protection to ensure that the Vehicles are operated by Persons with no criminal record;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCUGOG Enacts As Follows:**

SHORT TITLE  
BUSINESS LICENSING BY-LAW

Part 1- DEFINITIONS

1.1 For the purposes of this By-Law:

**Accessible Taxicab**, means a Taxicab which is equipped for the transportation of Passengers, unable to board regular Vehicles without assistance due to a physical disability, for hire or reward;

**Adult Entertainment Parlour**, means any premises or part there in which is provided in pursuance of a trade, calling, business or occupation, Services appealing to or designed to appeal to erotic or sexual appetites or inclinations;

**Adult Entertainment Parlour Licensed under the *Liquor License Act*,** means an Adult Entertainment Parlour of the class defined as follows:

*Any premises or part thereof in respect of which a License or permit has been issued and is in full force and effect pursuant to the provisions of the **Liquor License Act**, R.S.O. 1990, c. L. 19, at which is offered Services appealing to or designed to appeal to erotic or sexual appetites or inclinations;*

**Adverse Effect**, means;

- i) impairment of the quality of the environment for any use that can be made of it,
- ii) injury or damage to property, to plant or to animal life,
- iii) harm or material discomfort to any Person,
- iv) impairment of the health of any Person,
- v) impairment of the safety of any Person,
- vi) rendering any property unfit for its existing or permitted use,
- vii) loss of enjoyment of normal use of any property,
- viii) interference with a residential use or conduct of business.

**Applicant**, means a Person who is required to be licensed pursuant to this By-Law or who has made application for a license to the Clerk and shall include a Licensee;

**Artisan**, means a person who produces by their own hand goods for sale or display, that are not generally associated with mass production for general merchandise sales, such as but not limited to quilting, painting, carving, jewellery, wood working or similar type of handy-craft;

**Attendant**, means any Person other than a Licensed Owner or Operator who provides Services designed to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Parlour;

**Broker**, means any Person who accepts calls in any manner for Taxicabs and that are owned by Persons other than the Broker, his immediate family or his employee, Licensed or required to be Licensed under this By-Law;

**Burlesque Entertainer**, means an Attendant whose Services are provided at an Adult Entertainment Parlour Licensed under the ***Liquor License Act***;

**By-Law**, means any By-Law passed by Council;

**Chief of Police**, means the Chief of Police for the Durham Regional Police Services or designate;

**Clerk**, means the Clerk of the Township of Scugog or designate;

**Clothing Donation Box**, means a container designed or intended for receiving donations of clothing or other items and shall include but not be limited to a box, trailer or other vehicle.

**Commissioner**, means the Commissioner of Infrastructure and Development for the Corporation of the Township of Scugog or designate;

**Council**, means the Council of The Corporation of the Township of Scugog;

**Dealers in Second Hand Goods**, includes Persons who go from house to house or along Highways for the purpose of collecting, purchasing or obtaining second-hand goods;

**Direct Heat**, means a heating source such as heating ducts or any appliances that give off heat;

**Director of Parks and Recreation**, means the Director of Parks and Recreation for the Corporation of the Township of Scugog or designate;

**Driver**, means a Person who drives a Taxicab, Licensed or required to be Licensed under this By-Law;

**Dwelling Unit**, shall have the same meaning as in the Township of Scugog Zoning By-Law Number 75-80, as amended;

**Event**, means but is not limited to; a special event, carnival, midway show, street festival, fireworks display, parade or other temporary event held by or on the behalf of a recognized registered charity or other not for profit organization, where the general public has access to, whether or not a fee is paid for admission or for any activity at any such event, but will not include a special event, sale or other thing held exclusively and wholly inside a permanent structure;

**Extended Special Event**, means an Event that is held on a daily, weekly or monthly basis at the same location and such Events shall include but not be limited to, Farmers Markets and Canada Day celebrations. Such Events shall be restricted to properties that are zoned as Commercial or Industrial, Rural lands with a minimum of twenty five acres or upon lands owned by the Municipality, Region or Province;

**Farmers Market**, means a Special Extended Event which is an Indoor or Outdoor Market at which no less than five vendors operate and where the sale of fruits, vegetables, eggs and other produce, commonly associated with agriculture, makes up a minimum of eighty percent (80%) of the vendors;

**Fire Chief**, means the Chief of the Township of Scugog Fire Department and will include any designate to the Fire Chief;

**Fireworks**, means a device containing combustible chemicals that if ignited will produce spectacular effects, explosions and/or audible effects but does not include a firecracker or christmas cracker, safety flare, signaling device for marine, military, railway, Highway purposes or any other device constructed to assist in the prevention of occupational hazards;

**Fireworks Display**, means a public display of detonation of Fireworks;

**Fireworks Display Permit**, means a permit issued pursuant to the provisions of this By-Law, prescribed by the Clerk and issued by the Fire Chief;

**Firecracker**, means a loud, explosive device made for the sole purpose of giving off an audible effect and shall not include christmas crackers, safety flares, signaling devices for marine, military, railway, Highway purposes or any other device constructed to assist in the prevention of occupational hazards;

**Gas Certificate**, when used in conjunction with a Refreshment Vehicle, means a certificate issued by a Provincially authorized propane or natural gas fitter, as the case may be, not more than thirty (30) days prior to the submission of the License application to the Township certifying that the Refreshment Vehicle to which the License application relates complies with the applicable equipment and performance standards for propane or natural gas, as prescribed by the Province of Ontario;

**Group Home Type 1**, means a single housekeeping unit in a residential dwelling in which 3 to 6 unrelated residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents and includes a home licensed or approved under the Provincial statute as a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Residence, Accommodation Services for the Developmentally Handicapped, Satellite Residences for Seniors and Homes for Physically Disabled Seniors, in compliance with municipal by-laws.

**Group Home Type 2**, means a single housekeeping unit in a residential dwelling or dwelling unit within a commercial building occupied by 4 to 10 unrelated residents excluding staff or receiving family, which shall be maintained and operated primarily for:

- (i) persons who have been placed on probation under the provisions of the Probation Act, the Criminal Code of Canada or any Act passed to replace the foregoing Act, the Criminal Code of Canada, or any Act passed to replace the foregoing Acts;
- (ii) persons who have been released on parole under the provisions of the Ministry of Correctional Services Act, or Parole Board of Canada or any Act passed to replace the foregoing Acts;
- (iii) persons who have been charged under the Young Offenders Act but who have been placed in open or secure custody;

- (iv) persons who require temporary care, and transient or homeless persons;
- (v) persons requiring treatment and rehabilitation for addiction to drugs or alcohol; or
- (vi) persons housed in a group home that satisfies all the requirements of a Group Home Type 1 except that it accommodates in excess of 6 residents.

**Hawker and Peddler**, shall be interchangeable terms and shall mean and include a Person who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise which is to be delivered in the municipality;

**He and His**, shall be deemed to include “She and Hers”;

**Hearing**, includes a hearing or an opportunity given for a hearing, where an applicant or licensee may show cause why the license should be granted or not refused, revoked or suspended with or without conditions;

**Highway**, includes a common and public Highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public and includes the area between the lateral property lines thereof;

**Ice Cream Cart**, means a Refreshment Vehicle which is propelled by muscular power and from which ice cream, frozen milk, frozen yogurt or frozen water products are sold;

**Inspector**, means any Person authorized by any governmental agency to perform any duty imposed upon him or her to ensure the safety and condition of any machinery, equipment, lands or other thing used at any event;

**License**, means a License issued under the provisions of this By-Law;

**Limousine**, means a motor vehicle which is kept for hire for the conveyance of Passengers solely on an hourly, daily or weekly basis, which does not contain a Taximeter or a two-way radio or similar device. Notwithstanding the foregoing, the term Limousine shall never include a Taxicab in respect of which a License has been issued to the Owner, under the provisions of this By-Law, nor shall it include a bus, ambulance or hearse.

**Medical Officer of Health**, means the Medical Officer of Health for the Regional Municipality of Durham, duly appointed under the **Public Health Act**, R.S.O. 1990, c. H.7, as amended, and includes any staff official acting on his/her behalf;

**Motor Vehicle** shall have the same meaning as the Ontario Highway Traffic Act and shall include implements of husbandry;



**Municipal Law Enforcement Officer**, means a Municipal Law Enforcement Officer appointed to enforce the By-Laws of the Township of Scugog;

**Number Plate**, means a metal identification plate or an identification sticker that is issued along with the Owner's License;

**Officer**, means a Municipal Law Enforcement Officer appointed by Council and/or any Peace Officer described by the Criminal Code of Canada and shall include a Police Officer and a Provincial Offences Officer.

**Operator**, means any Person who alone or with others, operates, manages, supervises, runs or controls a business, trade or calling, and "operate", "operation" and other words of like import or intent shall be given a corresponding meaning;

**Owner**, with respect to business, means the Person, company or partnership that carries on the business and whose name appears on the license issued by the Township for such business pursuant to this By-Law;

**Owner**, with respect to premises, means the registered Owner of the land on which the premises is situated, and includes a trustee acting on behalf of the registered Owner, the estate of a registered Owner and a Person with a leasehold interest in the land;

**Parkland**, means all land used by the Township for public park purposes including any and all buildings, structures, facilities, erection, improvements and equipment of any nature or kind located in or on such land, for so long as the land is used for public park purposes;

**Passenger**, means any Person in a Taxicab other than the Driver;

**Permitted Area**, means that area of the Township of Scugog that is zoned;

**Person**, includes an individual, firm, corporation, association or partnership;

**Police Officer**, means a Police Constable sworn in and for the Province of Ontario and shall include a Constable of the Royal Canadian Mounted Police;

**Property**, means real property, whether it is owned by an individual or any corporation and shall include any property that is privately owned or owned by the Corporation of the Township of Scugog;

**Refreshment Vehicle**, includes any Vehicle from which refreshments are sold for consumption by the general public and shall include but is not limited to chip trucks, coffee trucks, hot dog carts, Ice Cream Carts, ice cream trucks and pizza trucks;

**Resident**, means a Person who resides in or has a regular place of business in the Township;

**Safety Standards Certificate**, when used in conjunction with a Refreshment Vehicle means a certificate used by a Provincially authorized motor vehicle inspection mechanic not more than thirty (30) days prior to the submission of the License application to the Township certifying that the refreshment Vehicle to which the License application relates complies with the applicable equipment and performance standards set out in the regulations made out under the *Highway Traffic Act*;

**Salvage Yard**, means an establishment where goods, wares, merchandise, articles or things are processed for further use and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open and includes a junk yard, a scrap metal yard and a motor vehicle wrecking yard or premises.;

**Second Hand Goods**, includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage.

**Services**, includes activities, facilities, performances, exhibitions, viewings and encounters;

**Services Designed to Appeal to Erotic or Sexual Appetites or Inclinations**, includes:

- Services of which a principal feature or characteristic is the nudity or partial nudity of any Person;
- Services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any other picture, symbol or representation having like meaning or implication is used in any advertisement;

**Site Plan**, means a description including drawings where and when required indicating where an event on property will be located, and shall be included as part of any License application;

**Tariff Card**, means a card, issued by the Township, displaying the rates or fares to be charged under this By-Law for the conveyance of goods and Passengers;

**Taxicab**, means a motor Vehicle kept or used for hire for conveyance of goods and Passengers, which has Vehicle seating for not more than seven Persons, but does not include a Limousine, bus, ambulance or hearse;

**Taxicab Plate**, means a metal plate issued by the Township bearing a number to identify a Taxicab in respect of which a License has been issued;

**Taxicab Plate Number**, means the number on the Taxicab Plate;

**Taxi Service**, means the operation of a service providing Taxicab motor Vehicles with Drivers used for hire for the conveyance of goods or Passengers;

**Taximeter**, means an instrument or device attached to a Taxicab which measures, mechanically or electronically, the distance driven and the waiting time upon which a fare may be charged and which computes the amount of the fare that may be charged for any trip for which such a fare is chargeable;

**Township**, means The Corporation of the Township of Scugog;

**Trailer**, shall include all trailers, roadside stands, Vehicles or other conveyances;

**Trip Record**, means a record of the following information:

- the provincial motor Vehicle permit number of the Taxicab;
- the Taxicab Plate Number of the Taxicab;
- the name, address and License number of the Driver;
- the Taximeter readings at the start and finish of a Taxicab Driver's working period;
- the date, time and location of the beginning and termination of each trip, including any stops requested by a Passenger en route; and
- the amount of rates and fares collected for each trip.

**Vehicle**, includes a motor Vehicle, trailer, traction engine, farm tractor, road building machine and any Vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

## **Part 2 GENERAL PROVISIONS**

### **2.1 Licensing - Powers**

The power to License, regulate and govern a business includes the power to:

- a) prohibit the carrying on of or engaging in the business without a License;
- b) refuse to grant a License or to revoke or suspend a License;
- c) to fix the expiry date for a License;
- d) to define classes of businesses and to separately License, regulate and govern each class;
- e) to impose conditions as a requirement of obtaining, continuing to hold or renewing a License, including conditions;
  - requiring the payment of License fees;
  - restricting the hours of operation of the business;
  - allowing at any reasonable time, the municipality to inspect places or premises used for the business and the equipment,

- Vehicles and other Personal property used or kept for hire in the carrying on of the business;
  - prohibiting places or premises used for the business to be constructed or equipped so as to hinder the enforcement of the By-Law;
  - requiring the premises of the business, or part of the premises, to be accessible to Persons with disabilities
- f) to impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a License;
- g) to impose conditions, including special conditions, as a requirement of continuing to hold a License at any time during the term of the License;
- h) to License, regulate or govern the place or premises used for the business and the Persons carry it on or engaged in it;
- l) to regulate or govern the equipment, Vehicles and other personal property used or kept for hire in connection with the carrying on of or engaging in the business;
- j) to exempt any business or Person from all or any part of the By-Law; and
- k) without limiting anything in clauses (a) to (j), to require the payment by a Licensed business of additional fees at any time during the term of the License for costs incurred by the municipality attributable to the activities of the business.

## 2.2 Administration - of By-Law

Unless otherwise indicated, the administration of this By-Law is assigned to the Clerk who may delegate the performance of his/her functions under this By-Law from time to time as required.

## 2.3 Enforcement - By-Law Enforcement

This By-Law shall be enforced by a Municipal Law Enforcement Officer and any Police Officer sworn for the Province of Ontario, where applicable.

## 2.4 Part 2 - applies to - all other Parts

All of the regulations contained in this Part of the By-Law shall apply to all Licenses and renewal Licenses required under the provision of this By-Law, except as otherwise provided.

## 2.5 License - display

No Person holding a License issued pursuant to this By-Law shall fail to:

- a) with respect to premises, display the License in a conspicuous place in or on the said premises; or

- b) with respect to a Vehicle, display the License in a conspicuous place in or on the said Vehicle; or
- c) with respect to an individual, maintain the License on their Person while conducting the activity for which the License was issued.

#### 2.6 License - application

Applications for all Licenses issued under the provision of this By-Law and applications for renewal of such Licenses:

- a) shall be made to the Clerk on forms to be provided;
- b) when received by the Clerk, will be stamped with the date and time of receipt and processed in the order in which they are received; and
- c) will be processed giving priority to applications for renewal of Licenses for a particular year provided the application for renewal is received by the Clerk on or before the last business day of the Corporation in the preceding year.

#### 2.7 License - application - full information required

Every Applicant shall provide in full, at the time the application is submitted, all of the information required on the application form as well as:

- a) payment of the prescribed License fee set out in the Fees & Charges By-Law; and
- b) any other document or information as may be required in any other Part of this By-Law.

#### 2.8 License - application - subject to approval

Every application will be subject to investigations and approvals from such municipal or provincial departments or agencies as the Clerk deems necessary or as directed by Council, including but not limited to: Police, Durham Region Health Department, Fire Department, Building Department, By-Law Enforcement.

#### 2.9 Contravention - other laws - prohibited

The issuance or renewal of a License is not intended and shall not be construed as permission or consent by the Corporation for the holder of the License to contravene or to fail to observe or comply with any law of Canada or Ontario or any By-Law of the Corporation.

#### 2.10 Revocation - License

- a) The Clerk may revoke a License which is voluntarily surrendered by the holder for revocation.
- b) The Clerk may revoke a License at any time when the business fails to meet any provision of this By-Law, any other Municipal By-Law, any

Federal or Provincial Statute or other legislation.

- c) The Clerk shall revoke any License which was obtained by any mistake or misstatement and any fees paid for such License shall be forfeited.

#### 2.11 License - property of Township - transfer - prohibited

Every License, at all times, is owned by and is the property of the municipality and is valid only in respect of the Person and the premises or of the Person named therein and for the nature of business stated in the License, and no License may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized, distrained or otherwise dealt with.

#### 2.12 Information - held by Clerk- open to inspection

Any application, comment, recommendation, information, document or thing in the possession of the Clerk pursuant to the provisions of this By-Law shall be made available by the Clerk for an inspection:

- a) by any Person employed in the administration or enforcement of this By-Law; and
- b) by any other Person upon the consent, satisfactory to the Clerk, of the Person, civic department, board, commission, authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing;

subject only to the limitations imposed by the *Municipal Freedom of Information and Protection of Privacy Act*.

#### 2.13 Inspections - other designated Persons

Subject to section 2.15 of this Part of this By-Law, any Police Officer or any Person designated by the Council to enforce this By-Law may, at all reasonable times and upon producing proper identification, enter and inspect any premises or any part of any premises Licensed under the provisions of this By-Law and any such License shall be surrendered for inspection.

#### 2.14 No Person - Obstruct - Person who enforces

No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising any power or performing a duty under this By-Law.

#### 2.15 Inspections - dwelling - Police - search warrant

Except under the authority of a search warrant under the *Provincial Offences Act* or in accordance with the provisions of s.430 of the *Municipal Act, 2001*, a Police Officer or any Person designated by the Council to enforce this By-Law shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

2.16 Records - to be kept - as required

No Person shall fail to keep any and all of the records required to be kept under the provisions of any section of any Part of this By-Law.

2.17 Deficiencies - specified - notice to - Applicant

Where any determination is made that any premises or Person named in the application does not receive the approvals required by this By-Law, the reasons for the lack of the required approvals shall be specified, and the Clerk shall notify the Applicant of all such reasons.

2.18 License - not to be issued or renewed - where By-Law contravened

No License shall be issued to any Person in respect of any premises in which the carrying on or operation of the business for which the application is being made is in contravention of any By-Law of the Corporation, or any applicable Provincial or Federal legislation.

2.19 License - term of - expiry

A License issued under the provisions of this By-Law shall be valid only for the period of time for which it was issued. All Licenses shall expire annually on December 31<sup>st</sup>, at 11:59 p.m.

2.20 License - administrative fee - License refused or withdrawn

All business License fees are non-refundable if the application is refused for any reason or is withdrawn by the Applicant prior to the issuance of a License.

2.21 License - application deemed expired

Any business License application that has not received approvals from all municipal or provincial department or agencies as the Clerk deems necessary within 90 days from the date of the filing of the application, because of the Applicant's inability to comply with the requirements to become Licensed, shall be deemed to have expired unless the application is referred to the Council under section 2.26 of this By-Law.

2.22 License - address - notification of change

Every Licensee shall notify the Clerk within 6 days of any change in the business or home address.

## 2.23 Issuance, Renewal - conditions

Every License that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold, and renewing a License, all of which shall be performed and observed by the Applicant, holder of the License or by the Operator of the business:

- a) the Applicant or License holder shall pay the applicable License fee;
- b) the Applicant or License holder shall allow, at any reasonable time, the Corporation to inspect the places and premises used for the business and the equipment, Vehicles and other Personal property used or kept for hire in the carrying out of the business;
- c) the Applicant or License holder shall ensure that the places or premises used for the business are not constructed or equipped so as to hinder the enforcement of this By-Law;
- d) the conduct of the Applicant or License holder affords reasonable cause to believe that the Applicant or License holder will not carry on or engage in the business in accordance with the law or with honesty and integrity;
- e) the premises in which the business is located shall be in accordance with the requirements of the Building Code Act and the Regulations thereunder, the Fire Protection and Prevention Act, 1997 and Regulations thereunder, and any By-Law of the Corporation prescribing standards for the maintenance and occupancy of property within the Township;
- f) where premises in which the business is located are altered and a building permit is required to carry out the alterations, the premises, as altered, shall be in accordance with the Building Code Act, and the Regulations thereunder, and any by-law of the Township prescribing standards for the maintenance and occupancy of property within in the Township;
- g) the use of the premises for the purpose of the business is permitted or conforms with the uses of the premises permitted under the applicable zoning By-Law or is a legal non-conforming use;
- h) the Owner or Operator shall have a contractual or proprietary interest in the lands and premises upon which the business is to be operated which will enable the Owner or Operator to carry on the business;
- i) the Applicant or License holder shall not carry on activities that are in contravention of this By-Law.
- j) the Applicant or License holder shall not fail to pay any part of a fine for a contravention of this By-Law after the fine becomes due and payable under section 66 of the Provincial Offences Act, including any extension of time for payment ordered under that section.



#### 2.24 Licensing powers - Clerk - issue or renew

The Clerk may issue or renew a License where the requirements and conditions of this By-Law have been fulfilled.

#### 2.25 Licensing powers - delegation to Council

Council shall make the final decisions with respect to refusing to issue, refusing to renew, suspending or revoking a License under this By-Law.

#### 2.26 Referral to Council

- a) At any time before the Clerk either issues or renews a License, or recommends to refuse to issue or renew a License, he/she may, or shall on the request of the Applicant, refer the application for such issuance or renewal of a License to the Council.
- b) Where there is a referral to the Council pursuant to this section, the Council shall hold a meeting for the purpose of directing the Clerk to issue or renew the License, or not to issue or renew the License, and the Council, when directing the Clerk, may require the imposition of conditions specific to the License regarding compliance by the Applicant with any requirements of this By-Law.

#### 2.27 Recommendation - Council - Refuse to issue - notice - Hearing request

- a) Where the Clerk intends to recommend to the Council to refuse to issue, to refuse to renew, to revoke or suspend a License, he shall give notice of his intended recommendation for refusal to the Applicant or License holder, together with the reason for his/her intended recommendation, as well as to such other Persons who may have an interest in the recommendation.
- b) Within seven (7) days of mailing of the Clerk's notice in (a) above, the Applicant or License holder may request a Hearing before the Council. Such request for a Hearing shall be in writing and must be received by the Clerk no later than ten (10) days after the Clerk mailed the notice to the Applicant.

#### 2.28 Refusal - suspension - revocation - notice of Hearing - content

Where the Clerk receives a written request for a Hearing in compliance with Section 2.27(b), the Clerk shall schedule a Hearing before the Council and shall provide notice of the Hearing to the Applicant or License holder. The notice of Hearing shall:

- a) contain a reference to sections 150 and 252 of the Municipal Act, 2001 under which the Hearing will be held;
- b) contain a reason or reasons for the proposed refusal, suspension or revocation;

- c) specify the time, place and purpose of the Hearing of the Council at which the proposed refusal, suspension or revocation will be considered;
- d) inform the affected Applicant or the affected holder of the License that he is entitled to attend the Hearing and make submissions regarding the proposal and that, in his absence, Council may proceed to consider the proposal and the Applicant or affected holder of the License will not be entitled to any further notice in the proceeding;
- e) afford the affected Applicant or the affected holder of the License a reasonable opportunity, before the Hearing, to show or achieve compliance with all lawful requirements for the retention of the License; and
- f) be given at least 15 days notice prior to the date of the Council Hearing.

#### 2.29 Refusal - suspension - revocation by Council - Hearing

At the Hearing, the Council may suspend, revoke or refuse to issue any License that may be issued under the provisions of any Part of this By-Law:

- a) for any reason that would disentitle the holder to a License if he were an Applicant;
- b) where the holder of the License or Applicant is in breach of a conditions of the License or of this By-Law;
- c) if a report is filed subsequent to the date of the issuance of the License or by any department or agency which provided its approval originally to the issuance of the License which indicates that a Licensed premises no longer complies with any of the provisions of this By-Law;
- d) upon such grounds as are set out in this By-Law;
- e) if the conduct of the Applicant or Licensee affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity.

#### 2.30 Suspension - interim - pending - during meeting

Where there is a referral or request for a Hearing to the Council, Council may, where Council considers it to be necessary and in the public interest, immediately suspend the License for a period not exceeding 15 days.

#### 2.31 Suspension - interim - extension

Council may, at the meeting mentioned in Section 2.26 of this Part of the By-Law, extend the interim suspension until the Council disposes of the proposed suspension or revocation.

### 2.32 Suspension - interim - notice - content

The notice mentioned in Section 2.28 of this By-Law shall inform the holder of the License of any interim suspension and the authority of Council under Sections 2.30 and 2.31 of this By-Law.

### 2.33 Council - proceedings

At a Hearing, Council:

- a) shall afford the affected Applicant or holder of the License an opportunity, at the Hearing, of making submissions in respect of the matter that is the subject of the Council's proceedings;
- b) shall afford any Person, department, board, authority or agency given notice under Section 2.28 of this By-Law and in attendance at the Hearing, or any other Person at the discretion of Council, an opportunity to make submissions in respect of the matter that is the subject of Council's proceedings;
- c) may close a portion of the Hearing to the affected Applicant or License holder only for the purposes of receiving confidential legal advice;
- d) may close all or a portion of the Hearing to the public if Council is of the opinion that intimate financial or personal matters may be disclosed of such a nature, having regards to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any Person affected or in the public interest, outweighs the desirability of adhering to the principle that the Hearing be open to the public;
- e) shall give due consideration to the submissions made to it;
- f) shall take such action to refuse, suspend or revoke the application or License, or not to refuse, suspend or revoke the application or License, as Council considers proper in the circumstances; and
- g) shall give written notice of its decision to the Clerk, to the Applicant or to the License holder, and to any Person, department, board, authority or agency in attendance at the Hearing, together with reasons for its decision.

### 2.34 Council - decision - immediate effect

A decision of the Council refusing, suspending or revoking an application or License takes effect immediately upon the rendering of such decision by Council.

### 2.35 Nuisance Control

Every Person required to be Licensed under this By-Law, in addition to any other provisions or requirements expressed elsewhere in this By-Law, shall comply with the following requirements:

- a) at all times maintain and keep safe and clean and in good condition and repair any object, Vehicle, place of business or premises for which the License is issued;
- b) shall not breach or violate or cause, suffer, or permit any breach or violation of any By-Law of the Township or of any local board thereof, or of any statute, Orders-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the business or premise for which, or in relation to which, such License was issued;
- c) shall not cause or commit any nuisance to arise in, or in connection with the object, Vehicle, place of business or premises for which the License was issued;
- d) shall not cause or permit any shouting, noise or other disturbance on, in or in connection with the object, Vehicle, place of business or premises for which the License is issued, which is unnecessary, unreasonable or contrary to any municipal By-Law prohibiting the same, and if any such shouting, noise or other disturbance occurs, the Licensee shall immediately take steps to cause the same to be abated;
- e) shall not cause or permit any obstruction on any Highway, lane or public place in front of or adjoining the place of business or premises for which the License was issued, unless authorized by the Township;
- f) shall not cause or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any Vehicle, place of business or premises for which the License was issued.

Every Person who acquires a License that is issued under this By-Law is responsible for the due performance and observance of all the provisions of this By-Law by himself/herself and by his/her employees and all other Persons in or upon the premises which are Licensed under the provisions of this By-Law.

### 2.36 Fees

Licensing fees shall be as set out in the Fees & Charges By-Law.

### **Part 3**

#### **PENALTIES**

##### **3.1 Contravention**

Any Person who contravenes any section of this By-Law is guilty of an offence and upon conviction is liable to fine or penalty for each offence, exclusive of cost as prescribed by the *Provincial Offices Act, R.S.O. 1990*.

### **Part 4**

#### **SEVERABILITY**

##### **4.1 Integrity of By-Law - severability**

Notwithstanding that any Part, section or sections of this By-Law, may be found by any court of law to be invalid in whole or in part, the validity of other sections, paragraphs, clauses or portions of any of them contained in this By-Law shall not be affected thereby and are considered to be valid and enforceable.

### **Part 5**

#### **REPEAL - ENACTMENT**

##### **5.1 By-Laws - previous**

The following By-Laws and any amendments thereto are hereby repealed:

By-Law 9-01	Adult Entertainment Parlours
By-Law 10-01	Fireworks
By-Law 11-01	Salvage Yards and Shops
By-Law 17-01	Hawkers and Peddlers
By-Law 106-01	Refreshment Vehicles
By-Law 107-01	Taxi Cabs

##### **5.2 Current Licenses - valid - until revoked - expiry**

Any License or permit issued in 2005 under the previous By-Laws as stated in Section 5.1 to this By-Law, shall be deemed to have been issued under this By-Law and will be valid until such License or permit is revoked or until it expires on December 31, 2005.

##### **5.3 Continuity of previous By-Law number - certain signs**

Any By-Law number of the predecessor By-Laws to this By-Law that appears on an existing sign that was required to be posted in accordance with the provisions of the said predecessor By-Law(s) is to be read and construed as having the same force and effect and validity as does the By-Law number assigned to this By-Law.

#### 5.4 Commencement

- a) This By-Law shall come into full force and effect on the day of passing.

### **Part 6**

#### **INTERPRETATION**

- 6.1 This By-Law shall be read in conjunction with the Township of Scugog Zoning By-Law 75-80, as amended or any successor By-Law and if any provision of this By-Law and the Zoning By-Law conflict, the provisions of the Zoning By-Law shall take precedence.
- 6.2 No provision of this By-Law shall take precedence over any provision of the Township of Scugog Noise By-Law 45-82, as amended, or the Nuisance Noise By-Law 22-99, as amended, or any of their successor By-Laws or other applicable law.

### **Part 7**

#### **SHORT TITLE**

- 7.1 This By-Law may be referred to as the “Business Licencing By-Law”.

### **Part 8**

#### **ADULT ENTERTAINMENT PARLOUR**

##### 8.1 Application - License - renewal - changes

No Person shall, except in accordance with the provisions of this By-Law:

- a) Be an Owner or Operator of an Adult Entertainment Parlour or be an Attendant of an Adult Entertainment Parlour unless he procures a License to do so, except in accordance with the provisions of this By-Law.
- b) For the purposes of this By-Law a License applied for by or issued to a Burlesque Entertainer shall be referred to as a BURLESQUE ENTERTAINER LICENSE, but such Persons shall comply with all provisions of the By-Law applicable to Attendants, except where otherwise specifically provided.
- c) On every filing of an application for an Owner’s, Operator’s or Attendant’s License or for the renewal thereof, the Applicant shall attend in Person and not by an agent at the Clerk’s office and shall complete and submit the prescribed application forms and shall furnish to the Clerk such information as the Clerk or Council may direct.

- d) In the case of an Adult Entertainment Parlour owned or operated by a partnership, the attendance required under subsection (1) of this Section shall be by one of the partners and in the case of an Adult Entertainment Parlour owned or operated by a corporation such attendance shall be by an officer of the Corporation.
- e) The application fee or renewal fee as set out more particularly in the Fees & Charges By-Law shall be submitted at the same time as the filing of the application or the renewal thereof.
- f) Every individual Applicant for an Owner's License or Operator's License and every Applicant for an Attendant's License shall submit with his application two passport-size photographs of his face, one of which shall be attached to the License, and the other shall be filed with the Clerk, and upon application for renewal of any License, the Applicant shall furnish new photographs if required to do so by the Clerk or Council.
- g) Every individual Applicant for an Owner's License or Operator's License and every Applicant for an Attendant's License, shall on his application, state his date of birth.
- h) Every Applicant referred to in subsection (1) of this section, and every shareholder, partner or other Person referred to in sections 8, 9 or 10 of this By-Law, shall file with or produce to the Clerk proof of his age, if required to do so by the Clerk or Council.
- i) No individual shall be Licensed under this By-Law unless:
  - he is 18 years of age or over, or 19 years of age or over in the case of a License relating to an Adult Entertainment Parlour Licensed under the **Liquor License Act (Ontario)**;
  - a citizen of Canada or a landed immigrant.

## 8.2 Application - Corporations

- a) Every Corporation applying for an Owner's License shall submit to the Clerk at the time of its application a copy of its articles of incorporation or other incorporating instrument, duly certified by the proper government official or department, together with a Return in a form supplied by the Clerk, which Return shall contain a list of all the shareholders of the Corporation.
- b) Where the shares of a Corporation applying for an Owner's License are held in whole or in part by a second Corporation, the Applicant Corporation shall file with the Clerk a Return in a form supplied by the Clerk, which Return shall contain a list of all the second Corporation's shareholders, and if such Return discloses that the shares in such second Corporation are in turn held in whole or in part by a third Corporation then the said Applicant shall also file such a Return in respect of such third Corporation listing its shareholders, and so on until the names of all living Persons are shown and identified as the shareholders of any and all corporations having interest, direct or indirect, in the shares of the Applicant corporation.
- c) All Returns required by subsection (2) of this section shall be filed with

the Clerk at the same time as the filing of the application for the License.

- d) On every application for an Owner's License by a Corporation the Applicant shall state the date of birth of every shareholder or other Person having a beneficial interest of any kind in the shares of the Applicant Corporation or in any of the Corporations referred to in subsection (2).
- e) Where a Corporation is the holder of an Owner's License the Corporation shall forthwith notify the Clerk in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the Corporation, and any such transaction involving the shares of any Corporation referred to in subsection (2), and Council may, in its discretion, determine whether the License shall be revoked.
- f) Where, by a transfer of existing shares, or by an issue of new or existing shares, the controlling interest in a Corporation holding an Owner's License is determined by Council to have changed hands, such License shall be terminated forthwith, and Council may refuse to issue a new License if it determines that it is in the public interest so to do.
- g) Every Owner which is a Corporation shall, in every year, on or before the time at which it applies for the renewal of its License, file with the Clerk an Annual Return on a form supplied by the Clerk.
- h) Where the shares of a corporate Owner are held in whole or in part by a second corporation, such Owner shall file with the Clerk at the same time as provided in subsection (7) of this section an Annual Return in respect of the second Corporation and if the shares in such second Corporation are in turn held in whole or in part by a third Corporation, then such Owner shall likewise file such an Annual Return in respect of such third Corporation and so on until the names of all living Persons are shown and identified as the shareholders of all and all Corporations having an interest, direct or indirect, in the corporate Owner.
- i) For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all Persons having a beneficial interest of any kind in the shares of the Corporation.

### 8.3 Partnership

- a) Persons associated in a partnership applying for an Owner's or Operator's License shall file with the Clerk at the time of their application a declaration in writing signed by all the members of the partnership, which declaration shall state:
  - the full name of every partner and address of his ordinary residence;



- the name or names under which they carry on or intend to carry on business;
  - that the Persons therein named are the only members of the partnership; and
  - the mailing address for the partnership.
- b) If any member of a partnership applying for an Owner's License is a Corporation, such Corporation shall, for the purposes of section 8 of this By-Law, be deemed to be a Corporation applying for an Owner's License and if such License is issued to the partnership such Corporation shall, for the purposes of the said section, be deemed to be a Corporation which holds an Owner's License.
- c) It shall be the duty of every member of a partnership to advise the Clerk immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Clerk, and Council may, in its discretion, determine whether the License or Licenses, in the event of a Corporation partner, shall be revoked or terminated and whether or not a new License should be issued to the partnership as presently constituted.

#### 8.4 Application - Company

- a) Every Person applying for an Owner's , Operator's or Attendant's License who carries on or intends to carry on his business in or relating to an Adult Entertainment Parlour under a name or designation other than its own name or under his own name with the addition of the expression "and company" or some other expression indicating a plurality of members in the firm shall, at the time of the filing of his application, file with the Clerk on a declaration, which declaration shall state:
- his full name and address of his ordinary residence;
  - any name or designation under which he carries on or intends to carry on business, and the date when the name or designation was first used by him;
  - that no other Person is associated with him in partnership;
  - the date of his birth; and
  - the mailing address for his business.
- b) Any Person to whom this section relates shall notify the Clerk immediately of any change in any of the particulars required to be filed with the Clerk under subsection (1) of this section.

## 8.5 Application - Owner's License

- a) Every Person applying for an Owner's License shall file with the Clerk at the time of filing his application, or immediately thereafter, and upon filing his application for renewal of License, the following:
- a list showing the names of all Operators and Attendants employed or providing Services in his Adult Entertainment Parlour and all such Persons intended or expected by him to be employed or to provide Services in his Adult Entertainment Parlour and shall thereafter maintain a list showing at all times the names of all Operators and Attendants employed or providing Services in his Adult Entertainment Parlour. The original of the said list shall be retained by the Owner or Operator of the Adult Entertainment Parlour for a period of six months after its termination.
  - documentation satisfactory to Council demonstrating the Applicant's right to possess or occupy the premises used by him as an Adult Entertainment Parlour;
  - a copy of every written contract of service, contract for Services, or other document constituting or pertaining to the relationship between Owner and Operator or an Adult Entertainment Parlour or between Owner or Operator and an Attendant providing Services at an Adult Entertainment Parlour;
  - a copy of a list of all Services provided at the said Adult Entertainment Parlour and of the respective fees charged for Services including admission fees and any other payment charged in respect of entry to the Adult Entertainment Parlour, and, if any charge be based on a computation of time, the hourly rate shall be shown on such list. At its discretion, Council may approve or vary the list and shall endorse the Owner's License accordingly. Thereafter amendments to the list shall be made, an application by the Owner to the Clerk, only with the approval of Council and Council may at its discretion refuse to amend the endorsement on the License;
  - a schedule showing the hours of business to be observed by him in the carrying on of his operation of the Adult Entertainment Parlour in compliance with the provisions of this By-Law. The schedule shall state specifically the opening and closing time of the said Adult Entertainment Parlour for each day of the week.

## 8.6 Applicant - Legal name - address

- a) Every Owner, Operator or Attendant applying for a License must use his own legal name in making such application and subject to subsection (2) of this section no such License shall be issued to any Person in any name other than his own legal name.

- b) Every Owner, Operator or Attendant intending to use some name or designation other than his own may, at the time of the issue of his License, or at the time at which he files with the Clerk notice of intention to use such name or designation, have endorsed on his License such name or designation.
- c) Every Owner, Operator or Attendant who changes his address shall, within two days after such change, attend at the Clerk's office and notify the Clerk of such change of address and produce his License for the change to be entered thereon.

#### 8.7 Designated locations

- a) No License shall be issued or renewed under this By-Law unless:
  - the Adult Entertainment Parlour is located in a Permitted Area and is not located closer than 100 metres measured on a continuous path over the shortest distance from a residence or residential zone; and
  - the Applicant or Owner is Licensed:
    - under the Township licensing By-Law to operate a victualing house and the License is in good standing; or
    - under the **Liquor License Act**, R.S.O. 1990, c. L.19, as amended.

#### 8.8 Number of Licenses authorized

- a) A separate Owner's License shall be taken out in respect of each Adult Entertainment Parlour.
- b) The number of Owner's Licenses which may be granted by Council in respect of Adult Entertainment Parlours in the Township shall be limited to one (1).

#### 8.9 License - non transferrable

A License issued under this By-Law is not transferrable.

- a) No Owner's License shall be transferred. If an Owner sells, leases or otherwise disposes of his Adult Entertainment Parlour or the premises or part thereof upon or in which an Adult Entertainment Parlour is operated, to any Person, his License in respect of such Adult Entertainment Parlour or premises shall, notwithstanding any other provision of this By-Law, terminate.
- b) The Clerk may in his/her discretion issue a new Owner's License to the purchaser, lessee or other Person obtaining an interest in an Adult Entertainment Parlour or the premises or part thereof upon or in which an Adult Entertainment Parlour has been operated, subject also to the following conditions:

- that the new Applicant qualify under all of the other provisions of this By-Law, and that he comply with all of the requirements of this By-Law relating to him;
  - that the new Applicant file with the Clerk all the documents relating to Ownership and to his right to possess or occupy the Adult Entertainment Parlour, all as required by the provisions of this By-Law;
  - that the Applicant and the vendor file with the Clerk an executed copy of a written agreement between the parties containing all the details of the dealings between the parties in respect of such Adult Entertainment Parlour or premises; and
  - that the agreement contain a statutory declaration, in a form supplied by the Clerk, by both parties and a further statutory declaration by the solicitor for the purchaser in a form supplied by the Clerk.
- c) The making of a false or intentionally misleading recital of fact, statement or representation in any such agreement or statutory declaration required by subsection (2) hereof shall be deemed a violation of the provisions of this By-Law.
- d) Notwithstanding subsections (1) and (2) hereof, the Clerk may in his/her discretion refuse to issue a License or Licenses to a purchaser, lessee or other Person obtaining an interest in an Adult Entertainment Parlour in a transaction under this section when Council is of the opinion that it is not in the public interest as determined by Council, that such new License or Licenses should be issued.
- e) Upon the sale, lease or other disposition of an Adult Entertainment Parlour, every Operator's License issued in respect of such Adult Entertainment Parlour shall terminate, and Council may, subject to the provisions of this By-Law, permit the purchaser, lessee or other Person obtaining an interest in such Adult Entertainment Parlour to operate the Adult Entertainment Parlour by an endorsement to that effect upon an Owner's License issued to him or may issue a new Operator's License to any Person previously Licensed as an Operator in respect of such Adult Entertainment Parlour.

#### 8.10 Inspection

- a) Every application for an Owner's or Operator's License, or for renewal thereof, shall be submitted by the Clerk for a report to the Medical Officer of Health and to the Officer and may also be referred to any other government official or functionary for a report.

- b) The Officer and the Medical Officer of Health and any other government official or functionary duly appointed by Council may at any reasonable time enter upon the business premises of the Applicant or License to make an inspection to ensure that all the provisions of this By-Law have been satisfied and shall, on completion of the inspection, complete and file a written report.
- c) Upon an inspection under subsection (2) the Person or Persons inspecting are entitled to free access to all books of account, vouchers, correspondence and the records of the Person being inspected that are relevant to the purposes of the inspection.
- d) No Person shall obstruct the Person or Persons inspecting or withhold, destroy, conceal or refuse to furnish any information or thing required by the Person or Persons inspecting for the purpose of the inspection.

#### 8.11 Grounds - refusal to License, renew or revoke

- a) The Clerk may in his/her discretion, issue or refuse to issue any License pursuant to this By-Law and is not bound to give any reasons for issuing or refusing to issue a License.
- b) The Clerk in his/her discretion may revoke and cancel any License issued under this By-Law and shall not be bound to give any reasons for refusing or revoking a License.

#### 8.12 Signs

- a) No Owner or Operator shall in any way or by any means advertise an Adult Entertainment Parlour owned or operated by him, or publish anything or erect, post or maintain any sign, notice or any other publication or device, relating to or drawing attention to such Adult Entertainment Parlour by any means or in any form whatsoever, except as specifically permitted in this By-Law.
- b) No Owner or Operator shall permit or suffer any Person to advertise any Adult Entertainment Parlour owned or operated by him or to publish, erect or maintain any sign, notice, publication or device relating to or drawing attention to such Adult Entertainment Parlour, except as specifically permitted in the By-Law.
- c) Every Owner and Operator Licensed under this By-Law shall exhibit over the street door or in the lower front window of the premises in respect to which such Person's License is issued or in some other conspicuous place on the exterior of such premises satisfactory to Council, a sign issued by Council bearing the words "LICENSED ADULT ENTERTAINMENT PARLOUR NO. \_\_\_\_\_" (inserting after "No." the Owner's License number). "Comments regarding this business may be made to the Clerk at the Township of Scugog".

- d) Every Owner and Operator shall keep his License or duplicate copy of such License, issued in respect of an Adult Entertainment Parlour, exposed in a conspicuous place in every room and cubicle in the said premises and also prominently displayed on the exterior of the premises, at all times during the currency of the License, and the Clerk shall issue duplicate copies of Licenses for such purpose.
- e) No Person other than a Licensed Owner or Operator may use the phrase "Licensed", or any words indicating the provision of the Services at an Adult Entertainment Parlour in pursuance of or in connection with any business, trade, calling or occupation carried on in an Adult Entertainment Parlour in the Township unless the Owner of the premises and every Person operating such business and every Attendant engaged in providing Services at such premises, has been duly Licensed so to do by Council.
- f) In addition to the sign referred to in section 25(1) there may be displayed flat against the exterior portion of a wall or door of an Adult Entertainment Parlour one non-illuminated sign of which the facade shall not exceed two square feet in size, and which sign shall be no more than three inches in depth, which sign may bear the following:
- the Owner's proper legal name as shown on his License;
  - the name, if any, under which the Owner carries on business as endorsed on his License in respect of the said Adult Entertainment Parlour;
  - the address of the Adult Entertainment Parlour;
  - the telephone number of the Adult Entertainment Parlour but other than the foregoing, there shall be no other letters, marks, painting, contrasting colours, symbol, logo or any other mark whatsoever on the said sign.

#### 8.13 Conduct of Premises - operate - License

- a) No Adult Entertainment Parlour may open or operate or be operated unless its Owner is Licensed as such under this By-Law.
- b) Where an Owner does not personally operate his Adult Entertainment Parlour, every Person operating such Adult Entertainment Parlour shall obtain a License so to do, but nothing herein relieves such an Owner from the requirement that he obtain a License as Owner of such Adult Entertainment Parlour.
- c) An Owner or Operator may, subject to the provisions of this By-Law, if his License as an Owner or Operator is so endorsed by Council, perform the Services of an Attendant in the Adult Entertainment Parlour of which he is the Owner or Operator.

- d) An Owner who operates his own Adult Entertainment Parlour shall notify the Clerk of this fact at the time he obtains his License and his License may be endorsed accordingly upon payment of the appropriate License fee, and he shall notify the Clerk and shall have the said endorsement amended before engaging any Operator to operate his Adult Entertainment Parlour.

#### 8.14 Conduct of Premises - Licensed Operator

- a) No Owner of an Adult Entertainment Parlour or premises shall permit any Person other than a Licensed Operator to operate such Adult Entertainment Parlour.
- b) No Owner or Operator shall permit the provision of Services upon or at his Adult Entertainment Parlour or pursuant to the operation by him of an Adult Entertainment Parlour, by any Person other than a Licensed Attendant or other Person Licensed or authorized by or under this By-Law so to do.
- c) No Owner shall permit any Person, other than an employee of such Owner or a Person with whom the Owner has contracted, to operate his Adult Entertainment Parlour or to provide Services in his Adult Entertainment Parlour.
- d) No Attendant or other Person shall provide Services in any Adult Entertainment Parlour unless the Owner of the said Adult Entertainment Parlour, and the Operator, if any, of the said Adult Entertainment Parlour is duly Licensed as Owner or Operator respectively under this By-Law.
- e) No Operator not being the Owner of an Adult Entertainment Parlour shall operate the said parlour unless the Owner of the said Adult Entertainment Parlour is duly Licensed as Owner under this By-Law.
- f) No Operator may operate an Adult Entertainment Parlour unless he first notifies the Clerk of the name of the Owner whose Adult Entertainment Parlour he intends to operate and has endorsed upon his License the said Owner's name accordingly, and every Operator before operating any other Adult Entertainment Parlour shall notify the Clerk of his intention so to do and have his License endorsed accordingly.
- g) No Attendant or Operator shall be employed by or be under contract for Services to more than one Owner or in respect of more than one Adult Entertainment Parlour at the same time.

#### 8.15 Conduct of Premises - Attendant

- a) No Person shall operate an Adult Entertainment Parlour without first obtaining and retaining a License.

- b) Every Owner or Operator referred to in subsection (1) who employs an Attendant or the Services of an Attendant shall, within forty-eight hours thereafter, notify the Clerk in writing that he has so employed the said Attendant or the Services of the said Attendant, and when such employment ceases it shall be the joint responsibility of the Owner or Operator and the Attendant to notify the Clerk in writing to such effect within forty-eight hours of the said cessation.
- c) No Attendant shall provide any service at an Adult Entertainment Parlour unless his License is posted up in compliance with subsection (2) hereof and unless he has notified the Clerk that he is providing Services in such Adult Entertainment Parlour.
- d) Every Owner and Operator of an Adult Entertainment Parlour shall ensure that every Attendant providing Services in an Adult Entertainment Parlour owned or operated by him notifies the Clerk before such Services commence, or so soon thereafter as is reasonably possible and shall return the Attendant's License to him upon the termination of his employment.
- e) No Owner, Operator or Attendant shall attend at or remain in any Adult Entertainment Parlour at any time at which it is open for business, unless the License so required by this By-Law to be obtained by any such Person is posted in a conspicuous place in such Adult Entertainment Parlour in accordance with the provisions of this By-Law.

#### 8.16 Conduct of Premises - Age restrictions

- a) No Person under the age of eighteen years, or nineteen years of age if the Owner is the holder of a liquor License, may be or act as an Owner or Operator of an Adult Entertainment Parlour or provide any Services in an Adult Entertainment Parlour.
- b) No one may provide Services in an Adult Entertainment Parlour to a Person who is or who appears to be under the age of eighteen years, or nineteen years of age if the Owner is the holder of a liquor License.
- c) No Owner or Operator shall permit any Person actually or apparently under the age of eighteen, or nineteen years of age if the Owner is the holder of a liquor License, to enter or remain in any Adult Entertainment Parlour owned or operated by him.
- d) This section shall not be deemed to prohibit any Person from entering or remaining in any premises Licensed as an Adult Entertainment Parlour except when Services are being provided therein and except in accordance with the provisions of the **Liquor License Act (Ontario)**.



#### 8.17 Conduct of Premises - Hours of operation

- a) No Owner or Operator shall, in respect of an Adult Entertainment Parlour owned or operated by him, open such Adult Entertainment Parlour for business or permit the same to be or to remain open for business or permit any Services of any kind to be provided in the said Adult Entertainment Parlour at any time between the hours of 2:00 o'clock in the forenoon of any day and 12:01 o'clock in the afternoon of the same day Monday to Saturday inclusive only.
- b) Subject to subsection (1) of this section, every Owner who operates his own Adult Entertainment Parlour and every Operator of an Adult Entertainment Parlour shall file with the Clerk a schedule referred to in section 11, subsection (a) showing the hours of business to be observed by him in the carrying on of his operation of the Adult Entertainment Parlour operated by him which schedule shall state specifically the opening and closing times of the said Adult Entertainment Parlour for each day of the week in conformity with the provisions of this By-Law.
- c) No Person shall permit an Adult Entertainment Parlour owned or operated by him to be open for business at any time other than the times set forth in a schedule filed with the Clerk pursuant to subsection (2) of this section.
- d) During the hours of business of an Adult Entertainment Parlour set forth in the schedule filed with the Clerk in accordance with subsection (2) or at any time at which an Adult Entertainment Parlour is open for business, or at any time at which an Attendant is in attendance at an Adult Entertainment Parlour, it shall be the responsibility of the Owner and of the Operator, if any, to ensure that the door or doors or other principal means of access into the Adult Entertainment Parlour by the public shall be kept unlocked and available so that everyone coming into the Adult Entertainment Parlour from the street or other public place may enter therein without hindrance or delay.
- e) Either the Owner or an Operator Licensed in respect of such Owner's Adult Entertainment Parlour shall be in attendance at such Owner's Adult Entertainment Parlour at all of the times that the business is operated or permitted to be opened pursuant to this By-Law and no Owner or Operator shall permit an Adult Entertainment Parlour owned or operated by him to open for business, or remain open for business, or any Attendant to enter or remain therein, or any Services to be provided at such Adult Entertainment Parlour unless this section is complied with.
- f) For the purposes of this section so long as the time commonly observed in the Township is one hour in advance of standard time, the times mentioned in this section and in this By-Law shall be reckoned in accordance with the time so commonly observed and not standard time.

## 8.18 Conduct of Premises - Restrictions

9.
  - (1) No Owner or Operator shall permit any Person who appears to be intoxicated by alcohol or a drug to enter or remain in any Adult Entertainment Parlour operated by him.
  - (2) No Owner, Operator or Attendant shall take, consume or have a liquor or a drug in his possession in an Adult Entertainment Parlour, nor shall the use of liquor or a drug by him be apparent while he is in an Adult Entertainment Parlour.
  - (3) For the purposes of subsection (2) the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.
  - (4) Notwithstanding subsection (2) every Owner who operates his own Adult Entertainment Parlour and every Operator shall provide and maintain at all times at the Adult Entertainment Parlour operated by him a first aid kit equipped in a manner satisfactory to the Medical Officer of Health.
2. Every Owner or Operator shall keep his premises in a clean and sanitary condition in a manner that is satisfactory to the Medical Officer of Health.
3. No premises or part thereof used as an Adult Entertainment Parlour shall be used as a dwelling or for sleeping purposes.
  - (1) Every Owner and every Operator shall post a copy of the list of Services and fees referred to in section 11, subsection (d), in a conspicuous place in the interior of the Adult Entertainment Parlour owned or operated by his plainly visible to any Person entering the said premises.
  - (2) No Operator, Owner or Attendant shall charge, demand or ask for or require, or permit to be charged, demanded, asked for or required for any Services offered, performed or solicited in, upon or at an Adult Entertainment Parlour any amount other than that set out in the list referred to in subsection (1).
  - (3) No Operator, Owner or Attendant shall provide Services at or in respect of an Adult Entertainment Parlour other than those permitted by endorsement by Council on the License of the Owner of the Adult Entertainment Parlour, all as described on the list referred to in subsection (1).
4.
  - (1) Upon the entry of the customer into an Adult Entertainment Parlour or immediately before any Services are provided in an Adult Entertainment Parlour, the Attendant or Person who is to provide the Services shall give to the customer an itemized bill for such Services, listing the Services to be provided and the price to be paid for each.

- (2) Where no charge or fee is paid or required to be paid for the provision of Services in an Adult Entertainment Parlour other than an admission fee or other charge or payment in respect of entry to such Adult Entertainment Parlour, the delivery to the customer of a written receipt for such fee, charge or payment shall be deemed sufficient compliance with subsection (1) above.
  - (3) Upon payment of the bill referred to in subsection (2), the customer shall be given a written receipt for the full amount paid.
  - (4) Every Owner operating his own Adult Entertainment Parlour and every Operator of an Adult Entertainment Parlour shall ensure that the bill and receipt required by subsections (2) and (3) are provided to every customer of the Adult Entertainment Parlour operated by him and shall retain and keep a copy of each such bill and receipt for at least one year after the Services referred to therein are performed, and Council or any Person authorized by it shall at all times have access to such copies.
5.
  - (1) Every Owner and every Operator of an Adult Entertainment Parlour at which is provided Services which involve or may involve the undressing of or changing of clothes by the customer, shall provide a service by which any customer may deposit his valuable or other property for safekeeping and any customer who presents his property for safekeeping shall be given a receipt specifying the nature of the property so entrusted.
  - (2) Every Owner referred to in subsection (1) and every Operator, shall post and maintain in a conspicuous place in every room and cubicle in the Adult Entertainment Parlour operated by him a notice drawing attention to the safekeeping service provided in accordance with subsection (1).
  - (3) Every Owner or Operator shall take due care of all property delivered or entrusted to him for safekeeping and return it to its Owner upon demand. Every Attendant immediately upon the termination of Services referred to in subsection (1), shall carefully search the Adult Entertainment Parlour for any property lost or left therein, and all property or money left in the Adult Entertainment Parlour shall be forthwith delivered over to the Person owning the same, or if the Owner cannot at once be found, then to the nearest police station, with all information in his possession regarding the same.
6.
  - (1) No Owner or Operator shall permit the door to any room or cubicle where Services are or may be provided, to be equipped or constructed with a locking device of any kind, or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such a room or cubicle.

- (2) No one may in an Adult Entertainment Parlour provide any service in a room, cubicle or other enclosure with a door or other means of access which is equipped or constructed with a locking device of any kind or which is equipped or constructed in such a way as to permit the obstruction, hindrance or delay of any Person attempting to gain entry thereto.
7.
  - (1) Every Owner who operates his Adult Entertainment Parlour business and every Operator shall keep proper records and books of account of all business transacted in, by or in respect of the Adult Entertainment Parlour operated by him, which books shall give the amount of gross receipts for all Services provided in the said Adult Entertainment Parlour, including all receipts for admission fees and other charges and receipts in respect of entry to or Services provided in such Adult Entertainment Parlour, the name and License number of every Attendant providing Services in the said Adult Entertainment Parlour including the date of commencement and the date of termination of such Services, the amount of salary or commission paid to each Attendant and all amounts paid by the Owner to the Operator, if any, or by the Operator to the Owner, in respect of such Adult Entertainment Parlour or adult entertainment business.
  - (2) Every Owner to whom subsection (1) relates and every Operator shall keep such books and records as are required by that subsection for at least one years after the information required by that subsection is entered therein, and Council or any Person duly authorized by it shall at all times have access to such records.
8.
  - (1) Subject to this By-Law, before there is carried on in any Adult Entertainment Parlour any business, trade, calling or occupation in an Adult Entertainment Parlour for which a License is otherwise required by the Township, the Owner of the said Adult Entertainment Parlour shall attend at the Clerk's office and shall apply to have his License endorsed to permit such trade, calling, business or occupation to be carried on in such Adult Entertainment Parlour, and if Council authorizes such endorsement, the said Owner shall pay the License fee, if any, required of him by the said By-Law for such a License.
  - (2) No Owner or Operator shall permit any trade, calling, business or occupation for which a License is required under this By-Law or any other By-Law of this Council, to be carried on in an Adult Entertainment Parlour owned or operated by him unless a description of the said trade, calling, business or occupation is endorsed on the Owner's License as provided in the By-Law and unless the Owner and every other Person required to be so Licensed has paid the License fee applicable to him.

- (3) Every Person shall in carrying on or permitting the carrying on of any trade, calling, business or occupation in an Adult Entertainment Parlour comply with all of the requirements of the By-Law relating thereto, including the requirement of License, if any.
9. No Owner, Operator or Attendant shall use or permit to be used any camera or other photographic or recording device in, upon or at an Adult Entertainment Parlour by any Person other than a peace officer, Medical Officer of Health, or a public health inspector acting under his direction or a Officers.
10. Every Owner, Operator and Attendant shall while engaged in his respective trade, calling, business, or occupation in an Adult Entertainment Parlour, be properly dressed, neat and clean in his Person and civil and well-behaved to members of the public with whom he is dealing.
11. No Owner or Operator shall permit any Services to be provided in the Adult Entertainment Parlour owned or operated by him in breach of any of the provisions contained in this By-Law.
12. Every Person shall comply with the provisions of this By-Law applicable to him whether or not he is Licensed under this By-Law.
13. Notwithstanding any provision in this By-Law, nothing herein permits the contravention of any provision in this By-Law or in any other By-Law of this Council.

#### 8.19 Compliance with By-Law

1. Where a Licensee has contravened any provisions of this By-Law, or where he has contravened any other By-Law of Council relevant to his License, Council or the Clerk may:
  - (a) serve a written notice on the Licensee, advising of the contravention and directing his compliance; or,
  - (b) where a manner is required to be done, may direct in a written order that in default of such matter or thing being done, the matter or thing will be done at the Licensee's expense by the Township and the Township may recover the expense by action or in like manner as municipal taxes; or,
  - (c) revoke the said License.
2. Where a License has been revoked, the holder of the License shall return the License to the Clerk within twenty-four hours of receipt of notification of revocation and the Officer may enter upon the premises of the holder of the License for the purpose of receiving or taking the said License and no Person shall refuse to deliver or in any way obstruct or prevent the Officer from obtaining the License.

3. Every Owner or Operator shall, upon a request made to him by a peace officer or Officer, produce:
  - (a) an up-to-date list showing the names of all Operators and Attendants employed by or providing Services in his Adult Entertainment Parlour;
  - (b) the original of every written contract of Services, contract for Services or other document constituting or pertaining to the relationship between Owner and Operator of the Adult Entertainment Parlour or between Owner or Operator and an Attendant providing Services at the Adult Entertainment Parlour;
  - (c) the original list of all Services provided at the said Adult Entertainment Parlour as referred to in section 8, subsection 5a).

#### 8.20 Notice

1. (1) Any notice or order required to be given or served under this By-Law is sufficiently given or served if delivered Personally or sent by registered mail, addressed to the Person to whom delivery or service is required to be made at the last address for service appearing on the records of the Clerk.
- (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the date of mailing, unless the Person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice or order until a later date.

#### 8.21 Liability of Administrators

3. (1) Any Person charged with the enforcement of this By-Law while properly acting in the course of carrying out his duty under this By-Law, shall be relieved from all Personal liability for any damage that may accrue to Persons or property as a result of any act required or permitted in the discharge of his official duties.
- (2) Any suit instituted against any Officer or other employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this By-Law may be defended by the legal representative of the Township until final determination of the proceedings.

## 8.22 Confidentiality

3. (1) Every Person employed in the administration of this By-Law, including any Person making an inspection under this By-Law, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment or inspection and shall not communicate any such matters to any Person, except:
  - (a) as may be required in the course of the administration or in any proceedings under the By-Law and annexed schedules;
  - (b) to Council;
  - (c) to his counsel;
  - (d) with the consent of the Person to whom the information relates.
- (2) No Person to whom subsection (1) applies shall be required to give testimony in a civil suit or civil proceeding on information obtained by him in the course of his duties, employment or investigation except in proceedings under this By-Law and the annexed schedules.

## **Part 9 FIREWORKS**

### 9.1 General Prohibitions

No Person shall:

- a) sell or permit to be sold to any Person any Firecracker within the Township;
- b) detonate any Firecracker within the Township;
- c) hold in their possession any Firecracker within the Township;
- d) hold a Public Fireworks Display without first obtaining a permit.

### 9.2 Fireworks - Sale Of

- a) No Person shall sell, permit to be sold, offer for sale or display for sale any Fireworks to any Person without first obtaining a License pursuant to the requirements set out in this By-Law.

- b) No Person shall see, permit to be sold, offer for sale or display for sale any Fireworks to any Person on any day or days during the year except on the seven (7) days immediately preceding the day set by Statute for the Observance of Victoria Day, on Victoria Day and the seven (7) days immediately preceding the day set by Statute for the observance of Canada Day and on Canada Day.
- c) No Person shall sell, permit to be sold or offer for sale any Fireworks to anyone under the age of 18 years.
- d) Every Fireworks vendor shall ensure that smoking in the premises is absolutely prohibited and shall post signs at every entranceway and on every wall in the premises.
- e) Every Fireworks vendor shall post a copy of the regulations set out in this By-Law, described as Schedule "B" and attached hereby, near the display(s) of fireworks.

### 9.3 Display and Storage

- a) No Person shall store Fireworks in any bin, lot or bundle that exceeds a weight of twenty-five (25) kilograms.
- b) No Person shall store Fireworks in any manner that would expose the Fireworks to direct sunlight.
- c) No Person shall store Fireworks in any manner that would expose the Fireworks to direct heat.
- d) No Person shall display for sale Fireworks in any window within the Township.

### 9.4 Display/Storage - Trailer

- a) No Person shall, within a Trailer, store Fireworks in amounts exceeding 1000 kilograms.
- b) No Person shall, within a Trailer, have in his/her possession within six (6) metres of any Fireworks kept or displayed for sale, any lighted:
  - match;
  - lighter;
  - pipe;
  - cigar; or
  - cigarette
- c) Every vendor in a Trailer shall have clear and visible signs posted at each entranceway and every wall stating the provisions of Section 8.4 b) of this By-Law.
- d) Every vendor in a Trailer shall supply each employee with at least one (1) operative 2A-10 BC fire extinguisher.



- e) Every vendor in a Trailer shall erect pylons or snow fence to form and maintain a “no encroachment zone” at least ten (10) metres from the Trailer.
- f) No Person shall locate any Trailer less than twenty (20) metres from any road and not less than forty (40) metres from occupied buildings, dwellings and gas stations.
- g) No Person shall, within a Trailer, permit more than ten (10) customers on the premises where Fireworks are displayed.
- h) No Person shall locate any portable electrical power supply and fuel supply less than twelve (12) metres from any Trailer.

#### 9.5 Detonation

- a) No Person shall detonate any Firework within any building within the Township.
- b) No Person shall detonate any Firework within 15 metres (50 feet) of any Highway within the Township.
- c) No Person shall detonate any Firework within 15 metres (50 feet) of any building or structure.
- d) No Person shall detonate any Firework aimed towards any Highway, building, structure, bush, trees, Person or any other flammable object.
- e) No Person shall detonate any Firework within 183 metres (600 feet) of a nursing home, hospital, home for the aged, animal shelter or dog kennel.
- f) No Person shall detonate any Firework within 183 metres (600 feet) of any premises or place where explosives, gasoline or other highly flammable substances are manufactured and where those flammable substances are sold or stored.

#### 9.6 Application - Renewal

- a) Every Person apply for or renewing a License shall file with the Clerk, a completed application form and shall pay the required License fee as set out in the Fees & Charges By-Law.
- b) Every Person applying for or renewing a License shall do so at least sixty (60) days prior to the sale or display of Fireworks.
- c) Every Person applying for or renewing a License shall provide:
  - I. A description of the structure from which the Fireworks will be sold/displayed indicating the type and quality of construction;

- II. A description of where and how the fireworks will be stored and displayed, where the Fireworks will be sold, and the explosion safeguards to be undertaken, including the number of fire extinguishers;
  - III. Written permission with respect to the proposed use from the registered Owner of the property or his authorized agent; and
  - IV. A site plan showing:
    - the location of the sale structure;
    - the clearances from adjacent properties
    - the access to be provided for fire and emergency Vehicles
    - the “no encroachment zone
- d) The application shall be accompanied by a certificate of insurance in the amount of \$1,000,000.00 and will include a cross liability clause and name the Township as an additional insured.
  - e) A License shall be valid for eight (8) days.
  - f) A License shall expire the day after Canada Day and the day after Victoria Day.
  - g) A License must be posted in the premises during the sale or display of Fireworks.

#### 9.7 Fireworks Display - Permit

- a) Every Person applying for a Fireworks Display Permit shall:
  - file with the Fire Chief, a completed prescribed form
  - Provide a site plan showing
    - the location of the proposed Fireworks Display
    - the clearance from adjacent properties
    - the access to be provided for fire and emergency vehicles
    - shall comply with Section 15 - Carnivals, Midways & Special Events” of this By-Law
- b) The Fire Chief shall impose additional conditions on the issuance of a Permit as he/she deems advisable in the particular circumstances of the application.
- c) A Permit shall be subject to revocation at any time should the information provided in Schedule be incorrect or should any change in the information provided arise.

#### 9.8 Exemptions

- a) Any Officer or Fire Chief, for the purposes of this By-Law, shall have in their possession any Firecracker in lawful execution of their duties.

- b) Any detonation of Fireworks on private residence by the Owner or tenant of such residence or Person authorized by him/her to do so shall not be deemed to be a Fireworks Display, but must conform to subsection 9.5 of this By-Law.
- c) The detonation and sale of christmas crackers, safety flares, signaling devises for marine, military, railway, Highway purposes or any other device constructed to assist in the prevention of occupational hazard shall not be deemed to be the sale and detonation of Fireworks.

## **Part 10**

### **SALVAGE YARDS/SECOND HAND GOODS**

#### **10.1 Operation - without valid License**

No Person shall, except in accordance with the provisions of this By-Law, carry on any of the several businesses, occupations or callings dealing with salvage or second-hand goods until he shall have procured the necessary License under this By-Law, unless exempted under the provisions of this By-Law.

#### **10.2 Licensing - application**

- 1. A License shall be taken out by:
  - a. The Owner or keeper of every salvage shop, to be known as a "Salvage Shop License";
  - b. The Owner or keeper of every Salvage Yard, to be known as a "Salvage Yard License";
  - c. The Owner or keeper of every shop, store, or other place for the purchase, sale, or exchange of second-hand goods, to be known as a "Second-Hand Shop License";
  - d. Any other dealer in second-hand goods, to be known as "Second-Hand Dealers License".

#### **10.3 Licensing - restrictions**

- 1. Notwithstanding any other provision in this By-Law no License will be issued for any Salvage Yard, hereinafter established, unless it is located at least 500 feet from the centre of all roadways and behind a natural barrier or a fence so designed as to hide the contents from public view.
- 11. Each application for a License under this By-Law shall be made by the Owner of each business, attached hereto, and shall be accompanied by a report from the Medical Officer of Health.
- 12. The premises of any License holder under this By-Law shall be open to inspection by the Municipal Law Enforcement Officer at all reasonable hours.

13. All goods displayed for sale shall be exhibited in an orderly fashion; any goods displayed on the outside of a store shall be enclosed by a tight board fence at least six feet in height or removed nightly to the interior of said store.
14. A register of all Licenses granted by the Council shall be kept by the Clerk.
15. No Person shall alter, repair, or dispose of any goods or articles until 15 (fifteen) clear days have elapsed from the time of purchase. A record of articles purchased and sold, along with the name and address of the Person from whom purchased, shall be kept by the Owner of the shop, or dealer in second-hand goods.

## **Part 11**

### **HAWKERS & PEDDLERS**

#### **11.1 Operation - without valid License**

No Person shall, except in accordance with the provisions of this By-Law, operate or carry on the business of a hawker or peddler in the Township of Scugog unless he shall have first obtained a License from the Clerk authorizing him to hawk or peddle goods in the Township of Scugog and the type of goods authorized to be sold by the License shall be specified in the License.

#### **11.2 License -fees**

- a. The fees to be paid for such License shall depend on the type of goods to be sold and shall vary as between Persons who carry on a business continuously within the Township of Scugog for a period of one year preceding the application for a License (hereinafter called "residential business Operator") and Persons who do not carry on a business in the Township (hereinafter called "non-resident business Operator"). The fees shall be as set out in the Fees & Charges By-Law.
- b. No License shall be issued by the Clerk until the applicable fee has been paid.

#### **11.3 License - exemptions**

- a) No License is required for hawking, peddling or selling goods, ware or merchandise:
  - i. to wholesale or retail dealers in similar goods, wares or merchandise; or
  - ii. if the goods, wares or merchandise are grown or produced by a farmer resident in the Township who offers for sale or sells only the produce on his own farm; or
  - iii. if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or

manufacturer, acting on behalf of a dealer who pays business tax in the Township of Scugog in respect of premises used for the sale of such goods, wares or merchandise; or

- iv. if the goods, wares or merchandise are hawked, peddled or sold by non-profit charitable organization.
  - v. trade shows sanctioned by the Township of Scugog.
- b) Such servant or employee shall exhibit his authority when required to do so by any municipal or peace officer.
  - c) In a prosecution for a breach of the By-Law, the onus of proving that he does not for any of the reasons mentioned in Section 6(1) require to be Licensed is upon the Person charged.

#### 11.4 License - restrictions

No Person shall place any wares, goods or merchandise or other article of any kind upon any street or upon any sidewalk, or hang or expose any goods, wares or merchandise or other articles outside of any house, shop or warehouse or other building so that the same shall project over any portion of a sidewalk or street in the Township but the provisions of this section shall not be construed to interfere with the use of a portion of such street or sidewalk for a reasonable time for the taking in or delivery of merchandise or other goods.

### **Part 12 REFRESHMENT VEHICLES (Repealed as per By-law 48-14)**

### **PART 13 TAXICABS**

#### 13.1 Prohibitions - General

No Person shall, except in accordance with the provisions of this By-Law:

- 1 Operate a Taxicab in the Township as a Driver unless that Person has obtained a License.
- 2 Use or permit a Taxicab to be used in the Township unless that Owner has obtained a License.
- 3 Operate as a Broker in the Township unless that Person has obtained a License.
- 4 An Owner shall ensure his Taxicab is dispatched from a location within the Corporate Limits of the Township.

#### 13.2 Drivers - Duties

- 1. Every Driver shall,

- (a) at all times when driving a Taxicab have a Tariff Card and his License affixed to the front seat or in a position and in such manner to be plainly visible to and readable by Passengers in the back seat;
- (b) have and maintain in good standing, at all times, a valid Province of Ontario Driver's License that does not prohibit him from operating a motor Vehicle for hire or reward;
- (c) before operating the Taxicab on any day, examine it for mechanical defects and interior or exterior damage and report forthwith any defects or damage found to the Owner;
- (d) keep a daily Trip Record of all trips made by him in any Taxicab;
- (e) completely record from Section 1.s (v) and (vi) of this By-Law, on the Trip Record prior to the commencement of the next following trip;
- (f) upon completion of discharging his last Passenger:
  - i return the Taxicab to the Owner and report all accidents and any apparent mechanical defects or damage to the Owner: and
  - ii deliver to the Owner the Trip Record.

2 No Driver shall,

- (a) carry in any Taxicab a greater number of Passengers than the manufacturer's rating of seating capacity of such Taxicab;
- (b) drive a Taxicab with luggage or other material piled or placed in or on the Taxicab in a manner that obstructs his view;
- (c) obstruct or allow to be obstructed, by anything, the view of the Taximeter flag or light from the outside of the Taxicab;
- (d) drive a Taxicab unless the Owner has been issued a License

3 When a Driver uses a Taxicab for transportation of Passengers for no gain or reward, he shall either;

- (a) remove the roof light from the Taxicab; or
- (b) place the Taximeter in a recording position.

4 No Driver shall take on any additional Passengers after the Taxicab has departed with one or more Passengers from any one starting point except at the specific request of,

- (a) the Passenger or Passengers in the Taxicab; or

- (b) the Person who hired the Taxicab if he is not a Passenger in the Taxicab.
- 5 When a Passenger first enters a Taxicab, the Driver shall immediately place the Taximeter in a recording position and keep it in a recording position throughout the trip.
- 6 (a) Every Driver shall take the shortest route to the destination desired by the Passenger unless the Passenger designates another route.
  - (b) If a Passenger designates a route other than the shortest possible, the Driver shall, prior to moving the Taxicab advise the Passenger of the shortest route and obtain the Passenger's approval before taking any route other than the shortest route.
- 7 If the destination of a trip extends beyond the Township, the Driver and the Passenger may agree, before the start of the trip, to a flat rate, but in the case of a Taxicab, the Taximeter must be in a recording position at all times within the territorial limits of the Township.
- 8 At the conclusion of a trip, the Driver shall call the Passenger's attention to the amount of the fare registered on the Taximeter and then place the Taximeter into a non-recording position.
- 9 When requested by a Passenger to do so, a Driver shall give the Passenger a receipt for the rate or fare, showing the amount of the rate or fare, and the Driver's and Owner's names and License Numbers.
- 10 (a) Every Driver shall take due care of all property delivered or entrusted to him for conveyance, and immediately upon his termination of any hiring engagement, shall carefully search the Taxicab for any lost property or left therein, and all property left in the Taxicab shall be forthwith delivered over to the Person owning the property.
  - (b) If the Owner of the property cannot at once be found, the Driver shall deliver the property to the nearest Police Station with all information in his possession regarding the property and the Owner thereof.
- 11 (a) Except as otherwise provided in section 12 of this By-Law, every Driver shall charge for each trip no more than the fare shown on the Taximeter, together with any additional rate(s) authorized by the Fees & Charges By-Law.
  - (b) No Person employing a Taxicab shall refuse to pay the rate or fare chargeable under the authority of this By-Law for his employment of that Taxicab.

### 13.3 Owners - Duties

- 1 Every Owner shall obtain and maintain an Automobile Insurance Policy

insuring himself in respect of the Taxicab owned by him covering public liability and property damage in a minimum amount of Two Million Dollars (\$2,000,000.00), and shall produce annually to the Township a valid Certificate of Insurance issued by the insurer, or the insurer's agent.

- 2 Where an Owner disposes of his Taxicab and acquires a replacement Taxicab, he shall, before operating the replacement Taxicab or allowing it to be operated as a Taxicab:
  - (a) submit the replacement Taxicab to the Township for inspection;
  - (b) produce a motor Vehicle Safety Standards Certificate issued by the Ministry of Transportation of Ontario authorized Vehicle inspection station, respecting the replacement Taxicab; and
  - (c) attend at the Township offices to have his Taxicab disposed of and adding reference to the replacement Taxicab.
  
- 3 Every Taxicab Owner shall;
  - (a) submit his Taxicab for inspection at anytime required by an Municipal Law Enforcement Officer;
  - (b) register the corporate emblems of the Owner or Broker with the Clerk;
  - (c) ensure that the following documents or mechanically reproduced copies thereof are kept at all times in his Taxicab;
    - i current provincial motor Vehicle permit for the Taxicab;
    - ii current Township Taxicab Owner's License for the Taxicab;
    - iii current Certificate of Liability Insurance for the Taxicab; and
    - iv current Township Taxicab Tariff Card,
  - (d) when he employs a Driver, notify the Township in writing that he has employed that Driver within eight (8) days of employing him;
  - (e) before allowing his Taxicab to be operated on any day, examine it for mechanical defects and interior or exterior damage and cleanliness;
  - (f) keep a daily Taxicab record setting out the following information:
    - i the provincial motor Vehicle permit number of the Taxicab;
    - ii the name and License numbers of the Drivers authorized to operate the Taxicab that day;



- iii the date and time of the authorization; and
  - iv the readings of the Taximeter and the odometer in the Taxicab,
- (g) record the date and time the Taxicab is returned to him by any Driver;
  - (h) at the end of a Driver's work day period, give the Driver a receipt showing the amount turned over to him by the Driver;
  - (i) retain the aforementioned Taxicab records for a period of time of not less than twelve (12) months. These records shall be open to inspection by the Clerk or Municipal Law Enforcement Officer, and may be removed and retained by them for a reasonable time; and
  - (j) check out any mechanical defect or damage, reported to him by anyone, of any Taxicab owned by him, immediately.
- 4 Every Owner shall affix to his Taxicab a Taximeter which shall register distances traveled, record trips and units, and compute fares to be paid, and such Taximeter shall be:

- (a) illuminated between dusk and dawn;
- (b) supported in a raised position approved by an Municipal Law Enforcement Officer clear of the dashboard in plain view of all Passengers;
- (c) adjusted in accordance with the fares prescribed in the Fees & Charges By-Law;
- (d) tested for distance traveled measurement accuracy and time waiting accuracy before being sealed;
- (e) used only when the seals thereon are intact;
- (f) used for not longer than one year without retesting and resealing;
- (g) kept in good working condition at all times and not used when defective in any way;
- (h) equipped with a metal plate or flag, or a light when an electronic meter is used, attached to the top thereof and the plate or flag shall be in a lowered position or the light shall be extinguished when the Taximeter is in operation, and in a raised position or lighted when the meter is not in operation; and
- (i) not used until tested and sealed by an Municipal Law Enforcement Officer.

5 Every Owner shall provide and maintain in or on his Taxicab while it is operated as a Taxicab, the following equipment and markings:

- (a) the Taxicab Plate, affixed to the rear of the Vehicle;
- (b) the Tariff Card supplied by the Township and bearing the name of the Owner and the Taxicab Plate Number, affixed to the rear of the Driver's seat in such a manner that the card is plainly visible to Passengers in the back seat;
- (c) a holder for the photograph and name of the Driver affixed in a position to be plainly visible to and readable by Passengers in the back seat;
- (d) on the top of the Taxicab, an electric sign indicating that the Vehicle is a Taxicab, showing the trade name and telephone number under which it operates or of the Owner or of the Broker with whom the Taxicab is associated but not showing any other name or telephone number;
- (e) the Taxicab Plate Number, prefixed by the letter "S", displayed on the front fenders of the Taxicab, in a manner approved by an Municipal Law Enforcement Officer, in figures of a colour contrasting with that of the Taxicab, and of a height of at least ten (10) centimeters and five (5) centimeters in width; and

- (f) on each front or rear door of the Taxicab, the trade name or the name of the Owner or Broker shall be displayed in a contrasting colour and lettering of at least ten (10) centimeters in height and five (5) centimeters in width.

6 No Owner shall:

- (a) permit any Taxicab not owned by him to be driven under the authority of an Owner's License issued to him;
- (b) permit any Person to drive his Taxicab other than a Licensed Driver or a Person inspecting or testing it;
- (c) cause or permit any Taxicab to be rented, leased or hired, whether for value or not, except pursuant to the terms and conditions of the By-Law;
- (d) operate or permit any Taxicab to be operated that is not in good mechanical condition;
- (e) use or permit to be used, on any Taxicab owned by him, any emblem, decal or roof sign which simulates any colour or design of that of any other Taxicab, registered in the Township unless his Taxicab is operated in association with it.
- (f) display or permit the display of any advertisement on or in his Taxicab except as approved by the Clerk or an Municipal Law Enforcement Officer.

13.4 Brokers - Duties

1 Every Broker shall,

- (a) accept call for only Taxicabs which have a License issued by the Township;
- (b) keep for a period of twelve (12) months, records of every Taxicab dispatched, the time of the dispatch and the place of the pick-up and these records shall be available for inspection by an Municipal Law Enforcement Officer and shall be permitted to remove the records and retain them for a reasonable time;
- (c) provide the Township with a list of all Owners with which he has any arrangements or agreement for accepting call for service indicating each Taxicab by name of the Owner and the Taxicab Plate Number and shall within eight days of any addition to or deletion from this list advise the Township in writing thereof;
- (d) serve the first Person requiring the service of a Taxicab at any place in the Township at any specified time, day or night provided that the Person is not disorderly and does not refuse to give his destination and, if the Broker pleads some previous engagement, he shall upon demand give his name and address of the Person to whom he is so engaged together with the time and place of engagement;

- (e) keep his engagements, and shall not accept any engagement that a previous engagement would prevent him from fulfilling; and
  - (f) maintain an office where calls are dispatched from within the corporate limits of the Township, and shall only accept calls for Licensed Taxicabs.
- 2 No Broker shall be compelled to accept a request for service from any Person who is indebted to him for the cost of a previous trip.

### 13.5 Accessible Taxicabs

- 1 An Owner may utilize an existing Taxicab Plate issued to him for use on an Accessible Taxicab.
- 2 The Owner of an Accessible Taxicab shall be permitted to operate the Vehicle which, in addition to satisfying all conditions set out in this By-Law, has received written approval from the Ministry of Transportation.
- 3 A sign or decal, as described pursuant to Regulation 167/81 Section 4 (1) of the Highway Traffic Act, shall be placed on an Accessible Taxicab provided that:
- (a) such sign or decal is not in excess of fifteen (15) centimeters by fifteen (15) centimeters; and
  - (b) such sign or decal is located at the rear of the Vehicle.
- 4 No Person shall drive an Accessible Taxicab unless the Driver meets all other requirements of a Driver under this By-Law.

### 13.6 Provisions - General

- 1 Every Licensed Driver operating an Accessible Taxicab shall serve the first Person unable to board regular Vehicles due to a physical disability requesting the service of this Vehicle at any place within the Township, at any time day or night.
- 2 Every Driver operating an Accessible Taxicab shall;
- (a) offer such assistance as required to facilitate the entry or exit of a physically disabled Person into or out of a Accessible Taxicab; and
  - (b) where a wheelchair is being used by a Passenger, ensure that the wheelchair is properly secured in the area so provided; and
  - (c) ensure that the seatbelt is properly secured.
- 3 If a Taximeter is repaired or altered, the Taxicab to which the Taximeter is affixed may be operated without the Taximeter having been tested or resealed, for a period of seventy-two (72) hours on

weekends or forty-eight (48) hours during the week but only if the Owner or Driver of the Taxicab has in his possession a certificate from the Person who made the repairs or alterations, stating the time, date and nature thereof and the place where the work was done.

- 4 No Driver or Owner shall drive or permit to be driven any Taxicab:
  - (a) not equipped with an extra tire and wheel ready for use;
  - (b) not clean and in good repair, both inside and outside;
  - (c) not free of rust, body damage or paint and trim defects.
  
- 5 No Owner or Driver shall:
  - (a) induce any Person to engage his Taxicab by misleading or deceiving that Person about the location of or distance between any point in the Township and any place, nor by any other false representation;
  - (b) publish or use a tariff, or demand or receive rates or fares other than those authorized by this By-Law;
  - (c) be entitled to recover or receive any rate or fare from any Person or Persons to whom he has refused to show his Tariff Card as provided in this By-Law;
  - (d) use any Tariff Card, other than that obtained from the Township, or remove, exchange, lend or otherwise dispose of the Tariff Card; or
  - (e) make any charge for time lost through defects or inefficiency of the Taxicab or the incompetence of the Driver thereof.
  
- 6 Every Owner and Driver shall,
  - (a) serve the first Persons requiring the service of his Taxicab at any place in the Township at any specified time by day or night, provided that the Person is not disorderly or does not refuse to give his destination;
  - (b) keep his engagements, and shall not accept any engagement that a previous engagement would prevent him from fulfilling, but he shall not be compelled to accept and order from a Person who is indebted to him for the cost of a previous trip.

- 7 Taxicab Plates or Tariff Cards defaced, lost or destroyed may be replaced by the Township upon the original plate or card being satisfactorily accounted for and upon the payment of the replacement fee pursuant to the Fees & Charges By-Law.
- 8 The rates and fares herein authorized shall be computed from the time and place when and where a Passenger first enters the Taxicab to the time and place where the Passenger finally discharges the Taxicab.
- 9 The rates and fares to be charged by Owners and Drivers in the Township are shown in the Fees & Charges By-Law, no Owner or Driver shall charge or receive any payment higher than the amount on the taximeter except under the provisions of Part 13, Section 13.2, subsection 7 of this By-Law.

### 13.7 General - Licenses

- 1 Subject to the provisions of this By-Law,
  - (a) a Driver's License is valid for the calendar year in which it is issued and is not transferable;
  - (b) an Owner's License is valid for the calendar year in which it is issued and may only be transferred:
    - i to a spouse or child of an Owner upon the death or permanent disability of the Owner; and
    - ii upon application to the Township for an Owner's License; and
    - iii upon payment to the Township of a fee of fifty (\$50.00) dollars.
  - (c) a Broker's License is valid for the calendar year in which it is issued, and is not transferable.
- 2 The Clerk shall charge the late application fee in the Fees & Charges By-Law to Licensees making application for renewal of a License after the 31<sup>st</sup> day of January in the year for which application is made.
- 3 The number of Taxicab Plates issued pursuant to this By-Law shall be limited to fifteen (15).
- 4 Every Taxicab Plate must be on a licensed Taxicab available for hire.
- 5 When the application for an Owner's or Broker's License have been approved for issuance, the Clerk, shall notify the Applicant by registered mail, at his last residence or business address on record and the Applicant shall have thirty (30) days from the date of mailing to obtain the License, failing which the approval shall be rescinded.

- 6 Upon the expiry or revocation of a License, the Licensee shall return to the Township the License and, if the License is an Owner's License, the Taxicab Plate.
- 7 No Person shall refuse to deliver an expired or revoked License or a Taxicab Plate to an Municipal Law Enforcement Officer.
8. Every Taxi Driver application shall be completed and have attached to such application or renewal application:
  - a) A medical clearance letter from a qualified medical practitioner that the applicant is physically fit to operate a taxi cab, dated no longer than thirty (30) days from the date of application; and
  - b) a valid driver's abstract obtained from the Ministry of Transport dated no later than thirty (30) days from date of application; and
  - c) an original copy of a Criminal Information request dated no later than thirty (30) days from the date of application and such document will include a "Vulnerable Sector" section report.
9. No person shall be issued or permitted to retain a Taxi Driver's Licence where he or she has been convicted of:
  - a) any Criminal Offence or Drug Related Offence within a three (3) year period from the date of any application; or
  - b) any Indictable Sexual related Criminal Offence; or
  - c) any driving offence under the provisions of the Criminal Code; or
  - d) any serious driving offence under the provisions of the Highway Traffic Act, and shall include but not be limited to: Careless Driving, Racing, Fail to Remain at an Accident, Fail to Stop for Police, Driving while suspended, exceeding the speed limit by 30 km/h or more.

## **SECTION 14**

### **CARNIVALS, MIDWAYS AND SPECIAL EVENTS**

#### **GENERAL PROVISIONS**

##### **14.1 Council Approval**

- a) No Person shall operate an event without first obtaining written approval, from the Council of the Township of Scugog at least sixty (60) days prior to such event.
- b) No Person shall erect or install materials, buildings or any other thing related to an event including signs without first obtaining written approval from the Council of the Township of Scugog at least sixty (60) days prior to such event

- c) No Person shall permit any other Person to operate an event on their property without first obtaining written approval from the Council of the Township of Scugog at least sixty (60) days prior to such event.
- d) No Person shall be granted approval to hold any event until such time as any statutory requirement, approval, or permits have been met or obtained and shall include any special requirements requested by the Council.

#### 14.2 Event - Signage

No Person shall erect any sign advertising any event unless such sign complies with the provisions of the Township of Scugog Sign By-Law 123-04, as amended or any successor By-Law.

#### 14.3 Event - Approval - Director of Parks & Recreation

No Person shall hold any part of an event partially or wholly on any property owned by the Township including any parking lot, park, wharf, dock or other place without the express written consent of the Director of Parks and Recreation and every Person holding such event shall comply with the provisions of the Township of Scugog Parks By-Law 48-05, as amended except when authorized by the Director of Parks and Recreation as stipulated in any written form of consent or authorization and such written authorization shall be made available immediately upon request by an Officer or Municipal Law Enforcement Officer.

#### 14.4 Event - Obstruction

- a) No Person operating an event, or any employee, promoter, or other Person with an interest in the event, including the property Owner shall, obstruct or otherwise interfere with any Officer or Inspector, who has lawful authority, to enter and inspect the event or property for compliance of this By-Law or any other Federal, Provincial or Municipal Statute.
- b) Notwithstanding the provisions of subsection 14.4 a), where other legislation permits entry to premises, the most restrictive legislation shall take precedence.

#### 14.5 Site Plan - Requirements

The Council of the Township may require an Applicant to submit a site plan drawing and such site plan will show, exits, parking, locations and areas used by equipment and machinery, safety features installed or instituted and any other thing that may be required including the names and addresses of any food or refreshment vender or any Person selling wares or other goods at the event.



#### 14.6 Council - Refusal

Council shall be obliged to give reason, where any approval is not given for an event.

#### 14.7 Event - Notification

An Applicant shall be responsible to make any notifications to the Chief of Police, Emergency Services and the Fire Chief, where required by Council.

#### 14.8 Expenses - Incurred

Any Services required by Council in order to approve any event shall be the sole responsibility of the Applicant and all expenses incurred shall be that of the Applicant.

#### 14.9 Event - Fees

The application also shall be submitted with the appropriate fee for all permits that may be required, as set out in the Fees & Charges By-Law.

#### 14.10 Event - Safety

- a) Where any event, part of an event or its equipment or other thing becomes unsafe, is unsafe or may become unsafe such event or portion thereof shall be discontinued immediately until the cause for its being discontinued is rectified satisfactorily and that portion of the event or its equipment has been inspected by a competent and qualified Person.
- b) Where an event or any part of an event becomes unsafe or is likely to become unsafe and where an Officer deems it pertinent to shut down the event or any portion of the event he or she may close the event or that portion and require any or all Persons to be removed from the area until such time as the situation causing the closure has been corrected or rectified.
- c) Where any event is to be held and will or may restrict, block or otherwise encumber the normal traffic flow, a route for any detouring shall be submitted for approval to the Chief of Police, the Fire Chief and the Commissioner or in their absence their designates.
- d) Where an event is to be held where any Highway may become encumbered or where public safety may become an issue, the Chief of Police or designate may require any Person holding an event to employ at his own expense police personnel as may be needed to maintain the safety and security of the general public and safe movement of vehicular and pedestrian traffic.

- e) The Applicant shall be responsible for all additional police personnel that may be required and shall submit a Letter of Credit to be held by the Clerk in an amount determined by the Chief of Police adequate enough to remunerate any additional police personnel that may be required for any event.

#### 14.11 Event - Insurance - Liability

- a) The Applicant shall also deposit with the Clerk a certified copy of a comprehensive general liability policy of insurance issued by an issuer Licensed to do business in the Province of Ontario which provides for limits of \$5,000,000.00 (five million dollars) in respect of the event and such coverage shall include coverage for bodily injury, property damage and non-Owner automobile insurance and such policy shall name the Corporation of the Township of Scugog as an insured party and the policy shall cover a period 24 hours prior to the event, the duration of the event and 24 hours after the event.
- b) Council may waive the insurance coverage stated in subsection (above) or lessen its coverage limits.

#### 14.12 Refreshment Vehicles - Compliance

- a) A Person authorized by any event organizer or other Person with authority to act as a designate may with written permission of that organizer or other Person, vend food or refreshments at an event and where such Person is currently Licensed by the Township under the provisions of this By-Law as a Refreshment Vehicle Operator no additional licensing fee shall be required by the Township.
- b) Where a Person named in subsection 14.13 a) who is not currently Licensed by the Township, shall obtain a License from the Clerk for the period of that event and must show that they are able to otherwise comply fully with Part 11 of this By-Law.

#### 14.13 Hawkers and Peddlers - Compliance

- a) A Person authorized by any event organizer or other Person with authority to act as a designate may with written permission of that organizer or other Person, sell, offer for sale or display for sale any wares or merchandise approved by the organizer at an event and where such Person is currently Licensed by the Township under the provisions of this By-Law as a Hawker or Peddler no additional licensing fee shall be required by the Township.
- b) Where a Person named in subsection 14.14 a) who is not currently Licensed by the Township, shall obtain a License from the Clerk for the period of that event and must show that they are able to otherwise comply fully with Part 10 of this By-Law.

- c) No person shall at any Extended Special Event, sell, offer for sale or display for sale any live animal including but not limited to: birds, canines, felines, snakes, reptiles, insects and spiders except where expressly authorized under Part 14 (15)(a), Clerk's Discretion.

#### 14.14 Extended Special Events

- a) A Person shall apply to Council for consideration of a License to hold or operate an Extended Special Event. Such Extended Special Event shall comply with the provisions of this By-Law and any other conditions set by the Clerk.
- b) Where any Extended Special Event is authorized, all Licencing fees and any conditions set by the Clerk and this By-law shall be complied with at all times.

#### 14.15 Clerk's Discretion

- a) The Clerk may, on considering any approval for an Extended Special Event, set additional or special considerations or conditions, which may include but not be limited to a Blanket License to be issued to the Event Organizer, for the Licencing of Hawkers, Peddlers and for Refreshment Vendors at an Extended Special Event in lieu of individual Licenses being issued and times and dates of operation.
- b) Where such a Blanket License is issued it shall be treated as though it were an individual License and all conditions of that Licencing provision shall apply.
- c) Where such a Blanket License is issued the Event Organizer shall ensure that each Hawker, Peddler or Refreshment Operator has written authorization from the Event Organizer and such Authorization must be produced by that Operator, if requested by an Officer.

#### 14.16 Licencing Exemption

- a) No License will be required for any Farmer, resident to the municipality, selling fruits, vegetables, eggs or other produce, commonly associated with agriculture.
- b) No additional License will be required by any Vendor who currently holds a valid Hawkers, Peddlers or Refreshment Vehicle License for the municipality.
- c) No License will be required for a Vendor, residents to the municipality, who is an Artisan, Hobbyist or Crafter, who is vending goods or other items that have been produced wholly at their home and are not mass produced as general saleable merchandise.

## SECTION 15

### CLOTHING DONATION BOXES

- 15.1 No property owner or occupant of any property shall permit any Clothing Donation Box to be left on a property they own or occupy without a valid Clothing Donation Box License being issued and site approval has been obtained from Council.
- 15.2 Every License applicant shall provide the following information to obtain a Clothing Donation Box License:
- a) name, address and telephone number of applicant;
  - b) proof of property ownership or authorization of the property owner to permit a Clothing Donation Box;
  - c) name, address and contact telephone number of the Clothing Donation Box owner and the Charitable organization being represented;
  - d) security deposit as may be determined by Council; and
  - e) applicable License fee as determined by the Fees & Charges By-Law.
- 15.3 Every Clothing Donation Box shall have printed in legible lettering, the name and telephone number of the Clothing Donation Box owner.
- 15.4 No Clothing Donation Box shall be placed on any property owned by the Township including any road allowance without the express written consent of Council.
- 15.5 No Clothing Donation Box shall be placed in the Township that does not belong to or represent a recognized charitable or not for profit organization as may be determined by Council.
- 15.6 Notwithstanding any provision of this By-Law, no Clothing Donation Box will be situated in any part of the Main Central Area of Port Perry as determined by the Township of Scugog Official Plan.
- 15.7 No Clothing Donation Box shall be located closer than 6 metres (20 feet) from any lot line fronting any highway.
- 15.8 No Clothing Donation Box shall be situated closer than 15.2 metres (50 feet) from any lot line abutting any residential property.
- 15.9 No Clothing Donation Box shall be located near any egress or ingress from any property which may cause a visual obstruction to any person using such ingress or egress.
- 15.10 No Clothing Donation Box shall be permitted on any land zoned as Residential or Rural under the provision of the Township of Scugog Zoning By-Law.

- 15.11 No item left for donation at the site of a Clothing Donation Box will be permitted to remain outside of the Clothing Donation Box or protruding from it for any longer than one hour after opening of the business of the License Holder or by 7:00 a.m. for businesses that are open 24 hours.
- 15.12 It shall be the License Holder and/or the Clothing donation Box Owner's responsibility to ensure the area around the Clothing Donation Box is kept in a clean and clear condition and not become unsightly or a nuisance to any person.
- 15.13 Any Clothing Donation Box found in contravention of this By-Law shall be subject to immediate removal and impounding by the Township and all costs will be subject to the Township's Fees and Charges By-Law.
- 15.14 All incurred costs including impound and storage fees by the Township shall be the responsibility of the License Holder where a License has been issued.
- 15.15 All incurred costs including impound and storage fees by the Township shall be the responsibility of the Clothing Donation Box Owner where no authorization has been obtained from any property owner.
- 15.16 Any Clothing Donation Box impounded and stored for a period of more than ninety days, may be disposed of in a manner as may be determined by the Township.
- 15.17 Where any other jurisdiction's set back requirement does not coincide with the set back provisions of this By-Law, the stricter of the setback requirements shall take precedent.

## **PART 16 GROUP HOMES**

- 16.1 No person shall operate a Group Home Type 1 or a Group Home Type 2 that is not registered and licensed in compliance with this By-Law.
- 16.2 No person having interest in any land or in any premises shall permit the operation on that land or in those premises of a Group Home Type 1 or a Group Home Type 2 that is not registered and Licensed in accordance with this By-Law.
- 16.3 No person shall continue to operate a Group Home Type 1 or Group Home Type 2, where such License has expired for more than a 30 day period and no application for renewal of that License has been submitted to the Clerk for approval and renewal.

### Council Approval

- 16.4 No Group Home Type 1 and no Group Home Type 2 shall be licensed or permitted to operate where approval of Council has not been obtained.

16.5 In addition to conditions set by the Township of Scugog Zoning By-Law, any Legislation or other article, Council may set specified conditions or other requirements for any Group Home Type 1 or Group Home Type 2 to be authorized and operated in the Township.

Registration

16.6 The Clerk shall maintain a record respecting each Group Home Type 1 or Group Home Type 2 in respect of which an application has been submitted and such record shall include:

- i) the name of each applicant for registration;
- ii) the municipal address of the premises in which the Group Home Type 1 or Group Home Type 2 operates or is proposed to operate;
- iii) the date of application for registration or application renewal;
- iv) if applicable, the date of registration or renewal;
- v) the date on which the Group Home Type 1 or Group Home Type 2 use commenced or is proposed to commence;
- vi) the type of Group Home operating or to be operated, either Group Home Type 1 or Group Home Type 2;
- vii) conditions or other requirements set out by Council;
- viii) if applicable, the date of any refusal for registration or licensing and a brief summary of the reason.

16.7 Registration pursuant to this By-Law neither confirms nor relieves any Person from compliance with any applicable legislation including but not limited to the Township of Scugog Zoning By-Law.

Read a First, Second and Third time and finally passed this 12<sup>th</sup> day of December, 2005.

(Signed) Marilyn Pearce  
MAYOR, Marilyn Pearce

(Signed) Kim Coates  
CLERK, Kim Coates

Schedule "A"  
To By-Law Number 135-05

**Refreshment Vehicle - Approved Locations**

<i>Commercial Property</i>	<i>Address</i>
Utica General Store	605 Regional Road 21
Homestead Furniture	1918 Scugog St.
Reid's Independent Grocer	1893 Scugog St.
Ultramar	15829 Simcoe St.
Canadian Tire	14325 Simcoe St.
Honey Grove Trading Post	1920 Whitfield Rd.

Schedule "B"  
to By-Law Number 135-05

**REGULATIONS FOR FIREWORKS USERS**

1. You must be 18 years of age or older to purchase fireworks.
2. No person shall detonate any firework within any building within the Township.
3. No person shall detonate any firework within 15 meters (50 feet) of any highway within the Township.
4. No person shall detonate any firework within 15 meters (50 feet) of any building or structure.
5. No person shall detonate any firework aimed towards any highway, building, structure, bush, trees, person or any other flammable object.
6. No person shall detonate any firework within 183 meters (600 feet) of a nursing home, hospital, home for the aged, animal shelter or dog kennel.
7. No person shall detonate any firework within 183 meters (600 feet) of any premises or place where explosives, gasoline or other highly flammable substances are manufactured and where those flammable substances are sold.